

BENGAL HURKARU.



Volume XI.]

TUESDAY, DECEMBER 24, 1805.

[Number 571.]

PROBATE of the last Will and Testament of the late Lieutenant Colonel ROBERT DUNKLEY, of the 18th Regiment Native Infantry, having been granted to ENEAS MACKINTOSH, one of the Executors. All Persons having claims on the Estate, will be pleased to make them known; and those indebted thereto, are requested to pay the Amount of their respective Debts to Messrs. MACKINTOSH, FULTON & Co. Calcutta, December 14, 1805.

PROBATE of the last Will and Testament of the late Captain GEORGE MARTIN LANE, of the Ship Cornwallis, having been granted by the Supreme Court of Judicature, at Fort William in Bengal, to Mr. EDWARD BRIGHTMAN, of Clive Street in the Town of Calcutta, and Mr. LUIS BARRETTO, of Calcutta, as sole Executors therein named. All Persons having Demands on the said Estate, are requested to make known the same to the said Executors, or either of them; and to whom those who stand indebted to the said Estate, are desired to make Payment.

W. BLACKSTONE, PROCTOR,
Calcutta, December 14, 1805.

FREIGHT FOR BALE GOODS TO BOMBAY, BUSHIRE AND BUSSORH.



ON THE SHIP **LOVELY HANNAJEE**, CAPTAIN LAMBERT, Now taking in Cargo, and will be ready to Sail on the 1st of January, 1806.

APPLY TO Messrs. **ALEXANDER & CO.** December 24, 1805.

FREIGHT TO PENANG, AND The different Ports on the West Coast OF **SUMATRA.**



THE SHIP **CLYDE**, CAPT. BURNSIDE, Will receive Freight for the above Ports, on the usual terms, and sail by the 31st instant, or sooner, if good Encouragement offers.

APPLY TO CAPTAIN BURNSIDE, OR Messrs. **CAMPBELLS, HOOK & Co.** THEATRE STREET, December 16, 1805.

For Private Sale,



THE GOOD BRIG **DIANA**, BURTHEN 99 TONS, Built at Rangoon about Two years ago. Sails remarkably well, and can be ready for Sea on the shortest Notice. A List of her Stores may be seen, and further particulars known, on

APPLICATION TO Messrs. **T. THOMPSON & CO.**

ON THE 1ST OF JANUARY, WILL BE PUBLISHED, BY JAMES LEARY, THE **MONTHLY DIRECTORY**, FOR JANUARY, WITH AN APPENDIX, FOR THE YEAR, CONTAINING

BESIDES general and complete Lists of the King's and the Company's Civil, Military, Medical and Marine Establishments, belonging to Bengal; a complete Almanac, List of European Inhabitants not in the Service, the Civil and Military Funds, with a List of Patrons and Subscribers, Chronological Events, relating to the East Indies, from the year 1487 to 1804—with a variety of interesting Articles, and some useful Tables.

PRICE EIGHT RUPEES. A few COPIES will be exposed for Sale, at the HURKARU OFFICE.

ALEXANDER RAITT, JEWELLER, No. 80, COSSITOLLAH,

BEGETS leave to inform his Employers and the Public, that he cannot receive Company's Paper at Par, in Payment for PLATE, but will receive it at the Discount of the Day, making a reasonable Deduction for Ready Money.

A. R.'s LOTTERY for PLATE and JEWELLERY, will take place on the 31st of December; a plan will be sent on application to A. R.—375 Tickets (375 Prizes,) at 16 Sa. Rs. per Ticket. Calcutta Nov. 28, 1805.

BOAT & LASCAR OFFICE, AND **PROVISION WAREHOUSE.**

J. P. STUVENS,

RETURNS his sincere thanks to his Friends and the Public, for the liberal encouragement he has met with since he commenced Business; and respectfully informs them, that he has removed his Office, from No. 4, Radah Bazar, to HASTING'S STREET, immediately opposite OLD POST OFFICE STREET, where he solicits the continuance of their support.

BOOK BINDING.

JOSEPH GREENWAY & CO. HAVING recently received their Indent of BINDING MATERIALS, per CASTLE EDIN, including a great variety of Fancy Ornaments of the last Fashion in England, for Backs, &c. they beg therefore to offer their Services to the Public in the above Line, which they can now confidently assure those, who may be pleased to favor them with their Orders, to execute with the utmost neatness and elegance.

They have also received a quantity of Morocco Leather of all colours, as well as Russia and Calf, expressly for the Purpose.—Their Terms will be found moderate, and they hope by a strict attention to the Business to afford every satisfaction.

FOR SALE, AT THE HURKARU OFFICE. **BLANK** Interest Bonds, Powers of Attorney, Respondentia Bonds, Bills of Lading.

FOURTEENTH Madras Asylum Lottery, FOR 1805.

TICKETS not Drawn in the First Class will now be Exchanged for Second Class Tickets, at Arcot Rupees Forty-eight each, and Prizes in the First Class, paid at the Exchange of the Day.

BY Messrs. **P. LUMSDAIN & CO.** Tickets will be forfeited if not Exchanged before the Drawing of the Second Class commences. Calcutta, December 9th, 1805.

A CARD.

PROPOSALS for executing on the most moderate terms, Plans, Elevations, or Sections, of any Gentleman's Town or Country House.—Any Gentleman who may be willing to engage, may hear of a person by applying to the Hurkaru or Star Printing Offices, where Orders will meet with due attention.—He will also undertake Contracts for Building, on as reasonable Terms as any Native Builder. Calcutta, Nov. 4, 1805.

TO BE SOLD, OR LET, Major Reade's **HOUSE,** AT BARRACKPORE,

ENQUIRE OF Messrs. Mackintosh, Fulton and Co.

RECENTLY PUBLISHED, AT THE HURKARU PRESS, No. 188, LULL BAZAR, THE **MONTHLY JOURNAL,** FOR November, 1805.

Price to Subscribers, 1 Rupee.—Non-do, 2 Rupees, WHERE MAY BE HAD,

THE PRECEDING NUMBERS, From the year 1797 to the present year.

THE above Work contains in a small compass all the Domestic News of Bengal, and of the other Presidencies; Govt. Advertisements; Lists of Passengers arrived at, or departed from every settlement in India; and correct Catalogues of Births, Marriages, and Deaths. It has been pronounced by many Gentlemen of the best information, to be the most useful compilation extant, either for the acquisition of local or foreign information here, or to be sent to Europe for the gratification of friends and correspondents. The Proprietors are determined that the Work shall never be forfeited, if sufficient patronage is afforded to defray the expence of publication.

COMPLETE SETS OF THE **BENGAL HURKARU,** For six or twelve months, may be had, on application to the PRINTER.

FOR SALE, AT THE HURKARU LIBRARY. **ARROWSMITH'S MAPS** OF INDIA, varnished and plain, on Rollers, complete, price Sicca Rupees 70 & 8

THE HURKARU.

TUESDAY, DECEMBER 24, 1805.

CIVIL APPOINTMENTS,

DECEMBER 10, 1805. Mr. James King, Salt Agent in Cuttack. Mr. Matthew Law, Superintendent of Western Salt Ghokies. DECEMBER 13, 1805. Mr. T. Perry, Register of the Zillah Court at Jaunpore and Assistant to the Magistrate at that Station. DECEMBER 16, 1805. Mr. Robert Graham, re-appointed Collector of Tirhoot. Mr. Francis Balfour, Collector of the District of Goruckpore. Mr. A. Ross, Collector of Agra.

General Orders, by the Vice President in Council. FORT WILLIAM, DECEMBER 13, 1805. The Vice President in Council has determined, that the Corps of Calcutta European Militia, Cavalry and Infantry shall be reduced, that the appointments of Regulating Officers to these Corps, and of Adjutant to the Calcutta Militia Infantry shall be abolished, and that the whole of the Establishments attached to these Corps, and every expence attending on them, shall cease on the 10th instant. The Commanding Officers of the Calcutta European Militia, Cavalry and Infantry, will direct the Regulating Officers of these Corps to transmit for the information of the Vice President in Council, Returns of the whole of the Arms, Accoutrements, &c. belonging to the Honorable Company which are at present with these Corps; and will take the necessary measures for having these Arms, Accoutrements, &c. collected and delivered into the Arsenal of Fort William.

The Commanding Officer at the Presidency will issue the necessary Orders for having the whole of these Arms, Accoutrements, &c. surveyed by a Committee of Officers, and direct the Survey Reports to be transmitted to the Military Board. The Commanding Officer at the Presidency will also direct the Non-Commissioned Officers at present attached to the Calcutta European Militia to join their Corps without delay; and Major Daniell will take the necessary measures for having the Horses purchased for the use of the European Trumpeter, Native Trumpeter, and Rough Rider of the Calcutta European Militia Cavalry, disposed of to the best advantage on the public account.

The Vice President in Council having determined, that the Office of Superintendent of Public Works shall be abolished from the 15th instant, and that the duties of it shall be discharged by the Executive Engineer Officer at Fort William. The present Superintendent is to deliver over charge of the Establishment annexed to his Office, and of the public Property under his care, to the Executive Engineer Officer. The indulgence of Extra Batta granted under certain limitations by the General Orders of the Vice President in Council of the 16th September last, to such of the native Troops in temporary Cantonnements on the west side of the Jumna, forming part of the Army under the personal Command of the Right Honorable Lord Lake, as had received His Lordship's Orders to hold themselves in readiness to march at the shortest notice, is to be extended to all the Troops serving on the west side of the Jumna, although not under the personal Command of the Right Honorable Lord Lake, or actually in the Field.

The Vice President in Council has been induced, at the recommendation of the Right Honorable the Commander in Chief, to extend this indulgence to all the Troops serving west of the Jumna in consideration of the unusually high price of provisions at all the Stations to the westward of that River, and in consequence of the nature of the Service on which those Troops have been employed, rendering it necessary for them to be at all times ready to march at the shortest notice.

The Vice President in Council has been pleased to make the following promotions:

INFANTRY. Senior Lieutenant Colonel Daniel Conyngham, to be Colonel from the 14th of November 1805, vice Noke, deceased. Senior Major of Infantry Andrew Charron, to be Lieutenant Colonel from the 14th November 1805, vice Conyngham, promoted. 17th Regiment Native Infantry. Captain Robert Morris Bagshaw, to be Major from the 14th November 1805, vice Charron, promoted. Captain Lieutenant Alexander Mall Rowland, to be Captain of a Company from the 14th November 1805, vice Bagshaw, promoted. Lieutenant George William Wiggins, to be Captain Lieutenant from the 14th November 1805, vice Rowland, promoted.

2d Regiment Native Infantry. Captain Lieutenant Alexander Duncan, to be Captain of a Company, from the 22d November 1805, vice Staunton, deceased. Lieutenant, John Staples Harriott, to be Captain Lieutenant, from the 22d of November 1805, vice Duncan, promoted. 18th Regiment Native Infantry. Captain Jacob Vanrenan to be Major from the 18th October 1804, vice Aleock, retired in Europe. Captain Joseph Hair, to rank from the 18th October 1804, vice Vanrenan, promoted. Captain Lieutenant John William, to rank as Captain Lieutenant from the 11th October 1804, vice Hair, promoted.

15th Regiment Native Infantry. Captain Lieutenant John William, to be Captain of a Company from the 4th November 1804, in the room of Captain McGrath, deceased. Lieutenant Christopher S. Fagan, to be Captain Lieutenant from the 4th November 1804, in the room of William promoted.

15th Regiment Native Infantry. Captain Lieutenant James Perry, to be Captain of a Company from the 11th of November 1805, vice Carige, Invalided.

Lieutenant James Garner, to be Captain Lieutenant from the 1st November 1805, vice Perry promoted.

26th Regiment Native Infantry.

Lieutenant Thomas Wilson, to be Captain Lieutenant from the 1st May 1805, vice Captain Lieutenant Money, resigned in Europe.

Ordered, that dates of Rank be assigned to the undermentioned Officers of Infantry as follows, and that the dates of rank, which have been already assigned to any of the Officers mentioned in the following List, be cancelled.

INFANTRY.

Major Robert Steer Allen, to be Lieutenant Colonel, from the 30th September 1803, for the New Regiment.

Major James Edwards, to be Lieutenant Colonel, from the 19th September 1803, vice Guthrie, deceased.

Major John Eales, to be Lieutenant Colonel, from the 2d November 1803, vice Powell, promoted.

Major Robert Witherstone, to be Lieutenant Colonel, from the 5th November 1803, vice Noke, promoted.

Major Anthony Hamilton, to be Lieutenant Colonel, from the 15th January 1804, vice Phillips, promoted.

Major Robert H. Colebrooke, to be Lieutenant Colonel, from the 27th January 1804, vice Forbes, invalided.

Major John Burnett, to be Lieutenant Colonel from the 27th January 1804, vice Allen, invalided.

European Regiment.

Captain John Cunningham, to be Major, from the 1st May 1804, vice Rawlstone, promoted.

Captain Lieutenant Thomas Ramfay, to be Captain, from the 1st May 1804, vice Cunningham promoted.

Lieutenant Henry Blankenhagan, to be Captain Lieutenant, from the 1st May 1804, vice Ramfay, promoted.

Ensign Thomas Kirchoffer, to be Lieutenant, from the 3d June 1804, vice Blankenhagan, promoted.

4th Regiment Native Infantry.

Captain George Foulis, to be Major, from the 19th October 1803, vice Edwards, promoted.

