

to act as Adjutant to the Regiment in the absence of Lieutenant Hunter on sick certificate
Bombay Castle, 21st Oct. 1823.

Lieutenant Swanson of the 2d Battalion 10th Regiment is relieved from the Survey in the Deccan, on which he is at present employed, and appointed Adjutant to that Battalion in the room of Lieut. Poquet removed on the recommendation of His Excellency the Commandant in Chief.

Bombay Castle, 23d Oct. 1823.
Referring to Government General Order of 4th September 1806, republished 18th July 1823, it is to be clearly understood that Prisoners in summoning evidence on their defence, are not in any instance to be exposed to an expense beyond what is allowed to persons summoned to Courts' Martial on the public account.

Persons hereafter summoned by Prisoners will draw the public allowance in a similar manner with other evidences, and Government will subsequently determine whether or not the expense incurred, shall be brought against the individuals at whose instance the citations might have been given.

Bombay Castle, 24th October 1823.
Captain Marcus Blackall of the 6th Regiment Native Infantry, is allowed a furlough to Europe for the recovery of his health, for a period of three years from the date of his embarkation.

By Order of the Honble the Governor in Council,
W. NEWMHAM,
Chief Secretary.

be wanting to ourselves, no less than to the individual in question, were we to neglect this opportunity to refute the charges of the Courier.

The way in which the Editor of the Courier combats our Report of the proceedings is not a little singular. He tells us that he was "in Court all day, and heard all that passed," he would also wish us to understand that he or some one for him filed the files of the Court—refuted his statement, and then he says, *we took rather injudiciously*, he showed the statement to two gentlemen belonging to the Court, who concurred with him as to its correctness; therefore he says the Courier was injudiciously you, the Editor of the Gazette, and admitting that you were not in Court when the *fee subject* was discussed, you are wrong, if you conceive our report to be incorrect, when your information is derived from another, perhaps interested person.

Now we beg to ask (and we are almost ashamed to put the question) whether it necessarily follows that because the Editor of the Courier was present during the whole of the proceedings, the Report he has given must be correct, and that because we were present but for a short time, our Report as necessarily incorrect.

Does the scepticism of the Courier carry him to such lengths, that whilst he modestly claims for himself infallibility in the matter of Reports, he considers he is at liberty to impugn our Reports, because, it did happen that we entertained some doubts as to the propriety of publishing the Report, which appeared in the Courier, the Editor was present during the whole of the proceedings?

But, in the name of wonder! what have the readers of the Courier gained by its Editor being in Court and hearing all that passed and after his making all the bustle and preparation, which he talks about.

It seems that charges of a very grave nature, affecting the Bar of this Presidency, have induced the Court to suspend one and all of the Barristers from practising in the Court for the space of six months. And the Courier is the first to publish an account of the proceedings, and what sort of an account does the Courier publish?

He (*habetis novum contentum*) who was "in Court the whole day, heard all that passed" denotes a page, no, not a quarter of a page, to report as, he says "an impartial outline of what took place." Now what we have to quarrel with the Courier about is, that after having given an almost verbatim copy of the judgment of the Court, after having stated the criminal matter, he has not published one word of that part of the proceedings, which went to extenuate the alleged misconduct of the Barrister, for any thing that the Courier has said to the contrary the public may suppose that the Advocate General or Mr. Irwin (two of the principals; speakers, were not even in Court whilst the proceedings were going on). It is in this view of the case, that we think the Editor of the Courier will have some difficulty to persuade his readers that he himself is altogether free from the imputation which he has, *God knows ignorantly enough*, attempted to charge.

I may perhaps be as well to state, in order to remove any doubts, which the Courier's remarks may have raised, on the fidelity of the Report we published of the proceedings, that we have the best authority for saying the Report, as far as it is possible for such a Report to be correct, may be pronounced an authentic one.

The interesting discussion on the case of Mr. Arnot in the Supreme Court at Calcutta, on the 13th September, will be found in a subsequent page. As many of our Readers may not have an opportunity of perusing the Bengal papers regularly, we may mention that Mr. Arnot has been assistant Editor or Reporter of the Calcutta Journal, and in that capacity was considered, by the Government, to be in some measure responsible for any offensive matter which might appear in the paper. A paragraph, in which Dr. Bryce made a conspicuous figure, was published in the Journal on the 30th of August last, which the Government considered to afford sufficient ground for transmitting Mr. Arnot to England, avowing at the same time that this measure was resorted to, because no direct mark of their displeasure, suitable to the occasion and nature of the offence, could be applied to Mr. Sandys, the Editor, without also injuring the property of the Paper. Mr. Arnot being a native of Great Britain, and residing in India without a license, was therefore selected to undergo the punishment due for publishing the article in question.

Being informed of the resolution of Government, and having failed to furnish Security that he would embark for England within a month, he was arrested on the 12th September and committed to the custody of the Town major of Fort William, who lodged him in the strong room of the Royal Barracks.

On the 16th an application was made to the Supreme Court and a writ of *Habeas Corpus* granted, to bring the body of Mr. Arnot up before the Court on the 18th at noon, which was afterwards postponed, by mutual agreement till the 19th, when the case was heard.

BOMBAY SESSIONS.
On Saturday last, the awful sentence of death was passed upon Andrew Reagan who, on the preceding Wednesday, had been found guilty of murder. The solemn and impressive manner in which the Recorder addressed the unhappy man on the occasion, seemed to produce little effect upon him, and he retired from the bar declaring that he was not guilty.

The grand Jury presented a report on the state of the Jail, and some suggestions of improvement, in its internal structure, were given in by the Foreman. After which the Sessions were dissolved.

EXECUTION OF REAGAN.
On Monday morning this man was executed by hanging.

ment he persisted in his innocence and declared that Young, one of his associates, was the man who committed the Murder. During the interval between his condemnation and execution he received the most praiseworthy attention from the Rev. H. Davies, and also from Mr. Hall the American Missionary, although it is to be feared without producing the good effects on the mind of the unhappy criminal which were so earnestly desired.

He proceeded to the place of execution with a sullen indifference, and appeared altogether insensible to the humane endeavours of Mr. Davies to turn his attention to prayer. The final preparations being made, at a quarter past eight the world closed on the unhappy man for ever.

It is understood that the Layton will sail for England on the 28th or 29th instant, and the Royal Charlotte on the 1st proximo. A packet for the former ship will be made up on the 28th at Messrs. Prinsep and Co's Office.

EXCHANGE.
On London, 6 months sight, 105 per Rupee...
Calcutta, 80 days, 105 B'y Rs. per 100 Sicca
Madras, 90 days, 99 B'y Rs. per 100 Madras

COMPANY'S PAPER.
Remittable, 140 B'y Rs. per 100 Siccas, Nominal,
Unremittable, 121 B'y Rs. do. do.
Spanish Dollars, per 100—2 1/2 s.

ARRIVALS.—Lieutenant and Qr. Mr. Hancock 1st [10th Regt.
Lieut. Jameson 3d Regt. Lt. Cavalry.
Lieut. G. Lloyd 1st [4th Regt.
Captain F. Hickey, 2d Extra Bt.
Ensign F. Sturt 1st [5th Regt. M. N. I.
Ensign G. Thornton, 1st [10th Regt.
DEPARTURES.—Lieut. J. H. Hall, Pioneers,
Ensign J. B. Bellasis, 1st [5th Regt.
Lieut. & Adj. E. McCarthy 4th Regt.
Captain Moor, Paymaster S. D. S.
Lieut. H. Lyons, 12th Regt.
Capt. E. Jervis 3d Lt. Cavalry.
Ensign Robt. Shorttred, 2d [7th
Lieut. T. C. Parr, 1st [4th

Passengers by Nerbu de.
Captain Lloyd, Bengal Artillery, Mr. Gibson, Mr. Murray, and Captain E. M. M.
Passengers by Kuriove.
Mrs. Jervis and child, Captain E. Jervis 3d Regt. Lt. Cavalry, Lieut. Seymour H. M. 34th Regiment.

MADRAS.
ARRIVALS.—October 4th, H. C. Surveying Ship Investigator, Captain Daniel Ross, from Calcutta and Pilot St. September.
7th, H. M. Sloop Satellite, Captain Mark John Currie, from a Cruise.
8th, H. M. Sloop Lady, Commodore Charles Grant, from a Cruise 6th Oct.
17th, H. M. Ship Albatross, Captain Thomas Alexander, C. B. from Trincomalee.
Do. Duca Briz Fa onna, Captain J. A. Goldie, from Calcutta 19th September, and Coringa 3d October.
DEPARTURES.—October 4th, H. C. Ship Anjou of Wellington, Captain J. Mansfield, for Calcutta.
Do. Ship Indian O.K. Captain Mansfield, ditto.
Do. H. C. Surveying Ship Investigator, Capt. Daniel Ross, for Bombay.
5th, Ship Duke of Lancaster, Captain John Davies, for Calcutta.
Do. Ship Morning Star, Captain F. Mount, for Negapatam, Point de Galle, Quilon, and Bombay.
8th, Ship Lady Campbell, Captain George Betham, for Calcutta.
9th, French Brig Suzanne, Captain P. Nercac, for do.

CALCUTTA.
ARRIVALS.—Sept. 24, Ship Georgiana, Captain Rogers, from Pondichery and Madras.
25, Ship Pottan, Captain Welbank, from London 25th May.
Do. Ship Ospray, Captain A. McGill, from Greenock 30th May.
26, Ship Dona Carmelita, Capt. J. Hunter, from South America 6th June.
Do. Ship St. Antonio, Captain John Russell, from Port Jackson 28th May, Batavia, and Trincomalee 8th Sept.
27th American ship George, Captain Samuel Edico, from Salem 21st June.
Do. Arab Ship Hydrossey, Abd-ol Aman, from Muscat 31st August.
28, H. C. Ship Ernad, Capt. D. Jones, from Bombay 31st Aug. and Calcutta 8th Sept.
Do. H. C. Ship Eleuthia, Captain John Wimbell, from London 25th May.
Do. Ship Roberts, Captain C. H. Bean, from Madras 18th Sept.
Oct. 1, Portuguese Brig Ulysses, P. J. C. Villa, from Rio de Janeiro 7th July.
Do. Ship Fairy Salem, Nehou Bentaib, from Mocha 21st July, and Bombay 10th August.
Do. Arab Ship Cabriass, Nacoda, from Muscat, 27th July.
DEPARTURES.—Sept. 27, Ship Steator, Captain Thomas Harris, for London.
Do. Bark Mary Ann Sophia, Captain R. Cornfoot, for Swatow.
Do. Ship Sultan, Captain Thomas Mitchell, for Bussorah.
28, Ship Portsea, Capt. E. Worthington, for Coringa, Tenchery, Isle of France and Cowes.
Earnest, Capt. John Mackay, for Isle of France.
3, French Ship St. Antonio, E. Tournaire, to Bourbon.
Oct. 1, Ship Flora, from a Cruise to Pondichery.

BOMBAY.
MARRIAGES.—On the 7th ultimo at St. Thos. Church by the Revd. Thos. Carr, Captain Thos. McCarthy of the Ship Caron to Mrs. Capon, widow of the late Captain W. G. Capon.
By special licence, at St. Thos. Church, on the 11th Oct.

BOMBAY,
21st October 1823.

To
THE EDITOR OF THE BOMBAY COURIER

A writer in a former Courier—"Looker On", tho' evidently no Observer, affects surprise at the late arrangement as to the admission of subscribers to the Baroda Races, and would wish to insinuate a want of liberality on the part of Baroda Stewards. Although I am unacquainted with any circumstances which may have led them to adopt that measure, further than what they have published on the occasion: I doubt not, however, that the arrangement has given general satisfaction to all who readily afforded their assistance to establish a race meeting, but probably not to those whose measure of liberality would eventually be determined by being able to produce a Horse to run. Any reflection "Looker On" may wish to convey, is best refuted by referring you, and your readers, to the plans of the Baroda and Kaira Races; the one evidently framed to admit of general and liberal competition, the other with an exclusive spirit to the interests of their own little Society.

Your most Obedient,
ROLAND,

FRONTIERS,
October 9th 1823.

GENERAL ORDERS.
BOMBAY CASTLE, 16th October 1823.

