

THE BENGAL HURKARU.

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VOL. XXIX.]

TUESDAY, JUNE 1, 1819.

[NO. 1292.]

INFORMATION REQUESTED.

INFORMATION is earnestly requested respecting the fate or present circumstances of OTTE CHRISTIAN JENSEN, who is known to have been employed for several years in India in the Country Service.

Born at Copenhagen, O. C. Jensen left it when 12 years old, in November, 1788, as cabin-boy with Capt. Hoffgaard. For the three following years he sailed in India with the same Commander, and afterwards for five years more with Capt. Mossin, part of the time as a seaman, and latterly as an Officer. The last accounts of him were contained in a letter which he wrote to his friends on the 30th October, 1796, stating that he was well, and about to purchase a ship on his own account.

A sister of O. C. Jensen, now living in Copenhagen, after having made numberless inquiries without success, adopts this method of soliciting information respecting her brother and will be especially thankful to any one who can make her acquainted with the particulars of his present condition, if living, or the circumstances of his death; if deceased. Letters, containing any intelligence whatever on the subject, will reach her, if addressed to the Editor of the HURKARU Newspaper, who will make full compensation for all trouble and expense that may be thereby incurred. Calcutta, 29th May, 1819.

TO BE LET for an unexpired term of three months, the HOUSE, No. 43, Swallow Lane, opposite to the North end of the New China Bazar, lately occupied by Messrs. BAGSHAW, BARLOW, and Co. who have REMOVED their OFFICE to ESPLANADE-ROW, CORNER of OLD COURT HOUSE STREET.

The terms will be moderate.

Apply to BAGSHAW, BARLOW, AND Co.

Calcutta, May 20, 1819.

BOTANICAL CABINET consisting of elegant delineations, beautifully colored, of Plants from all countries, with a short account of each, directions for management, &c. The plates engraved by Cooke—published monthly, in parts—each part containing 10 plates, and 10 parts forming one volume.—Price, large paper, 4 Rupees.

Nineteen parts (containing 190 exquisite engravings.) of this delightful work have been already published, and the regular delivery of the succeeding ones as received from England may be secured by the purchaser.

Bombay General Orders.

BOMBAY CASTLE, 22ND APRIL, 1819.

By the Right Honorable the Governor General in Council.

The Right Honorable the Governor in Council is pleased to publish for general information the following Extract of the Honorable Court's letter dated the 14th October last.

Extract of the letter from the Honorable the Court of Directors in the Military Department, dated the 14th of October, 1818,

P. RAS. 48 and 9, and 82 to 91 of letter dated 9th August, 1817.

Memorial from Lieutenant J. Nutt, of the Engineers, complaining of slowness of promotion and soliciting the same allowances as the Engineer Officer attached to the Hyderabad Subsidiary Force, while in charge of the Engineer Department, with the Poonah Subsidiary Force. The adoption of the Madras scale of remuneration to Engineer Officers employed on public works, suspended till Court's reply to a reference from Madras on the subject shall have been received. Memorial from Lieutenant Colonel Atkins, acting Chief Engineer praying that a second Lieutenant Colonel may be allowed to his corps, that the allowance thereto may be equalized with those of the Madras Engineers, and that the privileges

PARA. 6th. For the reasons adduced by the Commander in Chief in his Minute of the 2nd July, 1817, we authorize you to appoint one additional Lieut. Col. of the Engineer corps of your establishment, and to discontinue the rank of Lieutenant in that corps, according to his

of the corps may be protected from the intrusion of Officers of the lines subsequently forwarded, with recommendation of the Commander in Chief that the application for an additional Lieutenant Col. may be complied with, and that the rank of Capt. Lieut. in the corps may be abolished. Remarks of the Commander in Chief on the grievances complained of by the Engineers, and on the proposition of attaching the Pioneers to the corps as sappers and miners detailed.

104 to 6. The Officers of His Majesty's 56th Regiment granted a gratuity of three months full batta on the occasion of their departure for Europe, and a G. O. issued expressive of the high sense entertained of their services in India.

32nd. We have always understood that a General Regulation existed at all the Presidencies requiring Officers before obtaining furlough to Europe, to produce a certificate from the Paymaster General that no demands existed against them in the pay department.

33rd. On referring to the Code of Bombay Regulations published by Captain Moore, we find such Regulation distinctly specified under the head of furlough.

35th. We also direct that this Regulation be extended to His Majesty's Officers as well as the Company's, according to the practice long established in Bengal.

41st. The widow of the late Major Beighton, of the Artillery, recommended to be admitted to the benefit of Lord Clive's Fund.

43rd. As this appointment was deemed necessary by the Commandant of the Subsidiary Force at Poonah and by the Supreme Government we shall not object to it.

44th. Daniel Fallon of the Artillery and D. Ingles of the European Regiment, appointed on the recommendation of the Medical Board Sub-Assist. Surgeons on board the Cruizers Psyche and Ariel, employed in the Persian Gulph, and allowed 3 Rupees per diem each.

94 to 6. The Offices of Adjut. and Quarter Master of Artillery united, in pursuance of Court's orders of the 15th May, 1815, Minute of the Commander in Chief of the ill effects which will result from the measure, if a Brigade Major be not appointed to the corps submitted to Court's consideration.

Staff Pay per Month	Rupees 124
Allowance for a Writer	40
Ditto for Stationary	20
Ditto for a Horse	30

Total per Month, Rupees . . 214

100 to 2. Ensign N. Forster, the Senior Ensign of Infantry, transferred at his own request, to one of the vacant Lieutenancies in the European Regiment, there being no Ensigns on the strength of that corps; and a G. O. published, extending the principle of such transfers to all corps of Infantry. The other vacant Lieutenancies in the European Regiment to be thus filled up on the 1st October next.

