

· VOL. XXI.]

SATURDAY, APRIL 6, 1811.

INUMBER 970.

Thas been Resolved, that all Advertisements which appear under the Signature of the Secretary to Government, or of any other Officers of Government properly authorised to publish them in the BOMBAY COURTER, are meant, and must be deemed to convey official Notification of the Board's Order, 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 Tuefday 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 Role Water, on account of the Hon'ble Company.

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

BOMBAY CIPIL 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

Unferviceable Condemned

ORDNANCE STORES.

BELONGING TO THE HONORABLE COMPANY. ISTS whereof may be feen at this.

Office. The lots to be paid for, and cleared away immediately, or refold at the rifk and expence of the first purchaser. WILLIAM SMITH,

BOMBAY Commifary of Stores. COMMISSARY'S OFFICE, 1ft APRIL 1811.

By Order of the Mi itary Board W. NEWNHAM,

ADVERTISEMENT.

RECORDER'S COURT.

ECCLESIASTICAL SIDE.

the Goods of the late Cornet ALEX-ANDER FOTHERINGHAM of the 4th Rigiment Native Cavalry of the Madra Establishment, deceased.

ETTERS Ad colligendum bona defunci being committed to WIL-IM KENEDY Efq. the Register of tl Court; All perfons concerned in the fa Estate re hereby apprized thereof. Ded 3d Apil 1811.

TEPHENSON, PROCTOR.

ADVE TISEMENT.

NOTICE ISHEREBY GIVEN, THAT Proba of the last Will and Testament o JAMES MILL RO-BERSON late ofBombay Mariner, decease being Compitted by the Honorable th Court of the Recorder of Bombay to CARLES FORBES, WILLIAM TAYLR MONEY, DAVED DEAS NGLI MICHE FORBES and JOHN TEWRT of Bonbay Merchants trading unr the name of FORBES and Co. a Bony the Executors in the faid Will naned; Il persons oncernd in the faid Efte abereby apprized wereof.

STEPFENSON, PROCTOR

Bomball April 1811.

Advertisement.

NOTICE IS HEREBY GIVEN,

HAT 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 faid Will named; All perfons concerned in the faid Estate are hereby apprized thereof. Dated the 1st of April 1811.

STEPHENSON, PROCTOR.

ADVERTISEMENT.

APTAIN 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 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 fixth 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 fubmitted for the confideration and determination of the Meeting now convened.

J. H. PELLY, Afting Sec. and Accountant Bombay Civil Fund. CIVIL FURAY

APRIL 6th REFICE, N. B. Breakfar ill be provided, precifely at 8 o'clock.

A CARD.

it is particed by requested that all Advertisements intended for insertion in the Courier of Saturate the 3th may be sent to the Courier Office at 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 Meffrs. SHOTTON, CALDER & Co. are empowered to issue Policies, at the risk of the faid Society on Ships, Veffels, or Merchandize, from Bombay to China .-The Policies to be made payable at the option of the Infured, either in Canton or Bombay.

Bombay, 23d March 1811

ADVERTISEMENT.

A N 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 INSUR-ANCE SOCIETY " to grant Policies on Ships or Goods on account of that Society from Bombay to China,"

Meffrs. FORBES & Co. as Agents for the CANTON INSURANCE COMPANY, established in the year 1806,7, and the only COMPANY for Infurances in China, till the 1st of January last, deem it an act of duty to their constituents; to acquaint PETER PUGET Eqf. Resident the Public, that the said CANTON INSU RANCE COMPANY, still exists, and to defire that notice may be taken of the diftinction between the two Firms, lest the trifling difference between the terms Com. PANY and Society, may occasion applications for Infurance to One Firm, which may be intended for the other.

Meffrs. FORBES & Co. also take this opportunity of acquainting the Public, that as the period, for which the aforefaid CANTON INSURANCE COMPANY Was formed, will expire on the 3d of January 1812 it has been determined to continue the affociation, for a further period of three years from that date, under the defignation of the "OLD CANTON INSU-RANCE COMPANY," and the following are the Members who have already Subfcribed viz.

GEORGE BARING, AS OT GEORGE BLIGHT, ROBERT BERRY, CHARLES THOMAS, PETER DOBELL, C. C. M'INTOSH, Hon'ble HUGH LINDSAY, PALMER & Co. A. L. BARRETTO, B. BARRETTO, LUIS BARRETTO, F. BARRETTO, FORBES & Co. JOHN STEWART. PATRICK GARDNER, WILLIAM TIERNEY ROBARTS, DAVID BROWN CHARLES BLIGHT, TAURACHUND MOTTICHUND, AGOSTINHO DE SA DACKJEE DADAJEE,

Meffrs. BARING & Co. of Canton, General Agents for the Company. PALMER & Co. of Calcutta, Agents for the in Bombay. TORBES & Co. of Bombay ditto ditto ditto ompany in Bengal.

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

Agents.

Bombay, 25th March 1811.

ADVERTISEMENT.

VIR. 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 Confignments 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 refpecting S. W. & Co. may be learned on application to Messes: PALMER & Co. Catcutta, 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 huherto claimed, and now remaining in Deposite with Messrs. FOR-BES & Co.—Notice thereof is hereby given, in order that the Proprietors of the Tickets to which those Prizes appertain, may apply for the fame, 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.

1 PRIZE No. 54 value Rupees 600 drawn to Ticket Ditto, No. 104 value Rupees 300 drawn to Ticket

Ditto, No. 125 valut Rupees 200 drawn to Ticket

No. 2332: 1 Ditto, No. 127 value Rupces 250 drawn to Ticket By defire of Major JAMES FRASER, H. Ad. 78th Regt .- Prize Agents

BOMBAY, 23d March 1811.

A CARD.

CAMERON and J. WALLACE have, for the convenience of Families, refiding in the Country, erected a Bakery at Umbercurry a finall distance northward of the Jail; where Bread, Flour, Bifcuit &c. may be had, as at their Bake-hottle in Town .- Paftry prepared at the thortest notice.

Bombay, 6th April 1811.

FORBES & Co.

Advertisement.

Notice is hereby Given,

HAT the large House near the Church Gate, late the proper.y of Nafferwanjee Monackjee, which was advertized for fale on the 25th instant and purchased by Hormasjee Bouranjee, for the fum of eighty one Thousand Rupees will with his confent, be again put np to fale on Thursday the 18th of the ensuing month of April at the f me fum, that an opportunity may be given of obtaining a higher price for the benefit of the Trust in

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

orisz. WUZ

भागर . डी येथी • आपी येथे चर्ने • aाडी आ । नशर्यानक आंशिक्षक्त गीर गीप भोद् पवनयही ना • हरवाला • भागानु • के जार गा। २५ भी गामे भड़ीनानी ये वयवाने हापीड यातु ते गार वरी (·ค. นเราพาอ. อารมาขางหมาย ये जराह श्रीष्ठ ग्रेपीया (१००० य साशी . हलारे . ते . गार . पाकु . का हर . सी सांद्र परीने वेथशे जा १८ भी ग्यापरे ध न्यावता मडीनां नीय · अरेशपत वा रने ही ने वेयशे टेटले अ अधि के यशे। शामा शामा शामा श्रील जेनारने पारशा क्रना व अत • मर्ज • ने • सी भे • तथा • बता लाव व्याशास थाये ते वाशात प्रतिन वयह

> ©લીય્યમ∙દી•મંલી ริโธ - นิรเก๋ศช - เห๋ศช शेह : होरभज्ज • जमनज

NOTICE IS HEREBY GIVEN. HAT (in pursuance of the refolution of the Trustees to expose to public sele the whole of the property late belonging to NASSERWANJEE MO-NACKJEE) on Friday the 19th of the enfuing month of April at the hour of enfuing month of April at the nour of | જાતી • આપ્રેને • પ્રલાપ્ત ૧૧ થી તે • પ્રલાપ્ત RIER OFFICE the following Meffuages or Tenements and Property fituated within the Town Walls of Bombay, in Separate lots as under mentioned.

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

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

Lot 3 .- A Shop No. 10 situate in Parfee Bazar in the occupation of Dorabjee Byramjee at the monthly rent of 20 Ru-

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 421, and the other untenanted but worth to be let from 40 to 45 Rupees p:r month.

Lot 5 .- A fmall House with Outhouses No. 3 in Raterfield Street in the occupation of José Pedros Armenian at the monthly rent of 25 Rupees.

The feveral premifes may be viewed from 11 till 3 o'Clock by application to the Truftees and the conditions will be made known at the time of fale.

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

कार्हर अधार

cher with the to the server after the

भार डी मेथी · आधी मेथे वरे बाडी था नशरवीनंक भाषिक जु नमांभक शहेड कथान मीलप्रत दरशदीयाय धरावीते विथवाने अाडीइ के ला १८ day of April 18.1.