By the Honble the Governor in Council.
THE Honble the Governor in Council has been pleased, in the General Department, to appoint Assistant Surgeon R. T. Barra to the charge of the Lunatic Asylum, in the room of Assistant Surgeon Hathway, and Assistant Surgeon D. Shaw to succeed Mr. Barra, as Vaccinator at the Prisonery.

Bombay Castle, 18th October 1823.
The leave of absence to Nagpoor granted on the 30th May last to Lieutenant S. A. K. of the 3d Regiment of Light Cavalry, is extended to the 30th November next.

Bombay Castle, 18th October 1823.
At the request of Ensign A. C. Heighington, of the European Regiment, and Ensign E. T. Tompison of the 1st or Grenadier Regiment N. I. the former of those Officers is transferred to the 1st or Grenadier Regiment as tenth Ensign, next below J. C. Bowater, and the latter to the European Regiment as seventh Ensign, next below Ensign T. G. Fraser.

Ensign Heighington will take rank in his Regiment from the 7th of March, and Ensign Tompison from the 1st April 1823.
Bombay Castle, 20th October 1823.
The Honble the Governor in Council is pleased to confirm the appointment by Lieutenant Colonel Turner in October 1822, of Lieut. and Quarter Master Sparrow of the 1st Regiment of Light Cavalry

THE COURIER.
BOMBAY,
SATURDAY, OCTOBER 25th, 1823.

We are happy to learn that letters have been received from the Katherine Stewart Forbes at Calicut, where she arrived on the 9th instant, and was to sail again on the following day for this Port. It appears that she had experienced a long continuance of calms and light winds during her voyage and was compelled to touch on the coast for water. The Passengers in the K. S. Forbes are, Mrs. Morley, Mrs. Keays, Mrs. Foster, Miss M. Foster and Miss E. Foster, James Morley Esq. the Revd. Mr. Keays, Messrs. Erskine, Rickards and Metcalfe Writers, Messrs. Lawrence, Stockley and Fullerton Cadets.

The following paragraph is extracted from the Calcutta John Bull of the 4th inst. which reached us yesterday.

"We are happy to announce the arrival in Balasore Roads of the H. C. Ships *Princess Charlotte of Wales*, and *Thomas Grenville*, the former from Madras, the latter from England the 19th June. We have as yet no list of Passengers; but our readers know that the LORD BISHOP is on board the latter Ship. Spain is in the possession of the French; and there is a report that Lord Hastings is going Ambassador to Vienna.

The *Grenville* was spoken off False point by the *Lady Nugent* arrived in the River; and the *Princess Charlotte of Wales* was in sight. They both were expected to be at the New Anchorage by the 3rd.

No report of the arrival on the river of the *Thomas Grenville* had been received when the paper went to the press at four o'clock."

Another instance of an Earthquake being felt at Sea, has been communicated to us by Captain Miller of the Layton.

On the Voyage from London to Bombay, on the 27th July last, the Layton being in So. Latitude 35° 19' not far to the westward of Tristan d'Acunha, at 4 past 11 P. M. a shock of an earthquake was felt so strongly that it awoke every person in the Ship: it was a trembling motion, similar to that produced by a Ship forcing its way over a wreck or a Coral bed. The hands were turned up, and every part of the vessel examined, but no injury of any kind could be discovered; the trembling was accompanied with a hissing noise. On the following night at about half past two, another and more violent shock was felt which lasted a few seconds, but not so long as the first. On the 31st, in Lat. 30° 51', the Layton having in the meantime run between 5 and 6 degrees to the Eastward, the Dutch Brig Phelentait, bound to Batavia, was spoken with, and her Master reported that the first shock, but not the second, had been felt on board his Vessel.

The following Editorial effusion appeared in the Bombay Gazette of last Wednesday. It does not require any answer.

"We are not in the least surprised to find the Courier charging us with an over-zeal in the performance of our functions, as Editor of this Paper; we strongly suspect that he has had good ground for entering this opinion for some time past, and that he has only waited for a convenient opportunity to give vent to his feelings.

Up to the date of his last paper, we are free to confess that we could not conscientiously have retorted the charges; and we should, with all our heart, have acquitted him of any serious intention of being over-zealous in his Editorial calling.

But we confess we are surprised to find the Courier treating the Report of the proceedings, in the Recorder's Court, which we published in the last Gazette, in the way that he has done. And we feel it to be our duty to remark upon it.

We beg however to state, in the out-set, that had the attack been directed only against ourselves, had we alone been the object of the Courier's vituperation, regard to the attack, as we do, as feeble and partial, we should have let it pass unnoticed. But an attempt having been made to draw an air of discord on the Report of the proceedings, as we published them, for which Report we were indebted to the good offices of a friend, we should

Gillo eldest daughter of the late Geo. Wm. Gillo Esq. of the Civil Service of this Presidency.

At Surat on the 14th inst. by the Rev. Henry Jeffers, G. W. Anderson Esq. of the Hon'ble Company's Civil Service to Eliza, second daughter of William Ross of Haughton-le-Spring in the county of Durham.

On the 21st inst. At St. Thomas's Church Charles South Esq. Lieut. H. M. 20th Regt. to Miss Sophia Anne Alvarez.

BIRTH.—At Rajkote, on the Morning of the 3d inst. the Lady of Lieut. Worley, Line Adj. of a Son.

At Nandoor near Aurangabad on the Evening of the 8th October, Lieutenant Michael Goldsmith of His Highness the Nizam's Artillery.

After a few months' lingering sickness on the 12th inst. died the youngest daughter of P. Letwiche late Marshall and Coaster of Bombay aged 2 years and 83 months deeply regretted by her fond and educating Parents.

At Tannab on the 20th instant, the infant daughter of Mr. Francis Horne, aged one Month and 26 days.

BIRTH.—At the Mount, on Saturday, the 4th instant, the Lady of J. Stephenson, Esq. of the Horse Brigade, of a Daughter.

At Pondicherry, on the 1st instant, the Lady of G. D. Deury, Esq. Civil Service, of a Son.

At Trichinopoly, on Sunday, the 5th instant, the Lady of Captain Charles Augustus Elderston, Military Paymaster, Southern Division, of a Daughter.

At Bellary, on the 22d ultimo, the Lady of Lieutenant A. Fraser, Quarter-Master of the 2d Battalion 23d Regiment N. I. of a Daughter.

At Bellary, on the 6th instant, at the Presidency, Edward Richard Suttivan, Esq. of the Honorable Company's Civil Service, on his Establishment, sincerely and generally regretted.

On the 28th ultimo, Mr. W. K. Tolson, Son of the late Major General R. Tolson, of this Establishment. In Camp at Jambun, on the 24th September, Richard Leary, the infant son of Lieutenant R. Gibbins.

MARRIAGES.—At the Cape of Good Hope, on the 1st of July 1823 David Harriott, Esq. a Captain in the Honorable Company's 5th Regiment of Light Cavalry Bengal Military Establishments, to Ann a Margalit, Daughter of J. J. L. Esq. Esquire, Cap. Town.

At Serovic, by the Rev. W. Vesey, on the 17th September, Lieut. F. S. Hawkins, Adjutant 1st Battalion 19th Regiment Native Infantry, to Mary, eldest daughter of Major General Lovejoy Commanding the Bengal Division, Field Army.

At Bellary, on the 6th September, the Lady of Captain J. Jenkins, of H. M. 11th Light Dragoons, of a Daughter.

On the 12th Sept. the Lady of J. W. Grant Esq. of Mysore, of a still-born male Child.

At Dinapore, on the 1st September, the Lady of Captain F. Walker, European Regiment, of a Son.

At Bancaura Jungle Mills, on the 19th September, 1823, the Lady of G. N. Cheek, Esq. Civil Surgeon, of a Daughter.

At Barrackpore, on the 25th September, the Lady of John Dick, Esq. of the Civil Service, of a still-born Son.

DEATHS.—OF PULIA, on the evening of the 23d Sept. Capt. Jas. Rodgers, of the 9th Regiment Madras N. I.

At Barrackpore, on the 22d September, in the 25d year of his age, Lieutenant John Hoare, Interpreter and Quarter Master of the 2d Batt. 20th Regiment B. N. I.

At Calcutta, on the 29th of Sept. Mr. Thomas Reid, Parser of the Ship Ogle Castle.

The H. C. Cruiser Investigator, Captain D. Riss, anchored in the Roads for a few hours on Saturday—having on board the Honorable John Adam, late Governor General, whose indisposition prevented his landing.—The Cruiser sailed for Bombay on Saturday afternoon.

The Morning Star, Capt. F. Mouat, also took her departure on Sunday, for Negapatam, Point-de-Galle, Quilon and Bombay.—At the first Station she lands Major-General Sir Theophilus Pritzler, K. C. B. and Family.—Sir Theophilus embarked under the usual salute on his proceeding to take the command of the Southern Division of the Army.

Passengers Per Morning Star.—For Negapatam:—Major General Sir Theophilus Pritzler, K. C. B., Lady Pritzler, two Miss Pritzlers, and two Aides-de-Camp.—For Quilon:—Dr. Frith, Mr. M. Queen, and Mr. J. Nixon.—For Point-de-Galle:—Mr. Waltzell.—For Bombay:—Lieut. Frederick Welland, M. N. 1., Mrs. Welland and Child, and Mr. Carrapet.

The Ship Lady Campbell, Captain George Betham, and the French Brig Suzanne, Captain F. Nerac, have sailed for Calcutta—the former on Wednesday morning and the latter on Thursday.

Passengers per Lady Campbell.—Mrs. Stehelin, Mrs. Osborn, Miss Satterthwaite; Lieutenant Stehelin, H. M. 13th Regt., George Osborn, Esq., Doctor J. Mouat, H. M. 13th Foot, and Mr. Duncan.

[Mad. Gaz. October 11, 1823.]

CALCUTTA INTELLIGENCE.

CURRENT VALUE OF GOVERNMENT SECURITIES.

Remittable, Premium ... 31 0 a 35 0

Non-Remittable, ditto ... 11 8 a 12 9

BANK OF BENGAL RATES.

Discount on Private Bills ... 3 0 per Cent

Do. on Govt. Bills of Exchange ... 2 8

Interest on Loans on Deposit ... 4 0

Open dated ... 4 0

Disc. 2 months certain ... 3 8

Bank Shares—Pres. 56 to 58 per Cent

—Non.

[EXCHANGE PRICE CURRENT.]

INDIGO.—We know of no sales in the crop 1822-23 yet although the article is coming fast into the market.—In consequence of the difficulty in obtaining Bills of Exchange on England, to any extent, and the deficiency in the produce prices are likely to rate very high.

OPIMUM.—Sales have been effected in this during the week, at our quotations.

GRAIN.—Has been in fair demand: M ongy Rice appears to have advanced one anna per maund, since our last.

PIECE GOODS.—Continued dull, and a heavy stock in the market.

SALPETRE.—Steady at our quotations.

STEEL.—The demand for the finer qualities have been considerable during the week, and our quotations fully obtainable.

METALS.—Splitter in good demand.—Iron and Steel, steady.—Black tin, looking up.—Scaeving Copper light, in animated request.

EUROPE GOODS.—Chintz, good patterns, looking up.—Hosiery very dull.—Muslins, a heavy stock in the market and dull.—Confectary and Osmans' Stores, without improvement.—Ber, Hodson's looking up other marks are almost insalable.—Stationary, in limited demand.—Stock heavy.

FRIGHT TO LONDON.—Still rates to £5 10 s £7 per Ton.

[John Bull October 2, 1823.]

Dreadful Calamity. Patna 17th Sept. 1823.—We arrived here, (a little below the Old Fort) the evening before last, and cannot move for fear the wind being right in our teeth, a dreadful current running, and the River like a Sea. Thank God, we are near Dinapore; our losses have been severe. I have, out of my small army, lost six men, and a Boat is now missing with eight Europeans and one woman. The left Wing of the 44th is a few miles in our rear. All the C. dots, I am happy to say, are well and safe—on a few cooking-boats of their boats, but some of the Buj ro had very narrow escapes. The tender of the Boat was carried away, and the Pinnace, in consequence, nearly upset. I lost my cooking-boat with all its valuables, and nearly my orderly Boat, but no lives.

