



It has been Resolved, that all Advertisements which appear under the Signature of the Secretary to Government, or of any other Officers of Government properly authorized to publish them in the BOMBAY COURIER, &c. meant, and must be deemed to convey official Notification of the Board's Orders and Regulations, in the same manner as if they were particularly specified to any Servant of the COMPANY, or others to whom such Orders and Resolutions have a Reference
BOMBAY CASTLE, 21st SEPTEMBER, 1792

JOHN MORRIS, SECRETARY.

CIVIL DEPARTMENT SALE OF PRESENTS.

NOTICE IS HEREBY GIVEN, THAT at noon on Tuesday next, the 9th Instant, will be disposed of by Public Auction, at the Civil Pay Office, Some Dry Dates, Almonds, Wallnuts, Four Baskets of Sweetmeats, and Two Bottles of Rose Water, on account of the Hon'ble Company.

By Order of the Honorable
the Governor in Council,
JOHN WILLIAMS,
Civil Paymaster.

BOMBAY
CIVIL PAY OFFICE,
4TH APRIL 1811.

ADVERTISEMENT.

On WEDNESDAY, the 10th Instant,
At 11 o'Clock in the Forenoon,
WILL BE SOLD
By Auction,
AT THE ARSENAL,
SUNDRY

Unserviceable Condemned
ORDNANCE STORES,
BELONGING
TO THE HONORABLE COMPANY.

LISTS whereof may be seen at this Office. The lots to be paid for, and cleared away immediately, or refold at the risk and expense of the first purchaser.

WILLIAM SMITH,
Commissary of Stores.

BOMBAY
COMMISSARY'S OFFICE,
18 APRIL 1811.
By Order of the Military Board
W. NEWNHAM,
Secretary.

ADVERTISEMENT.

RECORDER'S COURT.

ECCLIASTICAL SIDE.
The Goods of the late Cornet ALEXANDER FOYERHINGHAM of the 4th Regiment Native Cavalry of the Madra Establishment, deceased.

LETTERS Ad colligendum bona defuncti being committed to WILLIAM KENNEDY Esq. the Registrar of the Court; all persons concerned in the said Estate re hereby apprized thereof. Ded 3d April 1811.

STEPHENSON, PROCTOR.

ADVERTISEMENT.

NOTICE IS HEREBY GIVEN, THAT Probate of the last Will and Testament of JAMES MILL ROBESON late of Bombay Mariner, deceased being Committed by the Honorable the Court of the Recorder of Bombay to CARLES FORBES, WILLIAM TAYLOR MONEY, DAVID DEAN, NGLA MICHE FORBES and JOHN JEWERT of Bombay Merchants trading under the name of FORBES and Co. at Bombay the Executors in the said Will named; all persons concerned in the said Estate hereby apprized thereof.

STEPHENSON, PROCTOR.
Bombay 1st April 1811.

Advertisement.

NOTICE IS HEREBY GIVEN, THAT Probate of the last Will and Testament of DOMINGAS DE ALMEIDA Widow late of Bombay Native Portuguese Inhabitant, deceased being committed by the Honorable the Court of the Recorder of Bombay to PEDRO DE MELLO the Executor in the said Will named; All persons concerned in the said Estate are hereby apprized thereof. Dated the 1st of April 1811.

STEPHENSON, PROCTOR.

ADVERTISEMENT.

CAPTAIN HULL, in Command of the 1st Battalion 4th Native Regiment, having taken charge of the Effects of the late Lieutenant W. E. HURST, of the same Corps, deceased; has, after paying the Funeral Charges, Servant's Wages, &c. remitted the Balance, Rupees Five Hundred and Sixty-one, Two Quarters and Seventy Reas, to the Sub-Treasurer at Bombay, to be deposited in the Honorable Company's Treasury.

Surat, 16th March 1811.

Advertisement.

In the Estate of Vice Admiral DRURY Deceased.

MESSRS. FORBES & Co. Agents to PETER PUGET Esq. Resident Commissioner of the Navy at Madras and Executor of the Will of the late Vice Admiral DRURY Commander in Chief &c. hereby request that all persons who have any claims upon, or who are indebted to the Estate of the deceased, will send in the Accounts thereof to their Office, that the same may be adjusted forthwith.

Bombay, March 22, 1811.

Bombay Civil Fund.

NOTICE IS HEREBY GIVEN,

THAT in conformity with the Regulations, the Annual General Meeting of the Subscribers to the BOMBAY CIVIL FUND, will be holden on Monday the sixth day of May next, at 8 o'clock A. M. at the House adjoining the Secretary's Office; when certain points connected with the Annuity branch of the Institution, and which have for some time past occupied the attention of the Committee, will be submitted for the consideration and determination of the Meeting now convened.

J. H. PELLY,
Acting Sec. and Accountant
Bombay Civil Fund.

BOMBAY
CIVIL FUND OFFICE,
APRIL 6th 1811.
N. B. Breakfast will be provided, precisely at 8 o'clock.

A CARD.

NEXT Friday being Good Friday, it is particularly requested that all Advertisements intended for insertion in the COURIER of Saturday the 3th may be sent to the COURIER OFFICE by 12 o'Clock on the Friday.

Advertisement.

CANTON INSURANCE SOCIETY.

THE Public are hereby informed that the above Society was established at Canton on the 1st of January 1811 and that Messrs. SHOTTON, CALDER & Co. are empowered to issue Policies, at the risk of the said Society on Ships, Vessels, or Merchandize, from Bombay to China.—The Policies to be made payable at the option of the Insured, either in Canton or Bombay.

Bombay, 23d March 1811.

ADVERTISEMENT.

AN Advertisement having appeared in the Couriers of the 16th and 23d instant, informing the public, that Messrs. SHOTTON CALDER & Co., are empowered by the CANTON INSURANCE SOCIETY "to grant Policies on Ships or Goods on account of that Society from Bombay to China,"

Messrs. FORBES & Co. as Agents for the CANTON INSURANCE COMPANY, established in the year 1806,7, and the only COMPANY for Insurances in China, till the 1st of January last, deem it an act of duty to their constituents; to acquaint the Public, that the said CANTON INSURANCE COMPANY, still exists, and to desire that notice may be taken of the distinction between the two Firms, lest the trifling difference between the terms COMPANY and SOCIETY, may occasion applications for Insurance to One Firm, which may be intended for the other.

Messrs. FORBES & Co. also take this opportunity of acquainting the Public, that as the period, for which the aforesaid CANTON INSURANCE COMPANY was formed, will expire on the 3d of January 1812 it has been determined to continue the association, for a further period of three years from that date, under the designation of the "OLD CANTON INSURANCE COMPANY," and the following are the Members who have already Subscribed viz.

GEORGE BARING,
GEORGE BLIGHT,
ROBERT BERRY,
CHARLES THOMAS,
PETER DOBELL,
C. C. MINTOSH,
Hon'ble HUGH LINDSAY,
PALMER & Co.
A. L. BARRETTO,
B. BARRETTO,
LUIS BARRETTO,
E. BARRETTO,
FORBES & Co.
JOHN STEWART,
PATRICK GARDNER,
WILLIAM TIERNEY ROBERTS,
DAVID BROWN,
CHARLES BLIGHT,
TARRACHUND MOTTICHUND,
AGOSIINHO DE SA,
DACKJEE DADAJEE,

Messrs. BARING & Co. of Canton, General Agents for the Company.

" PALMER & Co. of Calcutta, Agents for the Company in Bengal.

" FORBES & Co. of Bombay ditto ditto ditto in Bombay.

" PAXTONS, COCKERELL, TRAIL & Co. of London Agents for the Company in London.

FORBES & Co. Agents.
Bombay, 25th March 1811.

ADVERTISEMENT.

MR. JAMES FERGUSSON SAUNDERS, & Mr. JOHAN JACOB WIEHE beg leave to inform the Public, that they have entered into Copartnership, and established a House of Agency, under the firm of SAUNDERS WIEHE & CO. at the Isle of France, where they will be happy to receive Orders and Consignments from all parts of India, and hope by care and assiduity, to give satisfaction to those, who may favour them with their Commands.

Any further particulars respecting S. W. & Co. may be learned on application to MESSRS. PALMER & Co. Calcutta, MESSRS. FORBES & Co. Bombay, & MESSRS. ARBUTHNOT, D' MONTE & Co. Madras.

Advertisement.