भी . भापरेष भावता भड़ीना नी भे . शु ४र · बारने · ही ने · पाठला · मेरे • ४ला ४ ४ वागति । वार्वर । सीखांक । प्रति । वेयशे । विष्ठ भी पद्मत शिम्मेणा कना । प्राटमी के ते.ते.श्री.काराव्यर.हारीश.व्याज्ञात.व ચરા નીચે લખેલા પરમાં જુદા જુદા पाट · प्रराने • वेयशे • तेनी • वीगत

पाट q पेट्रेजा • डोर • अप • प्रार अश धरादरीटमोक् के कार्गापर कीरी थेर .. श्रीश अधिली केते के नारनु आहु आ श व क्षेत्रना अपीयमा १५० द्वपलक * साद र जीको नेरे भे ४ राइ रेवा ने अध्यक्षा अधिकार के निमां के निया शरकारनु पहरणानानी जिनमां के ते ना र भिष्मिशातर पापर शाहिल रे भिष्ठे ते • 312 तु • M15 • 31 • 60 क्ष्मिक के • हर • अही न साद 3 तीला • इंडान १ सेंड नम अर १० नो ने दुर्धान पारशी कारासा के मे दुर्धानमा आइत । पारशी होराज 9. जरामक्रक. भेनु - MIS - भारा - अपना उपीय्मा २० उपल्छ

पाट ४ थोथो · st 2 ले · रहाथे • के। કા • જોકનાં છે • જુની • ખરાખની • રાંભે છે • ते । र में अंभे अंधे । लाइत । भारशी नशार यानक परामक रे में है । तथा । गर • जी ला भिं पारशी नवरी जल प्रावश्ला रेथेके थे जंब जरन लाडु आशा थे प्र उपीया ४२॥ इपलेक ने जीक का। णालीक मे वारात अपीयमा ४२॥ द्रुपल 6. शंधी · พอแ· MIS · 24 เหมิกเ· 3 41241 ४० तथा ४५ इपलशे #

बाट प पांचमी• शर• में प्र• नांखु•राट रशीय • करादरीट • मधि • यां । रेलवाडा • भध्नि कार भध्ने अरभानी अल्या पह 3श . अरमानी रे अके ते नारतु लादु भाशं १ नां अधीयमा २५ इपले क

ये श्वारवे भी अप्रत न या जा जेन 3 श्रुद्धी • हेभारशी • टरशाटी मोने • भरल • કીધાથી • તથા • એના • વેચવાની • ભાલી • વે यती विभात का हिर परशे क

> इसीयमं री मंनी ริเธ . นิยเกศอง เหมศอ शें ६ - होरभलक • जमनक

IN THE AFFAIRS OF

Nasserwanjee Monackjee,

NOTICE IS HEREBY GIVEN, THAT the Stipulated Dividend of twenty five per Cent upon the debts of NASSERWANJEE MONACK-JEE continues to be paid at the Office of Meffrs. 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.

HAT on Thursday next the 18th day of April instant upon the Premises 10 o'Clock in the forenoon will be fold the dwelling House late of BALLASHAW COIDAROO deceased Situat- in the great Market in Bombay with the buildings and appurtenances purfuant to an order of the Honorable the Court of Recorder to Satisfy the Mortgage Claim thereon ward them, through the channel of the Paymater General will of RUSTOMJEE AUDERJEE date oth fabric them to the Military Auditor neral, for plithed. Control of the Lorden Agents for the Control

B O M B A Y.

SATURDAY, APRIL 6, 1811.

CIVIL APPOINTMENTS.

15, MARCH 1811. MR. GEORGE FITZWILLIAM CHA-MIER, to be Affiliant to the Collector of

27, MARCH 1811.

Mr. George Corfellis, to be Commercial Refi-Mr. Julian Skrine, to be Commercial Resident

GENERAL ORDERS.

BOMBAY CASTLE, 30th MARCH 1811.

By she Hon'ble the Governor in Council. Id is Hon'bie the Governor in Council is pleafed to publish the following Extract of a letter train the Fon'ble the Court of Directors dated the

Extract of a letter from the Hon'ble the Court of Directors dated the 27th of June

PARA. 108 We have confi-31. Mr. Martin | dered the cafe of Mr. Edward Appointed pro- [Martin, and under the circummonally an af- > hances fet forth, in a Memorial finant Surgeon | which he has fubmitted to us on the Bombay | fince his return to England, Etiablishment. I strengthened by your recommendation in his favor, we have been induced to confirm his appointment, as an Affitiant Surgeon, on your Establishment and to fix his Rank at the bottom of the Litt of the Seafon 1807-8.

BOMBAY CASTLE, 1st APRIL 1811.

The date of Lient. Colonel Blachford's promotion to the rank of Colonel in the corps of Engineer, as announced in the General order of the fith ultimo, stands corrected to the 25th of July 1810, the date of his promotion in His Majety's service,

BOMBAY CASTLE, 2d APRIL, 1811.

His Excellency the Hon'ble General ABER-CROMBY the Commander in Chief, having lauded this Morning from His Majefty's Ship Hefper, in which that diftinguished Officer has returned from his fuccessful expedition to the Mauritius, General ABERGROMBY will be pleased to resume the exercise of the Chief Command of the Army, which Major General McPherfon will deliver over to the Lieutenant General accordingly.

This Government has already expressed it's in-timate sense of the profsessional merits of the Commander in Chief on the late important fervice, by which the French Islands bave become a valuable addition to the British Empire, after having, during fo long a feries of years, proved fo fevere an anno-

It now only remains for the Governor in Council to express his fincere gratitication, on the occasion of the Hon'ble the Commander in Chief's fafe return to the feat of his permanent official and professional duties; at the fame time that the Board have much pleafure in availing themselves of the present opportunity, to announce their impression of the satisfactory manner, in which Major General McPherson, has discharged the weighty and responsible functions of Provisional Commanding Officer of the Forces, and of Acting Retident 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 pleafed to direct that Officers on furlough from this Establishment, at the Presidencies of Bengal or Madias, 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 obferve the following regulations and forms.

1ft. 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 thall grant a Receipt for the aggregate of fuch advances as, "Received on ac-"count of the Prefidency of Bombay" adding" being an advance of Cash equal to the estimated amount of Pay, Barta &c. (specifying the al-" lowances) of my Rank as (here enter Rank) in the (here enter Regiment and Battalion)
in own ferving under that Presidency the
Months of (here enter Month and my Honor,
aggregate advance, I declare amount of what
I believe not to exceed the to receive for those
I am (or shall be) entinder the Heads above
months respectively the regulations of the Deck

months respectively the regulations of the Presidency, fiated, agreeably oay.

"dency of Boay."

"Green of this Presidency, and of this Officer that make our regular ablestor.

the purpose of being examined and authorize entry in the Paymafier's difburfements. The tracts will then be reftored to the Paymafter G ral for infertion in the difbutfements, accompany by a statement of the advances made and by the receipts, which fuch officers had granted at the

Prefidency where they had received the advances for the purpose of adjusting their accounts.

In like manner efficers 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 defirous 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 1611.

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 Cruizer, that the late Government of the life of France and it's officers, had endeavoured to prevail upon a detachment of the Marine Battalion, embarked on board of that Veffel. to enter the French fervice, after her capture by the French Frigates Aftrea and Iphigenia on the 21ft September lait; and that various ineffectual means, as well of a perfuafive as of a coercive nature, had been referred to, to induce the Sepoys to fwerve 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 fincere fatisfaction in announcing that the refult of the enquiry has afforded another dif-tinguished proof of the fidelity and attachment of the Native Army of this Effablishment under cir-

cumstances of a very trying nature. It appears that in addition to repeated offers of

encouragement; and, failing in that, to the infliction of fevere 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 fervice, was thrice feverely wounded in the Arm, and once on the head; the effects of which have (it is apprehended) entirely incapacitated this faithful Naive Soldier from the performance of further duty.

The conduct of this Detachment, though not unprecedented by various examples of similar attach-ment 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 perpose pleased to direct that a Silver Badge, with a suitable inscription be presented to each man of the party, as enumerated on the following Lift,—that Launce Havildaur Dhondnac Pudnac be promoted to the rank of Havildaur—Moorfahib 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 fererally belong.

Lift of Detachment embarked on board the Hon'ble Company's Cruizer Aurora.

Naique-Dhondnac Padnac-Launce Havaldaur-Sepay - Hoorfahib Khan-Launce Naique,

Ditto - Sheikh Bahadour, Ditto - Ranmac Mallnac,

Ditto Dhunac Dadnac, Diuo -Sheikh Boodle,

Ditto Seedee Abraham,

Ditto -Rugona Khan, Dit to -Sheikh Ifmail,

Ditto -Dhondnae Bagnae

Ditto -Satuac Linguac, Ditto -Sunkernac Lumnac,

Ditto - Lucknac Dernac, Dino -Ambunac Drumnac.

Ditto -Goonac Dadnac,

Dinto -Sheikh Moideen,

Dice Dhewnac Murrownac,

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

W. NEWNHAM, Sec. to Govt.

そくをほうう シー

We have to congratulate the fettlerent one return of our Commander in Chief Liut. Gent the Hen'ble J. Abercromby, who gived ine Harbour on Monday evening last if the Her sloop of war, Capt. Lloyd-and laded the st morning at break of day.