Captain Lieutenant Samuel Brown, to be Captain from the 19th October 1803, vice Foulis, promoted.

Lieutenant James Nicol, to be Captain Lieutenant, from the 19th October 1803, vice Brown, promoted.

Ensign William W. Plunkett, to be Lieutenant, from the 19th October 1803, vice Nicol, promoted.

6th Native Regiment.

Captain Thomas Whinyates, to be Major, from the 2d November 1803, vice Eales, promoted.

Captain Lieutenant A. Maxwell, to be Captain, from the 2d November 1803, vice Whinyates, promoted.

Lieutenant John Ludlow, to be Captain Lieutenant, from the 2d November 1803, vice Maxwell, promoted.

Ensign George Ferguson, to be Lieutenant, from the 2d November 1803, vice Ludlow, promoted.

8th Native Regiment.

Captain John Campbell, to be Major, from the 5th November 1803, vice Witherstone, promoted.

Captain Lieutenant Charles Berrie, to be Captain, from the 5th November 1803, vice Campbell, promoted.

Lieutenant J. R. Lumley, to be Captain Lieutenant, from the 5th November 1803, vice Berrie, promoted.

Ensign George Lane, to be Lieutenant, from the 5th November 1803, vice Lumley, promoted.

10th Native Regiment.

Captain John MacGrath, to be Major, from the 27th January 1804, vice Burnett, promoted.

Captain Lieutenant James Cummings, to be Captain, from the 27th January 1804, vice MacGrath, promoted.

Brevet Captain Lieutenant Robert Spottiswood to be Captain Lieutenant, from the 27th January 1804, vice Cummings, promoted.

Ensign Alexander Dunsmure, to be Lieutenant, from the 27th January 1804, vice Spottiswood, promoted.

11th Native Regiment.

Captain G. Hanbury Pine, to be Major, from the 30th September 1803, vice Allen, promoted.

Brevet Captain Lieutenant F. Daltons, to be Captain from the 30th September 1803, vice Pine promoted.

Lieutenant Francis Drummond, to be Captain Lieutenant from the 30th September 1803, vice Daltons, promoted.

Ensign William Mackay, to be Lieutenant from the 30th September 1803, vice Drummond promoted.

12th Native Regiment.

Captain James Radcliffe, to be Major from the 15th January 1804, vice Hamilton, promoted.

Captain Lieutenant Joseph Fletcher, to be Captain from the 15th January 1804, vice Radcliffe, promoted.

Brevet Captain and Lieutenant R. Stephenson, to be Captain Lieutenant from the 15th January 1804, vice Fletcher, promoted.

Ensign John Dalton, to be Lieutenant from the 15th January 1804, vice Stephenson, promoted.

13th Native Regiment.

Captain William Beddell, to be Major from the 27th January 1804, vice Colebrooke, promoted.

Captain Lieutenant R. C. Lambert, to be Captain from the 27th January 1804, vice Beddell, promoted.

Brevet Captain and Lieutenant Jas. Irwin, to be Captain Lieutenant from the 27th January 1804, vice Lambert, promoted.

Ensign Richard Axford, to be Lieutenant from the 27th January 1804, vice Irwin, promoted.

The Governor General has been pleased to appoint Captain George E. P. Barlow, of His Majesty's 34th Regiment, to be Aide-de-Camp to the Governor General from the 8th November 1805.

Relieved, at the request of Mr. Thomas Morgan, that he be permitted to relinquish the rank he obtained by General Orders of the 18th May last, and to remain at Nattore, as an Assistant Surgeon, in the same manner as if his promotion to the rank of Full Surgeon, had not taken place; Mr. Morgan is to have no pretensions in future to preferment on Military claims of any kind, and is to refund the difference between the pay and allowances as Full Surgeon, and those of an Assistant Surgeon, which he has drawn.

MEDICAL DEPARTMENT.

Mr. Alexander Haig, to be Full Surgeon from the 2d August 1805, in the room of Mr. W. Ogilvy, appointed a Presidency Surgeon.

Mr. Henry Barnett, to be Full Surgeon from the 2d August 1805, in the room of Mr. J. Orr, appointed Surgeon to the Garrison of Fort William.

Mr. Adam Mitchell, to be Full Surgeon from this date, in the room of Mr. Morgan, who resigns his rank on the Military Establishment.

The conditional permission granted to Captain Uday Yule, of the 20th Native Regiment, in General Orders of the 1st August last, to proceed to Europe on furlough, on account of his private affairs, is confirmed.

The conditional permission granted to Captain Robert Skirving, of the 4th Native Regiment, in General Orders of the 10th August last, to proceed to Europe on furlough, on account of his private affairs, is confirmed.

The conditional permission granted to Captain William Yule, of the 19th Native Regiment, in General Orders of the 27th June last, to proceed to Europe on furlough, on account of his private affairs, is confirmed.

THOS. HILL,
Asst. Sec. Mil. Dept.

Calcutta European Infantry Militia Orders by Lieutenant Colonel Graham, Commander.

FORT WILLIAM, DECEMBER 17, 1805.

The Honorable the Vice President in Council having been pleased to dispense for the present with the Services of the Corps of Calcutta European Infantry Militia, the Lieutenant Colonel Commandant has been pleased to direct, that the Non-Commissioned Officers and Privates of the Calcutta European Infantry do assemble on the Militia Parade, on Saturday next at Seven o'Clock in the Morning, for the purpose of inspecting the Arms and Accoutrements, and for delivering the same into Charge of the Acting Regulating Officer of Infantry Major H. V. White.

Such Persons as have been enrolled, and who from indisposition may be unable to leave their Houses, are directed to send their Arms and Accoutrements, with a Note accompanying, to the Regulating Officer.

J. MARTIN JOHNSON,
Adj. Cal. Eur. Inf. Mil.

By the late arrivals from Prince of Wales's Island, we are favored with a copy of the Address presented to R. T. FARQUHAR, Esq. late Lieutenant Governor, previous to his departure, by the Inhabitants of that Settlement, which, together with a copy of this Gentleman's Reply, we have the pleasure to lay before our Readers.

To R. T. FARQUHAR, Esq. Lieutenant Governor of Prince of Wales's Island, and its Dependencies &c. &c.

SIR,
The European Inhabitants of this Island having done us the honor of nominating us a Committee for the purpose of presenting an Address to you in were desirous of delivering it to you in person, as the most respectful mode indicating the high sense we entertain of the nature of the trust committed to us.

But we learn, with great concern, that the indisposition of your health, necessarily prevents us from having the honor of waiting on you with the Address. It is therefore that we now have transmitted it to you, and thus render it for your acceptance, as an honorable declination of the gratitude and regard of the Inhabitants of this Island.

And with earnest wishes for the speedy re-establishment of your health, and with much respect.

We have the honor to be,

SIR,
Your most obedient humble Servants,

JOHN DICKENS,
GEORGE DICK,
GEORGE CAUNTER,
THOMAS HUTTON,
JOHN SHAW.

To ROBERT TOWNSEND FARQUHAR, Esq. Lieutenant Governor of Prince of Wales's Island, &c. &c.

SIR,
We, the European Inhabitants of Prince of Wales's Island, feeling much regret at the prospect of your approaching departure, beg leave to offer you our warmest thanks for the great additional security which this Island has acquired through your constant exertions, and also for that anxious solicitude which you have always evinced to promote its prosperity, and the happiness of all its Inhabitants.

Our thanks are also due to you for the various, extensive, and useful Public Works which have been executed during the period of your Government, and by which, the health, safety, and convenience of all the Inhabitants of the Island, but more particularly, of His Majesty's European Subjects, have been materially consulted and improved.

And we further desire to add to this testimony of the sense we entertain of your Public Services, a declaration of respect and regard for your many private virtues, and a sincere wish, that, in whatever Station hereafter you may be placed, health and honor may attend you.

We have the honor to be, Sir,

Your most obedient humble Servants,

John Dickens,	Thomas McGee,
James Scott,	Henry Oake,
George Dick,	C. W. R. Povoleri,
James Carnegie,	Daniel Carroll,
George Caunter,	Thomas Layton,
Phillip Manington,	J. F. Gerald,
Thomas Hutton,	A. B. Bone,
James Heriot,	Edward Capes,
James Dewar,	Wm. Young,
K. McQueen,	Christ. Smith,
Wm. Slesfor,	William Vincent,
Charles Sealy,	M. P. Reckenwall,
Leonard Whitel Smith,	Ant. Dragon,
James Douglas,	Walter Batwell,
Robert Deane,	Julien Cesar,
F. Roffie,	W. Bull,
G. H. Elmes,	M. W. Wallace,
Nath. Bacon,	Ebenazar White,
Thomas Jones,	Charles Brown,
Ant. Macintyre,	Thomas Perkins,
Abel Mackrill,	Joseph Porter,
John Hall,	John Richardson,
John Brown,	Francis Ferras,
J. Rodyk,	Constantino Pardo,
P. Kellner,	J. Joaquim de Focico,
D. J. Van Dockum,	William Scott,
John Dunbar,	John Chivers,
John Baird,	Thomas MacQuid,

John Elliot,
John Shaw,
John Friar,
A. McIntosh,
D. McCulloch,
GEORGE TOWN,
PRINCE OF WALES'S ISLAND,
September 7, 1805.

Sam. Stewart,
J. Hull,
W. E. Phillips,
Arch. D. Stewart.

To J. DICKENS, Esq. Major G. DICK, G. CAUNTER, T. HUTTON and J. SHAW, Esqrs. GENTLEMEN,

I have been honored with your Letter of the 11th Instant, and beg that you will accept of my most sincere and grateful thanks for the handsome, and flattering mode in which you have been pleased to convey to me the Address of the European Inhabitants of Prince of Wales's Island.

I should earlier have acknowledged the receipt of that distinguished pledge of the regard of this Society, had not my indisposition, for these few days past, put it out of my power to attend to any kind of occupation.

I now have the honor, Gentlemen, of transmitting, through you, my reply to the Address of the Inhabitants of this Island, and request that you will do me the favor to have it circulated through the Settlement.

I have the honor to subscribe myself with respect,
GENTLEMEN,
Your most obedient
and faithful humble Servant,
R. T. FARQUHAR.

PRINCE OF WALES'S ISLAND,
September 16, 1805.

To the European Inhabitants of Prince of Wales's Island.

GENTLEMEN,
I feel highly gratified by the Address which you have done me the honor to present to me.

The assurances of so respectable a Society, that my humble exertions have been equally successful in conducting the business of this important Settlement with increasing advantage to the public interests committed to my charge, and to the personal comforts and happiness of the Community, will ever be remembered by me with sentiments of the purest satisfaction.

The distinguished sense which you have been pleased to express of the great additional Security that has been afforded to persons and property on this Island, in times of peculiar difficulty and danger, and of the extensive public works that have been carried into execution during my short administration, I consider highly honorable to my character. It would not become me to disown that share of merit (in procuring these benefits for the Inhabitants of Prince of Wales's Island), which the best intentions, and the most zealous efforts, are generally intitled to claim; nor could I with justice omit to avail myself of the present occasion of bearing public testimony to the energy, zeal, and cordial co-operation that I have invariably experienced, in the conduct of every public Officer under my authority.—In this place my best acknowledgments are due to the Merchants, and to the Inhabitants in general, for their generous, and disinterested aid, in support of the measures of Government.

I earnestly wish, Gentlemen, that you may long continue to enjoy the benefits that may be expected to result from the increasing Trade, Population, and internal resources of this Island, and that you may always experience in this flourishing and opulent Colony, the comforts of a mild Government, combined with blessings of an efficient Code of Laws established by Parliament.

Permit me to request you will accept of my sincere assurance of esteem and gratitude, and that you will believe, whatever my future destiny may be, that I shall always remain most warmly interested, in every movement that can contribute to the public welfare of this Settlement, or, to the ease, content, and happiness of its Inhabitants.

I have the honor to be, with great regard,
GENTLEMEN,
Your most obedient, and faithful humble Servant,
R. T. FARQUHAR,
Lieutenant Governor of Prince of Wales's Island and its Dependencies, and Agent to the Governor General with the Malay States.

PRINCE OF WALES'S ISLAND,
September 16, 1805.

MADRAS COURIER,

DECEMBER 4, 1805.

APPOINTMENTS, &c.

Captain R. Scott, to be Major, Captain Lieutenant W. Jolly, to be Captain of a Company, and Lieutenant G. Birch, to be Captain Lieutenant.

Captain Foulis, of the 1st Regiment of Native Cavalry, to return to his duty as an Officer in this Establishment.

The Right Honorable the Governor in Council is pleased to publish for the information of the Army, the following Copy of a Paragraph which will be inserted in the next General Letter to Fort St. George.

Lieutenant Colonels, Adam Lindsay, and Thomas Poole, of your Establishment, retired from our Service the 26th June 1805.

CEYLON APPOINTMENTS.

Henry Augustus Marshall, Esq. Judge of the Provincial Court of Jaffnapatam.

Baron Mylius, Judge of the Provincial Court of the District of Galle and Matura.

Major General Maitland has been pleased to make the following Promotions until His Majesty's pleasure be known.

51st Regiment—Lieutenant James Henry Bloomfield, to be Captain of a company by purchase, vice Redwood resigned.

Ensign John Ross to be Lieutenant, vice Short promoted.

Lieutenant William Wanchope of His Majesty's 94th Regiment to be Aid-de-Camp to the Major General, vice Edwards.