PRIZE JEWEL LOTTERY.

THE undermentioned Prizes, drawn in the Lottery of Prize Jewels, which took place at Bombay in the year 1804-5, on account of the Army under the Command of the Hon'ble Major General ARTHUR WELLESLEY, during the Campaign in the Dekan,—not having been hitherto claimed, and now remaining in Deposite with Messrs. FORBES & Co.—Notice thereof is hereby given, in order that the Proprietors of the Tickets to which those Prizes appertain, may apply for the same, and on producing the Tickets receive the Jewels accordingly;—and in the event of their not being claimed, on or before the 31st of July next, they will be disposed of, by Public Auction, on account of the concerned.

viz.
1 Prize No. 54 value Rupees 600 drawn to Ticket No. 2141.
1 Ditto, No. 104 value Rupees 300 drawn to Ticket No. 2117.
1 Ditto, No. 125 value Rupees 200 drawn to Ticket No. 2332.
1 Ditto, No. 127 value Rupees 250 drawn to Ticket No. 107.

By desire of Major JAMES FRASER,
H. Ad. 78th Regt.—Prize Agent,
FORBES & Co.

BOMBAY, 23d March 1811.

A CARD.

D. CAMERON and J. WALLACE have, for the convenience of Families residing in the Country, erected a Bakery at Umbercurry a small distance northward of the Jail, where Bread, Flour, Biscuit &c. may be had, as at their Bake-house in Town.—Pastry prepared at the shortest notice.

Bombay, 6th April 1811.

Advertisement.

Notice is hereby Given,

THAT the large House near the Church Gate, late the property of Nasserwanjee Monackjee, which was advertised for sale on the 25th instant and purchased by Hormarjee Bomanjee, for the sum of eighty one Thousand Rupees will with his consent, be again put up to sale on Thursday the 15th of the ensuing month of April at the same sum, that an opportunity may be given of obtaining a higher price for the benefit of the Trust in question.

W. T. MONEY, PESTONJEE BOMANJEE, HORMARJEE BOMANJEE,

નાહર. ખખર

ખખર. હીએથી. આપીએચને. વાડી આ. નશરવાંનજી. માંલેજીજી. ગૌર. એક મોટું. પવનચક્કીનાં. દરવાજા. આગલનું. બે. ગાર. તા. ૨૫ મી. આએ. મહીનાની એ. વેચવાને. કાપીકુ. અનુ. તે. ગાર. વેચી કુ. ને. વાડીઆજી. હોરમજી. ખમંનજી એ. ખરીદ. કીકુ. ૩૫૫૫. ૮૧૦૦. એ ફારી. હવારે. તે. ગાર. પાકુ. નહર. હી હાંકુ. ફરીને. વેચશે. તા. ૧૮ મી. આપરે લ. આવતા. મહીનાનીએ. નરેશપત. વારને. દીને. વેચશે. ટેલેજ. ૩૫૫૫. વેચશે શા. આ. શખખ. ચક્કી. લેનારને. ફારશી જનો. વખત. મલે. ને. હીએ. તથા. વતો ભાવ. આંશલ. થાએ. તે. વારશી. ફરીને. વેચે *

હુલીઅમ. દી. મંલી શેઠ. પેશાંનજી. ખમંનજી શેઠ. હોરમજી. ખમંનજી

Advertisement.

NOTICE IS HEREBY GIVEN. THAT (in pursuance of the resolution of the Trustees to expose to public sale the whole of the property late belonging to NASSERWANJEE MONACKJEE) on Friday the 19th of the ensuing month of April at the hour of 4 o'clock P.M. will be sold at the COURIER OFFICE the following Messuages or Tenements and Property situated within the Town Walls of Bombay, in separate lots as under mentioned.

Lot 1.—A convenient House with Out-houses situate in Forbes's Street, used as the Courier Printing Office at the monthly rent of 160 Rupees.

Lot 2.—A convenient House and Out-houses No. 1 situate in Bake House Lane in the occupation of Mr. Parker at the monthly rent of 80 Rupees.

Lot 3.—A Shop No. 10 situate in Parsee Bazaar in the occupation of Dorabjee Byramjee at the monthly rent of 20 Rupees.

Lot 4.—Two adjoining Houses No. 4 opposite the Old Barracks, the one in the occupation of Nasserwanjee Framjee and Newrojee Cowasjee, at the monthly rent of 42 1/2, and the other untenanted but worth to be let from 40 to 45 Rupees per month.

Lot 5.—A small House with Out-houses No. 3 in Raterfield Street in the occupation of José Pedros Armenian at the monthly rent of 25 Rupees.

The several premises may be viewed from 11 till 3 o'clock by application to the Trustees and the conditions will be made known at the time of sale.

W. T. MONEY, PESTONJEE BOMANJEE, HORMARJEE BOMANJEE,

નાહર. ખખર

ખખર. હીએથી. આપીએચને. વાડી આ. નશરવાંનજી. માંલેજીજી. તમામજી શેઠ. જઅને. મીલકત. દરશીએએ થરાવીને. વેચવાને. કાપીકુ. તા. ૧૮

મી. આપરેલ. આવતા. મહીનાનીએ. શુ કર. વારને. દીને. પાકલા. પેરે. કલાક ૪ વાગતે. નહર. હીહાંકુ. ફરીને. વેચશે. નહર. મીલકત. શ્રી. મંખાજીનાં. કોટમોઠે તે. તે. શ્રી. ફોરીએર. હારીશી. આગલ. વેચશે. નીચે. લખલા. પરમાંલે. જુદા. જુદા લાદ. ફરીને. વેચશે. તેની. વીગત * લાદ ૧ પેહો. ગૌર. એક. ફારખશી હશદરીટમોઠે. બે. જગી. પર. ફોરીએર. હારીશી. કીધેલીઠે. તે. ગારનુ. ભાડુ. માશી ૧ એકનાં. ૩૫૫૫. ૧૫૦૦. કુપજે * લાદ ૨ ખીજો. ગૌર. એક. શાહુ. રેવા ને. લાએકનુ. બેકાહુશી. લેનમોઠે. તથા. શરફારનુ. પદરખાંનાં. લેનમોઠે. તે. ગાર. મલે. મીશતર. પાકર. શાહુ. રેએઠે તે. ગારનુ. ભાડુ. ૩૫. ૮૦. કુપજે. દર. મહીના લાદ ૩ તીજો. કુકાંત ૧ એક. નેમ ખખર ૧૦ નો. તે. કુકાંત. પારશી. ખખરએ ઠે. તે. કુકાંતમો. ભાડુ. પારશી. દોરાખ જી. ખખરએઠે. એનુ. ભાડુ. માશી. એકનાં ૩૫૫૫. ૨૦. કુપજે * લાદ ૪ ચોથો. ગાર ૨ ખે. શાધે. બે. ડા. બોડનાં. જુની. ખખરખની. રાંખે. તે. ગાર. એક. મલે. ભાડુ. પારશી. નશરવાંનજી. ફારમજી. રેએઠે. તથા. ગાર. ખીજા. મલે. પારશી. નવરીજી. ફારશી. રેએઠે. એ. ખંધે. ગારનુ. ભાડુ. માશી. એકે ૩૫૫૫. ૪૨. કુપજે. ને. ખીજી. જગી. ખાલીઠે. તે. વારશી. ૩૫૫૫. ૪૨. કુપજે. શે. શી. જગી. ભડિ. આપરેનો. ૩૫૫૫. ૪૦. તથા. ૪૫. કુપજી *

લાદ ૫ પાંચમો. ગાર. એક. નાંજુ. રાદ રશીલ. હશદરીટ. મલે. એ. ગારે. જવાડા. મલે. તે. ગાર. મલે. અરમોની. જુનેશી. પેદ ૩૫. અરમોની. રેએઠે. તે. ગારનુ. ભાડુ. માશી ૧ નાં. ૩૫૫૫. ૨૫. કુપજે * એ. શરવે. મીલકત. તથા. જગી. બેને જો. હી. આએ. તે. કલાક ૧૧ થી. તે. કલાક ૩ શુધી. દેખરશે. દરશીએ. અરખ. કીધાથી. તથા. એનાં. વેચવાની. ખાલી. વેચતી. વખત. નહર. ફરશે *

હુલીઅમ. દી. મંલી શેઠ. પેશાંનજી. ખમંનજી શેઠ. હોરમજી. ખમંનજી

IN THE AFFAIRS OF Nasserwanjee Monackjee,

NOTICE IS HEREBY GIVEN, THAT the Stipulated Dividend of twenty five per Cent upon the debts of NASSERWANJEE MONACKJEE continues to be paid at the Office of Messrs. FORBES and Co. on Mondays and Fridays in every week between the hours of 12 and 3 o'clock. W. T. MONEY, PESTONJEE BOMANJEE, HORMARJEE BOMANJEE, Bombay, 20th March 1811.