As we are convenced that it is nore decars and proper in us to greet his Exclency's rem, rather by a fimple mention of ce only offe confequences of his expedition, the by any imrtinence of general adulation, we ebrace this dafion of observing, that we are hapy to find, he Commerce of this Port has alredy derived bestantial benefit from the Fall of the Mauritithe premium of Infurance, in a chief brane of the Trade to China, having beereduced one indicated to the control of the contr and Inforances to all other pas being, we derfind, effected at rates proportinably reduced We cannot however convey a freger idea of p importance of this conquest to the trade olndia. than by referring our eaders to the follows correspondence with hich we have been alwed to
adorn the commiss of this day's aper.
The resuld ribute of appropriation while a there
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SATURDAY, APRIL 6, 1811.

(Continued from the third Page.) !

the imputation of an offence, for which he has not only ben already feverely punished by the deprivation of his office, on the emoluments of which he depended for his support, but is this day brought before you to answer as a crimmal. Before I proceed to the defence of my client, it is necessary that I should advert for a moment to the fingular circumstances, under which he is now accused. For forty, years has this Court far, administering justice in this place, to the great benefit of the territories subject to its jurisdiccafe, which, on account of its extreme enormity, has been felected as a fi lubject for a criminal information; this case in which it appears, that the Company have not only not suffained the loss of a fingle 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 fay, that their Lordships would never have interpased 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 profecutor must come into Court with clean hands and a clear case, aloof from all implication (however semote) in the acts which he alledges to have been done. How do the presecutors 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 forseiing any situation which I may expect to hold under government, who I shall always be proud to ferve,—I will fay, that this is a most harsh pro-fecution. Nevertheless, Gentlemen, it is impossi-ble for me to regret, that the profecution has been so conducted. I now for the first time address you, standing, as you do, in the situation of a Petty Jury; and any of the actuation of a retry sury; and, without meaning to fay any thing to the prejudice of the Petry Juries of Calcutta, I am free to fay, that I am happy that this cafe is to be tried by you. I know many of you perfonally; and know, that your minds are not to be infected by the calumnious prejudices, which have been fpread abroad against my client. For their laft welve months, the most infamous aspersions on his character have been feduloufly 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 paffed through Mr. Forfier's hands not one anna has been toft 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 againft 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 fay. 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 fat; ings effected by him in his department. But I am new ready to prove, that by the regulations which he introduced, he did effect a faving to the Company of at least alacs of Rupees, and that, had he chofen to avail himfelf of the opportunities of peculation which his fituation 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 verdie, which you can pronounce. It appears, fand I can establish it, if necessary, by the most positive evidence,) that, from the time of Mr. Forfer's appoint. ment to the Mint, a very great reduction was effected in the race of refining; and that, if Mr. Forfer, inftend of promoting that reduction, had chosen to have received even one anna or half an anna per cent, from those who were willing to have given it, he would, as I have faid, inflead of being, as he now is, a man in reduced eircumftances, have been in possession of a fortune, that would have rendered the iffue of this profecution a matter of comparative indifference to him. Had he been inclined to defraud, (for that too is charged against him in the information [I will shew, that he did not want opportunitie of detrauding.

will now be recessary for me, Gentlemen, and, in doing foul with crave the indulgence of their Lordthips,) together a little at length into the law of the case. It what I have to urge on this head stall be ettoneous. I stall be even to judge at once of the fact, of the law, and of the motive, I must take the liberty of contending, against what has been this day faid by one of the best lawyers whom I know to be the law of England. It is stated in the incommentation, that the Defendant being Maker of the Minister and the best lawyer of the Minister and the best lawyer, did, is breach of his trust and dog the lawyer, did, is breach of his trust and dog the lawyer and the lawy lend out she fame, wich an ingentien to defriud Stripping this acculation of the cliringe of fraud, which not even attempt has been made to prove, and leaving the evidence, (to which, I that advert afterwards, and in which, I ager, the profecution is interably deficient,) leaving these points out of the question, I contend, that it does not impute to my client any incetable ofing h criminal in any many to use or lend the pubprovided the money is for his private emplument, provided the money is forthcoming when called for; and, in the prefent case, no attempt has been made to prove, that it was not. I contend, that a public offier fo leading the public mane, cannot be profecuted for it, either by information or indictment. Abd, when I told you, Gentlemen, that this is the first inflance in this country, during a course of thirty feven years, in which a Jury has been called to try a criminal informa-tion. I ought also to have told you, that it is the first limit of the formation of th

tlemen, I defy them to produce a fingle instance to pasallel it. Had they ranfacked all the books, of which their houses are full, they would not have found one;for I will boldly affert, that there is not one fuch inf-tance on record. It is a cafe, in which the party ag-

grieved, has a civil temedy, 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 momey 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 lofs which may have accrued, the mere using of the money does not subject a man to a criminal profecution."

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 truft and duty, in a fervant of the Company, a misdemeanours 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 fay, that there can be none, without fraud or embezzelment. If for this case of course will not come under the flature. If you have any authority therefore, in support of your argument, I should wish to hear it."

Mr. Pergussion. "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."

Chiff Juftice. " The whole of your objection appears to me, to go upon the face of the record. If you conseive therefore, that in point of law, the facts charged are not an offence, I think your argurment would be

urged more properly in arrest of judgment."

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

" It is always a matter of concern to me, Gentlemen when I appear to their Lordships, to be going beyond the first line of my duty; but, I truft, I am not doing fo, in the present instance. I was observing, Gentlemen, that this is a subject, which has been much canvailed at home; and that the refult of the discussions there clearly prote, 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 fee, what were the opinions delivered on the occasion by the great lawyers, who then held feats in that affembly. Commissioners were appointed in the year 1783, for the purpole 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 refeatches, and their reports relate principally to defalcations in the offices of he Pay-master of the Forces and Freasurer of the Navy Gentlemen, fome 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 profecution. Such an idea has at no period received the function of any legal authority; and, the last time it was started, it was most faccelsfully and triumphantly rebutted."

Here Mr. Ferguffon proceeded to quote that part of the report of the Commissioners, which sixes the balances then outstanding against successive public officers in the various high departments of the flate, including the names of the East of Linzbin, the sale Lord Hollard, the Hon'ble Charles Townshend &c. &c.

1 name these high and noble perfores. Gentlemen.

The reformed, "to thew, that if this had been an indicatelle offence, every one of them ought to have been indicted."

He then finished the clause of the report, starting the large fums due to the nation by these officers; and

fi these was any thing like a crime, Genflemen in employing or lending the public money, there was met one as I have faid, of the public officers here na-med, that would not have been liable to indictment. But, what did the Farliament of England do? They passed a bill brought in by Mr. Burke, the provisions of which siew clearly and beyond all dispute the opions then entertained on this fubject. The preamble pears bill fets out with declaring it to be highly exinformationch mitute of the public money, -how? by makineregult indictment?—no fuch thing, but by of balanes in is to prevent the future accumulation You will be the prevent the future accumulation You will be even thanks of the public accountaints! whom i he mentioned, that the noble persons Mr. For he is altedged to have done. The utmost of which in the him, is, that he ten out money, and which we urse of his office came into his hands, lic service. But immediately demanded for the out greatly beyond to obtained fro heir own empluexpr their investiga

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ances

ville. And, on that ground, a man who, in point of legal knowledge, yields hardly to any at the bar, (the prefent Sollicitor General,) boldly flood forward and threw down the gauntlet; -he loudly afferted, (1 myfelf was in Westminster Hall, and heard Mr. Plomer thunder in the ears of the Managers,) -that what they had alledged against Lord Melville, was no offence, -that it was all a delusion,-that there existed neither common nor flatute 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 fubject, 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 forth com-

ing when called for.

Mr. Ferguifon then proceeded to read to the Jury the following patinge from Mr. Plomer's speech, as recorded in the published Report of Lord Melville's Trial:

"I know, when I affert this, I am taking up the arricles of impeachment; I know he has diffinetly and ably argued, that before 1785, when the flatute paffed, 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

" Perpaps the principal force of the honorable manager's argument, was directed against the confession of the noble defendant in the House of Commons, the of the noble defendant in the House of Commons, the confession of a public accountant in what has been called the fanctuary of liberty, when he said he would conceal the use which he had made of the public money. He had afferted, he had a right to make this employment of it: and the offence is, that he had dared to avoid this in the fanctuary 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, to a man who was entrusted with the public money, and if they use it before it 4s

with the public money, and if they use it before it 4s wanted or required by the public, all this would be

matter of charge against them, Now, with great fubmiffion, 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 fo, univerfally admitted not to be fo id every book upon the fubject, and openly and publicly declared not to be fo in the very fanctuary of liberty, by the highest and most enlightened characters in it, and under circumftances which indicate the most posi-

ive 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 fay that fuch a declaration connot confriute the law of the land. I hope I may accompany this allegation with all that paffed 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 flated, 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 fingular and extraotdinary 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 fources there stated, to that which is deduced in this preamble.