What a melancholy sight I saw near this. Poor Captain Conway's Bujero, a wreck, with the Lottom upwards. It upset three days before we came up to it, and the night previous to that they found Conway's body, by cutting some of the planks out of the Boat; also Miss Farrell's—but Mrs. Conway's body was not discovered, though we caused search to be made for it, but it is dangerous going down into the Boat, it being quite under water.

The Mangie thinks Mrs. C.'s body has been washed out of the Boat, but I am of a different opinion. A great part of the property has been saved. Miss F. is buried close to the place where the Boat lies, Captain C.'s body has been sent up to Dinapore. He was found with his arms clasped round the mast, and the Mangie says, it was his orders to go on during the bad weather, which caused the Boat to upset; but this I do not believe. He might have saved himself, but was too much engaged with the unfortunate Ladies John Bull.

The most distressing accounts have been received in town of the effects of the late high rise of the river. These we regret to say, are not confined to any particular part of the river, but extend almost throughout the whole of its course.—Since the year 1801, the disastrous calamities of which will still be fresh in the minds of some of our readers, nothing at all approaching to the present state of the river has occurred. From accounts received from Chandernagore, we understand that not only has the river risen over the banks, but that it has entered many lower-rooms houses, and obliged the inhabitants of them to erect choppes on their tops in which to seek refuge.—At Sulkah, the height of the tide yesterday at Mr. Foster's dock, was 21 feet 3 inches at high water, and at low water, only 15 inches less.—At Calcutta itself the tide had risen by 11 o'clock to a level with the highest part of the ghats, and was on a level with the road opposite to the Bankhall.

At Willaburry a frightful scene presents itself, the whole country as far as the eye can reach being inundated, and nothing to be seen but the tops of the high trees, while the ill-starred natives whose rude huts are demolished, are obliged to fly from the devouring element, and seek their safety in any spot, which happens luckily, to be high enough to afford them shelter. But all this is nothing to the miseries endured on the lower banks of Hog River Creek—Here the people have been obliged to take refuge in the tops of the trees, the highest spots being entirely covered with water. Many of them have been lost, and eighty men, women and children were saved from a very perilous situation by one of the parties sent down to the relief of the ATLAS. The loss of cattle has in every place been incalculable, and the labour of the husbandmen entirely frustrated, and thus the unfortunate sufferers are not only excluded from their homes, but are doomed to see the destruction of all their hopes, without having in their power any exertion to avert the dreadful calamity.

The inundation of the country, we have learned since writing the above, is far more general than we at first imagined.—The coast of Canara has been mentioned to us as suffering severely under this visitation, and an instance has been pointed out to us in the house of Mr. P. which is situated near the foot of the hills,

notwithstanding which distance, and the situation of the house, the water has risen to the door.

Since writing the above the following intelligence has reached us; "All the houses at Serampore are under water.—The poor Natives are in a sad state up to their necks in water. Numbers of them have hired boats and are going about the streets. There has been no market to-day, and if it continue to get worse, we must send the family down to Calcutta. There are three boats now going about the College-yard—two of them quite close to the house."

Melancholy Accident.—On Tuesday afternoon, as Mr. Blake, late Chief officer of the brig Caroline, Capt. Pearson, laying off Garden-Roach, was going into a boat for the purpose of proceeding on board the ship Flora, he unfortunately used too much exertion in springing into her, and went over-board; the fearful velocity of the current rendered every effort to save him unavailing; though, when endeavouring to get hold of him, the manji states, that he once for a moment, saw his hand,—but before he could seize it, the ill-fated young man sunk to rise no more.—We have seen a letter from the commander of the Caroline, announcing this melancholy event to Messrs. Breen and Co., the owners, in which he observes, that he has in Mr. Blake, lost a very good young officer.—He was, we understand, about twenty-two years of age, and much respected, by all who knew him; to his owners in particular, he had given the highest satisfaction.

On Saturday last, we received the Bombay papers; from one of which, we have copied into our Asiatic Sheet of to-day, an article of a most curious nature. The late prodigies we have read and heard of, are all thrown into the shade by an ill-fated personage, who has lately made his appearance at Bombay from Mecha. He is yclept Haj Syud Ahmed Peer Zada. It is said that we, of this city, are not acquainted with his holiness, for he was here about a year ago. The zeal for Islamism burns so furiously in his bosom, that his views, it is said, extend to nothing less than driving the whole of the Christian Unbelievers from this land of the sun. We happen to know something about the Peer Zada; for we had heard of him when he was levying contributions on the followers of the prophet, in the environs of Calcutta, to enable him to prosecute his pilgrimage to Mecca. We were told, at the time, by several respectable Mahomedan gentlemen, that his holiness was an ignorant, illiterate, and presumptuous impostor; that the Marquis of Hastings having destroyed the Pandree hordes, and Amer Khan being deprived of his power, he was compelled to disband his troop of freebooters, and that the Peer Zada was one of the survivors of this chief; & that since the sword & spear could not now yield him his curry and rice, he had thought himself to the profession of a faqueer of the superior order.

[Cal. Jour. Sept. 29th.]

THE KHAUN OF BAHAWULPOOR.

Accounts have reached us of the intention of Runjeet Singh, to invade Bahawalpoor, and to make its Khaun tributary to Lahore; but we hope a check will be put by our government, to this Sikh chieftain's schemes of aggrandizement to the south of the Begha, or the river Hyphasis. This aspiring soldier of fortune, from being the chief of a few villages, not many years since, is now the head of a powerful Sikh nation, and the lord of Pehawar, and Cashmere; and contemplates the invasion of Caubul. We shall not now speculate on the policy of the maharajah's conquests beyond the Indus—we leave that, at present, to the Afghan writers of ukhbars; but we do feel some anxiety when we hear of his march towards the east. From the intelligence we receive of his proceedings, it would appear that he has not faithfully adhered to one of the articles of his treaty with our government, by entertaining Frenchmen, and English deserters, and others, in his service; for we read, in the Lahore ukhbars, of French Troops, French Camps, & French Forts; and of Captains Jackson and Walker. But be this as it may, we think the Khaun of Bahawalpoor is entitled to the protection of the British government, as being the old friend and ally of the English.

[Cal. Jour. September 29]

SUPREME COURT—CHAMBERS.

BEFORE THE HON SIR FRANCIS MCNAGHTEN AND SIR ANTHONY BULLER.

Friday, Sept. 19th.—About mid-day Mr. Arnot was brought up from the Fort, in custody of a Serjeant, and agreeably to the summons on the Writ of Habeas Corpus, produced before the Judges. As it had been announced in the newspapers that the business was to be done in Chambers, not in the open Court, a general impression prevailed that the proceedings would be entirely private, and no person admitted to hear them unless personally concerned. This however did not prevent a great concourse of persons being in attendance, who were anxious to hear the result; and when it was afterwards found that the public were not excluded, as had been anticipated, many regretted deeply the erroneous impression which had kept them away from these interesting proceedings.

(Continued in the Supplement.)

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SATURDAY, OCTOBER 25, 1823.

(Continued from the last Page.)

sometimes) that he was to be met on the ground that although the Act did not distinctly give to the Governor General the power of imprisonment; yet it was only natural to suppose, that it contained within itself the power of its own enforcement, and that this was a power therefore necessarily arising from the Act itself, in which such imprisonment, it would be argued, is necessarily implied. But in opposition to such doctrine he would maintain, that such a power ought to be clearly and expressly given; otherwise it cannot be assumed. There was no such power even hinted at in the Act: and no one had a right to supply what was not to be found there. At the time it was passed the country was at war with France; consequently fleets could only sail under convoy probably twice a year; and from the delay thus occasioned, there could seldom be opportunities of transmitting persons to England; perhaps once in six months. The legislature knowing this, and that if the power of imprisonment were given, individuals might be subjected to a long confinement, did not introduce such a power into the Act: they therefore did not intend the persons to be treated with such severity; thinking their removal to England hardship enough without such an aggravation as suffering five or six months' imprisonment.

That such was the view of the legislature in passing this Act is clearly proved by contrasting it with another of a similar nature; the act respecting foreigners. In this they did contemplate such imprisonment; & the manner in which they are to be treated is distinctly pointed out. Now, if the right of intermediate imprisonment was necessarily implied in the power to remove, why did they take the trouble to give it expressly in the case of foreigners. Does the English Government pass Acts for mere waste paper; stuffing them with superfluous and useless clauses, giving people powers which they must have possessed without them. The following is an extract from the act referred to:

"Part 6.—And whereas it is expedient that the several Governments, in the East Indies should be enabled to prevent subjects of foreign states from residing or sojourning within the British territories there against the consent of such Governments respectively; Be it further enacted, that it shall and may be lawful to and for the Governor General in Council, and to and for the Governor in Council or Chief Officer for the time being of any Presidency, or of any place not being subordinate to any Presidency under the Government of the United Company of merchants of England trading to the East Indies to cause notice in writing to be given to any person not being a native of any part of the British territories in India or within the Limits of the charter of the said United Company, other than such natural born subject of His Majesty's as may from time to time lawfully resort to or reside in the East Indies to remove himself or herself from such Presidency or from all or any part of the British territories in the East Indies as may be deemed expedient within a time to be appointed by such notice; and in case any such person shall not obey such notice then it shall and may be lawful to and for the Governor General in Council or Governor in Council or other Chief Officers, as the case may be, of the Place where such persons shall be found, to cause such persons to be apprehended and brought before the court of civil or criminal judicature to the jurisdiction whereof such place may be subject; and upon proof being made upon oath to the satisfaction of such Court by any credible witness swearing to his knowledge or belief, stating the ground of such belief that such person is an alien and the subject of a foreign state, and that such notice as aforesaid has been served on such persons, either personally or by leaving the same at his dwelling house, unless such person shall prove that he is a natural born subject of His Majesty, authorized to reside in India, or a native of the British Territories in India, or within the limits of the charter of the Company, for the making which proof reasonable, time and opportunity shall be allowed by the said Court, such person shall be remanded by the said Court into the Custody of the Governor General or Chief Officer who shall, as soon as may be, cause such person to be removed in such manner as his or her rank, state and condition in life shall require, by the first convenient opportunity to the country or place to which he or she shall belong, if he or she shall be willing to go thereto, or otherwise to such country or place as the Governor General, Governor or Officer by whose authority he or she shall have been apprehended or shall be detained, shall be of opinion shall be most proper, regard being had to the convenience of the person to be removed and the peace and security of the British Territories in the East Indies,

and of the Allies of His Majesty and the East India Company, and of any neighbouring princes or states; and in the mean time and until such person can be conveniently and properly removed, it shall and may be lawful to DETAIN him or her in such Custody or under such guard as the person by whose authority he or she shall have been apprehended or shall be DETAINED, shall see fit and necessary, so as that the person detained may be put to as little inconvenience as shall be consistent with the object of his or her detention; and in case any such person, having removed him or herself in pursuance of any such notice, or, having been so removed shall again wilfully return to any country or place from which he or she shall have had notice to remove without the consent of Government or chief officer of the place to which he or she shall so return, it shall and may be lawful to and for the Governor General in Council, or Governor in Council, or chief officer of the place where such person shall be found, to cause such person to be apprehended and detained in safe custody, until he or she shall be discharged out of custody, upon such terms and conditions as the Governor General in Council, or Governor in Council, or other chief officer, at the place where he or she shall be detained, shall deem sufficient for the peace and security of the British territories and of the allies of His Majesty and of the East India Company, and of the neighbouring Princes and states, 55 Geo. III. chap 84 Sec. 6."

Was it possible (asked Mr. Turton) to imagine that the Legislature having made such careful provision for the confinement of foreigners with due attention to their comforts, would have been utterly regardless about the treatment of British-born subjects. If it had meant the latter to be imprisoned when found in India with a licence, would it have made no provision for their good treatment; Would it not in some manner have mitigated or restrained the exercise of the power it granted over them? Or was the English Government in consenting that its own natural subjects should be deprived of their liberty—to assign no limits to the exercise of this power, but leave them entirely to their fate without any hope of relief?