Notice is Hereby Given.

THAT on Thursday next the 18th day of April instant upon the Premises 10 o'clock in the forenoon will be sold the dwelling House late of BALLASHAW COIDAROO deceased Situat in the great Market in Bombay with the buildings and appurtenances pursuant to an order of the Honorable the Court of Recorder to Satisfy the Mortgage Claim thereon of RUSTOMJEE AUDERJEE dated 5th day of April 1811.

THE COURIER.

BOMBAY. SATURDAY, APRIL 6, 1811.

CIVIL APPOINTMENTS. 15, MARCH 1811.

MR. GEORGE FITZWILLIAM CHAMBERLAIN, to be Assistant to the Collector of ... 27, MARCH 1811. Mr. George Corfellis, to be Commercial Resident at Surat. Mr. Julian Skrine, to be Commercial Resident at Cambay.

GENERAL ORDERS. BOMBAY CASTLE, 30th MARCH 1811.

By the Hon'ble the Governor in Council. The Hon'ble the Governor in Council is pleased to publish the following Extract of a letter from the Hon'ble the Court of Directors dated the 27th of June 1810. Extract of a letter from the Hon'ble the Court of Directors dated the 27th of June 1810.

PARA. 108 We have considered the case of Mr. Edward Martin, and under the circumstances set forth, in a Memorial which he has submitted to us on the Bombay since his return to England, strengthened by your recommendation in his favor, we have been induced to confirm his appointment, as an Assistant Surgeon, on your Establishment and to fix his Rank at the bottom of the List of the Seaford 1807-8.

BOMBAY CASTLE, 1st APRIL 1811. The date of Lieut. Colonel Blachford's promotion to the rank of Colonel in the corps of Engineer, as announced in the General order of the 6th ultimo, stands corrected to the 25th of July 1810, the date of his promotion in His Majesty's Service.

BOMBAY CASTLE, 2d APRIL 1811. His Excellency the Hon'ble General ABERCROMBY the Commander in Chief, having lauded this Morning from His Majesty's Ship Helper, in which that distinguished Officer has returned from his successful expedition to the Mauritius, General ABERCROMBY will be pleased to resume the exercise of the Chief Command of the Army, which Major General McPherion will deliver over to the Lieutenant General accordingly.

This Government has already expressed its intimate sense of the professional merits of the Commander in Chief on the late important service, by which the French Islands have become a valuable addition to the British Empire, after having, during so long a series of years, proved so severe an annoyance to the commerce of His Majesty's Subjects in India. It now only remains for the Governor in Council to express his sincere gratification, on the occasion of the Hon'ble the Commander in Chief's late return to the seat of his permanent official and professional duties; at the same time that the Board have much pleasure in availing themselves of the present opportunity, to announce their impression of the satisfactory manner, in which Major General McPherion, has discharged the weighty and responsible functions of Provisional Commanding Officer of the Forces, and of Acting Resident of the Military Board, during the absence, of the Hon'ble the Commander in Chief.

BOMBAY CASTLE, 2d APRIL 1811.

By the Hon'ble the Governor in Council, As connected with the General Order by Government of the 20th of February last, the Hon'ble the Governor in Council is pleased to direct that Officers on furlough from this Establishment, at the Presidencies of Bengal or Madras, or at the Prince of Wales's Island, shall, where it becomes necessary for them to apply for advances of Cash from those Governments respectively, strictly observe the following regulations and forms.

- 1st. That the advances applied for shall, on no pretence, exceed the amount of their ordinary Garrison Pay and allowances, for the Months to be specified in their application. 2d. That they shall grant a Receipt for the aggregate of such advances as, "Received on account of the Presidency of Bombay" adding "being an advance of Cash equal to the estimated amount of Pay, Batta &c. (specifying the allowances) of my Rank as (here enter Rank) in the (here enter Regiment and Battalion) now serving under that Presidency (the Months of (here enter Month and year) which aggregate advance, I declare by my Honor, I believe not to exceed the amount of what I am (or shall be) entitled to receive for those months respectively, under the Heads above stated, agreeably to the regulations of the Presidency of Bombay." 3d. That on their Return to this Presidency, Officers shall make out regular abstracts, and forward them, through the channel of the Paymaster General, to the Paymaster General, who will submit them to the Military Auditor General, for

the purpose of being examined and authorized entry in the Paymaster's disbursements. The abstracts will then be referred to the Paymaster General for insertion in the disbursements, accompanied by a statement of the advances made and by the receipts, which such officers had granted at the Presidency where they had received the advances for the purpose of adjusting their accounts.

In like manner officers belonging to the Establishments of Bengal and Fort Saint George, when at this Presidency, and requiring advances of money on account of Pay and allowances, will submit their applications to the Hon'ble the Governor in Council, through the Channel of the Secretary to the Commander in Chief for an "advance or account" specifying the amount they are desirous of receiving, according to their Ordinary Garrison pay and allowances, for the months to which the advance, may relate adding a declaration on Honor that the advance they require does not exceed the amount of those allowances, agreeably to the internal Regulations of the Government to which they belong and by which their accounts must ultimately be adjusted.

BOMBAY CASTLE, 3d APRIL 1811.

By the Hon'ble the Governor in Council, The Hon'ble the Governor in Council, having received official intimation, from the Commander of the Aurora Cruiser, that the late Government of the Isle of France and it's officers, had endeavoured to prevail upon a detachment of the Marine Battalion, embarked on board of that Vessel, to enter the French service, after her capture by the French Frigates Africa and Iphigenia on the 21st September last; and that various ineffectual means, as well of a persuasive as of a coercive nature, had been resorted to, to induce the Sepoys to swerve from their allegiance to the Hon'ble Company, deemed it proper to cause the circumstances of this transaction to be thoroughly investigated.

The Board of Officers appointed for the purpose having closed their proceedings, the Governor in Council has sincere satisfaction in announcing that the result of the enquiry has afforded another distinguished proof of the fidelity and attachment of the Native Army of this Establishment under circumstances of a very trying nature.

It appears that in addition to repeated offers of encouragement; and, failing in that, to the infliction of severe and even cruel treatment, to induce & to compel the Detachment generally to betray their duty to the Hon'ble Company, Sheikh Boodle in particular, on refusing to enter the French service, was thrice severely wounded in the Arm, and once on the head; the effects of which have (it is apprehended) entirely incapacitated this faithful Native Soldier from the performance of further duty.

The conduct of this Detachment, though not unprecedented by various examples of similar attachment in the Native Troops of this Establishment, being accordingly considered as highly worthy of a marked testimonial of public approbation; the Governor in Council is for this purpose pleased to direct that a Silver Badge, with a suitable inscription to be presented to each man of the party, as enumerated on the following List,—that Launce Havildaur Dhondnac Padnac be promoted to the rank of Havildaur—Moorhabib Cawn, Launce Naique, to that of Naique, and that each of the Privates receive the pay of Naique, until respectively promoted to that rank by vacancies in the Corps to which they may severally belong.

List of Detachment embarked on board the Hon'ble Company's Cruiser Aurora.

- Naique—Dhondnac Padnac—Launce Havildaur—Sepoy—Moorhabib Khan—Launce Naique, Ditto—Sheikh Bahadour, Ditto—Rammnac Mallnac, Ditto Dhunac Dadaac, Ditto—Sheikh Boodle, Ditto Seede Abraham, Ditto—Rugona Khan, Ditto—Sheikh Ifmail, Ditto—Dhondnac Bagnac, Ditto—Satnac Lingnac, Ditto—Sunkernac Lumnac, Ditto—Lucknac Derrnac, Ditto—Ambunac Drumnac, Ditto—Goonac Dadnac, Ditto—Sheikh Moideen, Ditto Dhewnac Murrownac,

By Order of the Hon'ble the Governor in Council,

W. NEWNAM, Sec. to Govt.

We have to congratulate the settlement one return of our Commander in Chief Lieut. Genl the Hon'ble J. Abercromby, who saved the Harbour on Monday evening last in the Herfloop of war, Capt. Lloyd—and landed the next morning at break of day.