It appears by the Journals of the House, that upon the 11th of lune, 1781, the subject was brought ftatute. And, in confidering under the confideration of parliament by the mic of the day; and your Lordinips will condelected to low me through the proceedings at that time. Upon occasion of this enquiry, the balances which the mained in the hands of the public accounts, were parted by the Committee, and they for

the fubject as early as the bitury, but deficied to a period the recollection of fome of year 1778, a noble person went balances, of which he has fit and I think the whole demand did he fay in this fanctuary of li that he could not apply the published No, he affected his right of it. Here he was ready to throw and to argue against any man who protest ry opinion, that if a public accountant flould 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 preament of the profession, will challenge me, and will exclaim, 'How do you date to affert, that a public accountant, not only to the amount of ten thousand pounds, but to the extent of font hundred and fifty the stand, may thus divert the public monies? You throw down the gauntlet, I take it up, and infifts has yet have no right to make this prafit and infift that yet of the public mens What was the case at the date to which I have a seried? The minister was not of opinion with the terried and eloquent gentleman, he said, that if a public accountant would produce the money when the fary, it was immaterial what use had been made of it. Now two persons, who never agreed before upon any one subject, at least conupon this, and yet here we are to receive a difference and the land.

for the flatute to be paffed on the subject, and therefore they were brought in as a fort of pledge of parliament, for the adeption of the principles at a postetio date, or to engage them or their fuccessors to re-

fume the subject,

. Some of your Lordships will remember as a mae. ter of personal observation, others as a matter of his tory, that a new course of events succeeded, and who the parliament met, they had fomething elfe to de liberate upon; and upon there refultions the hour never acied. 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 faid, that by the violation of these the individual is to be con demned.

' Even after thefe resolutions had been brought for ward in the very fanctuary of liberty, a right honorable-gentleman faid twelve mouths after, he had confidered the fubject with respect to very large amounts with which he was entiusted, that he had a right to em-ploy the money, that he had often done fo, and that all the nation had to expect of a public accountant was, that the money thould be forthcoming when the exigencies of the state required.

It appears, that when the subject was brought

under the confideration 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 the party money in his hands subsequent to his refignation. 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 Attor-ney 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 culty 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 hefitate to declare, that the public had no fuch 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 failure of the securities. This was not the case, the party himself must answer for the deficiencies, and therefore should have the enjoyment of the interest. the enjoyment of the intereft.

'I might state many more opinions, in which such as rejected every idea of criminality, now were alarmed by dangers to the confliction, and to the freedom of the country; nothing of this kind ever entered the head of any one member in the fanctuary of liberty. There was one accountant who had no less a sum than 848,000l, and he publicly flated 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. Fergusson, is the argument of Mr. Plomer, and an argument which never was was rebutted by the Managers."

Sir William Burroughs: "If I am not greatly mis,

taken, the question was referred to the Judges in Lord Melville's cafe, and they decided, that it was not a mifdemeanour at common law."

Mr. Ferguston. " very likely, my Lord; I was not aware of that.

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



has given you. He has averred, that it was the duty of the Mint-Mafter to transmit all the bullion in his hands, as fast as it was coined, to the Treatury. If fo, the law has found in him a most extraordinary expounder) for he described it to be a part of that duty, to transmit to the Treasury, not only the bullion of the Company, but yours and mine also, I deny iti-I deny, that any officer could be bound by fuch a regulation; I deny, that the Costpany have any right to withdraw, or appropriate even for a fingle hour, the money of any man having, a claim on the Mint; and where they to do fo in England, he would firike a docket against them instantly, and they would become bankrupts. A breach of truft, indeed! I fay, this would have been a breach of trust far greater than that imputed to the Defendant, if, for one minute even, a perfon having bullion in the Mint had been debarred from his property. I maintain therefore, that you have no other ground to go on but this, that Mr. Forfter was bound to have the money entrusted to him, forthcoming on demand, for those to whom it belonged; and that, if he had appropriated to one party, what pertained to znother, the party to fuffering would have been groffly defrauded. As to the mode of disposing those funds which are uncalled for, it is of course in the power of Government, at any time, to fet all right by a regulation, and to fay precifely what the duty of the Mint-Mafter is. But this, it feems, they had not done; and you can therefore go only on the act. By the act, his embezzling the money would be indictable, but not his lending it. And, after all, in what way was the money even endangered? The man, to whom he is faid to have lent it, was one of the most opulent Shroffs in Calcutta; and it was just as secure in his possession, as if it had remained in the godowns of the Mint. The bare fact of lending is no offence at all; all that his duty required, was, to keep the money fafe. Government might indeed, if they had so chosen, have made this a breach of duty; they might have taid, you shall not keep 5,000 Rupees at any one time in your possession. They have faid no fuch thing. On the subject of the Mint-Mafter's duty, you have nothing but the ftrange account of Mr. Egerton, who puts both cases on the fame footing, and considers the non-transmission of the Company's money and the non-transmittion of the money of individuals, as equally culpable. Now, it will not, I prefume, be very eafy to shew, that in not fending another man's money into the Company's Treafu-17, Mr. Forster, was guilty of a baeach of truft. And, with respect to the transmission of the Company's money, all the account that you have of the duties of the office, refts only on Mr. Egerten's inter-pretatio. Unleff they can produce a positive regulation on the subject, I contend, that no breach of duty is proved.

" But, Gentlemen, I go much further than this. I deny, that the evidence furnishes throughout the most distant indication, of an intention to defraud, on the part of Mr. Forfter. You have heard much, Gentletlemen of these howlant accounts?-they were introduced to you with an air of myftery, as if there was fomething criminal in the very word. Those accounts you have heard were entered regularly in the public books of the office; there was nothing of privacy or concealmeet connected with them; they were open at all times to the inspection of any person whom government might chuse to appoint for that purpose. And, after all, what does the whole transaction amount to? Why, that this man had accounts to an immense extent at the Mint, and also an account with Mr. Forfter himfelf. They have not dared to produce the bullion-book, from which alone the flate of his account at the periods in question could be known. Ten days are allowed af ter the iffue of an affay-pertificate, before the party can demand his money from the Mint, besides two days which are required in the first instance, to assay the bullion; so that twelve days in all must elapse, before bullion paid into the Mint can be realized as coin. The whole transaction therefore amounts only to this, that Mettychurn Sein, having bullion in the Mint, got these advances from Mr. Forster a sew days before his money was due, at no rifketr loss whatever to the public. It may be, that he also obtained them, in some instances, on account of money lost to Mr. Forfier: but that will not alter the queftion; the queftion is, whether the advances were made with an intent to defraud.

" I congratulate the Advocate General on the news which he will have to carry home to England, zealous ferntiny of feven years into the mall practices of the Company's fervants; for I hope the intelligence of Mr. Forster's acquittal will yet overtake him before the Diana leaves Saugor. I can imagine his first interwiew with the Court of Directors, and the mutual con-gratulations that will no doubt pass on the subject.

knowledge of them, from the information which he ed, it is too late to contend, that there has been no intent to defiaud. And if the Mint Matter disposes of the money for his own emolument, fo that it is withheld or delayed even for one day; the fraud is complete. Mr. Fergution. " I fubmit, my Lord, there is no proof of that fact.

Chief Juffice. " I shall come to the evidence prefently. I believe one of the B'itneffes faid; that he had repeatedly urged Mr. Forgier to tend money to the Treatury, instead of fending it to Netrychurn Sein ; and that he fometimes had fucceeded, and fome-times had

"The Bench therefore are unanimously in thinking, that, it Mr. Forgier has committed the acts laid to his charge, he must be found guilay under this flatute- It is a particular flatute, exprely made for this country. And although in England this offence is not indictable, yet, adverting to what daily paffes there in civil causes, one can have no difficulty in faying, that the circumfances stated are quite sufficient to constitute a breach of truft. A man employing the mony of another for his own emolument, is liable by the law of England to pay to the person to whom it belongs, whatever profit he may have derieved from it, and is answerable to him for any lofs which may accrue. At the tame time, as I have faid, I go along with the Counfel in thinking, that fuch an act is not held criminal by the common law. But it is equally clear to me, that by the statute law, it is in this country undoubtedly an indictable mifde meanour.