Major Blackall of His Majesty's 51st Regiment, is appointed to the Command of Point of Galle, until further orders.

On Friday last arrived the Brig Lutchmee, Captain Maxwell; left Calcutta the 30th of September, and Coringa the 26th ultimo. An American Ship at the latter port, had been driven on shore, but by timely aid, had fortunately got off, without material damage.

The Ship *Frank*, Captain Pringle, has arrived at Bombay from Calcutta.—On the Malabar Coast she spoke the Extra Ship *Milford*, from Bombay, bound to Europe.

The Ship *Aurora*, Captain Glaes, has arrived at Colombo, from Calcutta.

CEYLON GAZETTE.—Nov. 20.

A Regulation for Diminishing the Expence of the present Judicial Establishment, and for facilitating the attainment of Justice to the Native Inhabitants of the British Settlements on the Island of Ceylon, passed by the Governor in Council on the 19th of November 1805.

As the number of Civil Servants in His Majesty's Service is too small to admit of the Establishment of Courts of Justice of the Peace, consisting of three Members, at all the Stations where their Superintendance would be required, and as the Convenience of the Native Inhabitants will be better provided for by Vesting the Provincial Courts with a Criminal Jurisdiction, by directing them to go circuits thro' their several Provinces, and by appointing all the Agents of Revenue and Commerce and their Assistants sitting Magistrates, and further as a very considerable expenditure may be saved to Government by making the Agents of Revenue and Commerce instead of the Provincial Judges, Fiscals of their respective Provinces, the Governor in Council has accordingly enacted as follows.

1st.—All Courts of Justices of the Peace shall Cease, and there shall be a Provincial Court composed of one Judge in each of the five provinces, viz.

In the Province of Colombo—of Putelam and Chilaw—of Jaffnapatam—of Trincomalee and Batticaloa—of Galle and Matura.

2d.—Each Provincial Court shall exercise throughout its province a criminal and civil jurisdiction.

3d.—A criminal jurisdiction over all inferior offences, breaches of the peace, and disorders against the police, with powers of inflicting punishments by fine not exceeding 100 Rds. by imprisonment at hard labour not exceeding the period of three months, and by whipping not exceeding 100 Lashes.

4th.—A civil jurisdiction over all cases not exceeding 100 Rixds. between Europeans, or wherein there is an European defendant, and over all cases of whatever nature or amount between Natives or wherein there is a native defendant.

5th.—The Agent of revenue and commerce of each province shall be Fiscal thereof.

6th.—The Judge of each provincial court shall be a justice of the peace for his province.

7th.—He shall proceed in a circuit throughout his province twice a year, and shall during such circuit reside at such Stations within the province as the Government shall from time to time direct.

8th.—Every agent of revenue and commerce and every assistant shall be a justice of the peace for his province, and during the absence of the provincial judge a sitting Magistrate for the part of the province in which he resides.

9th.—Every sitting Magistrate except the one at Colombo, shall exercise the following criminal and civil jurisdiction.

A criminal jurisdiction over all inferior offences, breaches of the peace, and disorder, against the Police with power of inflicting punishment by fine, not exceeding 50 Rix Dollars, by imprisonment at hard labour not exceeding two months, and by whipping not exceeding 50 lashes.

A civil jurisdiction over all cases of whatever nature (except suits relative to the Revenue) not exceeding 100 Rix Dollars.

10th.—All provincial judges sitting magistrates, and justices of the peace, shall proceed according to such rules and levy fees according to such tables as shall from time to time be forwarded to them by the Governor.

11th.—This regulation shall take effect throughout all the British Settlements on the Island of Ceylon from the 1st of December next.

MADRAS,

DECEMBER 6, 1805.

The Right Honorable the Governor in Council, is pleased to publish the following Copy of a Letter from the Commander of the Honorable Company's Ship *Admiral Gardner*, containing an account of an action which took place between that Ship, and a French Privateer, on the 27th ultimo, as the circumstances of that action appear to have been highly creditable to the conduct of Captain Saltwell, and of the Officers, Passengers, and Ship's Company on board of the *Admiral Gardner*.

To GEORGE BUCHAN, Esq.

Secretary to the Madras Government.

SIR,
I beg leave to acquaint you, for the information of the Right Hon. the Governor and Council, of the safe arrival of the Hon. Com. ship *Admiral Gardner*.—I left England on the 25th April, under convoy of Sir Thomas Troubridge, arrived at St. Helena on the 13th July, and failed from thence on the 13th September, in Company with the Honorable Company's ship *Lady Castlereagh*, bound to Bengal; at 1 P. M. on the 27th ultimo, Lat. 6 4 N. Long. 93 25 East, hoisted my colours and parted with her; and at 7 A. M. on the following morning could just discern a ship which we judged to be the *Lady Castlereagh*, from the mast head bearing *Balt*—at 20 minutes before 9 A. M. saw strange sail, bearing North, steering down to us—I immediately cleared ship for action, and made the private signal; finding she did not answer it, I took in all my small sails, traced up my boarding nettings, and hove to; at 35 minutes past 9 A. M. being within Pistol shot, she hoisted French colours and fired a shot, which we returned with a broad-side, and continued engaging until 15 minutes past 11 A. M. when she bore up and made sail to the S. S. W.—It appeared her great aim was to damage our masts and rigging, which she completely accomplished—all our lower masts, bowsprit, and main top-mast damaged, though I hope, not seriously—several of our lower and top-mast shrouds, stays and back stays were shot away; and the suit of sails I had been

much damaged. In our hull we have received, but little damage, though several shot struck her, and many between wind and water.— From the report of a man on board, who is a Frenchman, and who belonged to her the last war, she is supposed to be La Jeune Adele, mounting 32 Guns.—What damage she received it is impossible to say, but until the evening she kept steering before the wind.

It is with great pleasure I have to acknowledge the great support I received from all my Officers, and the three Gentlemen Cadets, Passengers for Madras; who were at the small arms with some of my men—My Ship's Company's conduct was cool and they behaved with very great spirit during the action; indeed every one on board was zealous in the cause. Annexed is the List of Officers and Seamen wounded in the action.

I remain,

SIR,

Your most obedient Humble Servant,
(Signed) G. SALTWELL.
H. C. SHIP ADMIRAL GARDNER,
Madras Roads, the 4th Dec. 1805.
List of Officers and Seamen Wounded.
Mr. Joseph Younge, Chief Officer, severely.
Mr. Love, Midshipman, in the Thigh, do.
Emanuel Peters, Seaman, in the Shoulder, do.
William Skreen, Ord. do. Dangerously.
John M'Dougal, do. do. do.
Charles Grey, Seaman - Slightly.
Thomas Kirk, Ord. do. - do.
Denemar, Infcar, - Severely Burnt.
Nattoo, do. - Slightly do.
Baddular, do. - do. do.

FROM THE MADRAS GAZETTE,
DECEMBER 7, 1805.

On Monday last arrived the Honorable Company's ship Admiral Gardner, Captain Saltwell, from England, left the 25th of April, and St. Helena, the 5th of September.

Passengers:—Messrs. Clode, Moning, and Read, Cadets.

By this arrival we learn, that an American ship, on her passage to the Cape of Good Hope, had been spoken in latitude 7 South 34 West, on the 29th of June last, by one of His Majesty's ships, in company with three frigates and six transport vessels, having troops on board, under the Command of General Sir James Craig.

The Indus from this Port, and the Lord Eldon and Tottenham from Calcutta, sailed from St. Helena for Europe, on the 14th of August, under convoy of His Majesty's ship Calcutta, of 50 guns.

On Wednesday last arrived the Honorable Company's gun brig Grappler, Lieutenant Hamilton, from Penang, charged with dispatches for his Excellency Rear Admiral Sir Edward Pellew, Bart.

The fleet under convoy of His Majesty's ship Blenheim, consisting of sixteen of the Honorable Company's and four country ships sailed from Malacca, for China, on the 25th of October.

The Ganges and Dorsetshire, with the Olive Branch, Captain Sheppard, from this port, arrived at Penang on the 14th ultimo.

The Honorable Company's ship Devaynes, having completed her repairs, sailed for Europe on the 23d of October.

BOMBAY COURIER, — NOVEMBER 30, 1805.

PROCEEDINGS

Of a very numerous and most respectable Meeting of the British Inhabitants of Bombay, held at the Court-House on Wednesday, the 27th Instant; in consequence of a Requisition to the Sheriff, "for the purpose of expressing collectively their deep and heart-felt sorrow on the heavy national loss sustained by the death of MARQUIS CORNWALLIS, and of deliberating on the best mode of paying a durable tribute of grateful respect, to the Memory of his exalted Character.

At twelve o'clock, the Sheriff opened the proceedings of the day with the following Address.

GENTLEMEN,

MARQUIS CORNWALLIS, whose accession to the British Government in India, was late the occasion of our congratulations, it has pleased the Divine Wisdom to remove from the Superintendance over us; and I have been requested to call this Meeting to enable you collectively to testify your sentiments at an event so unfortunate to the State, and distressing to your feelings. The former Administration of MARQUIS CORNWALLIS in India,—his recent acceptance of the arduous Offices of Governor General and Commander in Chief, and the variety of important and difficult national trusts of which he had the direction during a long life, have familiarised us with his eminent public and private virtues; with his condescension and conciliatory manners, endearing him equally to Native and British subjects;—with his disinterestedness and benevolence;—with his love of Justice, political as well as private;—with his discernment and rectitude in Council;—with his valour and science in War;—with his moderation in Victory;—with his unextinguishable Patriotism;—and with that Sacrifice, which he contemplated without dread, which has been so deeply lamented by every Inhabitant of India, and which has consummated his claims to the grateful and affectionate remembrance of his Countrymen. This great and good man, as has been well-observed in this place, has realised a character, consolatory to human nature,—honorable to the British Nation and its institutions, and beneficial to the present and

to future times. The humble Tribute of respect, which it is in our power to offer to his revered Memory, will announce to the World, that as we are capable of appreciating his Virtues, we as far as our respective avocations admit, will adopt them as our Example.

Mr. Money proposed that Sir James Mackintosh should take the Chair; which Motion was seconded by Mr. Law, and unanimously agreed to.

Sir James having accordingly taken the Chair, read to the Meeting the following Letter from the Honorable the Governor.

To
SIR JAMES MACKINTOSH,
Chairman of the Meeting that voted an Address to the late Most Honorable MARQUIS CORNWALLIS.

SIR,

Observing that a general Convenience of the British Inhabitants at this Presidency, is intended to take place to-morrow, in consequence of the much lamented death of that illustrious Nobleman MARQUIS CORNWALLIS, our late most worthy Governor General, and Commander in Chief, I have to request you will be so good, as to advise the Subscribers to the Address to his Lordship, on the occasion of his arrival in Bengal, that although I lost no time in forwarding it, the earliest notice of its approach, accompanied by a Copy, which had preceded by a day or two the original document, arrived at Ghazepoor, no sooner than the morning of the day, which was the last of the life of that exalted Character; at which period, the powers of nature were too much exhausted, to admit of imparting to his Lordship, that dignified Communication; which would, at any other juncture, have been duly appreciated; and, proved a highly acceptable Testimonial, from so respectable a Body of his Countrymen, to those impressions of Virtue and of Patriotism that could alone have induced his Lordship, to risk at his advanced Age, the insalubrious influence of an Indian Climate. — If ever Man had a ruling passion, which did him honour; such was, certainly, that of MARQUIS CORNWALLIS; being no other, than a pure and ardent Love of his Country, directing his Conduct through Life, and ceasing to operate, but with his Death. Prophetic, indeed, may be said to have proved, the words of the Address of this Settlement of the 31st of August last, nor can we doubt, that this too early and too literally realized—"Sacrifice of himself"—in his great undertaking, will, in the Estimation of his Most Gracious Sovereign, and of his Country, be considered as justly attaching, to the Memory of that distinguished Statesman and Warrior, all the consequent applause, and honorable Sympathy, to which that part of the Address must now be viewed as very interestingly applicable.

I have the honor to be,

SIR,

Your very Obedient Humble Servant,
JONATHAN DUNCAN.

Bombay, November 26, 1805.

The Chairman then proceeded to read a Letter to the Honorable the Governor from Mr. Speke, Chairman of a Meeting of the British Inhabitants of Calcutta, for the purpose of considering the most proper means of expressing the deep concern felt by that Settlement, on the lamented Death of MARQUIS CORNWALLIS, and of testifying, by a lasting Memorial, the general sense entertained of the exalted virtues of that revered Nobleman; Mr. Speke's letter enclosed the resolutions of that respectable Meeting, which have been already before the public; but for the purpose of connecting the Proceedings of Wednesday last, we shall repeat the two first, as having a reference to the subject of deliberation.

1. That in addition to the general Mourning which has been adopted, as a public token of the concern felt by this Settlement on the death of MARQUIS CORNWALLIS; a Mausoleum be erected, with the permission of Government, over the place of his interment at Ghazepoor; as a memorial of esteem and reverence for his Virtues, and of gratitude for his eminent services.

2. That the foregoing Resolution be transmitted to Madras and Bombay, as well as to Ceylon, Penang, and Fort Marlborough; and that the Inhabitants of those Settlements, be invited to join in an unanimous testimonial of veneration for the character and memory of the late Governor General of the British Possessions in India.