As we are convinced that it is more decorous and proper in us to greet his Excellency's return, rather by a simple mention of the only consequences of his expedition, than by any intinence of general adulation, we embrace this occasion of observing, that we are happy to find the Commerce of this Port has already derived substantial benefit from the Fall of the Mauritius—the premium of Insurance, in a chief branch of its Trade to China, having been reduced one third, and Insurances to all other parts being, we discern, effected at rates proportionably reduced. We cannot however convey a frager idea of the importance of this conquest to the trade of India, than by referring our readers to the following correspondence with which we have been allowed to adorn the columns of this day's paper.

The candid tribute of approbation which is there rendered, whilst it evinces the liberality of the merchants, illustrates, at once, the value of the achievement and the merit of the gallant Captain, under whose auspices it was so happily accomplished.



SATURDAY, APRIL 6, 1811.

(Continued from the third Page.)

the imputation of an offence, for which he has not only been already severely punished by the deprivation of his office, or the emoluments of which he depended for his support, but is this day brought before you to answer as a criminal. Before I proceed to the defence of my client, it is necessary that I should advert for a moment to the singular circumstances, under which he is now accused. For thirty years has this Court sat, administering justice in this place, to the great benefit of the territories subject to its jurisdiction. Yet, during so long a period, this is the first case, which, on account of its extreme enormity, has been selected as a subject for a criminal information; this case in which it appears, that the Company have not only not sustained the loss of a single Rupee, but in which they have exacted interest to the last farthing,—interest, which would never otherwise have accrued to them, on money, which from the first was secure and forthcoming, which never was wanting, and which has been fully and fairly accounted for by the Defendant. If the circumstances which have this day been disclosed, had been known to the Court, when this information was moved for, I will be bold to say, that their Lordships would never have interfered their authority on behalf of such a prosecution. When a British Court of Justice is called on to grant an information, it has always been understood, that the prosecutor must come into Court with clean hands and a clear case, aloof from all implication (however remote) in the acts which he alleges to have been done. How do the prosecutors stand here?—After having taken advantage of the opulent circumstances of one of the parties, to exact their interest to the last Rupee, they come to you, Gentlemen, and call on you to revenge them by the criminal conviction of the other. Their conduct is a refinement on Shakespeare's Jew—Shylock was contented with his pound of flesh, but they must have their pound of flesh, and principal and interest besides. I am bound to say, and I will say it, even though it would be at the risk of forfeiting any situation which I may expect to hold under government, who I shall always be proud to serve.—I will say, that this is a most harsh prosecution. Nevertheless, Gentlemen, it is impossible for me to regret, that the prosecution has been so conducted. I know for the first time affects you, standing, as you do, in the situation of a Petty Jury; and, without meaning to say any thing to the prejudice of the Petty Juries of Calcutta, I am free to say, that I am happy that this case is to be tried by you. I know many of you personally, and know, that your minds are not to be infected by the calumnious prejudices, which have been spread abroad against my client. For these last twelve months, the most infamous aspersions on his character have been sedulously propagated, he has been pointed at as a great public defaulter, and, two days ago, any man would have been amazed, any man would have laughed at you, if you had told him, that of the crores on crores of Rupees, which have passed through Mr. Forster's hands, not one anna has been lost to the public. It must have occurred to all of you Gentlemen, at one time or another, to have heard the imputations which were circulated against Mr. Forster, and were circulated with more than common avidity. Gentlemen Mr. Forster has long had the charge of this great concern. How he has conducted it, it is not for me to say. Under the suggestion made to me from the Bench, I did not in that stage of the trial push the examination, which I had begun, with respect to the failings effected by him in his department. But I am now ready to prove, that by the regulations which he introduced, he did effect a saving to the Company of at least 9 lacs of Rupees, and that had he chosen to avail himself of the opportunities of peculation which his situation offered, he must long ere this have amassed a fortune which far as his pecuniary circumstances are concerned, would have placed him beyond the reach of any verdict, which you can pronounce. It appears, (and I can establish it, if necessary, by the most positive evidence,) that from the time of Mr. Forster's appointment to the Mint, a very great reduction was effected in the rate of refining; and that, if Mr. Forster, instead of promoting that reduction, had chosen to have refines even one anna or half an anna per cent, from those who were willing to have given it, he would, as I have said, instead of being, as he now is, a man in reduced circumstances, have been in possession of a fortune, that would have rendered the issue of this prosecution a matter of comparative indifference to him. Had he been inclined to default, (for that too is charged against him in the information) I will shew, that he did not want opportunity of defaulting.

Having made these preliminary observations, it will now be necessary for me, Gentlemen, (and, in doing so, I must crave the indulgence of your Lordships,) to enter a little at length into the law of the case. If what I have to urge on this head shall be extemporaneous, I shall be supported by your Lordships. But, as it is for you, Gentlemen, to judge, as to one of the facts of the law, and of the motive, I must take the liberty of consulting, against what has been this day said by one of the best lawyers whom I know, so be the law of England. It is stated in the information, that the Defendant being Master of the Mint, and it being his duty, did, in breach of his trust, and to the great injury of the Mint, with an intention to defraud, send out a large sum, with an intention to defraud, which, notwithstanding this accusation of the charge of fraud, which even attempt has been made to prove, and in evidence, (to which, I shall advert afterwards,) which, I say, the prosecution is miserably deficient, leaving these points out of the question, I contend, that it does not impute to my client any imbecility, or incapacity. I contend, that no man can be called the public trustee, in any manner, or to lend the public money, he being answerable for the amount, to the public; I say, for his private emolument, or to the use of any person, or to the use of any person, provided the money is forthcoming when made to and, in the present case, no attempt has been made to prove, that it was not. I contend, that a public officer, who lends the public money, cannot be prosecuted for so lending the public money, cannot be prosecuted for so, either by information or indictment. And, when I told you, Gentlemen, that this is the first instance in this country, during a course of thirty years, in which a Jury has been called to try a criminal information, I ought also to have told you, that it is the first instance in any country, in which a Jury ever sat under an information in any country, for the trial of this offence. Gentlemen, I defy them to produce a single instance to parallel it. Had they ransacked all the books, of which their houses are full, they would not have found one;—for I will boldly assert, that there is not one such instance on record. It is a case, in which the party aggrieved, has a civil remedy, and that only.

While I urge this, Gentlemen, I beg that I may not be understood as admitting, that there has been any breach of trust whatever in the present instance. I am by no means reduced to that pass; and I deny, that any thing of the kind has been substantiated. There are other public trusts indeed, the breach of which does not necessarily imply any fraudulent purpose; there is the most important of all trusts, for instance, that which the government of the country has to discharge, in the exercise of its functions,—there is also the trust committed to military men for the protection and defence of the state. But, in every case, where money is the subject of trust, I maintain, there is this distinction, that there can be no breach of trust without fraud and embezzlement. I take it, the law is, that, if the money be forthcoming, however the party may recover interest by a civil action for the time, during which it may have been used, or however he may be entitled to indemnity for any loss which may have accrued, the mere using of the money does not subject a man to a criminal prosecution.

Sir William Burroughs. "If you have an authority for that doctrine respecting breach of trust, I should be glad to hear it. You are aware, no doubt, of the 13th of the King, which makes the embezzlement of public money, or any breach of trust and duty, in a servant of the Company, a misdemeanour at law; I take it that statute makes a breach of public trust indictable in this country at least. The question then is, what is a breach of public trust? You say, that there can be none, without fraud or embezzlement. If so, this case of course will not come under the statute. If you have any authority therefore, in support of your argument, I should wish to hear it."

Mr. Ferguson. "My Lord, I shall come to that part of the question presently. I was proceeding to address the Jury on two points; first, as to whether this is an offence by the common law of England; after that, I shall come to consider, how far it is made an offence by statute.—This is a subject, Gentlemen, which has been much discussed at home."

Chief Justice. "The whole of your objection appears to me, to go upon the face of the record. If you conceive therefore, that in point of law, the facts charged are not an offence, I think your argument would be urged more properly in arrest of judgment."