" I will now, Gentlemen, proceed to flate to you, and, I believe, I mey do it very fhortly,) the evidence in this case. The first Witness called, proves Mr. Forfier to be an Englishman, and therefore subject to the jurifdiction of this Court, which he would equally have been indeed, whatever might be his country, from being in the fervice of the Company. The next Witness is Mr. Egerton, who, flating the duties of the office of Mint-Mafter, is faid to have ftated them abfurdly. In my opinion, he stated them very fensibly, very clearly, and very fatisfactorily. He told you, that it was the Mint-Master's duty, to receive bullion both from government and individuals, and to pay it out, when coined, first to the individuals, but if these individuals did not come to demand it before the close of the day, to pay it into the Treasury. "What!' we are asked, "is he to remit the money of A, B and C, along with the Company's money, to the Treafury. I answer, that in that fenfe, it is not the money of any individual. All goes into one mais; and, though the Company are bound to pay back to each individual the value of his bullion, they are not bound to pay it in the indentical coin which has been made from that bullion. It appears, I confess, to me, to be very reasonable and sensible regulation. There are obvious circumflances, which may render it extremely improper to keep coined money at the Mint, where, from the number of low persons who are employed in coining, it must of course be more liable to pilfering, than at the Treasury. To remove the money therefore, as it is coined, appears to be a very wife precaution. But, fay, that it was his duty, to fet aside the money of A. B. & C. to be ready for them when called for, has he done so? No; he has sent out their money, and endangered it, as much as he has done that of the Company.

"The Witnesses, Gentlemen, have looked at the three passes signed by Mr. Forster on which this money was conveyed out of the Mint, and have fworn to the delivery of the money on the days specified. It is proved by the last Witness, that Nettycharn Scin was at that time a debtor to the Company. But, even if it had been otherwise, even if he had then poff fied bullion in the Mint, this was not the courfe to pay it. There is no pretence however, that he had a single anna in the Mint, either in bullion or in any thing elfe. What could the Mint have to do, with a private howlaut account? It appears to me, that, fairly and honefly and in considerant with Mr. Forefer's truft. honeftly, and in consistence with Mr. Forger's trust and duty as Mint-Mafter, no fuch account could have fubsifted between the Mint and any individual. The man himself does not pretend, that the money was his property; he tells you, that he was to pay it back. This therefore is a loan, if it be any thing.

"I was corrected just now by the Counsel, when I stated to you, Gentlemen, that the payment of the Company's money had been delayed, in consequence of the loans made by Mr. Forster. But I am very fure, that I have it in my notes that Mr. Dacofta had onversation with Mr. Forster, in which he told him, that there was a great demand for money at the Treafury, and that he had better fend the money there, than to Nettychurn Sein. In these applications, Mr. Dacosta says, he was sometimes successful, sometimes not ;-adding, that, on those occasions when he was unsuccessful, Mr. Forster used to say, that it rested with the Mint-Mafter whether to remit money to the freatury, or to pay it to individuals. I think, it did sett with the Mint-Mafter,—that is, subject to the

es and duties of his office. But here, it has been pru by the Witneftes, that Nettychurn had not one a in the Milital at the time 4 his repaying the money her ficks, that he had not; and latily, you have taken in the was then actually best to the wint, in the lum of 44000 Rupees. I had said by or the whole of the evidence, Gentleman whole of the evidence, Gentleman who will be a fix by the within to small the colorations to me, to lie within to small this late. dd think it a very useless water to try, whether Mr. Forster has duty as Mine Master. It appears ved by him from Nettychuta, on or be do not suppose, that he carried that a second of Government. But it matters whether he profited from the transaction at no. It was nevertheless a breach of truft and duty; and, if you are of opinion that it was fo, the offence is certainly as indictable offence in this country. With respect to the degree of the offence, that is not a quertion for your consideration;—that will be considered by the Court, in awarding the punishment. You have only to try, whether the Defendant committed a breach of truft and duty, by lending Netty churn Sein the furns charged in this information." The Chief Juffice having concluded, the Jury settred;

and after deliberating for nearly three quarters of an hour, returned a verdict of " Guilly of a brench of trust and duty."

Mr. Fergusson. "I submit met lord. I am entitled to a general verdick. The Jury have not yet sound, the intention to defraud."

Chief Justice. "I think, this is a general werdict.
The intention to defraud, forms no effectial part of the ir William Burroughs, "The fury had better fay, er they mean to give a general unit capal vertical, the Court caulty pornel active to

cal avernment, which ought not to have been in the information. The offence, which the act makes indict able, is a breach of trust and dury. And it this verthet were recorded as it now stands, I certainly for one Grould consider it a general verdict."

Mr. Stretter. "I had nothing to do, my Lords,

with drawing out the information. I certainly agree in thinking, that the averment ought to have been omit-

The Jury then retired again for a few minutes, and returned into Court with a verdict of " Guilly of breach of trust and duty, but not with an intention to defraud

Mr. Fergusson. " I humbly fubmit, my Lords, that is no verdict. Sir William Burroughs, " So much the better for you, if it is not."

Mr. Fergulfon. "No, my Lord. My client will be liable to be tried again."

Mr. Strettell. "Then, my Lords I shall be under

the necessity of proceeding with the other Information tomorrow. Sir William Burroughs. I think, it will be a vety fufficient reason for trying the other: if there is any doubt as to this being a verdict."

The Court then adjourned, until the following day.

WEDNESDAY, March 6, 1811.

Chief Justice. " The Judges have conferred together on the subject of the verdist of yesterday; and are unanimously of opinion, that it is a very good verdict and a verdict of Guilty. At the fame time it is coupled with a circumstance, which the Court consider as recommendation to mercy. I think, however, that the Counfel for the Defendant ought ftill to be left to argue the question if he thinks he has grounds to do fo. I ftate this merely now, as perhaps it may fave the necessity of proceeding with the other information."

Mr. Fergusion. " After the opinion expressed by your Lordships, I do not think I shall trouble the Court with any argument off the subject, I am always dispofed to receive with every deference with falls from your Lordships. At the fame time, I really have not yet

fufficiently considered the matter.

Chief Justice. "It is entirely a mistake to suppose, that fraud forms any necessary part of a breach of trust. On the contrary, in most cases of breach of trust, there is no intention to defraud,-the party intends to replace the money. But the offence is neverthele's complete. What, if the Shroff had, in this case, become bankrupt, and the money had not been forthcoming? The averment, with respect to the intention to defraud, as it here stands, is mere nonfense."

Sir John Royds. " Every pupile officer is bound to discharge the trust repoted in him, in a proper manner; and, a breach of that truft being indicable by the flatute, the verdict of the Jury appears to me quite complete, without finding the intention to defraud.

Sir William Burroughs. " You had better consider well, whether you have any ground on which to argue in arrest of judgment. For if you should argue the point and fail, I do not suppose, that in a case like this, the Court would think, that any end of public Juftice would be answered, by proceeding with the other informa-

Mr. Fergusson. " If Mr. Strettell will consent to wave the other trial for a few days, until I have time to consider of the fubject, it may perhaps fave your Lordships any further trouble."

Mr. Streitell. " In that, my Lords, I wish to be entirely guided by the Court."

Chief Justice. "I do not think, this is a case, in which it can be necessary, to press the other information. It certainly would have been a more aggravated case, if they had found an intention to defraud, and a heavier punishment must have followed on the record. As it is, the Court will consider the verdict, as recommending Mr. Forfier to mercy."

Sir William Burroughs. "It is agreed on all hands,

is it not, that the Company has suffained no loss, either in this, or in any of the other cases charged?"

Mr. Fergusson "I will venture to pledge my ho-

nour to that my Lord." Sir William Burroughs. "Then I certainly do not think, that it would be right to proceed with the other

information at all.
Chief Justice. "You will consider, Mr. Fergusson, that though the intention to defraud is alledged in the information, it does not form on averment, which it is incumbent on the profecutor to prove. Every indictment contains a great deal of matter, which is wholly irrelevant to the iffue, and on which no Jury is ever called to pronounce. For inflance, it is charged, that fuch a man 'not having the fear of God before his eyes, but moved and seduced by the instignation of the Devil, committed such an offence. Now though the Jury may all be very good Christians, it is possible, that they may not all agree to this doctrine."

After a few more observations on the same subject from the Bench. Monday the 11th instant was fixed, for the further consideration of the cafe.

MONDAA, March 11, 1811.

The Court having affembled this morning at the usual hour, and the Counsel for Mr. Forfer declining to enter into any argument in arrest of judgment, a second Jury was impannelled & the company's Junior Counfel recapitulated the counts of the fecond information charging Mr. Forster, with having a breach of his trust and duty &c. converted to his own use, three several sums of mauey, from the treasure deposit in the mint, viz. on one occasion 19,000 Rupees, on another 10,000, and on a third 2120 Rupees.

Mr. Strettell then informed the Court, that he had no evidence to adduce ; on which the Jury were directs ed to acquit the Defendant and did to accordingly Their Lordships then on the motion of Mr. Strettell, were pleafed to order, that Mr. Farster appear to receive judgment on Monday the 18th inftant, and that notice to that effect he ferved on him,

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From the Lisbon Gazette of the 3d Sept. Copy of a Despatch from His Excellency Log Viscount Wellington, to His Excep-Don Miguel Pereira Forjax.