116 and 17. Officers in Command of Flank Battalions consisting of not less than six companies each, to be allowed the

recommendation and to our orders to the Bengal Government of the 8th November, 1814.

29th. We are of opinion, that an indulgence of the nature of that which you granted to the Officers of His Majesty's 56th Regiment is liable to great abuse if drawn in to precedent, and we direct that no similar indulgence be granted hereafter, unless it shall appear to be required by the peculiarity of the situation in which Officers shall have been placed by the orders for embarkation, in which case the special circumstances which induce the grant of the indulgence shall be distinctly expressed in the General Orders issued on the occasion.

41st. We have admitted Mrs. Beighton to the benefit of Lord Clive's Fund.

43rd. As this appointment was deemed necessary by the Commandant of the Subsidiary Force at Poonah and by the Supreme Government we shall not object to it.

We have no objection to the measure reported in this PARA. of appointing D. Fallon and D. Ingles to act as Sub-Assist. Surgeons on board the Cruizers Psyche and Ariel, but it is our positive direction that they be not promoted to the Regular Branch of the service.

60th. We are of opinion that the reasons given by the Commander in Chief, for appointing a Brigade Major to the corps of Artillery at your Presidency, are deserving of attention; and we accordingly authorize you to appoint a Brigade Major to the corps of Artillery, with the allowances fixed for Brigade Majors by our Military letter of the 5th May, 1815, namely,

63rd. We consider the principle of this arrangement to be judicious, and consequently approve it.

batta of the superior rank, in conformity to the system adopted in Bengal.

119 to 23. Tobacco sold in the Military Bazaars exempted from taxes at Madras, in consequence of representations that the Coast Troops serving with the Poonah Subsidiary Force, sustained inconvenience and loss from the price of that article; and it not being thought advisable to make any exception in their favor; the pecuniary loss it is stated cannot be great, while the concession will be highly gratifying to the troops.

76. Captain Lechmere C. Russell, belonging to your establishment, has our permission to remain in England, until the departure for Bombay of the last Company's ships of the present season, 1818-19.

BOMBAY CASTLE, 1ST MAY, 1819.

The furlough to Malwan, granted on the 15th ultimo, to Capt. Morison, Commanding at Bascoote, cancelled at that officer's request.

The following native officers are appointed to the situation of Syrang and Subadar Majors, conformably to the General Orders of the 27th November last.

Rank.	Names.	Corps.	Date of Appt.
Syrang	Sumsee Sutar	Artillery	27th Nov. 1818.
Subadar	Spaik Ahmed	2nd Bat.	2nd Regt. Ditto.
Do.	Dewjee Gogg	1st do.	5th do.
Do.	Rama Lalla	2nd do.	5th do.
Do.	Arjoon Candeker	2nd do.	7th do.
Do.	Noor Mahomed	2nd do.	8th do.

BOMBAY CASTLE, 3RD MAY, 1819.

The Hon'ble the Court of Directors having been pleased to authorize an additional Lieutenant Colonel to the Corps of Engineers, by their commands of the 14th of October last, the following promotions are ordered to take place in that Corps from the date of the receipt of the above mentioned despatch at this Presidency.

Engineer Corps.

Senior Major and Brevet Lieutenant Colonel W. Brooks, to be Lieutenant Colonel; Captain and Brevet Lieut. Colonel W. Cowper, to be Major, Lieut. and Brevet Captain J. Nutt, to be Captain, Ensign J. Jopp, to be Lieut. and acting Ensign Samuel Heming, to be Ensign on the augmentation.—Date of rank, 1st April, 1819.

In pursuance of the Honorable Court's Commands, conveyed in their letter of the 13th October last, allowing a Brigade Major to the Battalion of Artillery, the following appointments,—ordered to take place.

Battalion of Artillery, Captain Edmund Hardy, to be Brigade Major.—Date of appointment 28th April, 1819.

Messrs George Yeadell, cadet for Artillery, and J. W. Robertson, cadet for Infantry, who arrived on the 10th ultimo, in the licensed ship Lady Boringdon, having produced Certificates from the Secretary at the East India House of their respective appointments for this Presidency, are admitted on the establishment, and appointed, the former an acting Lieut. Ensign, and the latter an Ensign, from the date of their arrival.

The Right Honorable the Governor in Council is pleased to appoint Lieut. Frederick Lester to be Adjutant and Quarter-Master to the Battalion of Artillery, agreeably to the orders of the Hon'ble Court, published in General Order of 8th November, 1815. Date of appointment 1st of March last.

Mr. Assistant Surgeon Coates Bell, nominated to succeed Mr. Hyne as Surgeon at Bagdad, and Mr. Assistant Surgeon Hatl, appointed to the Medical duties at Bassorah, in General Orders of the 1st and 19th December last, are directed to join their respective stations without delay.

Mr. Assistant Surgeon Roy, is appointed to succeed Mr. Hall, to the charge of the Medical duties in Kattywar.

By Order of the Right Hon'ble the Governor in Council,
J. FARISH,
Sec. to Government.

BOMBAY CASTLE, 22ND APRIL, 1819.

By the Right Honorable the Governor in Council.

Mr. G. Darley, Conductor of Ordnance, is allowed a furlough to England on sick certificate, for a period of three years from the date of his embarkation.

BOMBAY CASTLE, 26th APRIL, 1819.

Assistant Surgeon Edmund C. Harrison, having returned from the Gulph of Persia, is directed to resume his situation of deputy medical store-keeper at the Presidency, from the 17th instant.