Mr. Ferguson. "I take it to be clear, my Lord, that, where there is a mixed question of law and fact, a Counsel is entitled to address the Jury on the whole case. It is their province to pronounce a verdict of Guilty or not Guilty; and therefore one of the subjects for their consideration is, whether the act ascribed to the Defendant is a crime."

"It is always a matter of concern to me, Gentlemen when I appear to your Lordships, to be going beyond the strict line of my duty; but, I trust, I am not doing so, in the present instance. I was observing, Gentlemen, that this is a subject, which has been much canvassed at home; and that the result of the discussions there clearly prove, that the lending of public money is not treated by the law of England as a crime. The first cases of this kind were argued before the Parliament of England, about thirty years ago, and it will be important to see, what were the opinions delivered on the occasion by the great lawyers, who then held seats in that assembly. Commissioners were appointed in the year 1783, for the purpose of investigating the public accounts, and of reporting on the large balances which had been allowed to accumulate in the hands of the principal Officers of the state. These Commissioners went a great way back in their researches, and their reports relate principally to defaulters in the offices of the Pay-master of the Forces and Treasurer of the Navy. Gentlemen, some of the greatest Lawyers who ever lived, were at that time Members of the House of Commons. But, it never entered into the contemplation of any one of those distinguished characters, that the defaulters were liable to a criminal prosecution. Such an idea has at no period received the sanction of any legal authority; and, the last time it was started, it was most successfully and triumphantly rebutted."

Here Mr. Ferguson proceeded to quote that part of the report of the Commissioners, which states the balances then outstanding against successive public officers in the various high departments of the state, including the names of the Earl of Liverpool, the late Lord Holland, the Hon.ble Charles Townsend &c. &c. "I name these high and noble persons, Gentlemen," he resumed, "to shew, that if this had been an indictable offence, every one of them ought to have been indicted."

He then finished the clause of the report, stating the large sums due to the nation by these officers; and said—"If there was any thing like a crime, Gentlemen, in employing or lending the public money, there was not one; I have said, of the public officers here named, that would not have been liable to indictment. But, what did the Parliament of England do? They passed a bill brought in by Mr. Burke, the provisions of which shew clearly and beyond all dispute the opinions then entertained on this subject. The preamble of his bill sets out with declaring, it to be highly expedient, that measures should be adopted, with a view to prevent the future accumulation of the public money, how? by making good judgment—no such thing, but by stopping the hands of the public accountants! whom I have mentioned, Gentlemen, that the noble persons Mr. Forster is alleged to have been. The utmost of which is, that he took out money, and which was the office came into his hands, he service. But immediately demanded for the public departments, he was not to take out money for their own emolument, but for the use of the public. These investigations, Gentlemen, were made at a time, when the public money was in the hands of a few individuals, and when the public money was not so much accumulated as it now is."

And, on that ground, a man who, in point of legal knowledge, yields hardly to any at the bar, (the present Solicitor General,) boldly stood forward and threw down the gauntlet;—he loudly asserted, (I myself was in Westminster Hall, and heard Mr. Plomer thunder in the ears of the Managers,)—that what they had alleged against Lord Melville, was no offence,—that it was all a delusion,—that there existed neither common nor statute law, making it criminal in a man to use the public money for his private emolument. And here, Gentlemen, while I read to you the arguments, and authorities advanced by Mr. Plomer on the subject, I must beg you to bear in mind, that no one instance has been proved against my client, in which the money, which passed into his hands, has not been forthcoming when called for.

Mr. Ferguson then proceeded to read to the Jury the following passage from Mr. Plomer's speech, as recorded in the published Report of Lord Melville's Trial:—"I know, when I assert this, I am taking up the gauntlet of the honorable manager who has opened the articles of impeachment; I know he has distinctly and ably argued, that before 1783, when the statute passed, it was illegal for any public officer to apply such money to his own use. He means to say, that it was the law then, and the law recognized by the resolutions in 1782:—"Perhaps the principal force of the honorable manager's argument, was directed against the confession of the noble defendant in the House of Commons, the confession of a public accountant in what has been called the sanctuary of liberty, when he said he would conceal the use which he had made of the public money. He had asserted, he had a right to make this employment of it; and the offence is, that he had dared to avow this in the sanctuary of liberty."

All these general principles, if they afforded observation against an accountant, must equally apply to the Paymaster of the Army, to Receiver-General of the Land Tax, to all officers, and if they use it before it is wanted or required by the public, all this would be matter of charge against them.

Now, with great submission, notwithstanding all that has been urged, I undertake to prove before this august assembly, and I well know in whose presence I speak, that there is not a particle of truth in this reasoning, the whole is an error and contradiction. The law is not so, universally admitted not to be so in every book upon the subject, and openly and publicly declared not to be so in the very sanctuary of liberty, by the highest and most enlightened characters in it, and under circumstances which indicate the most positive conviction on the subject.

"My Lord, I hope I may be permitted, as we are now upon a history of the transactions referred to in these articles, when you are called upon in the most novel manner, to advert to the declaration of the Commons, and to say that such a declaration cannot constitute the law of the land. I hope I may accompany this allegation with all that passed in parliament at the very period, and preliminary to the time referred to in these charges on which you are now to pronounce judgment."

The honorable managers have stated, that the condition of the public accounts attracted the attention of parliament; public economy was the object, and Commissioners were appointed under a certain act to promote it.

"Your Lordships will find a most singular and extraordinary account in the preamble to the articles; and when it is attentively examined, it will be discovered, that the directly opposite conclusion must be drawn from the sources there stated, to that which is deduced in this preamble.

"It appears by the Journals of the House, that upon the 14th of June, 1781, the subject was brought under the consideration of parliament by the minister of the day; and your Lordships will descend to follow me through the proceedings at that time. Upon the occasion of this enquiry, the balances which then remained in the hands of the public accountants, were reported by the Committee, and they stand upon the minutes of the House. It is not necessary to trace the subject as far as the beginning of the present century, but deferred to a period, which is not less than the recollection of some of the noblest characters of the year 1778, a noble person went to the House of Commons, of which he has since been a member; and I think the whole demand of the public money, did he say in this sanctuary of liberty, that he could not apply the public money to private use? No; he asserted his right to make such use of it. Here he was ready to throw down the gauntlet, and to argue against any man who professed a contrary opinion, that if a public accountant should produce the money in his hands when required, it was a matter of indifference to the public, what beneficial application was made of it by the individual.

An honorable and learned manager, indeed a recent member of the House of Commons, but who has long been the ornament of the profession, will challenge me, and will exclaim, 'How do you dare to assert, that a public accountant, not only to the amount of ten thousand pounds, but to the extent of four hundred and fifty thousand, may thus divert the public monies?' You throw down the gauntlet, I take it up, and insist that you have no right to make this profit of the public money. What was the safe at the date of which I have asserted? The minister was not of opinion with the learned and eloquent gentleman, he said, that if a public accountant would produce the money when necessary, it was immaterial what use had been made of it. Now two persons, who never agreed before upon any one subject, at least come upon this, and yet here we are to receive a dissertation on the law of the land."

It is stated that the late Lord Chancellor, in a speech in the House of Commons, when he was asked, what he thought of the late Lord Chancellor's declaration, that he had not received the public money, he answered, that he had not received it, but that he had used it for the public service. He said, that he had used it for the public service, and that he had used it for the public service, and that he had used it for the public service."

for the statute to be passed on the subject, and therefore they were brought in as a sort of pledge of parliament, for the adoption of the principles at a post-note date, or to engage them or their successors to reform the subject.

"Some of your Lordships will remember as a matter of personal observation, others as a matter of history, that a new course of events succeeded, and when the parliament met, they had something else to deliberate upon; and upon these resolutions the house never acted. They are put upon this preamble as if they were the law, when in fact they were only to be introductory of a new law; and is it to be said, that by the violation of these the individual is to be condemned?

"Even after these resolutions had been brought forward in the very sanctuary of liberty, a right honorable gentleman said twelve months after, he had considered the subject with respect to very large amounts with which he was entrusted, that he had a right to employ the money, that he had often done so, and that all the nation had to expect of a public accountant was, that the money should be forthcoming when the exigencies of the state required."

It appears, that when the subject was brought under the consideration of parliament, by the Attorney-General, on the 25th of June of the same year, this great law officer said, that all he required was that the balances should be correctly stated, and that the party should be called upon to pay interest for the money in his hands subsequent to his resignation. Thus we see that all the result of the deliberation on this subject was, that it was expected interest would be payable, and a civil right would be established. Even this civil right the parliament opposed and Attorney-General, who brought in the propositions, was obliged to abandon them.