Mr. Money then rose, and addressed the Meeting as follows:

MR. CHAIRMAN,

With far different feelings from those which promoted and encouraged me to address this respectable Assembly on a recent and happier occasion, I now present myself to your notice. Then, with an elated and exulting Heart, I proposed that we should hail, with our Congratulations, the return of a Man to whom I thought my Country indebted for a considerable portion of her Fame and Glory, of her character for Justice and Valour and for

that Noble spirit of Patriotism which peculiarly and proudly distinguishes her among the Nations of Europe. Now, oppressed by sensations of unaffected Sorrow, in concurrence with the spirit which dictated our former Resolutions, and, if I may judge from the mournful aspect of this Meeting, in unison with the public sentiment, I endeavour to discharge my individual Duty by submitting, for our consideration, the obligations imposed upon us, by a regard for all that is great and good, to express, in a solemn Declaration, the universal Grief of the British Inhabitants of Bombay and its Dependencies, for the heavy national Calamity which has been sustained, and to complete the consistency of that declaration, by co-operating with our fellow Countrymen, on the other side of the Peninsula, in raising a sepulchral Monument and erecting for ourselves and successors here a durable Tribute of respect and veneration to the Memory of departed Excellence.—It has been the practice in all ages, in various forms directed by the Taste or Genius of the period or country; in which the object of commemoration may have lived, to raise the monumental Pile, as a memorial to posterity of a Nation's gratitude for the services of him who, by upholding its Power, extending its Dominion and promoting its Prosperity, has constituted its Pride, its Ornament and its Boast. It is sufficient, however, to state that such has been the usage, and continues to be the Practice in our own free and enlightened land, where honors never fail to reward the achievements of the living Hero, nor to console the relatives of the dead. But from higher motives still, although none can be more pure or laudable than those of remunerating the man who risks his life in the cause of his country, or of ministering solace to the sacred sorrows of friends who have most deeply to lament his loss, from higher motives have arisen the Cenotaph, the Pillar and the Statue. These may be traced to the Noble ambition of exciting the rising and future generations to an emulation of the deeds and glory of the past. They may be traced to the national and exalted pride of exhibiting monuments of national renown. Such were the motives, conjunctively with the generous impulse of gratitude, which raised the far famed palace of Blenheim, and erected the sculptured Monuments of a Wolfe and a Chatham; and these, combined with the liberal and enlightened policy of perpetuating among the Natives of the British India, a grateful recollection of the superior blessings enjoyed under a British Ruler, conveyed to our Sister Settlements, Status of the illustrious Patriot whose death we have now to deplore. I wish not to amplify nor unnecessarily engage your attention, but I feel that I should be wanting in respect if, on this occasion, I omitted some notice of the most important and prominent features of a life, which was always dedicated to the service of our country. We all know that the Noble Lord, at an early age, embraced the military profession and that, in his progress to superior rank, he actively participated in many of the glorious scenes which characterized the brilliant war, immediately preceding the reign of our present Sovereign. At the commencement of the unhappy troubles in America, his conduct as a Peer of Parliament was dignified and independent; it was such as became an hereditary Counsellor of the King of a free Nation; it was such as must naturally be expected to result from a mind nurtured and matured in the best principles of rational and constitutional liberty. But when his Regiment was ordered on service, he knew his duty as a soldier too well to hesitate for a moment; and resisting the tender importunities of the dearest object of his affections, to whom he was attached by every tie with which virtue, in the lowliest form, could bind the heart of man, and who adoring the rare excellencies of her accomplished Lord, carried her solicitations to the throne itself—resisting all intreaties, he crossed the Atlantic and sacrificed, for ever, his conjugal and domestic happiness to the service of his Country. His conduct in America, in circumstances and situations the most arduous and critical, obtained for him the unqualified approbation of his King, the personal affection of the army which he commanded, and the highest respect of the enemy whom he fought. In that painful and afflictive struggle, he discharged all that he owed to his Country, while he never lost sight of what he owed to humanity. In the course of a brilliant career his triumphs in arms wreathed laurels round his brow; but the still nobler triumphs of humanity, in parental kindness to his soldiers, and compassionate tenderness to his captives, enriched the Garland with a Gem which no subsequent reverses ever could eclipse. Until the unfortunate Capitulation of York Town, where his defence corresponded with the high character he had acquired, success had uniformly attended his march to fame; but I appeal to every military man who hears me, if that disastrous surrender was ever considered to have cast the slightest

blot on his honorable escutcheon? or to have detracted in the least degree from his professional reputation—if it were not the result of causes which he could neither check nor control?—if he were not encouraged, may almost commanded to hold out in that untenable Post, until *seasonable* succours, with Fleet and Army, should be sent to his relief? The next great public Theatre upon which the Noble Lord acted a distinguished part was the Theatre of India. To call to the recollection of this Assembly, the important Services which, in this quarter of the Globe, he rendered to the State and to the East India Company, would be presumptuous and superfluous. They must live fresh in the Memory of us all; as long as a remembrance of his undeviating Integrity and Justice is preserved and cherished in the heart of every national Indian, who enjoyed what he possessed in security, or reaped the full fruits of honest industry under his mild and equitable sway. Upon his return to his native Land, finding his Country in Arms in defence of the Peace and Order of the civilized World, and in vindication of its own Honor and Independence, disdaining inglorious ease, he courted professional employment, amidst the toils and perils of War, and repaired to the Continent to take upon himself the Command of a Combined British and Prussian Army; but the unprincipled defection of the Power, on whom we principally relied, rendered the plan abortive, and his Zeal and Talents of no avail. Having discharged the duties of Master General of the Ordnance with uncommon Vigour and Assiduity, and improved that Department (of vital consequence to the State in War) to the highest perfection, he was appointed, at the most critical and perilous juncture, the Representative of his Sovereign in Ireland, where by his temperate firmness and conciliating disposition, he succeeded, to a great degree, in allaying the animosities, and composing the dissensions, which convulsed every part of that distracted Kingdom; and by his Prudence, Fortitude and Talents, he overwhelmed with confusion its Gallic Invaders.

Having poured the healing balm of Mercy and Oblivion into the bleeding wounds of Rebellion, and ridged the Land of the pestiferous Foe which had polluted its Soil, he undertook, and, in conjunction with the great Minister of England, helped to accomplish the Noble and Herculean Task of uniting the great component parts of the British Empire, by a bond of indissoluble connexion; and to his steady resolution and wisdom the success of the great measure of the Union is materially to be attributed. From this elevated station of viceregal power, which he had filled with such signal benefit to the nation at large and to Ireland in particular, those principles of rectitude and honor which had invariably furnished the rule of his public and private Life, compelled him to descend; but it might be said of him, as of an eminent character deceased, "if he were great in his high Office, he was greater still in the resignation of it."

When a change in the conduct of the French Government presented a prospect of effectual negotiation, MARQUIS CORNWALLIS was selected by his Monarch as the most honourable subject, into whose hands he could confide the interests of his Crown. The progress and result of that negotiation is familiar to us all. Opinion are divided upon the merits of the Peace; but there is no division of opinion upon the merits of the negotiation; and, whatever may be thought of the terms, all parties admit that the Peace itself has been the means, and the only means of uniting in the sentiments and feelings, of all classes of our countrymen, in favor of the war in which we are engaged.

Greatly advanced in years, rich in honors, rich in the favour of his King, and the affections of his fellow subjects—although enjoying a necessary and dignified repose, suitable to his rank and age, and with little prospect of lengthening his span of life to the completion of another lustre, at the call of his Royal Master with all the alacrity of youth embarked again for these distant and unhealthy Regions, exclaiming "If I can but render service to my Country, is it unimportant to me whether I die in Europe or in Asia" with the issue of this sublimely great and prophetic resolution we are but too well acquainted. I have the authority of one who was honored, to the last, with his personal and unreserved confidence, for declaring (and this authority is confirmed by the Letter which was read from the Chair), that the ruling passion of his heart was the "Love of his Country." To this he early sacrificed all other considerations most dear to his soul, and, to this, he finally sacrificed his life. When Wolfe in the arms of Victory and in the agonies of death, hearing that the enemy had fled, cried with expiring joy, "I die contented"—by those words he immortalized his name. Borne down by lagour and debility, on the brink of the Grave, the venerable CORNWALLIS, addressing himself to the same

(Continued after the Poetry.)

THE MARINER'S DREAM.

In slumbers of midnight, the sailors-boy lay, His hammock swung loose at the sport of the wind...

(Continued from the third Page.)

confidential friend whose authority I have quoted, exclaimed "I have no apprehensions of death, but I have an anxiety to live for a few months if it should please God, till I can see Peace restored in India, and I will, willingly, resign my life into the hands of him who gave it..."

RESOLUTIONS.

1. That the British Inhabitants of Bombay and its Dependencies, deeply impressed with sorrow for the Death of the late illustrious Governor General, with gratitude for his Public Services and veneration for his Virtues, are desirous of contributing towards the Mausoleum which is to be erected over

the place of his Interment, and of adorning this Presidency by a permanent Memorial of the unanimous feelings of its Inhabitants on the Death of that great and excellent Person.

2. That a Subscription be opened towards the expence of the Mausoleum, which it is intended to erect over the remains of MARQUIS CORNWALLIS at Ghazepore.

3. That a Subscription be opened to defray the expence of a Statue of the MARQUIS CORNWALLIS, to be placed in such conspicuous and convenient part of the Fort, as shall be chosen by a Committee (to be afterwards named) with the consent and approbation of the Governor.

4. That the Hon'ble the Governor be requested to permit Subscription Books for the above purposes to be opened at the Presidency by the Sub-Treasurer, and at the Subordinate Stations by such Civil or Military Officer as he shall think fit.

5. That the following Gentlemen be a Committee to carry the preceding Resolutions into execution, and that they be authorized to apply the produce of the Subscriptions for the purposes before mentioned.

THE HON. THE GOVERNOR, SIR J. MACKINTOSH, General BELLASIS, Mr. WARDEN, Col. WHITELOCKE, Mr. FORBES, Dr. SCOTT, Mr. THREPLAND.

Of whom any three may form a Quorum. 6. That the Chairman do communicate these Resolutions to the Honorable the Governor.

Mr. Warden, Secretary to Government, seconded the several Motions; after which Mr. Threpland rose, and in an eloquent and pathetic address, expressed his cordial concurrence in the propositions, which had been made and seconded.

Ensign Hake, of the 5th Bombay Native Infantry, addressed a few words to the Meeting, as an earnest of youthful love and veneration for a character of such distinguished virtue.

Before putting the question on the first Resolution, the Chairman said, that even if the decorum of his place had not imposed great reserve, or perhaps absolute silence on him, he should have found it unnecessary to make any observation on a subject which had been so fully discussed. But as his silence might be misunderstood, he should merely say, that he most heartily concurred in every measure proposed, and in every sentiment of regret and reverence so well, so affecting, and so eloquently uttered by his Friends on the Floor.

The Chairman then read the several Motions, which were separately put, and unanimously agreed to; the names of Mr. Money and Mr. Adamson, having been proposed and added to the Committee.

Mr. Money stated to the Chair, that it had been intimated to him that a young Gentleman was prepared to deliver a Monody, which he thought was particularly applicable to the occasion, and would be highly gratifying to the Meeting.

Mr. Dunstanville, a Cadet from the College at Mahim, delivered, with much animation and effect, the following Monody composed by Mr. William Rowland Wake.

MONODY,

ON THE DEATH OF THE MOST NOBLE MARQUIS CORNWALLIS, &c. &c. &c.

Finis vitæ ejus nobis, lucuosus, amicis tristes, extraneis etiam ignotisque non sine curâ fuit.

TACITUS.

GREAT Cincinnatus from his rural Seat, Where Fame repel'd in Honour's bright retreat, Where his own laurels form'd the Hero's Crown, At once the shade and trophy of Renown, Imperial Rome, when menaced by her Foes, Called to her aid from dignified repose: The summons heard—to fame the Veteran sprung, Tho' old in years,—in patriot ardour young; Of self regardless, when his Country call'd, No Pleasure lured him,—and no Dread appall'd. CORNWALLIS thus obey'd Britannia's choice, —Her Cincinnatus by the public voice! —Yet his more great the sacrifice, from ease, Oppress'd with age, to traverse distant seas; To quit again his cherished native isle, His grateful country, and his Monarch's smile! More bright his fame, to whole capacious mind A double trust Britannia had consign'd; —Studious of peace,—prepared for War's alarms, Her Faith in Council, her Renown in arms! Ethern Peace I soon may thy rays expand Blessings o'er India, war-distracted land; CORNWALLIS comes to woo thee from thy sphere, And bids thee, lovely Stranger, linger here! Nurf'd by the genial warmth, may Plenty reign And spread her copious harvests o'er the plain; May Repine cease,—may Discord cease the sword, And thro' the East be thy mild sway restored, Restored by him to India's distant shore, Who to his country gave the boon before I. But if no faith can awe,—no treaties bind India's dark chiefs, to Peace and justice blind, His dread charge, to assert his country's cause, And gain by War,—the deed proposed by Law! Ah, here the Muse her pleading strains must cease, Nor outsd by war,—nor foisted by Halcyon Peace Deep Sorrow claims the verse,—ye accents flow In strains responsive to the Public Woe!