The Governor in Council is pleased to confirm the appointments made by Brigadier General Smith, G. B. on the 19th instant, of Captain James Morse, of 1st Battalion 7th Regiment Native Infantry, to be Brigade Major to Lieutenant Colonel Cox's Brigade, vice Lieutenant A. Morse, resigned, and of Captain Elder of the Honorable Company's European Regiment to officiate as Brigade Major to Lieut. Cox's Brigade, till Capt. James Morse can join from a distant service.

Published by Order of the Right Honorable the Governor in Council,
J. FARISH, Sec. to Govt.

BENGAL HURKARU.

CALCUTTA.

TUESDAY, JUNE 1, 1819.

No arrivals from sea were reported yesterday, and we regret to find that our sources of domestic intelligence are entirely unproductive.—The *Ceylon Gazette*, of the 1st ultimo, which reached us yesterday, affords nothing to compensate for the dearth of news in our more immediate vicinity.

On Sunday forenoon, after divine service, a collection was made at the Old Church, for the benefit of the Church Missionary Society, which amounted, as we understand, to 2000 rupees or upwards. A very excellent and appropriate discourse was delivered on the occasion, by the Rev. Mr. Thomason, from Zechariah, chap. 6, verse 10, "Who hath despised the day of small things?"

At the sale of Stud Horses, which took place on Saturday, at the Durrumtollah Repository, the whole amount for which they were knocked down reached to within a few rupees of 20,000, thus making the average price of each about 1000.

From a respectable correspondent, to whom we are largely indebted,—we have received the following communication respecting the Politics and Occurrences at the Courts of Native Princes and Chieftains:

May 4, 1819.

JEIPORE.—On the death of the late Rajah (Jugget Sing, Seware) one of his wives (Buttamee Jee); was with child. She was lately delivered of a fine boy, who the principal Rance has gone through the usual ceremony of adopting and declaring to be the legitimate and legal heir of the deceased Rajah. This Rance is of the Joudpore family; her name is Rattore Jee, and she has named the young infant Jie Sing Seware, after his great ancestor.

The boy Mann Sing, set up by Mohun Ram Nazir, has been set aside on a jagier of ten thousand rupees per annum. Mohun Ram has also been removed from office; his conduct in having set up the deposed boy having given great offence to the Rance and other ladies of the Haram, as well as to all the principal Takoors and relations of the family. The Takoors Chand Sing, Byaee Saul, Fongee Ram, and Rao Chutter Bhoje, form the Rance's Privy Council, and transact the affairs of the State under her direction.

Sir David Ochterlony arrived last month, some days before the birth of the young Rajah. He called over from Nusserabad four troops of the 2nd Regiment of Cavalry, and two Battalions of Sepoys, to countenance the changes which have taken place, and which have been effected without any kind of disturbance, to the universal satisfaction of the inhabitants of Jeipore, the family Takoors, &c. &c. Sir David's conduct on this occasion has been highly gratifying to all classes of the natives, and has added greatly to his popularity among them.

The other Mann Sing, on hearing of Sir David's leaving Delhi, set out from Gwalior for Jeipore, to submit his claims to the Mussul; but on his arrival at Kurrowly, he heard of the birth of the young Rajah, and there halted. This man is represented as enormously fat—and indeed so is Mohun Ram. They ought, according to Cæsar, to be harmless people, and not ambitious.

LAHORE.—Runjeet Sing, the Lahore Chief, has again assembled his army, and put in motion towards Cashmere. The advance is commanded by his eldest son Curruck Sing. This, it seems, is the most favorable season for penetrating that country, but Runjeet Sing encourages his troops, by assuring them that many of the Cashmere Sirdars will join him and give up the place without making resistance. This, however, is very doubtful.

CABUL.—Mahmood Shah, who for some months was reported dead, is still alive at Candahar, but confined with sickness and unable to move. Sujāt Ulmulk's progress has been arrested at Dera Ishmael Khan, by the want of resources. He has got possession of a small district there, upon the revenues of which, he and his followers subsist. Without money they cannot get forward. The opposing party are equally destitute of resources, and equally helpless; and the Afghan Sirdars have no wish to assist either—each preferring a kind of independance in his own little district, to a master over the whole; hence there appears little prospect of the kingdom of Cabul being united un-

der one head, unless some friend steps forward with a few lacks of rupees to support the pretensions of Sujāt Ulmulk, when the business would soon be settled.

DELHI.—The old King has for some time been in sad grief and tribulation, on account of one of his subjects having withdrawn his neck from the yoke of obedience, and assumed Royal titles;—coining Rupees without acknowledging the Great Mogul's supremacy: an act of rebellion never perpetrated since the day of Akbar, except by Tipppo.

سکہ زذبر میم و زرا از فضل رب العالمین
غمازی دین محمد حیدر شاہ زمین

Such is the title assumed with the Ensigns of royalty, and what adds to his Majesty's grief, and vexation, on the occasion of their gross insult on the dignity of the legitimate descendant of the Great Timour. Sir David is absent at Jeipore, through whom a reference to Government is meditated.

GWALIOR.—Appa Saheb, the Ex-Rajah of Nagpore, has for some time been in the neighbourhood of this place, protected by a principal Sirdar of Scindiah's.—Jeswunt Rao Lar, late Killadar of Asseer Gurh, is soon expected; and it is rumoured, that he had private orders from his master to defend the place to the last extremity—and that he will be put to death for disobeying these orders in giving up the place so easily!

Dyaram, the Ex-Rajah of Hattras, passed that place a few days ago on his way to Fatty Gurh. He is protected by a pass from Sir Edward Colebrooke, who is authorized to make a provision for the subsistence of this old man, who looks most wretchedly. Though in coming down he passed close to Burtpore, he had no communication with the Rajah or any of his people. So cautious is the Rajah of giving offence.

[Ind. Gaz. May 31.]