Your Lordships are not unacquainted with the great lawyers of the day, and if the accounts had acted contrary to the law, they would not have escaped its severity. Mr. Wallis said, that he found a difficulty as to the interest, to which it was conceived the public had a right from the great national accountants; but on reflection, he did not hesitate to declare, that the public had no such right, and he should be supported by the long robe in his opinion. If the public were entitled to the interest, the public, he argued, ought to be liable for the interest, the public, he said, ought to be liable for the interest, the public must answer for the deficiencies, and therefore should have the enjoyment of the interest.

"I might state many more opinions, in which such as rejected every idea of criminality, now were alarmed by dangers to the constitution, and to the freedom of the country; nothing of this kind ever entered the head of any one member in the sanctuary of liberty. There was one accountant who had no less a sum than 84,000l. and he publicly stated in his place, that if the balance were increased tenfold, he would make as much advantage of it as he could for his own private emolument."

"This, Gentlemen," continued Mr. Ferguson, is the argument of Mr. Plomer, and an argument which never was rebutted by the Managers."

Sir William Burroughs: "If I am not greatly mistaken, the question was referred to the Judges in Lord Melville's case, and they decided, that it was not a misdemeanour at common law."

Mr. Ferguson. "Very likely, my Lord; I was not aware of that."

"I am much obliged to his Lordship for the suggestion.—I take it then to be a settled position, that by the common law of England, Mr. Forster has not been guilty of any criminal offence."

"I now come to consider, whether, for what he is alleged to have done, he can be indicted on any statute. And, in considering this, I will shew, that the law of England, as it stands, does not subject a public officer, to a criminal prosecution, for so using the public money, as to take it out of the hands of the public, and to apply it to his private use, or to the use of any person, or to the use of any person, provided the money is forthcoming when made to and, in the present case, no attempt has been made to prove, that it was not. I contend, that a public officer, who lends the public money, cannot be prosecuted for so lending the public money, cannot be prosecuted for so, either by information or indictment. And, when I told you, Gentlemen, that this is the first instance in this country, during a course of thirty years, in which a Jury has been called to try a criminal information, I ought also to have told you, that it is the first instance in any country, in which a Jury ever sat under an information in any country, for the trial of this offence. Gentlemen, I defy them to produce a single instance to parallel it. Had they ransacked all the books, of which their houses are full, they would not have found one;—for I will boldly assert, that there is not one such instance on record. It is a case, in which the party aggrieved, has a civil remedy, and that only."

Lieutenant General the Hon'ble JOHN ABERCROMBY, COMMANDER IN CHIEF, &c. &c. &c. Bombay.



NAUTICAL CHRONICLE AND NAVAL REPORT.

BOMBAY.

April 1st Arrived Cutter Dolphin, Capt. Sylvester, from Colombo. Ditto Brig Calcutta, Capt. J. D. Coast, from Colombo. Ditto H. M. Sloop of War Hesper, Edward Loyd, Esq. Capt. from Isle of France. 2d.—Ditto Brig Aurora, Capt. William Smith, from Colombo. 3d.—Sailed Arab ship Taze Subany, Naquadah Mahomed ben Sadey, to Muscat.

CALCUTTA: MARCH 15th.

The homeward bound fleet, consisting of the Honourable Company's ships—Aftel, Diana, Lord Keith, and Private ships John Palmer, and Auspicious, sailed from Saugor on Tuesday morning. Since our last publication, the American ship Union, Captain Osgood, has arrived in the river, from Salem the 31st of October. The valuable ship Camoens, bound to Lisbon, sailed from Saugor, on Wednesday morning.

MADRAS: MARCH 23.

Advices from Bourbon mention that, Intelligence had been received at that Island, of Admiral Stopford having arrived at the Cape of Good Hope and taken the command of that Station. Commodore Broughton in H. M. ship Illustrious arrived in these Roads on Monday last, and assumed the command of his Majesty's Ships and Vessels in the East Indies. The homeward bound Indiamen under Convoy of H. M. Ship Diomedé, Captain Cook, sailed on Sunday last for England. The Honourable Company's extra ship Alexander, Captain Youngusband, now under despatch for England, may be expected to sail hence in the course of a fortnight, and will afford a good opportunity, of obtaining passages, to any families or individuals, who may have been disappointed by the fleet.

COLUMBO—MARCH 8, 1811.

Arrived late in the evening, the Honourable Company's Ships Thomas Grenville, Captain William Patterson, and Earl St. Vincent, Captain J. B. Samsou, from Bengal, the 10th of February these Ships experienced baffling winds in the Bay.

BOMBAY.

BIRTHS.]—March 2d at Tellicherry the Lady of James Stevens Esq. of a Son. 19th at Calicut the Lady of Alexander Bell Esq. of a Son.

DEATH.]—Yesterday morning, John Heatherly, Esq. Assistant Surgeon of Artillery.

BENGAL.

MARRIAGES.]—On Tuesday the 12th Instant, at the house of N. B. Edmondson, Esq. by the Revd. Thomas Thomason, Philip Monckton, Esq. of the H. C. Civil Service, to Miss Harriet Carter.

On the 8th inst. Ensign George Henry Hutchins, 15th regt. N. I. to Miss Mary Ann Haigh.

DEATH.]—At Bencoolen, on the 23d December last, Edward Coles, Esq. of the H. C. Civil Service on that Establishment, at the advanced age of 75 years, after a long and painful illness of 17 months, which confined him to his bed the whole time, and which he bore with uncommon patience and resignation.

Madras Intelligence.

MARCH 23d.

APPOINTMENTS, &c.

Major General Wetherall having been appointed second in command to the Expedition, will issue such orders as he may think fit, to the troops under orders for foreign service who will make all reports to Major General Wetherall. Lieutenant Hancock of the 22d Regiment Native Infantry, to proceed to England on sick certificate. The Honourable the Governor in Council is pleased to appoint Major and Brevet Lieutenant Colonel Mackenzie of the Corps of Engineers, to be Chief Engineer to the troops proceeding on foreign service from Fort St. George, without prejudice to his appointment as Surveyor General, and to authorize him to draw a con-

solidated allowance of Pagodas 250 per mensem, in lieu of all charges for establishment &c. together with the difference between Major's and Lieutenant Colonel's full batta, while employed on the ensuing service.

Major William Morison is appointed to act as Surveyor General, during the absence of Lieutenant Colonel Mackenzie, and the Commander in Chief is requested to direct Ensign Benjamin Swain Ward at present attached to the 24th Regiment of Native Infantry, to do duty in the department of the Surveyor General, until further orders. Ensign Ward will be permitted to draw an allowance of Pagodas 25 per mensem and the full batta of his rank, during the continuance of his employment in that department.

The Honourable the Governor in Council has been pleased to fix the salary and office establishment of the Adjutant General of the troops on the Expedition, as follows, viz.

Salary - - - - - 500 Office Establishment - - - - - 150

Upon the approaching departure of Major General Gowdie on his return to Europe, the Governor in Council performs a satisfactory obligation of his public duty, in expressing the thanks entertained by this Government, of the merits and services of the Major General, during a long and arduous career, in the course of which, his zealous exertions, and devotion to the public interests and to his professional duties, have repeatedly been acknowledged.

The Governor in Council experiences the greatest satisfaction in declaring in public Orders, his entire approbation of the zealous and honorable line of conduct, which has so eminently distinguished Major General Gowdie since his appointment to the staff of this Army.

On Saturday morning last, the Troops encamped at the Race Stand were reviewed by His Excellency the Commander in Chief, after which a public breakfast was given by Col. Gibbs of His Majesty's 59th Regiment, to the party assembled on the occasion.

Calcutta Intelligence.

MARCH 25.

On Saturday last the Right Honourable the Governor General embarked on board the Philip Dundas, and proceeded to Diamond Harbour, where the Mornington cruiser, Capt. Dean, awaited his Lordship's arrival.

On the following day his Lordship joined the Mornington, which immediately got under weigh for Saugor, where she arrived on Tuesday, and from whence she sailed on the following day.

The following gentlemen, accompany the Governor General, viz. —

- The Honourable John Elliott, private secretary. The Honourable Lieut. William Elliott royal navy. Captain Taylor, aid-de-camp, Captain Robinson, 24th regiment, aid-de-camp.