Mr. TURTON also argued that Mr. Arnot could not be imprisoned in the fort; unless the act expressly authorized it; as it was an illegal place of confinement. If the Governor General had the power of committing to a private prison and not a public one, the benefit of the 3 § 7. c. 3 (certifying commitments) would be lost. He referred to Acts passed against confining people in private houses or dungeons, in which persons might be immured and shut up without an opportunity of communicating with their friends, and as the keepers made no reports of their proceedings to any legal authority; a person might be immured in this way without any means of legal redress. He referred to a case decided in England in which Mr. Fergusson the present Advocate General at this Presidency, had adduced a very able and learned argument to prove that a person was illegally confined in Cold-bath fields on the grounds that it was not a public prison. The Judges admitted the validity of the argument, and only decided against him on the particular grounds that a certain act of Parliament had rendered this a public prison; otherwise the person must have been illegally confined.

Returning to the act on which Mr. Arnot had been committed—he observed that as it gave extraordinary power, it must be strictly interpreted—its meaning not arbitrarily extended. It appeared by its preamble that Transmission was intended for cases where no other punishment was required; a circumstance which alone suggested its being used leniently. The Government were authorized to proceed against individuals here without a License for a misdemeanor; and they might be punished with a fine not exceeding Sicca Rupees 1,000 or imprisonment not exceeding two months. But observed the learned Counsel, as there may be cases where removal to England is enough without any further punishment, the Government is then authorized to apprehend individuals in that predicament, and send them to England. When no further punishment is necessary, nor even two months imprisonment deserved, could the Act at the same time intend to inflict seven or eight months imprisonment or more (for such it might amount to) over and above the banishment to England. On the grounds stated and others which if necessary might be adduced from the Return, the learned Counsel concluded by contending that Mr. Arnot was entitled to his discharge.

The ADVOCATE GENERAL then stated that he appeared officially in support of the Return made to this Writ of Habeas Corpus. From the first mention of it he had never entertained any doubt that the government possessed the power to imprison. If it had not this power, the person must be set at large at once; and the Governor-General would be left without the means necessary for exercising the authority

vested in him by the act for sending to the United Kingdom, British subjects found here, without a license. It would be absurd to suppose that the Legislature meant to give him such a power without giving also the means necessary for carrying it into effect. The analogy drawn between this case and that of Aliens or foreigners, was inapplicable; because Aliens were guilty of no offence by being in the country; whereas British subjects residing here, without a licence, were declared by the Act of Parliament to be committing a high crime & misdemeanour every day. Government was authorized to arrest and send them to England; and the power of detention, till they could be put on board a ship, was clearly necessary for the exercise of that power. The learned Counsel then referred to a manuscript book, containing accounts of the proceedings in the Supreme Court of Calcutta, extracted and copied (he stated) under the superintendance of a Gentleman very competent to the task, (Mr. Mactier, Clerk of the papers). From this he cited a case decided in this Court, when Sir Robert Chambers was Chief Justice, than whom he thought an abler Judge had not sat on that Bench. Mr. Boroughs, Mr. Ledlie, (and others whom he named), all men of considerable abilities were counsel in the case, and although all the arguments on both sides were not given, it appeared to have been fully canvassed, affording the greater security for a mature and just decision. This was the case of Duhan in 1791, when a Writ of Habeas Corpus was applied for and a Return being made that he had been confined in the Fort by order of the Governor General, the Court decided that it could not release him. The Book contained a copy of the Return in that case; it bore we believe that the person was to be kept in prison, unless he entered into security to quit the country.

The Advocate General then quoted the 5th Geo. I. cap. 21, which confirmed the 9th and 12th of William III. forbidding people to trade to the East Indies without a License under penalty of forfeiting the effects embarked in such trade and double the value thereof and it was settled that residence without License should be construed into unlawful trafficking. In none of the Acts till the 53d Geo. III. was there any mention of the individual unlawfully trading or residing being put "on board a ship bound to England." The words did not occur previous to this Act. It gave to the Governor General, the Governor of any of the Presidencies, the Chief Officer of the Company resident at any British Settlement, the Company's Council of Supercargoes, at the Factory of Canton, &c. the power "to take, arrest, seize and cause to be taken, arrested and seized," persons without a license, and to remit and send them to the United Kingdom "on board of any ship or ships of or belonging to or in the service of the Company." The power of confining them until they could be sent on board such ship, was, the learned Counsel contended, necessarily implied. If not, how could the act be carried in effect? When a person is ordered to be arrested and committed to jail: after the officers have laid hold of him, there must necessarily be some detention before he can be put into the prison. If it be at a great distance, perhaps twenty or thirty miles, they may find it necessary to stop somewhere on the road all night. This is imprisonment but not unlawful, because necessary for the person being lodged ultimately in the place destined for his confinement. In the present case such intermediate confinement was obviously necessary for carrying the purpose of the Act into effect. In the custody of his (the Advocate General's) friend Col. Vaughan, a gentleman distinguished for the urbanity of his manners, he was confined, Mr. Arnot would receive every indulgence consistent with his safe detention. The clause of the Act (104§) which the Government had gone upon, was that which enabled them to send persons home without adopting any further proceedings against them and was evidently meant as a comparatively lenient measure. And the manner in which it was put in practice was favorable to the individual. For if they did not lodge him in the Fort, then they must put him on board a ship where he would be less comfortably situated. Now if the Act conferred no power to detain, what was to be done during the S. W. Monsoon when none of the Company's Ships were ever despatched.*

Suppose Mr. Arnot had been put on board the Ogle Castle (lately obliged to put back) must he have remained there till she was again able to put to sea? And if the Ship was condemned, what is to become of him? Must he not be lodged somewhere in safe custody. But if he can only be kept on board a ship bound for England, a ship may be bound for England, though in Kyd's dock. Must Mr. Arnot go there too, & have his head hammered to pieces (a laugh) until the carpenters are able to make her sea

* Note.—This is a mistake of the Learned Advocate for the Company's Ships are despatched even in the height of the Monsoon. It is not material however, for the argument, if well founded would cut both ways.

worthy? Would he not be very glad to exchange the smell of pitch and tar, with the noise of workmen, for a quiet lodging in Fort William with Lieutenant Colonel Vaughan? In this view of the case the learned counsel considered the mode pursued towards Mr. Arnot, only necessary for his removal but the best for himself. The question was whether Government were bound to put him immediately on board a ship. He thought they were not by the terms of the Act, which he maintained contemplated intermediate imprisonment. For in the 123§ it expressly mentioned the word *imprisoning*. It said.—

"CXIII. And be it further enacted. That if any suit or Action shall be brought or commenced against the said United Company, or any of their Servants, or any Person or Persons acting by their Authority, for the Recovery of any Costs or Damages for the unlawful taking, arresting, seizing, *imprisoning*, sending or bringing into the United Kingdom, of any Person or Persons found in the *East Indies* or other Part aforesaid, within the Limits of the said Company's Charter, or as not being authorized to reside or traffic there."

The words, "*imprisoning, sending*" he contended could not apply to the Captain of the vessels; and must therefore refer to the Governor General or any other acting on the same authority instrumental in the individual's being sent out of the country. He was ready to go as far as Mr. Turton in saying that there should be no imprisonment unless necessary for Mr. Arnot's conveyance on board ship; that there should be no unavoidable delay on the way. But some detention was obviously necessary; and the attempt had been made to prove that in this case more had taken place than was necessary. No ship of the description required had sailed since his arrest and he was entitled to be sent by the first. If it had not been the intention of the Act that he should be detained in custody till a ship be prepared for his reception, it would have said he shall be "taken, arrested, seized, &c." Provided only a ship of the proper description be ready to receive him on board and convey him to England. On these grounds the learned Counsel concluded that Mr. Arnot's detention was agreeable to the Act of Parliament and legal, and that he must therefore be remanded to the Fort in the custody of the Town Major.

Such was the tenor of the Advocate General's argument, according to the Notes of it taken by Mr. Turton, and the recollection of the persons in Court, but in reporting Mr. Turton's reply, we have unfortunately no assistance whatever but our memory, and the account of it we can give, must be therefore very inadequate to do full justice to its merits, and to the side of the argument which he supported. According to the impression on our minds, it was something to the following effect:—

Mr. Turton—My Learned Friend has told us he never entertained any doubt of the legality of Mr. Arnot's imprisonment. Well, perhaps not. For I have observed, that in starting on a case, he has a wonderful facility in getting rid of his doubts; the moment he embarks he immediately heaves all his doubt over board, to render his argument the safer. Nay he does not even leave enough of doubts to serve for ballast. He has also been less courteous than he usually is, for he has told me my argument is absurd.

The Advocate General explained that he did not mean to say that: for his learned friend, as usual argued very well; but in this case his arguments led to an absurd conclusion.

Mr. Turton resumed.—It is very easy for my learned friend to say that such a conclusion is absurd; or that the power of imprisonment is necessarily implied in the Act of Parliament. But I go upon the well known principle of the law of England, known to every one who has ever passed the threshold of an English Court of Justice that all penal statutes must be construed strictly, and that no man must be deprived of his liberty without an express authority from an Act of Parliament. In interpreting the sense of an Act there must be no stretching of the meaning, no supplying of supposed omissions, in order to trench on the liberty of the subject farther than is expressly authorized. The Advocate General says that the power of imprisoning is necessarily implied. But where is the authority for saying so? On what acknowledged principle of law is such a construction put upon the Act? What legal dictum is there in favour of this latitude of interpretation? We have heard of none. He had indeed cited a case decided in this Court in 1791. I do not care what was decided unless I know the grounds and the principles upon which that judgment was pronounced. Not being made acquainted with these, I must still rest the question on the broad ground of the law of England, according to the principles of which I maintain this imprisonment to be illegal, and not warranted; with all due respect to the authority of precedents. Judges are not infallible, or therefore the number of new Trials we see granted in England? After decision, the Judges see the reason to deliberate further on the subject, and the Judgments are not

unfrequently reserved. Notwithstanding therefore the high encomiums passed by my learned friend on Sir R. Chambers, he was by no means infallible. My learned friend indeed always has a high admiration for those Judges and Lawyers who entertain the same opinion with himself. But I have no doubt that in examining that book (in M. S.) he has found many things to astonish him; and that he could put his finger on many pages in the priority of which he is very far from coinciding. I do not know what particular notions Sir R. Chambers may have entertained as to the liberty of the subject or of the power of the Government. Sir William Jones, who also sat on the bench was a great *Oriental scholar*.

Sir F. Macquaghten—And a great stickler for liberty.
Mr. Turton.—Yes my Lord: But apt to be fascinated by talent. Now all the learning and eloquence of the bar might have been in favour of the imprisonment. I do not know what arguments were used on the other side. This I know that the decision was contrary to the Law of England as here established. The Advocate General considers the confinement of my client in the Fort, a lenient way of proceeding.

Advocate General.—I expressed no opinion at all on the present case; further than that imprisonment in such a case was legal, and that in granting a power of sending him home without any further prosecution the act intended to be comparatively lenient; and that he may be more comfortable in the Fort than on board a ship on the voyage, that the latter is ready to proceed to sea.

Mr. Turton.—Well admitting that in the custody of my learned brother's friend Col. Vaughan, my client may be more comfortable than on board a ship. Nevertheless as in the case of a person taken up by a bailiff who may be willing to detain him in his own house instead of taking him to prison, the person in custody may say: "it is true you have a commander's house, with agreeable company and a pleasant prospect; yet I don't choose to remain in it. Take me to my legal prison; for there only will I be confined, however much it may be inferior to your house." So Mr. Arnot may say, "I do not choose to remain in the Fort. I am willing to go on board a ship bound for England; and there only you are authorised to confine me." The intermediate confinement unwarranted by the Act, is by no means necessary to enable Government to send persons on board a ship. But even if it were, the Court could not authorise what was not warranted by the Act; since they sit as Judges and not as Magistrates. If a Magistrate were empowered by a statute to fine a person for a certain offence, which did not go on to say; that in case of the offender failing to pay the fine he shall be imprisoned until he do so, the Magistrate would have no power to send him to prison without a warrant, and must content himself with awarding the pecuniary penalty, leaving it to be recovered the best way it can.