Having directed the attention of our readers to the piratical depredations, committed by American subjects on the Atlantic ocean, and winked at, if not countenanced, by the Government of the United States, it is proper to bring also to their notice an instance, in which crimes of a horrid nature, perpetrated on the high seas, have been subjected by them to the scrutiny and visitation of the laws. It will be recollected, that some time ago, the American papers announced the circumstance of a schooner having reached Scituate, as a prize to a Buenos Ayrean privateer, and having been deserted by the persons who navigated her. On their apprehension it was found that the prize-master and his mate had been thrown overboard by some of the crew, who endeavoured afterwards to reach Baltimore, but from ignorance made a different landfall, and then endeavoured to escape investigation by flight. When examined, three of them were bound over for trial before the Supreme Court of the State, but that court declined to take cognizance of the case, as not coming within their jurisdiction, and they were subsequently brought to trial before the Circuit Court of the United States. The following is a report of the trial, to which we have only to add, that the measures, which they adopted at its conclusion, were not expected to relieve them from the punishment so justly due to their crimes.

UNITED STATES, vs. Wm. Holmes, Thos. Warrington and Edward Rosewain.

Indictment for murder of a person named Reed, on the "high seas."

Present Hon. Joseph Story, Circuit Judge, and Hon. John Davis, District Judge on Massachusetts.

The District Attorney (George Blake, Esq.) opened the prosecution by a brief and impressive statement of the facts, in support of which he called as his principle witness, Thomas Harrison, who swore in substance as follows

On the 4th of July last, he was on board the schooner which arrived at Scituate some time since. Reed (the person named in the indictment) was master, and a person called Joseph, was mate. On that day, the crew had some liquor and became rather intoxicated. About 10 o'clock in the evening, a violent quarrel took place between Holmes, one of the prisoners, and Joe, the mate.—The quar-

rel, however, subsided; and Holmes went forward. Two hours after, the witness heard Rosewain propose to throw the master and mate overboard, to which Holmes acceded. Holmes went below, and in a few minutes brought up a large file, sharp at the point. He and Warrington went aft, where they found the mate asleep on the quarter deck. They took him, one by the head and the other by the feet,—and threw him into the sea. The cries which the mate uttered upon reaching the water, brought up the master from the cabin, who immediately gave orders to back the topsail. The witness sprang to execute the order; and the master jumped on to the hen-coop, to see who was in the water, when Holmes and Warrington seized him by the heels and pitched him over the rail of the vessel. He, however, caught by a rope and hung by it; when Holmes leaned over and stabbed him several times with the file. Finding they could not make him lose his hold, the rope was cut, and he dropped into the water.—Nothing more was heard or seen of the master or mate, and no vessel was in sight at the time. Rosewain took the command of the vessel, and changed her course, intending to enter the Delaware. They, however arrived at Scituate on the 30th August.—Finding where they were, the crew deserted the vessel and dispersed. They were all apprehended in the course of the next day, when the witness made a statement of the transaction.

In the course of the cross-examination, he stated, that he was put on board the schooner mentioned, as part of a prize crew. That the schooner was captured off Cadiz by two privateers, viz. the Buenos Ayres and the Tucuman; to one of which the witness belonged. That the privateers were publicly fitted out at Buenos Ayres, and shipped their crews there. That they sailed in company on a cruise, and had molested none but Spanish vessels. But that one of the privateers was formerly owned in Baltimore, and he did not know whether she had since been sold. The prize was Spanish built, when captured, was manned by a Spanish crew and commanded by a Spanish captain, but he never saw her papers. That the night of the 4th July was star-light, and as he stood at midships he had a fair view of the transaction on deck. That the prize crew consisted of the two deceased, of the three prisoners, Chappel and himself. There were on board five Spaniards; three of them part of the original crew of the schooner;—the other two were priests, and passengers from Lagnira to Cadiz. The Spaniards were below at the time the murder took place. They were afterwards put ashore at one of the Cape de Verd Islands.

Thomas Chappel was the next witness called on the part of the government. He stated that he was on the fore-castle at the time the alleged murder took place. That it was a cloudy night, and so dark that he could not see what took place on the deck, and that he could not see where Harrison stood.

It was stated by the witnesses, that Rosewain was an Englishman, Holmes a Scotchman, and Warrington a citizen of Connecticut. Both the witnesses belonged to Baltimore.

The Counsel for the prisoners (Wm. J. Spooner and James T. Austin, Esqrs.) contended—That the government's testimony was not to be credited. Harrison's own account of his former habits of life—he having formerly been on board a privateer owned in Baltimore, and fitted out there for the purpose of preying on the property of a nation with whom we were at peace,—showed that he was a man whose moral feelings were not very nice, and who should be listened to with caution, even if he had given a probable and consistent narrative. But his story was in itself incredible. The witnesses did not pretend that the prisoners discovered any inclination to plunder the vessel; and no motive was or could be assigned for the commission of the foul crime with which they were charged. The two witnesses had contradicted one another in several particulars. Harrison swore that it was star-light, and that as he stood a-mid-ships he could distinguish persons on the quarter deck and see all that they did; whilst Chappel stated that it was a cloudy night, and so dark that he could not see how many were on the deck, and could not even see where Harrison stood. Other contradictions were pointed out. But if such a transaction as Harrison related, did take place, he was an accomplice. It was evident from his not having alarmed the rest of the people on board. He stood a silent spectator of the horrible tragedy; when, by joining the master, or by calling to Chappel or alarming the five Spaniards below, he might have prevented the catastrophe. If the jury suspected him of being an accomplice, they were bound to reject the whole of his testimony, he having made no confession of his own guilt. But whatever the jury should think of the facts, it was argued as the next point of the defence, that the Courts of this country had not cognizance of the offence. It had recently been decided in the case of *United States vs. Palmer*, that an offence committed on board "a vessel belonging exclusively to subjects of a foreign State," was not "punishable in the Courts of the United States." The indictment should therefore have alleged that the vessel on board of which the offence was committed belonged to American citizens. Having omit-