For near the Ganges,—consecrated stream, When, on the Chief, Peace shed her orient beam CORNWALLIS sinks with honours—years oppress In the calm Haven of Eternal Rest! CORNWALLIS! faint'd shade! illustrious Chief Enroll'd in fame,—embalm'd in public grief, If mortal feelings reach immortal spheres, If seraph-smiles absorb not patriot-tears, Hence shall the Muse waft Sorrow's sacred sigh, Hence bear the pearly tribute of the eye! For here, at Gratitude's imperious call, Briton's convene to consecrate thy fall; And though Affliction clouds each feeling heart, Virtue and Fame impulsive radiance dart; As Truth records on History's brilliant page, Thus fell the firmest Briton of his age, In whose bright character at once conspire, The Statesman's coolness, and the Hero's fire; Who stand fall to his trust, Conspicuous throne, The firm Defender of his country's throne; Guiding his life by Virtue's sacred plan, His moral worth gave dignity to man; Building on Public Justice, Private Fame, His and Britannia's Glory were the same! November 27, 1805.

Mr. Money then moved that the thanks of the Meeting be given to the Sheriff, for the readiness with which he had complied with the requisition he had received, and for the manner in which he had opened the proceedings of the day; which was seconded by Mr. Forbes, and unanimously agreed to.

The Chairman having quitted the Chair, Mr. Money moved that the thanks of the Meeting be given to the Chairman for his impartiality in regulating the proceedings, and for his very able conduct in the Chair, which was seconded by Mr. Threpland and unanimously agreed to.

The day after the Meeting, the following letter from the principal Native Inhabitants of Bombay, was received by Sir James Mackintosh the Chairman.

To SIR JAMES MACKINTOSH, CHAIRMAN OF THE GENERAL MEETING OF BRITISH INHABITANTS OF BOMBAY, HELD AT THE COURT HOUSE, NOVEMBER 27TH 1805.

SIR, Having been informed that at the respectable Meeting assembled yesterday, it was unanimously agreed to open a Subscription, for erecting a Mausoleum and a Statue to the Memory of that great and good Man, the MARQUIS CORNWALLIS,—the best Friend and Benefactor of the Natives of India, and the proudest boast of his Country, who has fallen the Sacrifice of his unbounded Patriotism and Philanthropy;

We the Native Inhabitant of Bombay, equally admirers of his virtue and talents, and sensible of the extent of our loss; sincerely deplore his death, which we consider a general Calamity; and feeling the greatest reverence for his Memory, we request will be pleased to make known to the Committee appointed for carrying into effect the Resolutions agreed to, that we beg permission to join in the Subscription.

Although we are desirous of being permitted to assist in constructing these offerings of gratitude and affection—we are confident that neither Mausoleum nor Statue will be necessary to impress on the minds of our Children and of their Children, a just conception of his worth and greatness. We have the honour to be, &c.

ENGLISH EXTRACTS.

LEGHORN,—3 JULY.

Messrs. Degen and Purviance general Marine agents for America in the Mediterranean, have received the following letter.

Malta 15th June, on Board the United States Frigate the Constitution.

"I have the honor to announce that on the 3d. of this month, peace was concluded between the United States, and the Pacha of Tripoli. The Treaty was signed by Mr. Tobias Lear, in the name of the American Congress, and by the Pacha, for himself and his subjects, the conditions of the peace are highly honorable, and very advantageous for the United States. Our unfortunate countrymen, Capt. Bainbridge, the officers and ships company of the frigate Philadelphia that was lost before Tripoli, have been set at liberty and have returned to their country, I request you to give every degree of publicity to this communication.

(Signed) J. RODGERS, Commodore of the Squadron of the United States in the Mediterranean.

The dispute between certain ladies of rank and the Bishop of London is said to have ended in a promise of reformation on their part. It has, however, tended, in the mean time, to disconcert them very much.

Major-General Hope succeeds General Oakes, as Lieutenant-Governor of Portsmouth.

Lieut. Yeo of the Loire frigate, who fought the late gallant action in Muros Bay, is promoted to the rank of commander.

The Monitor speaks in high terms of the extraordinary activity of Spain, in fitting out ships of war. It has asserted that there are now in the three Spanish ports of Cadiz, Ferrol, and Carthagena, no less than thirty ships of the line, and above forty frigates, all completely armed and equipped. It is also insinuated that the French influence is reviving at Constantinople, and that the disgrace of the Grand Vizir was a pacificatory offering at the shrine of the Emperor Napoleon.

His Excellency Sady Aly Mahomet Chaza, lately arrived from the Ottoman Porte, resides in Downing-street. This Chief has had frequent interviews with Earl Camden, but has not yet been introduced to his Majesty.

Lady Honoria Lambert, who eloped with Lieutenant Woodgate from the Opera House, during the late fracas, has a personal fortune of 20,000l. independent of her father the Earl of Cavan.

LAW INTELLIGENCE.

C. ALDER D. P. BRADBURY.

The Plaintiff is a boot and shoe-maker, the Defendant is a dramatic Performer. This action was brought for certain articles with which the Plaintiff, in the way of his trade, had supplied the Defendant.

Mr. Garrard, for the former, said, the amount for which this suit was brought was £ 10. 7s. He understood that this action was rescinded from an expectation of reducing the debt below £ 10, and thus (from the total misconstruction of a certain act of Parliament) to avoid the payment of costs. He believed the principal objection was, to a charge for mending a pair of boots, for which £ 1. 10s. was required. This seemed a little extravagant, until it was known that the boots had undergone six distinct operations. They were soled, heeled, welled, calashed, topped, and countered. Like the knife that had received six new handles and twelve new blades, there remained little or no part of the original substance; or, like the tattered brief-bag of his Learned Friend—(taking up the bag of Mr. Erskine), which had been patched and mended until there was not a single thread remaining of old John Lee, who made him a present of a tool of the profession, of which this was supposed to be the melancholy remnant. The Defendant was Clown at the Royal-Circus; he was a great amateur in the style of the Spanish Gracioso; but he would probably find his tricks better received on the boards of the theatre, than on the floor of the Court. After the witness were called,

The Solicitor-General, for the Defendant, said, it was a very common practice with persons who had demands on the Sons of the Sock and Buskin, somewhat to increase their proper claim, and to arrest the party just at the moment he was about to perform his duties for the public gratification. He should prove distinctly that this was the expedient the Plaintiff had resorted to on the present occasion. The witnesses not being in attendance, Lord ELLENBOROUGH summed up the evidence on the part of the Plaintiff, after which a verdict was found in his favour for £ 10. 6d.

Current value of Government Securities,

DECEMBER 23, 1805.

Table with columns: Six per Cents, Old Eight per Cents, Eight per Cents, Do. do. of 1801, 1802, & 1804, Ten per Cents, Do. for 2 years. Sub-columns: Buying, Discount, Selling.

MARRIAGES.

On the 20th instant, Lieutenant S. P. Bishop, of the H. C. Service, to Miss Frances Major. On Thursday last, Richard Cracraft, Esq. to Miss Sophy Perney. On the 18th instant, Mr. James Ferris, to Miss Jane Fowles. On the 20th instant, Mr. John Norris, Cooper, to Miss Elizabeth Young. At Bombay, on the 24th November, Mr. Manoel Barretto, to Miss Maria B. de Mello. On the same day, Mr. Francisco A. Fernandes, to Miss Martha Barretto.

BIRTHS.

On the 9th Instant, the Lady of Samuel Ludlow, Esq. Assistant Surgeon, of a Daughter. At Gwah, on the 11th Instant, the Lady of John Patch, Esq. of a Daughter. On the 12th Instant, at Berhampore, the Lady of James Patton, Esq. of a Daughter. At Surat, on the 26th of October last, the Lady of D. C. Ramlay, Esq. of a Son.

DEATHS.

On Tuesday last, John Fitzhugh Addison, Esq. On Wednesday last, Major George Foulis, of the 4th Regt. N. I. Same day Mrs. Elizabeth Henderson. On the 14th instant, Mrs. Mary Johnstone. Died at Bombay, Captain John Turner of that Establishment, Barreck Master, a good man and a respectable Member of Society—His Family will feelingly lament his loss, as his Friends will the deprivation of a worthy acquaintance. The melancholy event of this Gentleman's death, and the very recent demise of Mr. Henderson at Tannah, may teach us an awful lesson against being too much troubled about any of the objects of ordinary ambition.—The first on the very eve of going Home to enjoy the sweets of many years honest labor—The last about to enter upon a career modestly promising as his Predecessor's: both snatched from Life at the moment their hopes were warmest, and their desires most eager. Such examples most feelingly tell us what shadows we are, and what shadows we pursue.

Sir Charles Middleton, now Lord Barham, who was at the head of the Naval Commission, is an Admiral of the White, was long Comptroller of the Navy, and afterwards a Lord of the Admiralty. He has always been considered as a very zealous public officer.

The dispute between America and Spain does not turn on the cession of Louisiana, to which the latter assents, but on the claim made by the former to West Florida, which the Spanish Diplomats say was ever considered as a distinct territory. We have given it as our opinion, that France being of course the Umpire, Spain will not endanger her southern possessions by any hostile measures against America. Some letters from Madrid are couched, however, in bold language, and say, "That the claims of America are equally extravagant and untenable, and will never be sanctioned or submitted to by the Spanish Court, although the annihilation of the Monarchy should become a possible consequence of its rejection of a degrading proposal."

The Counts of Bath has paid the sum of six thousand pounds for a single stamp, on which were issued letters of administration to the personal estate of her father, the late Sir William Pulteney.

LONDON,--JULY 7.

The Earl of Carlington succeeds the late Sir William Pulteney, in the possession of the Bradford Estates, in the county of Salop, estimated at 40,000l. per annum.

Desfilines was three Weeks before St. Domingo without attempting any enterprise of moment against it. His defeat, although proceeding in a great degree from a virulent fever in his army, has lessened his popularity with the blacks, and increased that of Christopher, who had proposed more decided operations. They made considerable plunder by the expedition.

Two American vessels, which had delivered a large quantity of powder to Desfilines, were on their return to New York, loaded with St. Domingo produce, detained by the Cambrian frigate and sent to Halifax for adjudication: they have been condemned there, on the ground that St. Domingo continues to be a colony of France, although the insurgent Blacks have obtained the sovereignty of part of it.

A Francfort paper contains the following articles:—"Respecting the news from Constantinople, of a triple alliance between Russia, England, and the Porte, said to be at present in agitation, we can now mention, on the authority of more recent letters from Constantinople, dated May 15, that the Grand Vizier has operated a complete change in the politics of Turkey; and that such an alliance will or can only take place under particular circumstances, which may hereafter occur."

"The new system of Neutrality of the Powers is now diplomatically sanctioned. A new Coalition of Neutrality is about to be formed. Four Powers, two of Germany, and two others, have already acceded to it; so as formerly, there was a Maritime armed Neutrality, there will be now a Land Armed Neutrality on the Continent.

By the last accounts from Botany Bay, we learn, that *Crosley* and *Robinson*, the two noted Attorneys who were transported thither from this capital, have realized considerable sums of Money: they having for some years engrossed, or rather divided between them, nearly the whole of the legal business of the colony, in their professional way. *Crosley's* time of sentence having expired, and his pockets being pretty well replenished, is about to return, and become once more an ornament to his profession in London, leaving the colonial field open to *Robinson*, whose sentence of transportation is to endure for life.—*Barrington*, who will ever hold a very distinguished rank amongst the light-fingered disciples of Mercury, is reduced to a state of idiotcy, which disqualifies him from any longer discharging the duties of High Constable, and is maintained on a pension of 60l. a year, allowed him by the colony, in consideration of his services, whilst capable of exertion.

The following is a fact.—A farmer near Whitchy having been by death deprived of his spouse, by way of consolation, had a tomb-stone erected to her memory, with an appropriate inscription.—His grief being ameliorated by time, care for the maintenance re-assumed its place in his breast, and being in great want of an *hearth-stone*, he ordered the mason who had sculptured the memorial of the deceased's merits and his own loss, to remove it from the church-yard, and to place it, with the inscription reversed, before the focal fire.

A GOOD PURCHASE.

The well known Mr. Price kept a godown or shop at Calcutta, where he sold a gun to an Irishman, who soon returned with it, complaining that the barrel was much bent. "Is it?" said Price, "then I ought to have charged the more for it." "Why so?" said the other. "Because these pieces are constructed for shooting round a corner." "If that is the case," says Paddy, "then I insist on retaining my purchase."

MR. JUSTICE JOHNSON.

MR. CURRAN, in arguing, in the Irish Court of Exchequer, against the legality of the arrest of Mr. JUSTICE JOHNSON, expressed himself in the following terms:—

"My Lords, it has fallen to my lot, either fortunately or unfortunately, as the event may be, to rise as Counsel for my client on this most important and momentous occasion. I appear before you, my Lords, in consequence of a writ issued by his Majesty, commanding that cause be shewn to this Court why his Majesty has been deprived of his liberty, and upon the cause shewn in obedience to this writ, it is my duty to address you on the most awful question, if a writ of Habeas Corpus is to be granted, and if events on which you have been ever called upon to decide.

"I cannot but observe the sort of scenic preparation with which this sad drama is sought to be brought forward. In part I approve it: in part it excites my disgust and indignation. I am glad to find that the Attorney and Solicitor General, the natural and official prosecutors for the State, do not appear; and I infer from their absence, that his Excellency the Lord Lieut. disclaims any personal concern in this execrable transaction.