- Mr. Hope. Dr. Leyden. Dr. Gordon. Mr. Stubenvoel, Mr. Seton, proceeding as Governor of Penang.

SUPREME COURT,

MARCH 5, 1811.

The KING v. HENRY PITTS FORSTER.

This being the day appointed for the trial of Mr. Forster, on the criminal information filed against him, at the suit of the Company, in the third Term of 1810, the following gentlemen were impanelled as a Special Jury, viz.

- H. Sargent, Foreman, Wm. Lloyd Gibbons, John Robertson, David Clarke, J. William Fulton, Wigram Money, Archibald Taiter, Ben. Ferguson, and Alexander Colvin, J. Nath. Sealy, Esqrs. Henry Churchill.

The Jury being sworn in, Mr. Ferguson, Counsel for the Defendant, stated, that he had a motion to submit to the Court before the case for the prosecution was opened, — it was his duty to state it now, the cause, he conceived, being the same as in a prosecution by indictment. It was not an application founded on any positive right, but an appeal to the discretion of the Court. The information on which his client was to be tried, consisted of six distinct counts, charging him with separate offences. He submitted, that his client ought not to be tried for all these offences at the same time; but that the prosecutor should be put on the election of one of the counts, — or, at least, of two of them, — for he admitted, that there were not six distinct offences charged, though there were three, (the three last counts referring to the same acts as the three first.) In such cases, the humanity of the English bench had always put the prosecutor on his election of one of the charges, in order that the person accused might not be confused in his defence.

The Chief Justice conceived, that this was not a case of that sort, which called for such an interference on the part of the Court. It was the case of a public officer, who had violated his public duty. It might be that he had violated it in more than one instance, but it was still the same offence, though consisting of many parts.

The other Judges concurred in opinion with the Chief Justice. Sir William Burroughs cited the case of bribery at elections, in which it was customary, he believed, to charge several distinct acts of bribery in the same indictment.

Mr. Ferguson said, that he had known twenty indictments brought against one individual in an election case; each indictment charging him with a separate act. The motion, however, was overruled; and Mr. Simpson proceeded to open the case for the Crown, by recapitulating the several counts in the information. By the first count, Mr. Forster was charged with having in breach of his trust and duty, as a servant of the Company, and with an intention to defraud, lent to one Nettychurn Sein, on the 27th of February, 1809, a sum of 10,000 Sicca Rupees, which it was his duty as

Mint-M after to have transmitted to the public Treasury. The second count charged him with a similar offence, in lending to the same person, on the 6th of March, 1809, another sum of 10,000 Sicca Rupees; and the third count charged him with lending to Nettychurn Sein, on the 7th of March, a further sum of 8,000 Rupees. The three remaining counts recited the same charges, only coupling the name of another Nettychurn Sein, named Methur Mohun Sein, with that of Nettychurn Sein.

Mr. Sirettell then addressed the Jury in terms of what to the following effect:

Gentlemen of the Jury, The charge which you have just heard, is framed from an information, applied for and granted against the Defendant, on account of the magnitude of the offence imputed to him, considered as a public officer. By this information, Mr. Forster, a gentleman in the civil service of the Company, and, at the period in question, Master of the Calcutta Mint, is accused of having misapplied, for his own profit, the public treasure placed under his charge, — of having lent out divers sums of that treasure at interest to one Nettychurn Sein, contrary to the duty and trust reposed in him, he being from his office bound to transmit the same, as it was coined, to the General Treasury. And, although, Gentlemen, this offence is only a Misdemeanour by law, and no very heavy punishment can therefore be attached to it, it is nevertheless of such a nature, that every man must consider the Government of the country bound to bring it under investigation, and must think, that they could not have withheld from doing so, without opening the door to all the abuses and corruptions which are most pernicious to a state, without betraying the interests of those whom they represent, and ultimately rendering those institutions, which were intended as a blessing to the people over whom they rule, a burthen and a disgrace. The information contains three several charges, all of the same nature, but each of them imputing to Mr. Forster a distinct branch of trust. There are besides three supplementary counts, in which the same charges are repeated, with the addition merely of the name of Methur Mohun Sein, as joint receiver of the money with Nettychurn Sein. The reason for the insertion of this man's name, was to guard against the possible case of his being a partner with Nettychurn in the transaction; a precaution, which, under the circumstances of the present charge, was, in my opinion, very unnecessary.

It will be proved to you, Gentlemen, that Mr. Forster, during the period stated in the information, and for some time before, was in the act of lending out large sums of money, from the Company's treasure in the Mint, to this man Nettychurn Sein, and that, in so doing, he acted contrary to his duty as Mint-Master. It will be proved to you, that while these practices were going on, remonstrances were made to him on the subject, by persons, whom it would have better become him to have checked, had he perceived that they were acting contrary to their duty, than to have subjected himself to the mortification of receiving reproaches from them. The money issued on these occasions from the Mint was passed by passes under Mr. Forster's own hand. These passes were posted at the gate of the Mint, whose duty it is to prevent any coin from being carried out, without a pass from the Mint-Master. It is therefore the common form, when persons, lending their bullion to the Mint to be coined, receive back the amount in money, to issue a pass for the same in Bengalee, attested by the Mint-Master's signature; and, in like manner, every sum of money going from the Mint to the Treasury, is accompanied by a chelaun. Up to the particular time specified in the information, these passes are not forthcoming. We have therefore been obliged to confine the charge to the acts committed within that period. Previous to the month of February 1808, all the passes were regularly destroyed by Mr. Forster, each pass being returned to him, as soon as the treasure, which it accompanied, had passed the gate. About that time Mr. Forster went on the river for his health, and the passes in question being therewith delivered back, were they were used, to the person who acted for him, and being preserved by that person, a clue was obtained to the discovery of these abuses.

I shall prove to you, Gentlemen, that Nettychurn Sein, the person to whom these large advances were made, had no bullion in the Mint, and could therefore have no demands whatever against it; that these advances therefore were a mere loan, granted by Mr. Forster out of the Company's money; with a view to his own pecuniary advantage. I shall prove to you, that the particular sums of money in question, were coined and issued to Nettychurn Sein from the Mint, but omitted in the statements transmitted from the Mint to the Treasury. This I shall prove by a collection of those statements with the accounts kept at the Mint. I shall further prove, that the money was taken to the house of Nettychurn, and that receipts were regularly granted for it, in his name, in a book which was kept at the Mint. That book we cannot indeed produce; but we shall prove, that it was delivered over to Mr. Forster by the Newgates, at the time when they were dismissed from their employments. We have served a notice on the Defendant to produce the book; and it rests with him to do so or not. I state the evidence in this particular manner at the outset, as much for the advantage of the person charged, whom it will be better enabled to defend himself against it, as with the view of assisting you in the investigation of the charge. I shall prove the existence of the book, and that receipts were entered in Mr. Forster's name.

This, Gentlemen, is the whole of my case. And, however we may all lament, that a gentleman of high station, of character hitherto unimpeached, of great and acknowledged talents, and in the receipt of a liberal salary from the public; however we may lament, that such a man should have been guilty of the practices let forth in this information; yet, if the evidence to be laid before you, shall substantiate these facts which I have stated, you can have but one course to pursue; and, in such a case, it is indeed but proper, that the public interests should be guarded by the punishment of the delinquent.

Here various Witnesses were called on the part of the Crown to prove the charges against Mr. Forster. We regret we have not time to give their Examinations at full length, but as the Hon'ble Chief Justice has taken a clear and concise view of their Evidence in his address to the Jury, perhaps the full details will not be so material to our Readers. Mr. Ferguson then addressed the Jury as follows:

Gentlemen of the Jury, It is now in the course of my duty to address you, on behalf of a man, who, after a honorable service of thirty years, has had the misfortune to incur charges, against which hardly any man (in this country, at least) can stand, the displeasure of the government under which he serves, and who now labours under

FOURTH
LOTTERY,
FOR THE
IMPROVEMENT
OF THE
City of Calcutta.

NUMERICAL List of PRIZES and
BLANKS drawn to the Tickets of
this Lottery disposed of by MESSRS.
FORBES and Co. at Bombay.

No. 3203 Prize of 20,000 Sicca Rupees.
No. 5374 Prize of 5,000 Sicca Rupees

Prizes of 100 Sicca Rupees.