ted to do this, it did not appear that the Court had jurisdiction of the cause. But if the government were not bound to allege this fact, at least they were bound to prove it. The burthen of proof was always on the prosecutor to show, that the prisoners had violated some law of the country. It was reasonable and proper that the evidence on this point should come from the government. If the vessel were American, the evidence of its character was in the country, and consequently under command of the Court. But when the vessel was foreign, it would generally be out of the waters of the United States; no proofs from the Court, could assist the prisoners in obtaining the evidence; and without such assistance men poor and friendless, like those at the bar, could not obtain it. The government had not proved the fact; they could not prove it. On the contrary the Counsel, warmly contended, that the facts stated by the witnesses were sufficient to prove the Schooner had been a Spanish vessel, prize to Buenos Ayrean privateers. That the jury were bound to estimate the evidence by the rules of common sense; and if the facts which had been stated were sufficient to convince them as men, it was absurd to doubt as jurors.

Mr. Blake in reply—went into an examination of the arguments which had been urged on the other side. As to the contradictions between the two witnesses, (if any existed,) they were only sufficient to show that there was no concert between them. In all the material facts they agreed. Unless the jury believed both the witnesses perjured, they must believe the prisoners to have committed the murder. He urged the improbability that two men between whom there appeared no concert, should each have conceived the idea of taking the lives of three of their fellow-beings by cool and deliberate perjury.—And although the employment in which Harrison acknowledged himself to have been formerly engaged, was not to be justified; yet considering the youth of the witness (he being but 24 years old), the numerous examples which had unhappily been set him, in the place to which he belonged, might offer some palliation of his offence. As to there being no motive for the conduct of the prisoners, if they did not attempt to sequester the property on board, it was because they arrived at Scituate, instead of entering the Delaware, as they intended. As to the alleged omission in the indictment—the Statute upon which the indictment was founded, merely mentioned offences committed on the "high seas" and said nothing about the vessel.—Offences might be committed on the high seas, without being committed on board a vessel, of which our Courts would have jurisdiction. The prisoners having been proved to have committed a murder, it was for them to show that the vessel on board of which they committed it, was exclusively under the jurisdiction of a foreign state.—This they had not done. He protested against the principle advanced on the other side, that the jury were to decide, on this point as they would about the ordinary transactions of life. It might be safe on common affairs to trust to belief, surmise, and conjecture. But there were general rules of evidence, by which the jury must be bound. "The best evidence the nature of the case admitted of" ought to have been produced. He therefore called for the commission of the capturing vessels, or at least for exemplifications of them attested by a proper officer of State. He felt bound to call for such evidence especially at the present time, when the ocean was crowded with vessels wearing the Patriot flag without a right to do so, and exercising all the rights of belligerents with forged commissions or with none at all.

After the arguments, the Court adjourned to the next morning. On Tuesday his Honor, Judge Story, delivered a luminous and elaborate charge, in which, after having recapitulated the evidence, and the principles of law which applied to it, he noticed the legal points of the defence. He stated "that the fact having been proved to have been committed on the high seas, the jurisdiction of this Court attaches, unless it is shown that the vessel is under the jurisdiction of a foreign state." He farther told the jury, that the facts which had been relied on as proving the national character of the schooner, and of the vessels by which she was captured, were not the kind of evidence the law required, and consequently that the jury were not to regard them.

After being out for two hours and a half, the jury returned a verdict of Guilty against each of the prisoners.

A motion for a new trial has since been filed by the Counsel of the Prisoners, under which the legal points of the case will be more fully discussed.

The statements which are given in the following account of Missionary investigations on the continent of America, must prove acceptable to all who wish well to the benevolent exertions of the pious and philanthropical.

MISSIONARY TOUR.

We have been favoured with the Report of a Missionary Tour through the back settlements of the United States, lying west of the Allegany Mountains. During the whole journey of the Missionaries, S. J. Mills and D. Smith, in 1816, bibles were every where scarce and greatly wanted.

Not a bible was to be purchased at New Orleans. The inhabitants of Florida, which are principally Americans are generally without the Scriptures. This is so generally the case throughout the United States, that not less than half a million of bibles are supposed to be wanting to supply them.

The following circumstance will be highly gratifying to our readers, and particularly to the members of "The Naval and Military Bible Society." The British soldiers when sent to America in the last war, were supplied with bibles and testaments at their embarkation by the above Society; but on the assault on the lines at New Orleans, they left their heavy baggage in the camp, and about 400, who were taken prisoners, were found wholly destitute. The Bible Christians in America visited them in prison, and distributed among them both bibles and religious tracts, as well as among their own sick soldiers in the hospital.

At the return of these prisoners on the close of the war, Mr. Mills had the curiosity to examine whether they had taken their bibles; "but not a bible, nor the remnant of a religious tract was left." A servant informed him, "that he saw them packing them up in their knapsacks a little before their departure."

On the distribution of French testaments at New Orleans among the Catholics, we were pleased with the following instance of Catholic candour and liberality in the Bishop. A poor woman called on him, and presenting him a book with much anxiety, enquired, "Good father what book is this?" "It is the history of the Evangelists—the Gospel." "But is it a book you would recommend to your people?" "It is a Protestant version (replied the Bishop) such as Calvin would have translated it." "Good father (said the woman) keep the book." "My child, you may retain the book if you please. Read it with care, and should you find in it any thing contrary to the Catholic faith, you will bear in mind that it is a Protestant version."