"But to the subject: this writ of Habeas Corpus has had a return. That return states, that Lord Ellenborough, Chief Justice of England, issued a warrant directing the foundation of this dismal transaction: that one of the Clerks of the Crown Office had certified

to him, that an indictment had been found at Westminster, charging the Honorable Robert Johnson, late of Westminster, one of the Justices of his Majesty's Court of Common Pleas in Ireland, with the publication of certain slanderous libels against the Government of that country; against the person of his Excellency Lord Hardwicke, Lord Lieut. of that country; against the person of Lord Redefield, the Chancellor of Ireland; and against the person of Mr. Justice Osborne, one of the Justices of the Court of King's Bench in Ireland. And being thus given to understand and be informed, he issued his warrant to a gentleman no doubt of great respectability, a Mr. Williams, his tipstaff, to take the body of Mr. Justice Johnson, and bring him before a Magistrate, for the purpose of giving bail to appear within the first eight days of this Term, so that there might be a trial within the fittings after; and if he should be convicted, then to appear on the return of the *posse*, to be dealt with according to law.

"There is something not incurious in the juxtaposition of signatures. The warrant is signed by the Chief Justice of England. In music, the ear is reconciled to strong transitions of key by a preparatory resolution of the intervening discords; and here, alas! there is nothing to break the fall: the august title of Lord Ellenborough is followed by the undistinguished name of Brother Bell, the sponsor of his Lordship's warrant. It appears by this return, that Mr. Justice Bell indorses this bill of lading to another consigned, Mr. Mellicot.

"It is stated to you, my Lords, that these two Justices, if Justices they are to be called, went to the house of the Defendant.

"A Judge of the land, a man not young, of infirm health, has the sanctuary of his habitation broken open by these two persons, who set out with him for the coast, to drag from his country, to hurry him to a strange land by the 'mad direct way!' till the King's writ stop them, and left the subject of the King's writ, dropt in the pursuit.

"If *Nababan* had not fortified himself in the boldness and directness of his charge, he might have been hanged for the malice of his parable.

"It is, my Lords, in this temper of mind, that I now address you on a question, the most vitally connected with the liberty and well-being of every man within the limits of the British empire. It is not the Irish nation only that is involved in this question. Every member of the three realms is equally embarked; and would to God all England could listen to what passes here this day! they would regard us with more sympathy and respect, when the proud Briton saw that his liberty was defended in what he would call a Provincial Advocate.

"The abstract and general question for your consideration is this: my Lord Ellenborough has signed with his own hand a warrant, which has been indorsed by Mr. Bell, an Irish Justice, for seizing the person of Mr. Justice Johnson in Ireland, for conveying his person by the most direct way, in such manner as the said Justices may think fit, and afterwards to the city of Westminster, to take his trial for an alleged libel against the persons entrusted with the government of Ireland, and to take that trial in a country where the supposed offender did not live at the time of the supposed offence, nor since a period of at least eighteen months previous thereto, has ever resided where the subject of his accusation is perfectly unknown where the conduct of his prosecutors, which has been the subject of the supposed libel, is equally unknown; where he has not the power of compelling the attendance of a single witness for his defence. Under that warrant he has been dragged from his family; under that warrant he was on his way to the water's edge; his transportation has been interrupted by the writ before you, and upon the return of that writ arises, the question upon which you are to decide, the legality or illegality of so transporting him for the purpose of trial.

"The arrest of the Defendant has been justified by the Advocates of the Crown under the 44th of his present Majesty. I have had the curiosity to enquire into the history of that Act, and I find, that in the month of May, 1804, the brother-in-law of one of the present prosecutors, obtained leave to bring in a Bill to render more easy the apprehending and bringing to trial offenders escaping from one part of the United Kingdom to another, and also from one country to another; which was to commence from and after the 1st of August, 1804. This Act, like a young Hercules, began its exploits in the cradle. In the November following the present warrant was issued, under its supposed authority. The present arrest and detention are defended under the 44th of the King: are they warranted by that Act? That is the only question for you to decide; and you will arrive at that decision in the usual course, by enquiring, first, how the law stood before upon the subject; next, what the imperfection or grievance of that law was; and thirdly, what the remedy intended to be applied by the Act in question?

"First, then, how stood the law before?—Upon this part it would be a parade of useless learning to go farther back than the statute of Charles, the Habeas Corpus Act, which is so justly called the second Magna Charta of British liberty: what was the occasion of that law; the arbitrary transportation of the subject beyond the realm; that base and malignant war, which the odious and despicable minions of power are for ever ready to wage against all those, who are honest and bold enough to despise, to expose, and to resist them. Such is the officiousness of man, that he lies torpid for ages under these aggressions, until at last some signal abuse, the violation of *Luxwre*, the death of *Virginia*, the oppression of *William Tell*, shake him from his slumber.

"For years had these drunken gambols of power been played in England; for years had the waters of bitterness been rising to the brim; at last a single drop caused them to overflow: the oppression of a single individual called the people of England from their sleep—and what does that great statute do? It defines and asserts the right, it points out the abuse, and it endeavours to secure the right, and to guard against the abuse, by giving redress to the sufferer, and by punishing the offender; for years had it been the practice to transport obnoxious persons out of the realm into distant parts, under the pretext of punishment, or of safe custody.—Well might they have been said to be sent to that undiscovered country from whose bourne no traveller returns; for if these wretched travellers saw few ever did return! But of that flagrant abuse this statute has laid the axe to the root: it prohibits the abuse; it declares, such detention or removal illegal; it gives an action against all persons concerned in the offence, by contriving, writing, signing, counterfeiting such warrant or advising or assisting therein.

"On the trial of any action for such injury, it does that of which I remember no other instance; it leaves the jury at liberty to give damages to any extent 'above' five hundred pounds, but expressly forbids 'below' any verdict of damages 'below' it. It forges the offenders out of the King's protection, it forfeits their lands and goods, it disables them from bearing any office of trust or profits; and it the guilty Minister of such abuse should attempt to pour poison into the Sovereign's ear, and talk to him of mercy, it daubs the phial from his hand; it takes away from

the Crown the prerogative of pardon. Thus haughtily and jealously, does this statute restrain the abuses that may be committed against the liberty of the subject by the Judge, the Jury or the Minister. One exception, and one exception only, does it contain:—It excepts from its protection, by the 16th sect. persons who may have committed any 'capital offence' in Scotland or Ireland.

"Now that class is expressly described in the Habeas Corpus Act, because it declares the transmission of all persons to be illegal, except only persons charged with capital crimes—for their apprehension and transmission there was a provision, *mandatum regi*—that is the discretionary exercise of the prerogative. That power had therefore been used in cases of treason, as in *Lundy's case*—so in the case of Lord Sanchar—Lancel, the principal in the murder of Turner, committed in London by the procurement of Lord Sanchar, was arrested in Scotland, whether he had fled, by the order of King James the first, and brought back to England, where he was executed for the crime, as was Lord S. the accessory before the fact—but such interference of the prerogative might be granted or withheld at pleasure, could be applied for, only with great difficulty and expence—and therefore might well be called an insufficient provision. No provision for such a purpose can be sufficient, unless, instead of depending on the caprice of men in power, it can be referred to in the ordinary course of law. You have, therefore, my Lords, to elect between two constructions—one, which makes an adequate provision for carrying the exception in the 6th section of the Habeas Corpus Act into effect—and the other, a complete and radical repeal of that sacred security for the freedom of Englishmen.—But further, the spirit and the letter of the Habeas Corpus law is, that the party arrested shall, without a moment's delay, be bailed, if the offence be bailable—but if *misfeasance* are within this act, then an English subject, arrested under an Irish warrant, cannot be bailed within any part of the realm of England, but must be carried forward, in the custody of Irish bailiffs to the sea-shore of his country, where he is to be embarked in such vessel as they think proper—and if it should be the good pleasure of his guardians to let him land alive in any part of Ireland, then, and not till then, may he apply to an Irish Justice to admit him to bail in a foreign country, where he is a perfect stranger, and where none but an idiot could expect to find any man disposed to make himself responsible for his appearance. Can you my Lords; bring your minds easily to believe that such a state of despotism and folly, could have been the sober and deliberate intention of the Legislature? But further, under the Act of George II. even from one county to the next, the warrant by the first Justice must be authenticated and required; and upon the indorsement of, perhaps, a forged warrant, which the English Justice has no means of enquiring into, a British subject is to be marched through England, and carried over sea to Ireland, there to learn in the county of Kerry, or Galway, or Derry, that he had been torn from his family, his friends, his business, to the annihilation of his credit, the ruin of his affairs, the destruction of his health, in consequence of a mistake, or a practical joke, or an inhuman and remorseless project of vindictive malice—and that he is then at liberty to return, if he is able—that he may have a good action at law, against the worthy and responsible bailiff that abused him, if he is foolish enough to look for him, or fortunate enough to find him. Can you, my Lords, be brought seriously to believe, that such a construction would not be the foulest and most impious upon the wisdom and justice of the Legislature?

"But, my Lords, even if the prosecutor should succeed, which, for the honour and character of Ireland, I trust he cannot, in wringing from the Bench an admission that all offences whatever are in this Act, he will have only commenced his honourable course, he will only have arrived at the vestibule of atrocity. He has now to shew that Mr. Johnson is within the description of a *malefactor*, making his escape into Ireland, whereby his offence may remain unpunished, and liable to be arrested under a warrant indorsed in that piece whether or where such person shall escape, go into, reside, or be. For this enquiry you must refer to the 23d, and 24th, George II. The first of these, 23d. chap. II. recites the mischief—"that persons against whom warrants are granted escape into other countries, and thereby avoid being punished." The enacting part then gives the remedy:—"The Justice for the place into which such person shall have gone or escaped, shall indorse the original warrant, and the person accused shall thereunder be sent to the Justice who granted it, to be by him dealt with, &c."

"If words can be plain, these words are so—they extend to persons actually committing crimes within a jurisdiction, and actually escaping into some other after warrant granted, and thereby avoiding trial. Now here it is admitted that Mr. Johnson was not within the realm of England since the beginning of 1802, more than a year before the offence existed—and therefore you are gravely called upon to say that he is a person who made his escape from a place where he never was, and into a place which he had never left. To let in this wife and humane construction, see what you are called upon to do; the statute makes such persons liable to arrest if they shall have done certain things, to wit, if they shall escape, go into, reside, or be—but if the fact of simply being, that is, existing in another jurisdiction, is sufficient to make them so liable, it follows of course, that the two only verbs that imply doing any thing, that is, *escape or go into*, must be regarded as superfluous, that is, the Legislature had no idea whatsoever to be conveyed by them when they used them, and therefore are to be altogether expunged and rejected.

"Let us now, my Lords, examine the next position contended for by those learned prosecutors. Having laboured to prove that the act applies not merely to capital crimes, but to all offences whatsoever—having laboured to shew that an act for preventing impunity by escape, extends to cases not only where there was no escape, but where escape in fact was physically impossible—they proceed to put forward boldly a doctrine which no Lawyer, I do not hesitate to say it, in Westminster-hall would have the folly or the temerity to advance—that is, that the defendant may by construction of law be guilty of the offence in Westminster, though he should never have passed within its limits till he was sent thither to be tried—with what a fatal and inexorable uniformity do the tempers and characters of men domineer over their actions and conduct!

"How clearly must an Englishman, if by chance there be any now listening to us, discern the motives and principles that dictated the odious persecutions of 1794 re-assuming their operations; forgetting that public spirit by which they were frustrated; unappalled by fear, undeterred by shame, and returning again to the charge; the same wild and impious nonsense of *constructive criminality*, the same execrable application of the ill-understood rules of a vulgar, clerk-like, and illiterate equity, to the sound and plain and guarded maxims of the criminal law of England; the purest, the noblest, the chastest system of distributive justice that was ever venerated by the wife, or perverted by the foolish, or that the children of men in any age or

climate of the world have ever yet beheld; the same instruments, the same movements, the same arts, the same doctrines, the same doctors, the same servile and infuriated contempt of humanity, and persecution of *freedom*! the same shadows of the varying hour that extend or contract their length, as the beams of a rising or a sinking sun play upon the gnomon of *self-interest*!

"Let me now briefly, because no subject can be shorter or plainer, consider the principle of local jurisdictions, and constructive crimes.—A man is bound to obedience, and punishable for disobedience of laws; first, because, by living within their jurisdiction, he avails himself of their protection; and this is no more than the reciprocity of Protection and Allegiance on a narrower scale—and secondly, because, by so living within their jurisdiction he has the means of knowing them, and cannot be excused because of his ignorance of them. I should be glad to know, upon the authority of what manuscript of that pocket-case, the founders of these principles can be disputed? I should be glad to know, upon what known principle of English law, a Chinese, or a Caplander, can be kidnapped into England, and arraigned for a crime which he committed under the pole, to the injury of a country which he had never seen—in violation of a law which he had never known, and to which he could not owe obedience—and, perhaps for an act, the non-performance of which might have forfeited his liberty or his life to the laws of that country which he was bound to know, and was bound to obey?