Nos. 3215	3217	3219	3223	3229
3234	3236	3245	3250	3251
3259	3267	3270	3277	3281
3299	3405	3411	3412	3413
3420	3421	3422	3427	3428
3430	3432	3433	3435	3436
3445	3447	3452	3456	3462
3467	3474	3478	3481	3486
3496	3497	3498	3803	3805
3816	3821	3833	3835	3848
3856	3862	3864	3865	3866
3871	3873	3877	3879	3881
3887	3890	3892	3893	3895
3897	5301	5306	5307	5311
5318	5319	5323	5327	5336
5340	5352	5357	5359	5361
5364	5365	5367	5369	5370
5379	5385	5389	5390	5391

BLANKS.

Nos. 3201	3202	3204	3205	3206	3207
3208	3209	3210	3211	3212	3213
3216	3218	3220	3221	3222	3224
3226	3227	3228	3230	3231	3232
3235	3237	3238	3239	3240	3241
3243	3244	3246	3247	3248	3249
3253	3254	3255	3256	3258	3260
3262	3263	3264	3265	3266	3268
3271	3272	3273	3274	3275	3276
3279	3280	3282	3283	3284	3286
3288	3289	3290	3291	3292	3293
3295	3296	3297	3298	3300	3401
3403	3404	3406	3407	3408	3409
3414	3415	3416	3417	3418	3423
3425	3426	3431	3434	3437	3438
3441	3442	3443	3444	3446	3448
3450	3451	3453	3454	3455	3457
3459	3460	3461	3463	3464	3465
3469	3470	3471	3472	3473	3475
3477	3479	3480	3482	3483	3484
3487	3488	3489	3490	3492	3493
3495	3499	3500	3501	3502	3504
3507	3508	3509	3510	3511	3512
3514	3517	3519	3521	3522	3524
3525	3526	3528	3529	3530	3531
3533	3534	3535	3537	3539	3541
3543	3544	3545	3546	3547	3548
3550	3551	3553	3554	3555	3556
3560	3563	3566	3568	3571	3572
3576	3577	3578	3580	3581	3582
3584	3586	3587	3588	3593	3594
5396	5397	5398	5399	5400	

(Signed) A. TROTTER,
Offg. Superintendent.

CALCUTTA,
21st February 1811.

N. B. The above Prizes will be paid
by Messrs. FORBES and Co. on applica-
tion at their Office, at the rate of 110
Bombay, per 100 Sicca Rupees.

Bombay 18th March 1811.

FIFTH
LOTTERY,
FOR
THE IMPROVEMENT
OF THE
CITY OF CALCUTTA,
ESTABLISHED

BY THE RIGHT HONORABLE THE GO-
VERNOR GENERAL IN COUNCIL,
AND
CONDUCTED BY THE
OFFICIATING SUPERINTENDENT,

Under the immediate directions of
Commissioners appointed by
Government.

SCHEME
OF THE
FIFTH LOTTERY:

1 Prize of	100,000
2 Ditto of	50,000 each, . 100,000
3 Ditto of	20,000 60,000
6 Ditto of	10,000 60,000
10 Ditto of	5,000 50,000
14 Ditto of	1,000 14,000
1440 Ditto of	100 1,44,000
1476 PRIZES.	5,28,000
4524 BLANKS.	

Applicable to the Im-
provement of Calcut-
ta, and the Expen-
ces of the Lottery. } 72,000
6,000 TICKETS. Sa. Rs. 600,000

1st.—The fiftieth drawn Ticket on the
last day, will be entitled to one of the
Prizes of 50,000 Sicca Rupees.

2d.—The Prizes with the exception of
the Tickets sold at Madras and Bombay,
will be paid at the Bank of Bengal, with-
out deduction, thirty days after the
Drawing shall have been completed; in
like manner, the Prizes drawn amongst
Tickets, sold at Madras and Bombay,
will be paid by the Agents at those Pre-
sidencies, respectively, as soon as the ne-
cessary adjustment thereof can be tran-
smitted to the Agents.

3d.—The Drawing will commence on
the 1st July, 1811.

4th.—The price of such Tickets as
may remain unfold on the 20th June
next, will be raised to Sicca Rupees 110
for each Ticket, until the period fixed
for the commencement of the Drawing;
when the Tickets unfold, will be liable
to such further progressive increase of
Prize, as the Commissioners shall judge
proper.

5th.—Tickets signed by A. TROTTER,
Esq. Officiating Superintendent of the
Lotteries, will be ready for sale at the
Bank of Bengal, on the 11th March
next.

6th.—A supply of Tickets will be for-
warded to Messrs. HARRINGTON and Co.
at Madras, and to Messrs. FORBES and
Co. at Bombay, as soon as may be prac-
ticable, to be sold at those Presidencies.

7th.—Prize Tickets in the late Lot-
teries will be received in payment of
Tickets in the present Lottery.

A. TROTTER,
Offg. Superintendent.

CALCUTTA,
The 21st February 1811.

N. B. Messrs. FORBES and Co. have
received for sale, a supply of Tickets of
the fifth Calcutta Lottery, which may
be had on application at their Office, at
110 Rupees per Ticket, Ready Money or
in exchange for Prizes in the late Lot-
teries. Great inconvenience having ar-
isen from applications for Tickets from
out-stations, and Remittances through
the Pay Office in payment for the same,
it is requested that those desirous of pur-
chasing Tickets and who may not have
accounts with Messrs. FORBES and Co.
will make the necessary Remittances to
their Agents at Bombay to whom the
Tickets will accordingly be delivered.

In the Estates of DHUNGEEBOY SO-
RABJEE and KYCUSROO SORAB-
JEE Joint Heirs and representative
of SORABJEE MUNCHERJEE De-
ceased.

THE Creditors on the abovementioned
Estates and the individual Creditors
of DHUNGEEBOY SORABJEE are
hereby requested to transmit immediately
to us, at the Courier Office, a Statement
of Accounts on which balances may be
claimed, in order that the extent of de-
mands on all the respective Estates may
be ascertained with the least possible de-
lay, and that arrangements may be made
for the distribution of the Funds of the
Estates as they may be realized, according
to the Interests of the parties concerned.

It is particularly requested that the
Statement of Accounts may be brought
up to the 31st of July last.

J. G. REMINGTON,
LUKE ASHBURNER,
O. W. O'DHOUSE,
J. H. STEPHENSON,
W. A. MORGAN,

Trustees of Dhungeebhooy
and Kycusroo Sorabjee.

BOMBAY, 19th MARCH 1811.

બંધારણ.

બંધારણ. બંધારણ. બંધારણ. શ્રી.
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- મેસ્ટર નંદીગઠ
- મેસ્ટર યજ્ઞચંદ્ર
- મેસ્ટર વીડેઇ
- મેસ્ટર ઇસ્ટીફીચ
- મેસ્ટર સુગઝ
- ઇન્ડીયન ઇન્ડિયન ઇન્ડિયન ઇન્ડિયન
- શ્રી. બંધારણ. શ્રી. બંધારણ. શ્રી. બંધારણ. શ્રી.
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ADVERTISEMENT.

This-day, SATURDAY, the 6th Inst.
WILL RECOMMENCE
AT 11 o'clock,

AT
Messrs. J. Mitchell & Co.'s
ROOMS,
THE Sale by Auction of all the Re-
maining articles Advertised in the
last Courier and specified in the Cata-
logues that have been circulated; and at
12 o'clock, the two Chestnut Colts as ad-
vertised in the Catalogues; also, at 1
o'clock, four lots of Jewellery will be put
up again, in consequence of some misun-
derstanding respecting the bidding.
Bombay, 6th April 1811.

Baxter, Son & Co.
On THURSDAY next, the 11th instant,
WILL BE SOLD
BY PUBLIC AUCTION,
AT THEIR ROOMS
IN MEADOWS' STREET.

SUNDRY Articles of Household Fur-
niture, late belonging to NASSER-
WANJEE MONACKJEE, by order of the
Trustees, consisting of Europe and China
Prints and Paintings, China Chairs, and
Couches, Blackwood Chairs, Bureaus,
Book-Cases, &c. &c. &c.

ALSO,
At 12 o'clock precisely,
WILL BE SOLD
A Chariot with Horses and Harness
complete.
1 Country Built Chariot.
1 Hackery and
1 Horse the Property of the above.
Bombay, 6th April 1811.