The Bishop regretted that this edition was not taken from the Catholic version printed at Boston in 1810; but added, that he should "prefer to have the present version in possession of his people, rather than to have them remain entirely ignorant of the sacred scriptures."

Speaking of the Methodists, and their zeal in distributing books of piety, these travellers say, "This energetic Society sends out an immense quantity of these books. We found them almost every where. In the possession of the obscurest families we often found a number of volumes. There had been sent into the Illinois territory, as we were informed by a respectable Methodist gentleman, seventeen hundred dollars worth of their books. These were designed to supply the western part of that territory; and the avails of the sales, as we understood, were to be laid out in furnishing more books. In the interior of the Mississippi territory, Mr. Smith found three or four boxes of these same books deposited at one house for sale. If this society bestow a proportionate attention on the other territories and states, the amount of books sent annually into the western country must be very great. It puts to the blush all the other charitable Institutions in the United States."

While the Bible Societies are extending their exertions at home, we find that many of their most active members undertake to traverse the continent of Europe for the purpose of directing their personal services to the furtherance of the general design. At the same time that their exertions are successful and gratifying, their intentions and tenets are strangely interpreted by the foreign journalists, as may be seen from the following paragraphs.

BIBLE TOURISTS.

Among the foremost of the Bible Tourists may be ranked Messrs. Drummond and Haldane, (the former a banker, and the latter once an East-India Captain.) Mr. Drummond has lately returned home, and we hope his example will animate many others. The foreign papers frequently notice these, but by the awkward way in which they mention them, betray the grossest ignorance both of their character and object. A letter from Berlin dated the 12th ult. says "Mr. Pinkerton, agent for the English Methodists and their Bible Society, has arrived here. This sect daily gain ground in Germany, particularly among the lower classes, even in the Catholic countries. They pretend to revive the ancient zeal for the exterior practice of religion, the strict observance of Sunday, and austerity of manners."—Mr. Pinkerton is the agent of the British and Foreign Bible Society, and travels with the particular sanction of the Emperor Alexander, whose zeal in the distribution of the Scriptures and the instruction of mankind, is perhaps equal to that of any Missionary engaged in their actual dissemination.

A French paper says, "Several emissaries have recently arrived in Paris, from the English Society in

London for the conversion of the Jews, either to the Protestant Calvinist, or any other Christian sect. They have had several interviews with some persons who interest themselves much in religious affairs." Now the fact is, that the object of these emissaries is not to make converts to any sect, but to Christianity and the Bible; and the success they meet with is equal to their most sanguine expectations.

MR. OWEN'S MEMORIALS.

In our paper of the 13th instant, we inserted the first part of Mr. Owen's preliminary explanations of the three general results specified in the Appendix to his first memorial. We now complete his system of introductory exposition, by laying before our readers Parts II. and III.

Memorial of Robert Owen of New Lanark, in Scotland, to the Allied Powers assembled in Congress at Aix-la-Chapelle.

PART II.

Preliminary Explanations of the Second General Result stated in the Appendix to a Memorial addressed to the Governments of Europe and America, by Robert Owen.

STATEMENT.—"That the period is arrived when the principles of the sciences are become obvious, by which, without force or punishment of any kind, the rising generation may be, with ease and advantage to all, surrounded by circumstances which shall form them into any character that society may predetermine; and if any defect shall afterwards appear in those characters, except what nature has made uncontrollable by human means, the cause will not be in the individuals, but it will be solely owing to the inexperience of the parties who attempt to put those invaluable principles into practice."

General Preliminary Explanations of the foregoing Result.

It is a fact, obvious to our senses, that children are born with certain faculties and qualities, or with the seeds or germs of them, and that these combined constitute what is called human nature.

In conformity with what appears to be an universal law in the creation, these faculties and qualities differ in each individual, in strength and in combination, and to so great an extent as to render it highly improbable that any two infants have been or ever will be born alike.

It is also a fact obvious to our reason, that whatever these powers may be in each child, he could not create the smallest part of them; they are formed for him by Providence, by nature, by that power, whatever name men may give it, which creates him, and whether those faculties and qualities are inferior or superior, it is contrary to reason to say that the infant can be entitled to merit or deserve any blame for them.

He has received his natural constitution, as the lamb and the tiger have received theirs; and there is precisely as much wisdom in finding fault with the one as with the others.

The child is also born in some country, of parents belonging to some class, and who possess characters peculiar to themselves.

Oyer these circumstances also the child can have no influence whatever; each of them has been predetermined for him before he possessed power of any kind.

These circumstances, however unheeded they may be by ordinary minds, have hitherto fixed,

First,—Whether the child shall be a Jew, a disciple of Confucius, a worshipper of Juggernaut, a Christian, a Mahomedan, or a savage, a cannibal. Second,—To what country he shall belong, and, in consequence, what national prejudices shall be forced upon him.

Third,—What sectarian notions, if any, shall be impressed on his mind.

Fourth,—What language he shall be taught, for it influences character more than is usually supposed.

Fifth,—In what class he shall be trained.

Sixth,—What peculiar habits and notions he shall imbibe from his parents, and those immediately around him in childhood.

So completely indeed has he been hitherto enveloped within these various mediums, that it is unlikely a single individual has yet been able to resist their influence, except to a comparative slight degree, even aided by the infinite variety of natural faculties and qualities which have been given to children in every part of the world. Now, however, with the experience acquired, society may form new circumstances around children in every part of the world, which shall enable them to pass this six-fold barrier of error and prejudice.