"Very differently did our ancestors think of this subject:—They thought it essential to justice, that the jurisdiction of criminal law should be local and defined; that no man should be triable out there where he was accused of having actually committed the offence; where the character of the prosecutor, where his own character was known, as well as the characters of the witnesses produced against him, and where he had the authority of legal process to enforce the attendance of witnesses for his defence. They were too simple to know any thing of the equity of criminal law. Poor Bracton or Fleta would have flared if you had asked them, 'What, gentlemen, do you mean to say, that such a crime as this shall escape from punishment?' Their answer would have been, no doubt, very simple and very foolish: they would have said, 'We know there are many actions that we think bad actions, that yet are not punishable, because not triable by law; and that are not triable, because of the local limits of criminal jurisdictions.' And, my Lords, to shew what a religious scrupulousity the locality of jurisdictions was observed, you have an instance in the most odious of all offences, treason only excepted—I mean the crime of wilful murder. By the common law, if a man in one county procured a murderer to be committed, which was afterwards actually committed in another, such procurer could not be tried in either jurisdiction, because the crime was not completed in either. This defect was remedied by the Act of Edward VI. which made the author of the crime amenable to justice.

"But in what jurisdiction did it make him amenable? was it there where the murder was actually perpetrated? by no means; but there only in which he had been guilty of the procurement, and where alone his accessory offence was completed. And here you have the authority of Parliament for this abstract position, that where a man living in one jurisdiction does an act, in consequence of which a crime is committed within another jurisdiction, he is by law triable only where his own personal act of procurement was committed, and not there where the procured or projected crime actually took effect. In answer to these known authorities of common law, has any statute, has a single decision or even dictum of a Court, been adduced? Or, in an age in which the *passy-cooks* and *snuff-shops* have been defrauded of their natural right to these compositions that may be useful without being read, has even a single manuscript been offered to shew the researches of these learned prosecutors, or to support their cause? No, my Lords; there has not. I said, my Lords, that this was a fruit from the same tree that produced the stupid and wicked persecutions of 1794: let me not be supposed to say it is a mere repetition of that attempt, without any additional aggravation.

"In 1794, the design, and odious enough it was, was confined to the doctrine of *constructive guilt*; but it did not venture upon the atrocious outrage of a substituted jurisdiction: the Englishman was tried on English ground, where he was known, where he could procure his witnesses, where he had lived, and where he was accused of the crime, whether actual or constructive; but the locality of the trial defeated the infernal malice of those persecutions. The *speeches* of half the natural day, where every Jurymen had his hour, were the knell of *sleep*, but they were not the knell of *death*. The project was exposed, and the destined victims were saved. A piece so damned could not safely be produced again on the same stage. It was thought wise, therefore to let some little time pass, and then to produce it on some distant provincial Theatre.

"To drag an Englishman from his Bench, or an English Member of Parliament from the Senate, and in the open day, in the city of London, to strap him to the roof of a mail coach, or pack him up in a wagon, or hand him over to an Irish bailiff, with a rope tied about his leg, to be goaded forward like an ox, on his way to Ireland, to be there tried for a constructive misdemeanour would be an experiment, perhaps, not very safe to be attempted. These Merlins, therefore, thought it prudent to change the scene of their forcery—"Mado Rome, mado panit Abeniti!" The people of England might, perhaps, enter in to the feelings of such an exhibition with an officiousness of sympathy, not altogether for the benefit of the contrivers—"Nec satis coram populo Medea trucidat"—and it was thought wise to try the second production before spectators whose necks were pliant, and whose hearts were broken—where every man who dared to refuse his worship to the *golden calf*, would have the furnace before his eyes, and think that it was useless and dangerous to speak, and discreet at least, if it was not honest, to be silent.

"I cannot deny that it was produced to try an experiment, that, if successful, must reduce an Englishman to a state of slavery more ardent and forlorn than that of the Helots of Sparta, or the Negroes of your plantations—for see, my Lords, the extent of the construction now broadly and directly contended for at your Bar.—The King's peace in Ireland, it seems, is distinct from his peace in England; and both are distinct from his peace in Scotland; and, of course, the same act may be a crime against each distinct peace, and severally and successively punishable in each country—so much more inveterate is the criminality of constructive, than of an actual offence. So that the same man for the same act against laws that he never heard of, may be punished in Ireland, be then sent to England by virtue of the warrant of Mr. Justice Bell, indorsed by my Lord Ellenborough, and after having his health, his hopes, and his property destroyed for his constructive offences against his Majesty's peace in Ireland, and his Majesty's

space in England, he may find that his Majesty's grace in the Orleans has, after all, a vested remainder in his case; and if it be the case of a 1212, for the time and term of fourteen years from the day of his conviction before the Scottish jurisdiction, to be fully completed and determined. Is there, my Lords, can there be a man who hears me, that does not feel that such a construction of such a law would put every individual in society under the despotical dominion, would reduce him to be the despicable chattel, of those most likely to abuse their power, the profligate of the higher, and the abandoned of the lower orders; to the remorseless malice of a vindictive minister, to the servile instrumentality of a trading Justice? Can any man who hears me conceive any possible case of abduction, of Rape or of Murder, that may not be perpetrated under the construction now shamelessly put forward?

"Let us suppose a case:—By this construction a person in England, by procuring a misdemeanor to be committed in Ireland, is constructively guilty in Ireland, and of course, triable in Ireland—let us suppose that Mr. Justice Bell receives, or says he receives information, that the *Lady of an English Nobleman* wrote a letter to an *Irish Chambermaid*, counselling her to steal a row of pins from an *Irish Pedlar*, and that the said row of pins was, in consequence of such advice and counsel, actually stolen, against the *Irish Peace* of our Lord the King; suppose my Lord Ellenborough, knowing the signature, and reverencing the virtue of Mr. Justice Bell, indorses this warrant; it is not clear as the fact that this English lady may, in the dead of night, be taken out of her bed, and surrendered to the mercy of two or three *Irish bailiffs*, without the possibility of any legal authority interposing to save her; to be *MAZZONIZED* in a journey by land, and a voyage by sea, by such modest and respectable guardians; to be dealt with during the journey as her companions might think proper, and to be dealt with after by the worshipful correspondent of the Noble learned Lord, Mr. Justice Bell, according to law? I can, without much difficulty, my Lords, imagine, that after a year or two had been spent in accounts current, in drawing and re-drawing for human flesh between our worthy Bells and Medicotts on this side of the water, and their noble or their ignoble correspondents on the other, that they might meet to settle their accounts, and adjust their balances.

"I can conceive that the items might not be wholly destitute of curiosity. Brother B. I. take credit for the body of an *English patriot*. Brother E. I set off against it that of an *Irish Judge*. Brother B. I charge you in account with three *English Bishops*. Brother E. I set off *Mrs. M'Lean* and two of her *sisters*; petticoat against petticoat. Brother B. I have sent you the body of a most intractable disturber, a fellow that has had the impudence to give a thrashing to Bonaparte himself: I have sent you *Sir Sidney*. Dear Sir Brother E. But, I see my learned opponents smile. I see their meaning. I may be told, that I am putting imaginary and ludicrous, but not probable, and, therefore, not supportable cases. But I answer, that reasoning would be worthy only of a slave, and disgraceful to a freeman. I answer, that the condition and essence of rational freedom is, not that the subject probably will not be abused, but that no man in the State shall be clothed with any discretionary power, under the colour and pretext of which he can date to abuse him. As to probability, I answer, that in the mind of man there is no more insidious temptation to the most remorseless oppression, than the rancour and malice of irritated pride and wounded vanity. To the argument of improbability I answer, the very fact, the very question in debate; nor to such answer can I see the possibility of any reply, save that the prosecutors are too heartily sick of the point of view into which they have put themselves by their prosecution, that they are not likely again to make a similar experiment.

"My Lords I have no fear for the ultimate safety of my client. Even in these very acts of violence that have been committed against him, do I hail the flattering hope of final advantage to him, and not only of final advantage to him, but of better days and more prosperous fortune for this afflicted country—that country of which I have so often abandoned all hope and which I have been so often determined to quit for ever.

"Sepe vale dicta multa sum deinde locutus,
Et quai discendens ofcra summa dabam,
Indulgens animo, pes tardus erat."
But I am reclaimed from that infidel despair—I am satisfied that while a man is suffered to live, it is an intimation from Providence that he has some duty to discharge, which it is mean and criminal to decline. Had I been guilty of that ignominious flight, and gone to pine in the obscurity of some distant retreat, even in that grave I should have been haunted by those passions by which my life had been agitated—
"Quæ curo v. vos edem sequitur tellure, repostos"
In the anxious sympathy of the Public, in the anxious sympathy of my Learned Brethren, do I catch the happy promise of a brighter fare for Ireland. They see, that within these sacred walls, the cause of Liberty and of Man may be pleaded with boldness and heard with favour."

There is a singular report, that Mr. Fox has declared that, even in the event of his party succeeding, and being invited into the Cabinet, he is himself resolved to occupy no public situation. His friends are to have his assistance and advice, but he has declared that no inducements will ever persuade him to assume a Ministerial situation.

We understand there are more claimants than Sir John Johnston for the Marquisate of Anandale, and that Lieutenant General Souter Johnston means to put in a claim as the nearest lineal descendant of that ancient family.

Notwithstanding the preparations making by his Swedish Majesty to place his army upon the most respectable footing, he will act upon the defensive system, which he has adopted in concert with Russia.

A letter from Rotterdam, says—"I have only time to inform you, that a law is about to be passed enacting a severe corporal punishment and in certain cases, death, for introducing into this country any article of British manufacture. It is however hoped that this severity will be put off for some duration as Shimmelpennick is understood to be very friendly to the commercial interest of Holland. A Proclamation for the total exclusion of any commercial intercourse between England and Holland, is published.

A letter from Hamburg, contains the following information relative to the further preparations of the enemy in the Mediterranean.

"According to advices from Lyons of the 30th ult, a second naval armament is fitting at Toulon, which is to consist of six sail of the line, exclusive of frigates and other armed vessels. The utmost activity prevailed at Toulon and all the French harbours, to put the French Navy on a most formidable footing. These letters boast, that in less than four years the Naval force will consist of 150 sail of the line. A body of troops is collected near Toulon, in order to embark on a secret expedition; and near Rochefort, a camp is formed for the same purpose."

The ministerial papers complain with some reason of the Reports that are flying about respecting some of our Ministers: but of all reports we believe, they have most reason to complain of those which are printed.

LONDON.

ADMIRALTY-OFFICE, JUNE 23.

Copy of a Letter from Captain Maitland, of the Loire, to Rear Admiral Drury.

His Majesty's ship Loire, off Cape Finisterre, June 2, 1805.

SIR,
I have to inform you, that after delivering the dispatches Lord Gardner charged me with to Sir Robert Calder, in stretching to the westward to regain my station, a small vessel was discovered standing into the Bay of Camariñas, to the Eastward of Cape Finisterre.—It being quite calm after dark, I sent the launch and two cutters, under Mr. Yeo, First Lieutenant assisted by Lieut. Mallock of the Marines, and Messrs. Clinch, Herbert, and Mildridge, midshipmen, to endeavour to bring her out. From the intricacy of the passage, the boats did not get up till break of day, when they found two small privateers moored under a battery of ten guns; undaunted, however, by a circumstance so little expected, Mr. Yeo ordered the launch, commanded by Mr. Clinch, to board the smallest vessel, while he, with the two cutters, most gallantly attacked and carried the largest, a felucca, armed with three eighteen-pounders, four four-pounder brass swivels, and fifty men.

The launch had the same success in her attack; the fort immediately opened a fire, so ill directed, however as to do little damage. Being still perfectly calm close under the guns of the battery, and no possibility of receiving assistance from the ship, Mr. Yeo was under the painful necessity of abandoning the smallest vessel, a lugger of two six-pounders and thirty-two men, to secure the felucca, which I am happy to add, was effected with only three men, William Turner, James Gardner, Quartermaster, and John Maynes, Marine, slightly wounded.

The loss on board the lugger cannot be ascertained. When the crew of the felucca was mustered, nineteen out of fifty were missing, some of whom had jumped overboard; but the greatest part were killed by the pike, there being no weapons used but the pike and sabre.

When we call to mind the inequality of force, officers included, there being not more than thirty five of the Loire's opposed to eighty Spaniards, with their vessels moored to the walls of a heavy battery, it must be allowed to confer the greatest credit on the officers and men employed on the service.

Mr. Yeo, in coming out, took possession of three small merchant vessels but, finding their cargoes consisted only of small wine for the Enemy's Squadron at Ferrol, I have destroyed them. The name of the privateer captured is the Esperanza, alias San Pedro, of Corunna. She is quite new, only out four days, and was victualled and stored for a cruise of one month.

Mr. Yeo assures me that he was assisted by Mr. Mallock, with the greatest bravery, and gives the highest praise to Mr. Clinch, for the gallantry and promptness with which he carried his orders into execution in the launch. He also speaks in the warmest terms of the officers and other men under his command.

I have the honour to be &c.
FRED. MAITLAND

(Signed) LORD NELSON'S LAST CRUIZE TO EGYPT.

The following Original Letter has been addressed to the Editor of the Weekly Messenger, by an Officer on board Lord Nelson's Fleet; and as exhibiting a lively picture of the mind of a British Sailor, and at the same time a detail of events of great concern, not generally known, it cannot but interest our readers.

Extract of a Letter from an Officer on board one of Lord Nelson's Fleet, to his Friend in London; dated at Sea, February 18, 1805.