The above is as much as we can at present recollect. Mr. Turton thought it unnecessary to take up their Lordships' time by stating the many fatal objections which lay against the return, and rested satisfied that on the grounds already stated, on the principles laid down by Sir William Blackstone, and the greatest law authorities, that the penal statute must be construed strictly, that the personal liberty of the subject must not be abridged unless there is an express warrant for it from the words of a statute or the common law of the land, the Court would order Mr. Arnot's release.

Sir Francis Macquaghten began by regretting that he understood there was little hope of a concurrence of opinion between him and his colleague in office on the subject before them. But, (said his Lordship) I think there must be something plain and distinct—something clear and express in the Act of Parliament—something which admits of no other construction—before the subject can be deprived of his liberty. If this principle be not adhered to, and preserved without any reservation or admixture of any thing else whatever, then I know of no security from the laws on which the subject can place reliance. I am well aware that if the Governor General acting under the 53d of George 3d, send to England British subjects found here without a licence, we have no right to interfere. He is authorised to do so by Act of Parliament, and whether that be a constitutional or unconstitutional act—with that sitting here as Judges, we have no concern. Nor have we any thing to do with the discretion or authority with which he may exercise that authority, nor with his regard to liberty or his regard to tyranny. Therefore I put this entirely out of the question. But the Act of Parliament—conferring such authority—gives no power of imprisonment. The word is not found, nor the idea conveyed in it at all. If the word "detain" even had been used, it might have afforded some shadow of an argument for this imprisonment, but we do not find even such a word in the act. Therefore the obvious and necessary conclusion is, that the act has only one object; it gives the power to seize and remit to England, persons found here without a licence, but confers no power whatever of imprisoning them. Many things have been introduced which were not necessary for the argument; as the 104th section of the 53d of George the 3d (on which the warrant of commitment is founded) is alone necessary, and must by itself decide the question. I do not deny that other acts may be referred to for illustration or analogy; but on this the question depends.

It may be said, that if the Government has not a right to imprison, until a ship be ready, then a dangerous man may go abroad, and do mischief in the intermediate time. So he may; and sup-

posing the worst case, that he has the means and the desire of doing mischief, I say he may do all the mischief he can, subject always to the control of the laws, and to be punished for every illegal act he may commit, but no person has a right to prevent him by any precautionary measure. Such I say, was the intention of the legislature in passing the act. For although sitting here as Judges we have no right to enquire whether an act be constitutional or unconstitutional, yet we are bound, as British Judges, to put upon it a constitutional rather than an unconstitutional interpretation; and where it is liable to two constructions, where the right of the subject is concerned, we are bound to give it an interpretation in favour of liberty.

On this point I wish to be clearly understood. To say, that we enjoy here the full privileges of the British constitution is absurd. We enjoy no such thing. The idea of such liberty is absurd, is ridiculous. How can any man in his senses say; "I will act as I choose, subject only to the laws"; when he knows that he may be told, "you shall do nothing, you have no right to be here at all." To speak of British liberty then existing here, as at home would be little less than frivoly. But the fewer the privileges we do enjoy—the more numerous and heavy the restraints imposed upon us—the more our liberty is narrowed, the more, I say, do sit become incumbent on the Judges to guard with greater strictness that portion of liberty which remains to us: for we have the less to spare.

With regard to the pretended necessity of proceeding against the mischief a party may do before a vessel is ready for his conveyance to England, let us see what the legislature have done in another case very nearly related to this. When a person is residing in the country with a licence, it can of course only be recalled on account of his own misconduct. There is no such case it is to be presumed that there must be some cause which renders his removal a matter of public expediency. But even then did the legislature empower the Governor General to seize and immediately imprison this public enemy, to keep him from doing more extensive mischief until he could be conveyed out of the country? No such thing;—He is allowed to roam at large for two months! Then in the other case, if any idle person happens to have come here from England, without thinking about the matter, or not knowing perhaps that a licence was necessary, and thus be caught in the trap, and ordered out of the country, without perhaps having committed any offence, or what is a more Parliamentary offence, can it be contended with any shadow of reason that he is to be imprisoned. I say without any offence, nor, with reference to the particular circumstances of this case, which have induced the Government to order Mr. Arnot's removal from the country; for I declare I know nothing about them and have nothing to do with them. But the Government, by this mode of proceeding, have decided proceedings with him for a misdemeanour, and rested satisfied with his being removed. It is to be presumed therefore that he has committed no offence which calls for prosecution, and is removed merely for not having a licence.

In such a case, are we justified in considering him a dangerous man, who must be secured right or wrong, legally or illegally? Am I sitting here as a British Judge to put words in an Act of Parliament and supply its supposed deficiencies? And for what? Why to invade the liberties of the subject? Am I to say that such an expression was left out only omitted, or such a power was meant to be given, and on such grounds agree to this person's being imprisoned without any express authority from the statute? Sitting here as a British Judge (and I hope I am not obliged to lay aside my feelings as a man) and viewing the case, as I hope I do, both as an English lawyer and as a gentleman, I declare that my understanding and my conscience will not suffer me to send back this person to the Fort, or prison, or whatever it may be, in the Fort, where they have confined him. I hope Judges of this Court will never be swayed in their decisions by any respect of persons—nor it is contrary to the law they find two roads, pursue that most agreeable or convenient to men in power, merely because they know it to be so. I trust they will never in any case so truckle to the Government, as I fear these Judges have done. (As His Lordship pronounced these words in a very emphatic manner, he laid his hand upon the M. S. book of cases from which the Advocate General had quoted that of Mr. Dahan.) If such ever were the case, it would afford a cloak for every species of oppression. I would infinitely rather see the Court abolished, for it would then be a nuisance rather than a protection to the subject. I declare I should hope in such a case to see a public meeting of the inhabitants of Calcutta to join in a petition to Parliament to recall its charter and put an end to it at once. This Court is supreme, and the moment one particle of this usurpation is forfeited, I trust the Court will be annihilated.

Suppose we were to remand this gentleman again to the Fort, I should like to know how long he is to be kept in custody? By this return, on the extraordinary nature of which I must now remark, the Government assumes a power to act as it pleases—to imprison him with any one it likes—and by what authority? I know of none. The words "to detain or imprison" are not once used in the Act, and am I to put a word into the Act or construe it by implication? I confess it would be some comfort, some sort of satisfaction to me to find it stated in this return how long he is to be kept in durance, and whether for weeks, or months? But the return does not favor us with any information on this subject, it does not say when he is

to be put on board a ship, or how long he is to remain confined in the Fort. Lord H. refused to know that the City of London returned Members to Parliament, and on the same grounds, the Judges of this Court have no right to know that a ship will ever sail to England; and thus he may be confined for any indefinite length of time. Good God! it is to be tolerated that a British subject after being shut up in this manner without any authority, is to be kept all this time, and as long as the Government may think proper to keep him, in prison, without bail or surprize? Can this be done under English laws for any thing but felony or treason? But the Act which is assumed as the warrant for this, applies equally to Bombay, from whence the Company never have a ship bound directly to England. Then are we to put a forced and unwarranted construction upon the Act, by which a British subject for merely being in India without a licence is to be condemned to perpetual imprisonment? The idea is monstrous. But if the Governor General ever had the power to imprison him, I should say that he might be bailed; because if they prosecuted him, even at home, then he is to be committed only if not bailed.

I do not know what feeling this person's release may excite, but if a general feeling of satisfaction or congratulation should prevail at his release, I see no reason why the government should not join in it.—The Governor General himself, in my opinion, will not be offended at not meeting with unlimited submission to his will, knowing that such blind compliance must necessarily impart weakness and instability to his own power.—Convinced by experience of living under a constitutional government, of the eminent advantage of every one being secured in the full enjoyment of his rights, he must rather be pleased at seeing the liberty of the subject protected. I am not intimately acquainted with His Lordship, who has lately arrived amongst us, but I naturally ascribe these sentiments to him as a British nobleman.

My principle is that if the words of the Act of Parliament are not clear beyond a doubt in conveying the power of imprisonment, that we ought not, by so stretching its meaning, to curtail the liberty of any man.—We ought, (though I do not speak of this as a constitutional Act; I cannot say whether it is or no—but this I do say)—We are bound to give it a constitutional rather than an unconstitutional construction. It does not empower the Government to imprison, and although it may be said that in the Fort in case of such a gentleman as Colonel Vaughan, this individual will experience all the indulgence, which that officer can extend to him and no one who knows him could doubt; yet in depriving a man of his liberty, you take away from him that which is necessary for his happiness. It is in vain to talk of the pleasantness of this place, or the other; he is no longer master of himself; and this alone is enough to make him miserable. What more, I ask, can any tyrant do than make his victims miserable? It is true you may put him on board of ship, and keep him there in charge of the Captain, but I should think the wretched walls of the vessel a sufficient prison. They could not confine him to his cabin, or keep him in fetters. Nay, I think him entitled by the terms of the Act which provides for him a good and sufficient vessel—one of the Company's ships—to the best treatment and a command. And when the ship reaches England his gentleman is immediately entitled to his discharge from her at the first place where she is safely moored, and is at liberty to go where he chooses. No conditional term of imprisonment is to be tacked to the end of the voyage. And is imprisonment less a hardship in the East Indies than in England? Is it of less consequence to a British subject here? Is the society in this country less consoling to his feelings or less necessary to his happiness than in Europe, that we should thus trifle with his liberty? On every principle of law, on every principle of reason, and on every principle of justice then, I declare it to be my decided opinion that Mr. Arnot ought to be discharged.

Sir An hony Butler then delivered his judgment, as nearly as could be collected to the following effect. He set out by expressing his concurrence in the regret experienced by the Senior Judge at the difference of opinion that had arisen between them. He deemed it necessary, however, to state the grounds of his dissent from his colleague, that they might not be misapprehended. He had, when he first heard of the matter, been of opinion that the government had acted wrong; but after material doubt, and a reference to the case of Dahan cited by the Advocate General, he had come to the opposite conclusion. He had some doubt what the Judge had power in this case to bail the party, but that was not a question now before the Court. If the Court had the power in 1791, they had it, his Lordship thought now. In the Act of the 53d of Geo. III. there were the words "Company's ship bound to England," which were not in the Act of the 33d, but he did not think that this introduced any loss of privilege, though it might unintentionally have done so. Unfortunately the Legislature had not collected that no such ship might sail for some time, after the removal of an individual from the country had been decided on. He thought the object of the Acts was to give the power of exercising such authority to send home persons circumstanced as the party in this case was. The Governments of India had the power under former Acts of seizing, taking and detaining for the purpose of sending to England British subjects residing here without a licence,

and, it was not contended that they had power now, for the purpose of conveying him to England, when the ship was ready, and he was so circumstanced, for it was admitted that they might arrest and seize him and carry him on board of her. He (Sir An hony Butler,) thought therefore, that this authority necessarily implied the power to detain in the ship was so ready, and that consequently Mr. Arnot was not entitled to his discharge.

Mr. Turton then applied for the decision of his Court, when Sir Francis Macquaghten ordered Mr. Arnot's immediate release.

MAURITIUS.

ADDRESS presented in the Name of the Inhabitants of Mauritius, by Monsieur BARBE MARBOIS, President of the Court of Appeal, Monsieur CHARLES PITOT, President of the Bank, Monsieur MARTIN MONCAMP, Planter, and Messieurs WIEBE and RONDEAUX, Merchants, to Major-General DARLING, late administering the Civil Government of this Colony.

(This Address was presented to Major-General Darling on the 24th of July 1823)

GENERAL.
The Inhabitants of Mauritius experience a sensible regret on seeing the moment of your departure approach.—You are acquainted with the frankness of their character; and, in conveying to you their sentiments on this occasion, the simple expression of them must be a guarantee of their sincerity.

If, during your residence of nearly five years in this Colony, they had had no other relations with you, than those resulting from the presence in their Island of a General Officer, scrupulous in the observance of his duty, of an excellent Father of a family, continually furnishing examples of all the social virtues; in short, of an Inhabitant full of kindness and politeness to all around him,—the Colonists of Mauritius would, under these considerations alone, General, be anxious to pay to you the tribute of the profound esteem and respectful affection, which they have devoted to you.