Most Illustrious and Excellent

The enemy opened their upon Aheida late on Saturday night, rather in the morn. ing of Sunday last 126th inst. and regret that I have 10 add that they obtain possession of the place in the course of the hight of

m your Extency, that fects musibly; fo

reafons I expeded that the place would have held out to the last extremity, should I have no opportunity to relieve it; and that, at all events, the enemy would be delayed until a late period of the feafon,

I have no intelligence, upon which I can rely, relative to the cause of its surrender. Some grifoners taken yesterday relate, that the castle (which however was bomb-proof) blew up on Saturday night; that on Monday the Governor requested to capitulate, when the conditions that the place should be delivered up to the enemy, but that the garrifon and inhabitants should be permitted to join this army; which propofal having been retufed, and the firing recommenced, the Governor held out as long as he had any ammunition re-maining, until upon its being wholly expend ed, he furrendered yesterday morning ; after this the enemy having offered to the foldiers of the garrison either to take them into the fervice of the Emperor, or to fend them to France as prisoners of war, the latter offer war accepted by the garrison.

This account deferves credit, as coming from an enemy; and it is partly confirmed a I had an opportunity of observing that the was a ceffation of hostilities from one in th afternoon unril 9 at night on Monday, an that after that hour the firing recommenced and continued until 2 in the morning, when it again totally ceased.

A great explosion was also heard at our advanced posts, and I observed on Monday that the steeple of the church in that place was des. troyed, and many of the houses unroofed.

I hope that this account may prove correct in all its most effential points, and may give me the fatisfaction to find that the loss of Almeida, and the acquisition by the enemy of the military flores and provisions which the place contains, has not been occasioned by the fault of the Governor or of the garrison.

I had a telegraphic communication with the Governor; but unfortunately the badness of the weather did not ; permit us to avail ourselves of it on Sunday, nor during the greater part of Monday, and when the atmosphere cleared on the latter day, I was informed that the Governor was communicating with the

Considering the position which I had taken with the army fo near to the place, I have to lament that I had not an opportunity of ascertaining its situation, after the lofs of the magazine.

The enemy twice yesterday attacked our piquets; but they made that attack weakly; in both they were repulsed; in the afternoon they obliged General Sir Stephen Cotton to call in his posts to this side of Freizedas; in thefe skirmishes the captain of the light dragoons no 16, named Lygon, was wounded, and alfo two foldiers of the regiment of royal dra-

A piquet of this regiment made a valiant and bold attack on a party of the enemy's infantry and cavalry; the refult was fuceefsful, and they made fome prisoners.

The fecond corps commanded by General Regnier has not made any movement of importance since the last despatch that I transmitted to your Excellency. A patrol belonging to that corps encountered a fquadron of dragoons which consssted of a part of the British regis ment. no. 13, and of the Portuguese regiment, no. 4, belonging to the army under the command of General Hill, and was commanded by Captain White of the same regiment, no. 13 ? this encounter took place on the 22d instant, and the refult of it was that the enemy's patrol was wolly taken, with the exception of the captain and one foldier, who I have since heard were killed. I transmit a copy of the despatch which Brigadier General Fane fene to General Hill relative to this fkirmifh, which is doubtless greatly to the credit, and proves the bravery of Captain White and the allied troops, who had a share init?

There has been no movement o occurrence importance in Extremadura shee my last desparch which I forwarded to your Excellen. cy, respecting the transactions in this part of

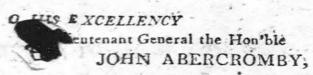
toth Instant, a small body of infants, and cavalry towards Alcanizas; our General Sila veira marched from Braganza in that direction ; in confequence of which the enemy immediately retreated.

My last accounts from Cadiz are to the 16th inft. I learn by them mat General Graham, was on the point of lending from Cadiz 2000 men towards the Tagus. Nothing extraordinary had occurred in that quarter.

I have the honour to be, &c. Alveria, Aug. 29. WELLINGTON.

BOMBAT:—Printed for the PROPRIETORS by SAME RANS, Aureber 7, Forbes Single.





COMMANDER IN CHIEF, Sc. Sc. Sc. Bombay.

The Merchants of Bombay beg leave to convey, to your Excellency, their cordial congratulations on your return to this Presidency, after the fuecefsful execution of the important fervice, which a zeal for the honor and interests of your country prompted you to undertake, and which has been happily accomplished, with fo little facrifice of the gallant force under your Excellency's com-

While we justly appreciate the great national advantages, which mutt flow from the Reduction of the life of France, we are particularly fensible of the encreased security resulting to the Commerce of India, of which the Trade of this Port forms fo confiderable a part, and are defirous of offering to your Excellency, a latting tettimony of the fentiments with which we are imprefied.

We, therefore, request your Excellency will Memorial of the high lense we entertain of the essential benefit rendered, to our Commercial In-

We have the honor to be, very respectfully,

Your most Obedient Servants, FORBES and Co. BRUCE FAWCETT and Co. JOHN-LECKIE, SHOTTON CALDER and Co. DE SOUZA and Co.

J. F. PEREIRA and SOBRINHO. BOMBAY, April 5, 1811.

Meffrs. Forbes & Co. and the Merchants of Bombay.

I most fincerely thank you for your very gratifying Address, and I shall, with great pleasure, receive the honorable Mark of your good opinion which you are pleased to offer.

I shall always remember, with fatisfaction, that one of the most confiderable and independent Bodies of Merchants, in the British Dominions, have viewed my fervices, on this occasion as contributing to the fecurity of the Commerce of India.

To the gallant Army under my command and to the wisdom of the Supreme Government which formed the Plan and prepared the success of the expedition, the reduction of the Isle of France is to be attributed.

But it would be affectation in me, to deny that I am highly gratified by the liberal praise bestowed on the part which I had the good fortune to take in it, by Gentlemen fo well qualified to estimate it's beneficial confequences.

I have the honour to remain with the highest Respect and Esteem.

Gentlemen, Your most obedient and humble Servant. JOHN ABERCROMBY, Lieut. General.

BOMBAY, APRIL 5, 1811.

On Monday next, a splendid dinner will be given to His Excellency Lieutenant General Abercromby, by Major General Macpherson and the Staff at this Prefidency.

Advices have been received during the course of the week from Mocha, which communicate intelligence from Cairo, dated 15th September last

It appears that the Pacha of Egypt had been for fuccessful in his hostilities against the Mameluke Beys, as to have relieved the country from all apprehenfions of future annoyance from them. In a late action the Mamelukes were totally defeated, and the few who escaped were closely pursued by the cavalry of the Pacha.

The news of Lucien Buonaparte's arrival at Malta, which we communicated to the public, fome time back, on the authority of letters from Tibrez, is repeated in letters from Cairo, in fuch a way as to leave little room to doubt of its truth. A letter from Maria dated the 24th August and addressed to a gentleman at Chiro contains the following paragraph. " You will be aftonished to hear that Lucien Bonaparte, with his family and a numerous Suite, were brought here yesterday by the Pomona Frigate. It is yet a mystery whether they were captured or whether we concerted the plan for their escape from the continent. It is faid he was bound from Civita Vechia to America in an American

The same letter adds, that it was reported, that a French Admiral had effected his escape and gone to

The letter from Cairo mentions the failure of an expedition from Naples against Sicily, in which the French had loft 6000 men and 40 gunboats and had returned to Ancona.

We are at a loss to fay what degree of credit ought to be given to this account. It is certain that the French had threatened an invasion of Sicily; for in our paper of the second of February we published a spirited proclamation which Ferdinand the fixth had issued from his Palace at Palermo on the 10th July, calling on the Sicilians to prepare against it, and also an address which he had published to the Neapolitan troops who were to be employed on that occasion. It is certainly possible that the expedition may have been attempted between the 10th July and the 15th September, so that intelligence of the refult might have reached Cairo on the latter day. But if the account be correct, it is extraordinary that no mention has hitherto been made of it in any of the dispatches from Confiantinople and Malta; although from the former



NAUTICAL CHRONICLE AND NAVAL REPORT.

BOMBAY.

April ift Arrived Cutter Dolphin, Capt. Sylvester, from Columbo.

Ditto Brig Calcutta, Capt. J. D. Coast, from Colombo.

Ditto H. M. Sloop of War Hesper. Edward Loyd, Elq. Capt. from Isle of France. 2d,-Ditto Brig Aurora, Capt. William Smith, from Columbo. 3d,-Sailed Arab ship Taze Subany, Na-

CALCUTTA:

quadah Mahomed ben Sadey, to Muscari.

MARCH 15th. The homeward bound fleet, consisting of

the Honourable Company's thips -Aftel, Diana, Lord Keith, and

Private ships John Palmer, and Auspicious, sailed from Sangor on Tuefday morning.

Since our last publication, the American thip Union, Captain Osgopd, has arrived in the river, from Salem the 31st of October.

The valuable ship Camoens, bound to Lisbon, failed from Saugor, on Wednesday morn-

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

Commodore Broughton in H. M. ship Il. lustrious 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 Diomede, Captain Cook, failed on Sunday last for England.

The Honorable Company's extra ship Alexander, Captain Younghusband, now under desparch for England, may be expected to fail 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 Ho. norable Company's Ships Thomas Grenville, Captain William Patterson, and Earl St. Vincent, Captain J. B. Samfon, from Bengal, the 10th of February thefe Ships experienced baffling winds in the Bay.