It is true, the power of society over the individual is not without limit, it cannot recreate altogether, and change the

THE BENGAL HURKARU.

natural faculties and qualities which are given to children at birth, nor can it make those faculties and qualities in children superior, which nature has originally made inferior; but the power which it has already gained by experience, over human nature, may be so applied as to effect every purpose that can be rationally desired. Such, indeed, is the overwhelming influence which experience has now given to society over the rising generation, that it may surround children from their birth with new circumstances, which shall form each of them bodily and mentally in such a manner, that his habits, disposition, and general character shall be greatly superior to the habits, dispositions, and general characters which the circumstances of birth have yet formed for man, in any part of the world.

He may also, by the same means, be so trained, placed, and employed, in proper unity with others, and aided by mechanical, chymical, and other scientific power, that he shall create a surplus of new wealth or property far beyond what he can or will desire to retain for his own use.

Under these circumstances, until the whole earth shall be well cultivated and the seas refuse to furnish additional food, each child born in the working class will become a great gain to society; and these beneficial changes may now be created with much less expense and trouble than are required to continue the present defective and most injurious arrangements.

It is to be particularly remarked, that these statements are not founded and supported upon mere theory; the memorialist has acted upon these principles for many years, and all the practical results have exceeded his most sanguine expectations. He has proved by the most decisive experience, the vast, the incalculable superiority of legislating for the arranging of circumstances, over the past and present perille system of legislating for individuals, and allowing the circumstances to remain unchanged. It is truly laying hold of the wrong end of the lever.

Some uninformed, inexperienced, and prejudiced persons have lightly and hastily concluded, that your memorialist, is a visionary, and therefore he occupies himself with public affairs. Whenever the subject shall be thoroughly investigated to its foundation, it will be found the fact is not so. He has long witnessed the happy effects or the principles which he recommends, even very imperfectly executed in practice; and, in consequence, he cannot but feel anxious to see them generally introduced, and acted upon in all countries, in which there are any who are poor, ignorant, and unprovided with proper employment.

At New Lanark, in Scotland, the memorialist, while opposed by all the prejudices of birth existing in that part of the world patiently and silently for many years occupied himself by withdrawing some of the old circumstances which he found injurious to the well-being of his little colony and with arranging new ones, within which 500 or 600 children and young persons are now daily educated, without punishment or individual reward of any kind; and their habits, dispositions, and general character are allowed by strangers who visit them to be superior to the general habits, dispositions, and character of the same class to be found elsewhere.

And about 1,000 persons of this colony are daily employed, who, with the aid of scientific power as complete, much work, and in a better manner, as could be executed in Scotland, of the same kind, 40 years ago, by 160,000 persons; or one now with this now aid performs the labour of 100.

Extraordinary as this change may appear to many who are unacquainted with such kind of facts; society may now create new arrangements to train, educate, and employ the ignorant and unprovided of the working classes, under circumstances far more advantageous for them and for the public, than it was in the power of the memorialist to accomplish. He commenced his task without education; without friends who could render him any assistance, and without fortune; and he has been opposed in his whole progress by the mistaken notions of the world.

If, then, an individual of ordinary capacity, thus circumstanced, could create the arrangements which have been stated, solely because he was influenced by principles which are true, and in strict unison with nature, how much more could have been effected in the same time, for the improvement of society, by an individual so influenced, if he had possessed superior natural talents, a good education, friends in power, and a fortune sufficient to enable him to put his knowledge into practice under all the proper circumstances, taking agriculture, instead of manufactures for the foundation of his new arrangements? Yet how much more could have been attained in the same period, for the permanent improvement of all classes, if, instead of an individual, the whole of society had been influenced by these rational principles, and had acted upon them?

With this explanation, it is surely then not too much to say—That the period is arrived, when the principles of the science are become obvious; by which, without injury to any, the rising generation of the working classes may be so trained, educated and employed, that they shall become whatever character society may deem the best; and create also more riches than can be useful or desired, both for private and public purposes.

Memorial of Robert Owen, of New Lanark, in Scotland, to the Allied Powers, assembled in Congress at Aix-la-Chapelle on behalf of the Working Classes.

PART III.

Preliminary Explanations of the *Third General Result*, stated in the appendix to a memorial, addressed to the Governments of Europe and America, by the memorialist.

STATEMENT.—That it is the interest, and that it will soon appear to be the interest, of each individual, in every rank, in all countries, that judicious measures should be adopted with the least delay, to secure those beneficial results in practice. It is, however, greatly to be desired, that they should be carried into effect, by general consent, gradually and temperately, in order that no party or individual may be injured by the changes which must necessarily arise.

General Preliminary explanation of the foreign results.

Your memorialist submits that, in the explanation of the first general result, it had been shown that the means have been discovered and brought into action, by which a great accumulation of wealth has been made, and by the extension of new scientific power that riches may be increased beyond any assignable limit. That in the explanations of the second general result, it has been shown, that the principles of the science are become obvious, by which, without violence or punishment of any kind, the rising generation may be, with ease and advantage to all, surrounded by (new) circumstances, which shall train them into any character that society may predetermine.

Under the existing arrangements of society, the mass of the people in all countries derive their subsistence through a nominal value of their labour, which rises or falls on the common commercial principle of supply and demand.

This arrangement served the purpose in a tolerable degree, while wealth was produced chiefly by manual labour, because the producer was also a consumer, by this means the supply of, and demand for, labour was adjusted.

But it has been shown that latterly a power of production, unlimited in extent, and which scarcely consumes at all, has been introduced; that it has already created a most unfavourable disproportion between the demand for and supply of manual labour, and in its daily undirected progress, this disproportion will go on increasing.

EUROPEAN EXTRACT.

COURT OF EXCHEQUER—SATURDAY, NOV. 14.