But these relations are not the only ones which they have had with you.—Twice the rains of Government have been in your hands, and the Colony therefore owe to you the frank avowal of those sentiments, which have resulted from this double circumstance.—In this point of view, General, there is but one way of clearly expressing to you the feelings with which they are impressed—and it is to declare to you, that if His Majesty, in his benevolence, had not given to the Island of Mauritius a Governor whose eminent qualities command respect and confidence—if this choice, as happy as it is honorable for the Inhabitants of the Colony, had not accomplished their desires in this regard, be assured, General, that these desires would have been for a continuance of your Government.

By a fatality of the nature of those that disconcert all the combinations of human foresight, a terrible calamity served to render some days of the first period of your administration as painful to you as the Calamity was destructive to the Colony.—But, of these fatal recollections, that of the misfortunes of Mauritius has alone not been forgotten by you; and you have given convincing proofs of a generosity and nobleness of character, which have not been lost to minds fully capable of appreciating all the disinterestedness and goodness of such a conduct.

The Colonists of Mauritius are not ignorant, General, that the last moments of your residence amongst them are employed in confirming the benevolent dispositions of His Excellency Sir L. W. Cole, on behalf of the Colony.—For this fresh proof of your attachment to it, accept the grateful acknowledgments of its Inhabitants.

Allow them to hope, that, on your arrival in England, you will employ, for the benefit and furtherance of their Agriculture and Commerce, that influence which your services and personal consideration have so justly acquired.—You are not too well aware, General, how much these branches of their slender resources have need of assistance and encouragement. This Island, looked upon as an interesting Colony by all the universe, respectfully hopes to receive these sensible marks of that interest from the Supreme Authority; and your mediation will doubtless contribute to the accomplishment of their wishes.

May you be as happy, General, as your distinguished qualities and sentiments merit, and as the Colonists of Mauritius desire you should; permit them too, to include in this, their hope, the amiable Partner of your life and your Children; for their happiness is inseparable from yours—and, when in your native land, you shall sometimes cast a thought towards this Rock of Mauritius, and shall solicit for it the protection of the King and His Ministers, be assured that the hearts of its Inhabitants are always open to gratitude, and that in their domestic circles there will be frequent mention of their former Governor, GENERAL DARLING.

Major-General Darling replied as follows: Gentlemen,

I receive the address which you have now done me the honor to present to me with those sentiments which such a proof of your good opinion and regard could not fail to inspire.

knowing how much I am flattered by the expression of your wish that circumstances had permitted my continuing in the administration of this Government, it is a source of sincere satisfaction to me to reflect that His Majesty in his paternal solicitude for the welfare of the Mauritius, has provided for your happiness, as far as human foresight is capable, by the appointment of an Officer, whose distinguished services and qualifications give him the best claim to be His Majesty's representative in this Government.

I should, indeed, be happy in an opportunity of still further convincing you of my desire to be useful to the Colony.—No bond is necessary to insure my exertions. The obligation is confirmed by my declaration on a late occasion.—That I shall ever continue to take the most lively interest in the prosperity of Mauritius.—I cannot be indifferent to it.—It is the birth-place of my son, and has been the cradle and nursery of my Children.

Your wishes for my success and the happiness of my family are most gratifying and acceptable to me, and are returned with an anxious and earnest hope—that you may enjoy every blessing which can render life valuable.

Port-Louis, 24th July 1823.
(Extract from *New Mauritius Gaz.* of 26th July)

DINNER

GIVEN TO MAJOR GENERAL DARLING.

On Wednesday, the 9th instant, a Dinner was given at the Pitti Circle in Port-Louis, by the Gentlemen of the Civil and Military Branches of the Public Service of the Mauritius, to Major-General DARLING, previous to his departure from the Colony.

Entertainments of this description given in the Island have been proverbial for their excellence in every respect,—and the taste and elegance of the present have never been surpassed.

The occasion drew forth, with unusual success, the best efforts of those who were engaged in it; & if general satisfaction be one of the most pleasant rewards of such exertions, the Gentlemen, who conducted the entertainment, have not only deserved, but obtained it.

To the honored individual, who was the object of it, it must have been highly gratifying. I was not a mere cold complimentary offering of official courtesy.—It appeared to be—what it really was, an effusion flowing from the heart—a tribute of grateful approval, paid to a meritorious chief, on laying down his authority, by those who were best able to judge of and appreciate the merits of his conduct.

His Excellency Sir LOWRY COLE, our new Governor, graced the meeting by his presence, which was attended by the principal Merchants and Inhabitants of the Colony.

Colonel Barry, the Chief Secretary to Government, as the head of the Civil Service, was in the chair on the occasion, supported by Colonel Nesbitt, the Senior Officer of the Military Department.

The well known urbanity and good humour of the President, was never more conspicuous; and harmony and conviviality prevailed, under his rule, without interruption throughout the evening.

The Toasts commenced with the usual Health of our most Gracious Sovereign, and His Royal Brothers with their respective Commands, the Army and Navy, which were drunk with the accustomed honours and applause.

The Band of his Majesty's 56th Regiment was in attendance, marking each Toast, by appropriate tunes.

The President then proposed, "The health of His Excellency the Governor," which was warmly applauded; & His Excellency returned thanks. When the next Toast was to be given, Colonel Barry rose and addressed the Company.

"In rising to address myself to a public Table, I must ever do so, under the most oppressive sense and consciousness of my own deficiencies for the task—and there are certainly not wanting some considerations, which may entitle me in the present instance, to lay claim to a peculiar portion of indulgence.—That indulgence, I am sure I shall meet with, tho' undoubtedly it is very foreign from my intentions, so far to trespass upon it, as to hazard any thing like the most remote attempt at a set speech upon the occasion. By any such attempt, Gentlemen, indeed, on my part, I should, at once, most wretchedly miscalculate the compass of my own abilities, and very ill consult either the taste, or the feelings of the distinguished guest who has this day gratified us with his presence—in honor of whom, we are thus met together—and whose health, it is now my duty, to propose—for Gentlemen you will already have anticipated, that I have indeed risen, to propose the HEALTH OF MAJOR-GENERAL DARLING.

"In the performance of this duty, in every way so gratifying to my own personal feelings, I shall at the same time take advantage of the occasion which it affords me of offering to the Major-General the expression of those sentiments of cordial consideration and regard which we entertain towards him personally, and which we are all alike anxious to convey to him at this the moment of his approaching departure from amongst us, preceded, by the close, of an administration, which, however short it may have been, has at least succeeded in its duration to impress us individually, and collectively, with a strong and lasting sense of the kind, gentlemanly, liberal and conciliatory spirit, by which it has been distinguished.

"With the traces of regret, not yet effaced from our minds, and which must long indeed continue to attach to the recollection, of the loss

we have already sustained, by the departure of our late worthy and amiable Governor Sir ROBERT FARQUHAR—under the impulse, even, of sentiments of an opposite tendency, and of a more exhilarating description—those which, necessarily arise out of the happy arrival of the high and distinguished character who is now, and we trust for long, to be our common Ruler and Protector—under the influence, (Gentlemen I would say) of these varied and conflicting emotions,—(of regret on the one hand, and of consolatory gratification, on the other), it will surely not be thought unnatural, that some sensations of deep and of unaffected concern—should invade themselves—and even PREDOMINATE OVER ALL OTHER SENTIMENTS, at the moment, when we have thus so immediately to recall to our reflections, that an administration, marked by such happy auspices—and distinguished by the uniform display of conduct, and dispositions of a nature so gratifying to the best feelings of the human heart, should have been, so suddenly and so abruptly brought to a close.

"I allude, Gentlemen, of course, to the administration of Major-General DARLING, and it is there is any thing of truth or of sincerity in the feeling with which I have adverted to its very recent termination, I may, surely, be permitted, further to say, those feelings must derive much additional force, from the conviction, which I trust is common to us all, that every day's prolongation of the period, in which Major-General DARLING might have continued to preside over the fortunes and destinies of this Colony would have tended to draw closer, and to strengthen every existing tie of reciprocal attachment and regard—and, to cherish that spirit of harmony and good understanding, which at this moment so happily prevails every branch of His Majesty's service, and I may perhaps be permitted to add, of society at large, and of the real colony, and sincerity, indeed, of these assurances, we trust that the UNBROKEN MEETING of this day will be received by the Major-General and cherished in his recollection, as an unequivocal and not an ungratifying pledge.

"Having thus, Gentlemen, endeavoured to give simple, plain and unaffected utterance to some of the feelings which must be inseparable from the present moment, by the few far-fetched words, in which I have alone felt myself equal to the task of embodying them, I must at the same time still further presume to declare, that I can not consider myself as having spoken alone, in behalf of the body, that I more immediately represent, but, that, on the contrary, I firmly believe, there is not a sentiment which I have endeavored upon this occasion to express, which I might either lay claim to, as peculiarly my own, or which I may share, in common, with those, to whom I have now an opportunity of addressing myself—which is not, also, very warmly participated in, by every individual of every respectable class of this population and community.

"Strong in these convictions, Gentlemen, and in the impressions which I have just attempted to describe—I confess, that I feel encouraged to consider myself as in some sort the organ, however feeble and imperfect, for the conveyance of the GENERAL, OF THE UNDIVIDED VOICE of the Colony upon the present interesting occasion; & I shall, at once, therefore take leave, without hesitation and without an apprehension of being disavowed in the capacity which I have thus assumed, to proffer for the Major-General's acceptance not only our own most cordial and fervent wishes, but those of the COMMUNITY and of the SETTLEMENT AT LARGE—for a pleasant and a speedy termination of his approaching voyage to his native country—for a happy meeting with the very amiable and endearing objects of his fondest affections, and solicitude, and finally for a long course of uninterrupted domestic comfort and enjoyment, and indeed, of every other description of happiness and prosperity, whatever may be his future career or destination in life.

"For myself personally, I trust it will not be deemed, altogether, presumptuous or intrusive, if I take the liberty, to add, that, through, a now, somewhat extended and chequered range of arduous public services (if I may indeed venture to make use of any such epithet or expression as consistent with the humble and subordinate sphere to which they have been confined) there have been few occasions, VERY FEW—from which I have derived more of real and of unaffected satisfaction than in thus becoming the interpreter of feelings and sentiments of so gratifying a nature towards Major-General DARLING—having only, in conclusion, to repeat the assurances of my regret for the occasion, that has called them forth, and to lament, that they should have been so very imperfectly, and so very inadequately conveyed."

"As soon as the applause, which this Toast called forth had subsided, Major-General DARLING addressed the meeting in a speech delivered with great feeling, to the following effect.

"Gentlemen, I am quite unable to do justice to my feelings or to make any suitable acknowledgment for the kind and obliging terms in which your President has proposed the Toast, or in the manner in which you have done me the honor to drink it. I am most sensible of the proof of your regard, manifested in so flattering a manner by the proceedings of this day; & I shall cherish the recollection of it, as one of the most gratifying events of my life. If, in the faithful and impartial discharge of my duty, I have given satisfaction, as I am led to suppose I have, I am doubly gratified.

"I am gratified, not less on your account, Gentlemen, than my own. It is a proof that I have not wholly failed in my purpose, and

that you have justly appreciated my motives, which have been influenced by consideration for the public good alone.—In endeavoring to promote the public good, I always considered, I was in effect promoting the welfare of every individual in the Colony; and this has been a principle of action with me.

"Gentlemen, it would be inconsistent with the candour of my character, as it would indeed be ungrateful in me, were I to endeavour to conceal, that my approaching departure has occasioned me feelings of very sincere regret.—I had hoped to have remained amongst you some time longer, but His Majesty has decreed otherwise, and His Majesty is the best judge in these matters.—The events of this day however, and the appointment of an Officer of Sir LOWRY COLE's distinguished services, will reconcile me to my retirement.

"It is unnecessary to enter into a long detail of His Excellency's services; but it will be gratifying to you to be reminded; that having been engaged in the reduction of the French West India Islands in 1793—in the Battle of Maida in Sicily, in the Campaigns in Holland and in Egypt where our Arms acquired such glory and renown—His Excellency's services recommenced with the opening of the War in the Peninsula, and were continued throughout that arduous contest (except when confined by his wounds) until its brilliant and glorious termination.—In short, it is recorded in the Annals of Parliament, of which His Excellency received the unanimous thanks for his conduct in the different general actions in which he was engaged, that his gallantry and skill mainly contributed to the success of that service; and History will transmit the proud record to Posterity!—Such, Gentlemen, is the brilliant of His Excellency's brilliant career.—It was natural then that His Majesty should select an Officer thus distinguished in the Field, to preside over the bright calendar of his Fame, as His representative in the Government of the Mauritius—and it is a satisfaction to know, that, in doing so, the prosperity of the Colony and the happiness of its Inhabitants, will be his first object.