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

DEATH]-Yesterday morning, John Heatherly, Efq Assistant Surgeon of Artillery. BENGAL.

MARRIAGES.]-On Tuesday the 12th Instant, at the house of N B. Edmonstone, Esq. by the Revd. Thomas Thomason, Philip Monckton, Esq. of the H. C. Civil Service, to Mils Harriett Car-

On the 8th inft. Enfign George Henry Hutchins, 15th regt. N. I. to Mits Marry 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

-exedence

Madras Intelligence. MI ARCH 23d.

APPOINTMENTS, &c.

Major General Wetherall having been appointed fe cond in command to the Expedition, will iffue fuch orders as he may think fit, to the troops under orders for foreign fervice who will make all reports to Major General Wetherall.

Lieutemant Hancock of the 22d Regiment Native Infant ry, to proceed to England on fick certificate. The Honorable the Governor in Council is pleafed to ap point Major and Brevet Lieutenant Colonel Macken-zi e of the Corps of Engineers, to be Chief Engineer to the troops proceeding on foreign fervice from Fort St. folidatedo llowance of Pagodas 250 ,, 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 enfuing

Major William Morlfon 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 pretent attached to the 24th Regiment of Native Infantry, to do duty in the department of the Surveyor General, until further orders. Enfign Ward will be permitted to draw an allowance of Pagodas 25 per menfem and the full batta of his rank, during the continuance of his employment in that department.

The Honorable the Governor in Council has been pleafed to fix the falary and office establishment of the Adjutant General of the troops on the Expedition, as follows, viz.

Office Eftablishment - - 150

Upon the approaching departure of Major General Gowdle on his return to Europe, the Governor in Council performs a fatisfactory obligation of his public du y, in expressing the fense entertained by this Government, of the merits and fervices of the Major General, during a long and arduous career, in the courfe 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 fatisfaction in declaring in public Orders, his entire approbation of the zealous and honorable line of conduct, which has so eminently diffinguished Major Ge neral Gowdie fince his appointment to the flaff of

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

----Calcutta Intelligence.

MARCH 25,

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

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

The following gentlemen, accompany the vernor General, viz :-

The Honorable John Elliott, private fe-

The Honorable Lieut. William Elliott royal navy.

Captain Taylor, aid-de.camp, Captain Robinson, 24th regiment, aid.de-

Mr. Hope. Dr. Leyden. Dr. Gordon, Mr. Stubenvoel,

Mr. Seton, proceeding as Governor of Penang.

SUPREME COURT,

The KING v. HENRY PITTS FORSTER. This being the day appointed for the trial of Mr. Forfter, on the criminal information filed against him, at the fuit of the Company, in the third Term of 1810, the following gentlemen were impannelled as a Special

H. Sargent, Foreman, William Dorin, J. William fon Fulton, Archibald Trotter, Alexander Colvin,

Wm. Lloyd Gibbons, John Robertson, David Clarke, Wigram Money, Ben. Fergusion, and

Henry Churchill, J. Nath. Sealy, Esqrs. The Jury being fworn in. Mr. Ferguston, 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 flate it now, the courfe, 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, confided of fix diffine courts, charging him with separate offences. He submitted, that his client aught not to be tried for all their offences at the same time; but that the prosecutor should be put on the election of one of the counts,—or, at leaft, of two of them,—for he admitted, that there were not fix diftinct 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 profecutor on his election of one of the charges, in order that the person accused might not be confuted in his defence.

The Chief Justice conceived, that this was not a cafe of that fort, which called for fuch 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 fill the same offence, though confishing of many

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 feveral diffinct acts of bribery in

the same indictment.
Mr. Perguffon 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. Simpfon proceeded to open the cafe for the Crown, by recapitulating the feveral counts in the information. By the first count, Mr. Forster was charged with having in breach of his truff and dury, as a fervant of the Conipany, and with an intention to defraud, lent to one Nettychurn Sein, on the 27th of February, 1809, a of these places we have accounts down to the 22d G. corge, without prejudice to his appointment as Sur-of November and from Malta to the 4th November veyor General, and to authorize him to draw a con-fum of 10,000 Sicca Rupees, which it was his duty as

Mint-Mafter to have transmitted to the public Treasn. The second count charged him with a similar effective, in lending to the same person, on the six of March, 1809, another sum of 10,000 Sicca Rupees; and it at third count charged him with lending to Nettect ton Sein, on the 7th of March, a surface sum of 8 count Rupees. The three remaining counts recited the 1 cm charges potty coupling the sum of the second services and the sum of t charges, only coupling the name of another have Shroff, named Methur Mohun Sein, with that of Nettychurn Sein.

Mr. Strettell then addressed the Ju ry in terms for e

what to the following effect;

"Gentlemen of t = Jury,

"The charge which you have just heard, is fixed from an information, applied for and granted against the Defendant, on account of the magnitude of the offence imputed to him, confidered as a public offence. By this information, Mr. Forfer, a gentieman in the civil fervice 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 have lent out divers tums of that treasure at interest . one Nettychurh Sein, contrary to the duty and trust repoted in him, he being from his office bound to transmit the same, as it was coined, to the General Treasury. And, although, Gentlemen, this offe case souly a Missemeanour by law, and no very heavy punioshment can therefore attached to it, it is never thelefs of fuch a nature, that every man must conti der the Government of the country bound to bring it under investigation, and must think, that they c - + not have withheld from doing fo, without open the door to all the abuses and corruptions which was most permicious to a state, without begraying the interests of those whom they represent, and ultimate ly rendering those inflitutions, which were intended as a biefling to the people over whom they rule, and a support and ornament to the mother country, 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 breach of truft. There are besides three supplementary court, in which the fame charges are repeated, with the & dirion merely of the name of Mothur Mohun Sein, & joint receiver of the money with Nettychurn Sei . The reson for the infertion of this man's name, was to guard against the possible case of his being a partier with Nettycharn 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, Gendemen, that Mr. Porster, during the period stated in the information, and for some time before, was in the act of lending oblarge fums of money, from the Company's treafure in the Mint, to this man Nottychurn Sein, and that, in fo doing, he acted contrary to his duty as Mi ... Mafter. It will be proved to you, that while there practices were going on, remonstrances were made to him on the subject, by persons, whom it would have berter become him to have checked, had he perceived that they were acting contrary to their duty, than in have subjected himself to the morniscation of receiving reproofs from them. The money issued on the soccasions from the Mint was passed by passes under Mr. Forster's own hand. There is a fentry posted a the gate of the Mint, whose duty it is to prevent any confrom being carried out, without a pass from the Mist Mafter. It is therefore the common form, when perfons, fending their bullion to the Mint to be Entired, receive back the amount in money, to iffue a pais for the same in Bengasice, attested by the Mint-Matte.'s fignature; and, in like manner, every fum of m nee going from the Mint to the Treasury, is accompanied by a chelaun. Up to the particular time specified the the information, these passes are not forthcoming. Wz 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 regit-larly destroyed by Mr. Forster, each pass being returned to him, as foon as the treafure, which it accomes nied, had paffed the gate. About that time Mr. Far. fer went on the river for his health, and the mis in question being themceforth delivered back, meet they were used: being preserved by that person, a clue was obtained to the difcovery of thefe abuses.

" I shall prove to you, Gentlemen, that Nettychuca. Sein, the person to whom there large advances were made, had no bullion in the Mint, and could there-fore have no demands whatever against it; that these advances therefore were a mere loan, granted by Mr. Forfier 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 iffued to Nuttychurn Sein from the Min. but omitted in the flatements transmitted from the Mint to the Treasury. This I shall prove by a cli-lation 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 deli-vered over to Mr. Forster by the Newgies, at the time; when they were dismissed from their employments. We have ferred a notice on the Defendant to produce the book; and it refts with him to do so or not. I state the evidence in this particular manner at the en fet, as much for the advantage of the person charged, whom it will the better enable to defend himfelf a. gainst 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. Forfter's name.

"Tmis, Gentlemen, is the whole of my cafe. And, however we may all lament, that a gentleman for high in station, of character hitherto unimpeached, of gre : and acknowledged talents, and in the receipt of io hiberal a falary from the public; however we may lament, that such a man should have been guilty of the practices fet forth in this information; yet, if the exisdence to be laid before you, shall substantiate there facts which I have stateyd, 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. Forsker.

we regret we have not time to give their Examinations at full length, but as the Hon'ble Chief Jutice has taken a clear and concile view of their Evidence in his address to the Jury, perhaps the full detail will not be so material to our Readers. Mr. Fergusian then addressed the Jury as follows:

"Gentlemen of the Jury.

As It is now in the course of my duty to address y u, on behalf of a man, who, after a honorable service of

on behalf of a man, who, after a honorable fervice of thirty years, has had the misfortune to incur that, against which hardly any man (in this country, as least) can stand, the displeasure of the government under which he serves, and who now labours under

Continued in the Supplemen's j

FOURTH

LOTTERY,

FOR THE

INPROVEMENT

OF THE

City of Calcutta.