THE KING v. SLOPER AND ALLEN.—EXTENTS FROM THE CROWN

The ATTORNEY-GENERAL on a former day obtained a rule, calling on the Sheriff to pay over to the Crown a certain sum of money which he had in his hands, the property of the Defendants, in satisfaction of a debt due from them to his Majesty.

Sir WILLIAM OWEN, on the part of Messrs. Morland, bankers, opposed the motion. It appeared that Messrs. Morland had obtained a verdict against the defendants, and had entered up judgment, sued out execution, and placed it in the hands of the Sheriff, who had levied under it. Three days after the levy was made, and before the goods were sold, his Majesty came in with his writ of extent. The Sheriff, however, on the part of Messrs. Morland, retained the money which was the proceeds of the goods, on the ground that they, having obtained their judgment and execution before his Majesty's writ came down, the Crown was ousted. Sir Wm. Owen, in a long and elaborate argument, contended now, that the Sheriff was right in his decision; that the Crown could have no claim after a subject had obtained judgment; and, in the course of his argument, cited various cases in support of this opinion.

The ATTORNEY GENERAL, on the other side, contended, that by the law, as decided after solemn argument in the case of the King and Allnutt, that the King's writs had priority over all others, and at all periods previous to the actual change of property. He contended that the taking of the goods by the Sheriff did not at all divest Sloper and Allen of the property in them. They were still their goods, and only in the legal custody or possession of the Sheriff, for a purpose to be afterwards carried into effect, namely, for sale, in order that the proceeds might be applied to payment of a debt due from the defendant to Messrs. Morland. The King's writ came down before that circumstance took place; and therefore, according to the rule laid down in the King and Allnutt, in which case the Judge held, that up to the change of property actually taking place, the King's writ should have precedence of all others. Had the sale taken place only one minute before the King's writ arrived, he was ready to acknowledge the King would have been ousted; but as it was, he contended his motion was well founded.

The Court, after hearing the argument, decided that the Attorney-General was entitled to his rule. The case of the King and Allnutt was decided fourteen years ago; the Court had acted on it ever since; and until it was impeached, by some motion for its reconsideration, the Court would not depart from the rule there laid down.

The rule, calling on the Sheriff to pay over the money, was made absolute.

SHIPPING INTELLIGENCE.

CALCUTTA, MAY 31.

DIAMOND HARBOUR.—Remain the *Cambridge*, *Antionette*, and *Friendship*.

Coolutchmee passed up.

KEDGEREE.—*Feniscowles* and *Cudbert Thornhill* gone down.

Pascoa below Kedgerree.

NEW ANCHORAGE.—Remain the *Ramdooll Day*.

MADRAS.

ARRIVALS.—May 2nd, ship *Admiral Drury*, Johnson, from Calcutta 1st March, and Masulipatam 14th April.

Passenger, Mr. Paul Jalla, an Italian.

May 3rd, brig *Wasp*, Chick, returned from sea at Ennoe

May 4th, ship *Perseverance*, Greig, from Mauritius 28th March, and Covelong 3rd May.

Passenger, Wm. Cooke, Esq.

Brig *Anna Catharina*, Barbet, from Trincomalee 28th April.

Passenger, Mr. Sayneme.

May 5th, ship *Friendship*, Wise, from Bombay 10th April, Tellicherry and Calicut 24th April.

Passengers, Mrs. Babington, Mrs. Shaw, Mrs. Barnard, Mrs. Wise, and 5 children.

May 10th, ship *Blenheim*, Shirley, from England, left the Downs 10th of December, 1818, and Isle of France the 10th April.

Ship *Richmond*, Horn, from Ceylon, and England 29th of June, 1818.

DEPARTURES.—April 30th, ship *Cumbrian*, Cooper, for Eskapilly and Calcutta.

May 1st, Schooner *Eliza*, Roy, for Rangoon.

May 4th, Ship *Sussex*, Trill, for West Coast of Sumatra and Penang.

May 5th, Ketch *Jane*, Dalby, for Vizagapatam and Calingapatam.

Brig *Lucy*, Monat, for Vizagapatam.

May 7th, Ship *Perseverance*, Greig, for Calcutta.

CURRENT VALUE OF GOVERNMENT SECURITIES

BUY	31st MAY, 1819.	SELL
12 As.	Six per Cent Loan Promissory Notes.	1 Ru.

VALUE OF SPANISH DOLLARS.

Sa. Rs. 205. 8. per 100 Spanish Dollars.

HIGH WATER AT CALCUTTA THIS DAY.

Morning	9 0
Evening	9 24

Births.

At Ellore, on the 19th ultimo, the lady of Capt. George Jackson, Commanding the Infantry Recruiting Depot, of a son.

At Arnes, on the 16th April, 1819, Mrs Penelope Malbon, wife of Captain R. Malbon, of the country service, of a daughter.

At Mattra, on the 15th ultimo, the lady of Captain S. Smith, 3d Regt. Bengal Light Cavalry, of a daughter.

At Vellore, on the 27th April, 1819, the lady of Gland Carriere Esq Garrison-Assist. Surgeon, of a son.

On the 1st instant, at Bangalore, the lady of Edward St. John Miltzay, Esq. of M. M. 22nd L. D. of a daughter.

Marriages.

On the 3rd instant, at Madras, John Arathoon, Esq. to Miss Margaret Baboom.

At Pondicherry, on the 21st April, Lieutenant Cammiade, to Mrs. Eugene Bonnesby.

Deaths.

On Sunday last, at the house of Mr. Chew, Mr. Robert Brown, Europe shop-keeper, Tank Square—a young man, who for the short period he was in this country, made many friends, by whom he is sincerely regretted.

At Madras, on Saturday the 1st instant, Mrs. Benjamin Johnson, aged 20 years.

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