"Gentlemen, when I had the honor of addressing you last, I took the liberty of borrowing a sentiment from our Naval Friends, who were present on that occasion, suggesting A STRONG PULL AND A PULL ALTOGETHER—and I am happy in having an opportunity of declaring in the presence of His Excellency, that I have received the most cordial and hearty assistance from every Member of the Government, both Civil and Military, with whom I have had occasion to transact business.—I will now change the motto, and instead of a STRONG PULL, will say HEADS AND HEADS; being confident, that the best abilities of every one will be heartily employed in promoting His Excellency's views and measures.—With your exertions

"Gentlemen, under the happy and benign auspices of a COLE and a HARRIS, every thing that can be desired will be accomplished. I shall continue to hope for it in my retirement, and shall bear of it with sentiments of the truest satisfaction.

"Gentlemen, I must now take my leave of you, and I assure you of my most sincere and hearty wishes for your success and for the welfare and happiness of your families.

Many appropriate toasts were given accompanied by excellent speeches which we are sorry our limits prevent us from doing justice to.

Major-General DARLING retired about half past Ten—and the festivity of the Evening was kept up by many of the Company to a late hour.

ENGLISH NEWS.

SIR ROBERT WILSON.

The following is an extract of a private letter from Sir Robert Wilson, which has been received by one of his Constituents:—

"I have been received here with an affectionate expression of feeling, which surpasses all my powers of description. I could give an account of the honours that have been paid me, which were all, indeed, of royal mounting—but who can impart the look—the tone—the heart-linking grasp of welcoming friends?—My arrival was a day of pride to me as an Englishman, and the more so, because I was conscious that I really and truly did represent my brave and generous countrymen in the motives which determined my proffer of all I could devote to the glorious and sacred cause in defence of which Spain forms the van-guard—namely, zealous and faithful service to the hour of death or victory. To-morrow, I enter the ranks as a private grenadier of the Vigo Battalion of disposable Militia. It will be for the Government of Spain afterwards to determine my service. I and my companions insist, in the first instance, on conforming to the laws in existence. Those companions are, Lieutenant-Colonel Light, late of the British staff in the Peninsula, a most distinguished officer and excellent gentleman; and a grandson of Lord Erskine's, who came out as a volunteer, to share my fortunes, and who, I am certain, will do honour to his name.

"I have told you of the enthusiasm of this noble people—I must, in justice to them, add that their exertions and sacrifices are correspondent with their language and exaltation of sentiment; a more honest love of country, and resolution to defend it, never existed.—All property, useful to the public service, is given up with cheerfulness; and there is not a man who is not enrolled in some corps. One thousand recruits are already gone to the army from this little town alone, and those now training are of the best description for military service. Every one seems not only resigned, but animated with a desire to serve. I never saw any recruit, even volunteers, with such smiling countenances when the Vivas are giving. There

is, however, a great want of arms and armament here, and in the whole province. Will England permit this event to paralyze such good dispositions, and compromise the safety of provinces, the defence of which assures victory? I will not believe it. What Englishman will not give one day's labour of the year gratis to their brother freedom of Spain, to fight England's as well as her own battles? The sums so raised would be most valuable—not only on account of the magnitude of the sum, but the proof of national sympathy. With such aid, Spain will defy any mock to scorn, not only the Bourbon, but the whole confederate band of despots. Let Englishmen think of the glory—the joy—the inexpressible benefits of such a day of triumph. Happy those who may say, I was one who contributed to the holy consummation of an impious leaguer's shame and overthrow.

"Happen what may, be assured I shall never forget what I owe to the character of those I was representing more immediately when I disembarked on the Spanish soil; and that nothing can occur, of a public nature, to give me pleasure, which pleasure will not be augmented by the thought of the satisfaction it will diffuse through that country whose interests and freedom I shall always feel to be my duty to maintain; in union with the new duties I am contracting, for the defence of a common inseparable cause.

"Remember me to all our kind friends, and with best regards to Mrs. W. believe me always yours,

Vigo, May 3, 1823. R. WILSON.
Letters must be sent through the Spanish Minister. I shall leave Vigo before you receive this for General Morillo's headquarters, at Valladolid; but should I may have to return for a time into Galicia, and if any and every circumstance before I take my definitive station.

"Rely on it, our triumph is certain; but it is an object to preserve the country, and repulse the invader as quickly as possible.

MR. CANNING.

(FROM THE LIVERPOOL COURIER.)

We have great pleasure in presenting to our readers the correspondence which passed between the Chairman of the Plate Committee, H. B. Hollingshead, Esq., and our late distinguished Representative, Mr. Canning, respecting the beautiful and splendid piece of plate presented to him by his constituents in Liverpool.

Bead's Hotel, Lower Grosvenor-street, Ma. 7, 1823.

"My Dear Sir,—As Chairman of the Committee, appointed to carry into execution the Resolution adopted at a General Meeting of your friends, held at Liverpool, on the 16th day of April, in the last year, I have the honour to apprise you, that the then intended tribute of their regard is completed, and Messrs. Rundell, Bridge and Caddell have my directions to send it to Gloucester Lodge.

"In making this communication to you, nothing more seems to be required of me. The sentiments of the gentlemen on whose behalf I address you are (as you will perceive) recorded by themselves.

"And it only remains for me to request, in their name, that you will do them the honour to accept this memorial, and acknowledgment of your public services.

I have the honour to be, dear Sir,

Your obedient servant,

"My Dear Sir, this morning the completion of the munificent gift of our plate, presented to me by your constituents, is a matter of great satisfaction to me. I beg you to accept of it with the assurance of my most active and sincere regards, and with real affection.

"Your obedient servant,

"H. Blundell.

"I beg you to accept of it with the assurance of my most active and sincere regards, and with real affection.

"Your obedient servant,

"H. Blundell.

FELONIOUS

It is with the fore our readers ed from the Dubl

On Tuesday M'Keon, appeared head Police lin. In consequence of the stationer Flanagan and a horse were sent out to the hill of Saggard. M'Keon to remove to Mercers' Hospital. On morning the police returned with three named James, Andrew, and Wm. Kibbin, were brought before the Magistrates; where keon and his wife, a comely woman, aged were introduced; and from their evidence appeared that the husband, M'Keon, is a navy prisoner of 8l per annum, and holding four acres of ground from Mr. Verschoyle, at the hill of Saggard. That on Monday morning last, between the hours of one and two o'clock, his step-brother, Edward M'Keon and his mother called to him from outside the house to open the door, in consequence of which himself and wife got out of bed, and on opening the door several persons immediately rushed in, his wife caught him (the husband) in her arms, from whom he was instantly dragged, and some of the party threatening the wife in the most indecent terms. He was then knocked down and beaten with the butt end of fire-arms, and a pistol demanded from him. While the ruffians were searching for the pistol, he crawled to his bed, where his wife and two children lay, and threw himself on the foot of it. After having

obtained the pistol, they came to the bed again, renewed their savage attack on M'Keon, and two of them held his wife in bed whilst one of the prisoners, (James Kilbride) violated her. During the whole of this horrid transaction the poor woman held her two children in her arms, but which it appeared as no obstacle. The villains frequently called M'Keon a perjured scoundrel, aluding (as M'Keon thinks) to his having prosecuted a conviction, about six years ago, a man named Quin for killing his M'Keon's cow.

M'Keon stated that there were a great many persons in the cabin at the time of the outrage, but he could only identify James Kilbride as the person who ill-used his wife. On their going away, one of the persons told witness (M'Keon) that he came 40 miles that night to assist in what had taken place at his (M'Keon's) house. The mountaineers then attempted to set the house on fire, but in consequence of its being day-light, they desisted and went off.

Mrs. M'Keon corroborated the testimony of her husband, and identified the prisoner William as one of those she saw in the kitchen; she further stated, that while prisoner James was abusing her, his companions called to him to come away, as it was getting day-light; to which he replied, he would in a few minutes.

The prisoners were remanded for further examination, and M'Keon returned to Mercers' Hospital.

On Thursday the prisoners were again up, and M'Keon identified the prisoner Andrew as one of those who held his wife by the arms and legs, while the prisoner James abused her; he accounted for his not having identified him on the first day, owing to the very bad state he was in at the time.

Mrs. M'Keon fully identified the prisoner James as the person who abused her, and the prisoner William as one of those in the kitchen, but could not identify Andrew.

E. M'Keon, step-brother to M'Keon, the first witness, deposed that several persons came to his cabin, about a quarter of a mile from M'Keon's, in the morning of the 26th, and after obtaining entrance by threats, they blindfolded him, beat and brought him to the cabin of a man named Devitt, where they said his (M'Keon's) mother was; when they came to Devitt's, they made witness call to him to open the door, and when Devitt asked what he wanted, he said he did not know, but some men wanted him, upon which they knocked witness down and made him call out again, and finally obliged Devitt to open the door—when they entered and inquired for the old woman Devitt had in the house; they then brought witness into the house, beat him, and tied a blanket round his waist, in which they placed the old woman his (witness's) mother, and obliged him to carry her toward M'Keon's cabin, and he (witness) being tired on the way, two of them relieved him, and on their arrival at M'Keon's they made witness and his mother call for the door to be opened, as was already stated by M'Keon. At this time witness was blindfolded, and could not identify any of the persons.

The prisoners, James and William Kilbride, were capitally convicted for feloniously attacking the house, and violently assaulting the wife of John M'Keon. Prisoner, James Kilbride, was sentenced to hang, and William Kilbride to be transported for seven years.

NEATE.—The men, had a more interesting meeting on the 24th, and there were a great many people present. Neate and Gas were the main attraction, and the fight was a very interesting one. The fight was a very interesting one. The fight was a very interesting one.

Thus, this said honorary title, which has been so often tossed about, is safely fixed on Spring, in an easy conquest, and there is no danger of any one wresting it from him, for he has declared off fighting any more.

The exhibition of the finest science, and as a Bristol gentleman in the Fancy observed, in allusion to Neate's hurt in the arm, "if he had six arms he could not have won." His beating the Gas-man ranked him high; but Gas was a more boy to him in strength, weight, and speed, and that mainly rush of Gas with the right hand was the very thing for his intent to meet with effect. Spring is another kind of a man, better fighter, and a quicker and stronger fighter. Spring was it without a blow of the slightest consequence in 34 minutes.

foyles, the bluebird's eye for Spring, and a yellow-man for Neate, were then interwoven together as one of the P. C. stakes. The men shook hands at the first meeting, and again, as usual, after peeling. Average betting, five to four on Spring, and both men were pictures for the sculptor in form. Neate weighed about 13st. 3 or 4 lbs. and Spring weighed 13st. 2 lbs.

Round 1. The attitudes of the men to get first blow was a remarkable fine specimen of science, and it lasted ten minutes before a blow was struck. Spring's feints were numerous with the left hand, apparently to get his adversary in. Neate was trying his heavy-hitting left hand, which spoilt Gas, but Spring would not have it. At length Spring retreated a la-Randal to a corner, when Neate let loose at him; but Spring parried the left hand, and returned a punch of the head with the quickness of one of the skilful light-weights. A close followed and some half-arm hitting took place, and both went down, Neate underneath.

2. The men got immediately to work and exchanged hits, meaning mischief. Spring hit and broke Gas's nose, and drew first blood from the nose in a rally. In closing Spring had the best of weaving, and threw his adversary, but he went down with him.—2 to 1 on Spring.

3. Neate was piping and open mouthed, and Spring was waiting for his adversary with much caution. A rally followed, after some scientific parries on both sides, and if Neate had a shadow of chance in the fight, it was in this round. Spring retreated again to a corner of the ring for the purpose of unuzzling again. Spring threw his adversary heavy, and it was in this round that Neate hurt his arm, but it was not observed until the next round.