DUMERICAL Lift of PRIZES and BLANKS drawn to the Tickets of this Lottery disposed of by MESSRS.

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

FORBES and Co. at Bombay.

Prizes of 100 Sicca Rupees.

Nos	3215	3217	3219	3223	3229
3234	3236	3245	3250	3251	3257
3259	3267	3270	3277	3281	3285
3299	3405	3411	3412	3413	3419
3420	3421	3422	3427	3428	3429
3430	3432	3433.	3435	3436	3440
3445	3447	3452	3456	3462	3466
3467	3474	3478	3481	3486	3491
3496	3497	3498	3803	3805	3815
3816	3821	3833	3835	3848	3855
3856	3862	3864	3865	3866	3870
3871	3873	3877	3879	3881	3886
3887	3890	3892	3893	3895	3896
3897	5301	5306	5307	5311	5316
5318	5319	5323	5327	5336	5338
		5357			5362
5364	5365	5367	5369	5370	.5375
5379	5385	5389	5390	5391	5392

BLANKS.

	Nos.	3201	3202	3204	3205	3206	3207
	3208	3209	3210	3211	3212	3213	3214
	3216	3218	3220	3221	3222	3224	3225
,	3226	3227	3228	3230	3231	3232	3233
	3235	3237	3238	3239	3240	3241	3242
	3243	3244	3246	3247	32.8	3249	3252
	3253	3254	3255	3256	3258	3260	3261
	3262	3263	3264	3265	3266	3268	3269
	3271	3272	3273	3274	3275	3276	3278
	3279	3280	3282	3283	3284	3286	3287
	3288	3289	3290	3291	3292	3293	3294
	3295	3296	and the second second	3298	3300	3401	3402
	3403	3404	3406		3408	3409	3410
	3114	3415	3416	3417	3418	3423	3424
	3425	3426	3431	3434	3437	3438	3439
	3441	3142	3443	3444	3446	3448	3449
	3450	3151	3453	3454	3455	3457	3458
	3459	3460		3463	3464	3465	3468
	3469	3470	3471	3472	3473	3475	3476
	3477	3479	3480	3482	3483	3484	3485
	3487	3488	3489	3490		3493	3494
	3495	3499	3500	3801	3802	3804	3806
	3807	3808	3809	3810	3811	3812	3813
	3814	3817	3818	3819	3820	3822	3823
	3824	3825	3826	3827	3828	3829	3830
	3831	3832	3834	3836	3837	3838	3839
	3840	3841	3842	3843	3844	3845	3846
	3847	3849	3850	3851	3852	3853	3854
	3857	3858	3859	3860			3867
	3868	3869		3874	3875	3876	3878
	3880	3852	3883	3884			3889
	3891	3894	3898	3899	APRIL DESCRIPTIONS		5303
	5304	5305	5308	5309			5313
	5314	5315	5317	5320		5322	5324
	5325	5326	5328	5329	5330	5331	5332
	5333		5335	5337	5339	5341	5342
	5343			5346	5347	5348	5349
	5350		5353	5354	5355	5356	5358
	5360		5366	5368	5371	5372	5373
	5376	5377	5378	5380	5381	5382	5383
1	5384	5386	5387	5388	5393	5394	5395
	5396	5397	5 3 9 8	5399	5400.	f.	1781
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(Signed) A. TROTTER,
Offig. Superintendent.

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

Bombay 18th March 1811.

LOTTERY,

THE IMPROVEMENT

CITY OF CALCUTTA,

RSTABLISHED

BY THE RIGHT HONORABLE THE GO-VERNOR GENERAL IN COUNCIL,

CONDUCTED BY THE

OFFICIATING SUPERINTENDENT,

Under the immediate directions of

Commissioners appointed by

SCHEME

Government.

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
440 Ditto of 100 1,44,000
476 PRIZES. 5,28,000

	BLANKS.	5,28,000
-	Applicable to the Im-	
	provement of Calcut- ta, and the Expen-	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 Sidea Rupees.

2d.-The Prizes with the exception of the Tickets fold 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, fold at Madras and Bombay, will be paid by the Agents at those Presidencies, respectively, so soon as the necessary adjustment thereof can be transmitted 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 figned by A. TROTTER, Efq. Officiating Superintendent of the Lotteries, will be ready for fale at the Bank of Bengal, on the 11th March next.

6th —A fupply of Tickets will be forwarded to Messrs. Harrison and Co. at Madras, and to Messrs. Forbes and Co. at Bombay, as soon as may be practicable, to be sold at those Presidencies.

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

A. TRÓTTER,
Offig. Superintendent.

CALCUTTA, The 21st February 1811.

N. B. Messrs. Forbes and Co. have received for fale, 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 Lotteries. Great inconvenience having arisen from applications for Tickets from out-stations, and Remittances through the Pay Office in payment for the fame, it is requested that those desirous of purchafing 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 DHUNGEEBHOY SO-RABJEE and KYCUSROO SORAB-JEE Joint Heirs and representatives of SORABJEE MUNCHERJEE Deceased.

Estates and the individual Creditors of DHUNGEEBHOY 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 demands on all the respective Estates may be afcertained with the least possible 'delay, and that arrangements may be made for the disribution 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. ODHOUSE, J. H. STEPHENSON, W. A. MORGAN,

Trustees of Dhungeebhoy and Kycusroo Sorabjee.

Bombay, 19th March 1811.

कार्ट्र • भणर

ખબર • દી મેથી • આપી મેચને • શેઠ • જુનજનાઇ • શોરાબજી • તથા • પ્રેખશેરા • શોરાબજી • મેનચેરજી • રેડીમેનીનાં • લાર શોહે • તેનાંનાં • છશાં દેઠ • જુઆને • મીલપ્રત બાબદ • ખબર • આપી મેચને *

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શાબની · બાબ્રો · બ્રારીને · તા • ૩૧ મી · જો બાબ · ગીય્યા • વરશાની · શ્રુલી • બ્રાંડીને • બંદ · બ્રેરીને • બાંધે *

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नेष्णनिक्यं से उम्पणनि त्रिम्न तीपनमन चेणानयाणीन क्रिक्न प्रोमिधनं नीम्मर्थनो मधना या नपनमन चेणेक्छनीन सालम गीनमर्गतानसाणी यान्यनपन प्रो गीनमर्गतानसाणी यान्यनपन प्रो गीनमर्गतानसाणी यान्यनपन प्रो गीनमर्गतानसाणी यान्यनपन प्रो तपनयाणचेपन प्रोमन्छेली सात प्रमाद्रीयोगीउगीन सापसन पन्नप्रस्कामम्मप्रयाण केर्यन्न प्राप्तिकेश्वेषित्रप्रोणीनिक्येस्न ते प्राप्तिकेश्वेषित्रप्रोणीनिक्येस्न ते प्राप्तिकेश्वेषित्रप्रोणीनिक्येस्न ते प्राप्तिकेश्वेषित्रप्रोणीनिक्येस्न ते प्राप्तिकेश्वेषित्रप्रोणीनिक्येस्न ते प्राप्तिकेश्वेष्ट्रप्राप्तिकेश्वेष्ट्रप्तिक्ये

कियाणमणके जीने छीशाप चीयाणनाजीक ३१ फीए छ छन्। १८१० वजीयने महत्त्वणापी

मेस्तन नंगगांश मस्तन वाहाधनंशन मेस्तन धिडधेंछ मेस्तन धस्टीश्रीशणण मेस्तन यनगण धंगगांभाधियमेमेष्ण होनाध शियाचेत्रस्टीम्ध्यांचेत्रस्यांचेत्रस्टीम्ध्यांचेत्रस्टीम्ध्यांचेत्रस्टीम्ध्यांचेत्रस्टीम्ध्यांचेत्रस्टीम्ध्यांचेत्रस्यांचेत्रस्टीम्ध्यांचेत्रस्टीम्ध्यांचेत्रस्टीम्ध्यांचेत्रस

ADVERTISEMENT.

This-day, SATURDAY, the 6th Inft.

WILL RECOMMENCE

AT 11 O'CDOCK,

Mesfrs. J. Mitchell & Co.'s

maining articles Advertised in the last Courier and specified in the Catalogues that have been circulated; and at 12 o'clock, the two Chesnut Colts as advertised in the Catalogues; also, at 1 o'clock, four lots of Jewellery will be put up again, in consequence of some misunderstanding 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

SUNDRY Articles of Household Furoniture, late belonging to NASSERwanjee Monackjee, by order of the
Trustees, confisting of Europe and China
Prints and Paintings, China Chairs, and
Couches, Blackwood Chairs, Bureaus,
Book-Cases, &c. &c.

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.

BOMBAY:-Printed for the PROPRIETORS, by SAMUEL RANS, No. 7, Forbes's Street.

WHERE ADVERTISEMENTS, AND ARTICLES OF INTELLIGENCE, WILL BE THANKFULLY RECEIVED.

Subscribers about to change their Stations, are requested to give Notice thereof to the Proprietors, who will pay due attention to their Order.