"I expect much anxiety has been created in England by the sailing of the Fleet from Toulon last month, and our missing them. I will state to you our movements, and the grounds on which we went. With their usual policy, the French have distracted us with a variety of reports respecting their object: we had long known they had troops embarked; and the security of Minorca, the taking possession of Sardinia and Sicily, so as to cut off all our supplies,—descent into the Morea or Egypt,—have severally been positively asserted as their intention.—Our fleet was getting sickly for want of a supply of vegetables and fresh provisions. The ships wanted watering, wooding, and victualling: for this purpose we ran to Madelane, where the transports met us and where, with our usual expedition, we refitted. On the afternoon of the 19th January, we were surprized by the appearance of the Active and Sea Horse, with signals flying for an enemy. The signal to prepare for sea was immediately made; then to unmoor, then to weigh: boats and parties were on shore from all the ships, wooding and watering. It blew very hard directly into the harbour, and the passage out the other way was narrow, difficult, and dangerous at any time, but particularly so as night was approaching; yet in two hours the whole Squadron was under weigh, and by eight o'clock clearly and safely out. Long as I have been at sea, I never met so bold and well executed a project. We had received information that the enemy's force, eleven sail of the line and six frigates, were out, and steering for the south end of Sardinia; supposed, to take possession of Cagliari.—The Admiral's hope was to get round the opposite side of the Island, and meet them there; and as the wind came fair, not a doubt was entertained. Unluckily, the next day it changed, and for four days blew a gale against us. The Sea Horse being sent to reconnoitre, returned with the signal of having been chased by the enemy's frigates; of course hope was revived; but when we got round to Cagliari Bay—no intelligence.—What then? why as the wind had been favourable for that purpose for them, it was concluded they had pushed on for Sicily, the Morea, or Egypt, whatever their object. Away we went; but in spite of Æolus, of the frowns of Scylla, or the whirlpool of Charybdis, we worked through the Faro of Messina.—No news there; but every one believed they were gone to Egypt.—To Egypt then with us, and as the wind came fair we rattled it away to Alexandria.—No intelligence again.—Here we stood off and on, close in shore on a most beautiful day, when I was gratified with a sight of Pompey's Pillar, the Lake Marootis, ruins of the celebrated Library,

the field where the pride of the Invincibles was lowered on the 21st of March, and such other curiosities as the eye or glass could take in. The Admiral communicated with the Captain Pacha, who at first took us for the French, and prepared to resist. In the evening we made sail and with a fair wind reached Candia, where Ida rears his snow-capped head. What it might have been favoured with the smiles of Divinity, I know not, but at present it seems a sorry place for the nursery of a God, and in my opinion he might have been better rocked upon *Roseberry Topping*. From hence we have had contrary winds, and are now struggling anxiously for Malta, where we expect certain intelligence. We hope Commodore Gale met them, for it blew immensely hard.

"P. S. Of Cagliari, 1st of March.—The French have proved their inability to encounter winter gales, and imitate British seamen. The unlucky state of the winds against us, and the want of better information, will long be lamented. Had either been more favourable, again would the Toulon fleet have been annihilated at one blow; and an opportunity has been lost that promised to have upset the Imperial Crown, ere it had fitted the head of the daring but fortunate despot. I trust, however, we shall have an opportunity to try another chance with them. Let us but meet, and I have no doubt of the issue. Our weather, for the last six weeks, has been dreadful, blowing incessantly, and generally adverse; yet we have not carried away so much as a top-gallant mast, nor for two years. Never was a Squadron so well managed."

* Near Sticksley, Yorkshire.

A great part of the Abergavenny East India-man has been already broken up. The lower decks exhibited a shocking spectacle of the numerous bodies drowned in that ship—five of the bodies have been washed on shore. Every exertion is making to clear the whole of the wreck, and to preserve such property as was not perishable.

LAW INTELLIGENCE.

CHARLES PAYNE v. THE HON. ELPHINSTONE FLEMING.

The Plaintiff was harpooner on board the Greenwich whaler; the Defendant is Captain of the frigate *Egyptienne*. Mr. *Eschine*, on the part of the latter, made application to postpone this trial, unless an affidavit, deposing to the impossibility of finding the witness, Lieutenant Conely; but, by a singular coincidence, his name being mentioned loudly in Court, he presented himself at the bar. The cause then commenced before the Special Jury appointed for its decision. Mr. *Garrow* said, the Officer from whom his client now sought a compensation in damages, was known to the whole Country; but, whatever might be his general merits, the obscure individual for whom he (the Learned Counsel) now appeared, had not exhibited less courage for the protection and glory of his Country. He had boarded a French ship in a dangerous exploit, which he was appointed to superintend, when he received a wound in the groin, which he concealed, until, exhausted with agony, he fell into the arms of the companions of his triumph.

The wisdom of the British Legislature, for the purposes of commerce, under several Acts of Parliament (20 Geo. III. 28 Geo. III. 35 Geo. III.) had granted exemptions from the impress to persons employed in the whale fishery. The Plaintiff was returning from a long voyage in the impressable waters of the Pacific, when an Officer of Impress boarded his ship (the *Greenwich*), and seized him, and two of his companions, on board the *Egyptienne*, commanded by this Defendant. It was in vain that they showed their protections to the Defendant; he said "he wanted men, and men he would have." The two seamen of the Plaintiff, being at an impossible to escape, to use a strange perversion of language, entered as volunteers; but the Plaintiff persisted in asserting his rights. Soon afterwards, a British came on board the *Egyptienne*, for a *bona fide* debt, and arrested the Plaintiff; on which the Lieutenant, who was then on board in command, was constrained to resign him, that he might answer the claims of the law. When the Defendant was made acquainted with this circumstance, he hastened to the impounding-house, discharged the debt and costs, and the man was again brought on board the vessel, under an escort of marines. On his arrival on deck, he was instantly put to rout, in which state he continued for three days; at the end of that term, he was fastened to the capstan, and received three dozen lashes with the cat, under the orders, and in the presence of the Defendant; who, not contented with this severity, sent the unfortunate person on board the *Fairy* sloop, commanded by Lord William Fitzroy, destined to the West Indies. Here the Learned Counsel had serious reason to complain, for the object seemed to be to prevent the Plaintiff from obtaining redress from the humane institutions of public law; but whatever was the design, the effect was, that in the dangerous climate to which he was exposed, he suffered two attacks of the yellow fever, and it seemed to be only by the miraculous interposition of Providence, that he was now able to demand justice from the hands of a British Jury.

Mr. Matthew Miller, from the Custom-house, exhibited the muster-roll of the ship *Greenwich*, by which it appeared that the Defendant was a harpooner on board that vessel.

Mr. Charles Sayers, a Clerk of the Admiralty, produced the book of entry, by which the exemption of the Plaintiff was certified.

William Goode, a seaman, mesnate of the Plaintiff, gave evidence to his being confined for three days by a long bolt, with shackles, on the deck. The Witness added, they beat the division (dismissed the crew), after which he was tied up, and received three dozen lashes at the capstan.

James Warren, who assisted in the flogging, confirmed these particulars.

Lord William Fitzroy (from the Bench).—"My Lord, I am called upon to give evidence; but before I do so, I think it right to mention, that I have come from Plymouth at a considerable charge, and my expenses have not been tendered me; my ship is ready to sail, and may depart before I return."
Lord Ellenborough.—"The Court will enforce what is right in this respect."

Lord William Fitzroy then deposed to the Plaintiff having been sent on board his ship, not by the Defendant, but under an order from Admiral Montague, dated from the Admiralty.—The Plaintiff behaved well, and before his Lordship's return from the West Indies, the man was promoted and removed to the *Hercule*, the flag ship under Admiral Sir John Duckworth.

Mr. *Eschine* said, the subject of the complaint arose at the beginning of the present war, when the security of the State in a great degree depended on the activity and spirit of our naval officers. In this situation, all

protections were withdrawn not authorized by the Statutes; the Defendant, a very young man, did not make the distinction between protections of office, and under the Statutes, and in his zeal for the service committed this offence. He having then stepped beyond the limits prescribed by law, could have no jurisdiction whatever over the Plaintiff, and the impress, as well as the punishment, became illegal. The Jury would determine on such damages as would meet the case under these peculiar circumstances.
Lord Ellenborough having summed up the evidence, the Jury withdrew, and in less than an hour, returned with a verdict for the Plaintiff—Damages £. 300.

IMPERIAL PARLIAMENT.

HOUSE OF COMMONS,—MAY 16th
MILITARY COMMISSION.

The Chancellor of the Exchequer moved the committal of the Bill for appointing Commissioners to inquire into the Military Expenditure of the Country.

The House accordingly went into a Committee, and.

The Chancellor of the Exchequer said, that, in the appointment of these Commissioners, he thought it would be agreeable to the House to have a selection of individuals who were fully competent to inquire into, and investigate with precision and accuracy, every particular submitted to their consideration. The Gentlemen whom the Right Hon. Gentleman named, were as follows:—

1st. In the Military profession—Major General Oakes, Colonel Beckwith, and Lieutenant Colonel Drinkwater.

2^{dly}. In the Law—Mr. Cox, Master in Chancery; Mr. Cumming, Barrister at Law.

3^{dly}. In the Mercantile Line—Mr. Peters, Mr. Charles Bosanquet.

He then moved in the Committee, that the above persons be appointed as Commissioners to inquire into the Military Department.

A conversation here took place, as to the propriety of a long retrospective inquiry into military abuses. It was opposed by Mr. Pitt, on the ground that it would be useless to take up the ashes of quieted sentiment, and fill the House with specious unaided accounts; that to stir up all the petty irregularities of office for the mere purpose of exposing the parties, without producing any public good or preventing any future mischief was of no other use than to deter men of delicate feelings and capacity from undertaking situations of public trust.—We should consider" said Mr. Pitt, "how lax were the restrictions upon the public money in the hands of Treasurers and Receivers about twenty years ago; it was held, indeed, a requisite of office to employ this money, under the responsibility of making good the receipts at limited times. This practice, at all times an abuse, was at length restrained by law; let us search, therefore, for no higher pedigree of the mischief, than were the law began to operate the delinquency, which was before casual, was then positive.

The House agreed with the sentiments of Mr. Pitt.

EUROPE MARRIAGES.

In June last, Lewisham, Kent, by the Hon. and Rev. Mr. Legge, Thomas Dawson, Esq. of Jeffries-square, to Miss Marian Larkins, daughter of the late W. Larkins, Esq. of Blackheath.

Lately, Lieutenant Colonel Lemon, of the 62^d foot, to Miss Hobbs daughter of G. Hobbs, of Barnaby, King's County, Ireland.

On Tuesday last, at St. George the Martyr, Queen-square, by the Rev. Matthew Raine, D. D. Thomas Charles Morgan, Esq. M. P. of Charlotte street, Bloomsbury, to Miss Hammond, eldest daughter of William Hammond, Esq. of Queen-square.

On Tuesday, James Pison, Esq. eldest son of Pison, Esq. of Jersey, to Miss Hodges, grand daughter of the late Sir James Hodges, and niece to Lady Nugent.

On Friday last, at Kington Lisle, Berks, by the Rev. Henry Hippley, the Hon. George Bowes, of Paulswalden, Herts, son of the late, and brother to the present Earl of Strathmore, to Miss Mary Thornhill, daughter of Edward Thornhill, Esq. of Kington Lisle.

Dr. Kidd, of Oxford, to Miss L. Hutchins.

T. Whitehurst, Esq. to Miss Savery, of High-bury-place.

Captain Oliver, of the Navy, to Miss Saxton.

The Rev. J. George, to Miss Powell, of White House, Oxfordshire.

J. W. Hicks, Esq. of Bath, to Miss Mills.

Thursday evening, at Newcastle, Mr. Arkwright, second son of the late Sir William Arkwright, to Miss Kemble, daughter of Stephen Kemble, Esq. of the Theatre Royal, Newcastle.

At Montreal, in Lower Canada, Colonel Foord Bowes, of the 60th Regiment of foot, to Miss M. Johnson, daughter of Sir J. Johnson, Bart.

At St. George's Church, Hanover square,—Doyle, Esq. of the County of Wexford, to Mrs. Uniacke, relict of R. Uniacke, Esq. and daughter of the Right Hon. John Beresford.—At the same time and place, the youngest sister, Miss Beresford, to Mr. White, banker.

Mr. J. Brazier, to Mrs. Broker, whose ages together make 155 years.

At Kings Norton, Worcester shire, A. Homer, Esq. of Ballfall Heath, to Miss Ann Gill, daughter of the late T. Gill, Esq. of Birmingham.

At St. George's Church, Hanover-square, J. W. Willott, Esq. of Merly House, Dorsetshire, M. P. for New Romney, to Miss Wilson, of Wimpole fleet.

EUROPE DEATHS.

On Barnes Terrace, on Monday morning, in the 88th year of her age, Mrs. Ann Moody, wife of the celebrated John Moody late of the Theatre Royal, Drury lane.

At the Foundry, near Wakefield, on the 4th May, and interred at Kendal on the 8th, aged sixty-five, Mr. John Banks, the celebrated lecturer on natural and experimental philosophy, and author of the Treatises on Mills, and on the power of Machines.

On Monday evening, of an inflammation in his bowels, Francis William Barlow, Esq. Lieutenant Colonel of the 1st West York Regiment of Militia, and Member of Parliament for Coventry.

On the 19th May, at his house in York-place, the only son of Lord Lovine.

On Sunday last, William Bower, Esq. aged 74; he last 30 years of which, and until the last 14 days he employed himself in the very honorable character of an Underwriter at Lloyd's. He has left an ample fortune behind him.

At Edinburgh, on the 10th June, Mungo Murray, Esq. of Lintriole.