4. Spring made some scientific parries, and Neate was much distressed in the penous line. Spring gave him a right handed rattler upon the smelter, and broke Gas's nose, and left him in a tittle. Here Neate seemed to drop his right hand, which was pulled up below the elbow. Spring let fly with his left hand at the opening, and gave his adversary a heavy trotter, and threw him from the close.

5. A short round in favour of Spring, who hit his adversary hard on the upper part of the head, and threw him.

6. Neate made wild play with his left hand at the body, long from proper distance, and he was returned upon each time until made very groggy. Spring's last hit was upon the head, which turned his adversary round, and he complimented him with the left hand, and Neate took his time to go down upon his face, as if he was picking a place. He had received a heavy blow on the side when his back was to his adversary, and he was glad to put a stop to such work, and did not go down with the blow until a second or two after it was delivered. (Long minutes, and many ungentlemanly epigrams from Spring's friends.) The umpire of the last mentioned round, Neate that it was to be a fair and equal fight. From the address of the man, and the punishment, a harsh construction should not be put upon the act, which, perhaps, was quite unjustified.

7. The poundage was begging. Neate was beat dead; his lame arm was dropped very low, and he was moored with blows, the left staggering him, and the right mashing him.

8. Spring hit his man, who had lost all power to cover the ring. Neate made some feeble efforts to hit with the left hand, and a long way off of distance, and he was dropped again by a right handed blow. On time being called, he went up to Spring and held out the right hand, placing his left upon the hurt, which is rather the rupture of a tendon, and not a crack, as a surgeon on the ground stated. Spring shook the hand and won the battle.

Thus, this said honorary title, which has been so often tossed about, is safely fixed on Spring, in an easy conquest, and there is no danger of any one wresting it from him, for he has declared off fighting any more.

LAW INTELLIGENCE.

COURT OF KING'S BENCH,

ARTICLES OF THE PEACE.—THE EARL OF DARNLEY V. R. B. BLIGH, ESQ.

Mr. Gurney said, he moved that articles of the peace, at the instance of the Noble Earl, against R. Bligh, Esq., be exhibited, and entered on the files of the Court. His Lordship was in Court, and would be sworn to the facts.

The articles alleged that his Lordship was in the service of his life in the violent conduct of the defendant, from whom he apprehended, and was in fear of receiving some bodily injury.

Lord Darnley here presented himself on the floor of the court, when the articles were read by the Clerk of Indictments; by these it appeared, that articles of the peace and some years ago been exhibited by the Earl against the defendant, who was thereupon bound over to keep the peace for three years towards the Earl, and other branches of this noble family, himself in the sum of 6000*l.*, and two sureties in 500*l.* each. That the said Robert Bligh is now a prisoner in the King's Bench Prison, and those recognizances which he had entered into having 12 months to run, the defendant, notwithstanding this, continued to offer frequent annoyances and interruptions to the said Earl and his family, by coming to his house, in Duke-street, Berkeley-square, sometimes on horseback, and sometimes in a gig, waiting the said Earl's coming out of his house, following him in the street, making use of the terms of reproach—i, e—d, &c., and shaking a horsewhip at the exhibiting, the lash of which he has applied to the head and shoulders of the exhibiting, who has never given any cause or provocation to the said Robert Bligh for such outrage, but on the contrary, has refused to hold any communication whatever with the said defendant. That at other

times the said Robert Bligh has waited in the public street, and waylaid his Lordship's carriage, in which several branches of the family were seated, putting his horse in a canter, he has rode after the said carriage, calling out to the persons therein, and using the most insulting language to them; and that when the said Earl Darnley has been walking the street in company with his friends, the defendant, on horseback, has crossed the street to where the exhibitant was, and again applied his horsewhip to the head and shoulders of the exhibitant; whereby, and in consequence of these repeated acts of violence and outrage committed by the said Robert Bligh towards him, he, this exhibitant, has been compelled, for the protection of his person from bodily injury, and from fear of his life, to exhibit these articles, praying the Court to escheat the recognizances of the said Robert Bligh, and in its wisdom to grant to the said exhibitant such further protection from personal injury as this Court may adjudge and deem meet for the preservation of the public peace.

Mr. Gurney submitted that since the defendant had broken his recognizances to keep the peace towards the noble exhibitant, which had 12 months to run, and has continued to annoy the Noble Lord and his family almost every day, he trusted, under these circumstances, the Court would direct more effectual measures towards restraining the defendant from committing these continued breaches of the peace.

The Lord Chief Justice said, the Court would take time to confer upon what punishment they should award against the defendant, besides escheating his recognizances. In the mean time these articles should be filed. His Lordship further observed, that, having conferred with his Brother Bicy, the direction of the Court was, that no further bail should be allowed to be taken for the said Robert Bligh, without special application being made to the Court for that purpose.

Lord Darnley, who was accompanied by another Nobleman that sat on the Bench, but whose title we could not learn, was then sworn to the truth of the articles, which were accordingly filed.

JUNE 8.

Memoirs of Wm. Hayley, Esq. the Friend and Biographer of Cowper. Written by himself.—From this work, which is just published, and which will, no doubt, excite considerable attention, we extract the following passage as a fair specimen of the author's own idea of his production.—"The title of a sequestered student, fond of books and privacy in all the periods of his existence, seems at first, to offer materials for nothing more than a short and simple history; but incidents, very singular in themselves, and productive of consequences no less extraordinary, befell the subject of these memoirs; and though ever devoted to retirement himself, he had so much intercourse with many of the most memorable characters of his time, that a fair and full account of him must inevitably be a work of considerable extent and diversity." And such, indeed, it appears to be.—"Born of an ancient and opulent family, the author possessed the means of cultivating a taste for literature, without having been at the same time compelled to stop to the drudgery of an inferior occupation for support; whilst, with an urbanity highly creditable to itself, he never failed to encourage the efforts of those who were placed in circumstances of a less auspicious kind. From the station which he enjoyed in society, Hayley often found himself in the possession of influence, which it was one of his highest gratifications to employ on the behalf of others; and the reader of this work can scarcely fail of being struck with this, as the most prominent trait in his amiable character—a constant tendency to acts of the most disinterested friendship. Hence his continual solicitude for the welfare and success of his youthful associates; his almost romantic efforts to raise from obscurity an estimable youth, who had entered his service in a menial capacity, but who, by his means, attained to an honourable station in the service of his country; and among many minor kindnesses, which it would be difficult to enumerate, that pension, which, but that his son had set, would doubtless have proved a most important source to the declining years of his beloved Cowper. With qualities such as these, so calculated to improve and to embellish life, it appears to be matter of regret, that Hayley should have been as he truly states, so rootedly attached to "privacy in all the periods of his existence." But such appears to have been the case, and to such an extent did he carry his passion, that he was for many years accustomed to denounce himself "the Hermit;" though not certainly such an one, as is generally understood by that term; it to such a man the term could be allowed, it must have been on the ground of seclusion only, for from his paternal estate at Earham surrounded by the writings of the learned of every age, in his own extensive library, he continually contemplated the busy world, and sometimes felt a pleasure in mixing in it, though but at short and distant intervals; whilst to his friends, among whom were many of the brightest ornaments of his day, not even excepting royalty, he appears to have been always accessible, though to them only; a head on which some amusing anecdotes are related of him. In these Memoirs the author has given us an account of the progress of his studies and of his compositions, with extracts from his diary, his Correspondence, and his unpublished Poetry. The editor has also introduced some interesting letters respecting the justly admired Cowper. Our limits forbid us the pleasure of extracting, but, in a work so multifarious and diversified, this could avail but little. We must, therefore, content ourselves with recommending it to the perusal of our readers."

JUNE 2.

The neighbourhood of Blackwall was enlivened on Saturday with the presence of between 300 and 400 visitors to the Royal George steam-vessel, which is about to proceed on its first voyage from London to Corunna, Lisbon, and Seville. It is a beautiful new yacht of 300 tons burden, and is fitted up with every attention to comfort and elegance. The first voyage is called experimental, and proposes to effect the communication between England and Spain in the short space of 50 hours. Among the visitors we noticed the Spanish and

Portuguese Ambassadors and their suites, the Duke and Duchess of San Lorenzo, the Countess Onis, and Miss Onis, and the Consuls of Spain and Portugal. They were hospitably entertained on board the vessel by Sir John M. Doyle, who may be considered the principal projector of the enterprise.

HERALDRY.—Heraldry, according to Sir G. Mackenzie, "as digested into an art, and subjected to rules, must be ascribed to Charlemagne and Frederick Barbarossa, for it did begin and grow with the feudal law." Sir John Ferne is of opinion that we did borrow arms of the Egyptians; meaning from their hieroglyphics. Sir William Dugdale mentions, that arms, as marks of honour, were first used by great commanders in war, necessarily requiring that their persons should be not tied to their friends and followers. The learned Alexander Nisbet, in his excellent System of Heraldry, says, that arms owe their rise and beginning to the light of nature, and that signs and marks of honour were made use of in the first ages of the world, and by nations, however simple and illiterate, to distinguish the noble from the ignoble. We find in Homer, Virgil, and Ovid, that their heroes had divers figures on their shields, whereby their persons were distinctly known. Alexander the Great, desirous to honour those of his captains and soldiers who had done any glorious action, and also to excite an emulation among the rest, did grant them certain badges to be borne on their armour, pennons, and banners; ordering, at the same time, that no person or potentate through his empire should attempt or presume to give or tolerate the bearings of those signs upon the armour of any man, but it should be a power reserved to himself; which prerogative has been claimed ever since by all other kings and sovereign princes within their dominions. The famous C. Agrippa, in his Treatise of the Vanity of Sciences, cap. 21, has collected many instances of these marks of distinction anciently borne by kingdoms and states that were any way civilized, viz: the Egyptians, an ox; the Athenians, an owl; the Goths, a bear; the Romans, an eagle; the Frank; a lion; and the Saxons, a horse.

TEMPORA MUTANTUR.—In the year 1000, the price of an ox was two shillings and sixpence, equivalent to 7s. 6*d.* of our money. The difference in prices in the principal necessaries of life, between those days and the present, is 27 to one. The tenures by which lands were held in those feudal times furnish a very curious specimen of what were the various luxuries which the yafforded. The Sovereign, we may take it for granted, selected the most choice. The tenure of some land, held of William the Conqueror, by one William Aylesbury, of Aylesbury; to provide the King's bed-chamber, when he should come thither, with sweet herbs for litter; and two green geese, if he came in summer; and with three eels, if in winter; all of which he was bound to do thrice in a year, if the King came so often.

In 1080, the following brief charter was granted to London by this monarch:—"That all burghesses, French, and English, be law-worthy, as in King Edward's days, and that each child be his father's heir, as I will that no wrong be done you." Assuredly this is the only relic of a sovereign that is worth any thing while it is the only one that his ministers openly disregard, and that he himself never seeks to enforce.

The Late Perth Circuit.—Considering the nature of your offence," said the mildest of Judges, in an impressive address to an unfortunate young woman who had pleaded guilty to the charge of concealment of pregnancy—"considering the nature of your offence, it will be allowed, by all at least but yourself, that the Court awards a lenient punishment to you, when it sentences you to fifteen months' pregnancy." A smile played upon the faces of the hearers; it became reflected from that of the Judge; and with the best grace in the world, he corrected his curious lapsus, and pronounced the less astounding sentence of "fifteen months' imprisonment."—*The Scotsman*

INFLAMMATION OF GUNPOWDER UNDER WATER.—It is desirable on many occasions to be able to fire gunpowder under water; particularly in the operation of blasting rocks. The following recipe for preparing a powder by which this may be accomplished, is given in B and N's Journal from the Annales de Chemie, tom. XXI.:

Carefully powder together 100 parts of tartar emetic, and three parts of lamp black, or common charcoal. Prepare some crucibles, capable each of holding about two ounces of the mixture, by rubbing them with powdered charcoal to prevent the adherence of the carbonaceous mass left after calcination. Fill them about three fourths with the mixture, then put in a stratum of powdered charcoal, and lute on a cover; after three hours calcination in a good reverberatory furnace, the crucibles are to be removed, and left for six or seven hours to cool, that the air, which always enters, may have time to burn the surface of the fulminating mass, for otherwise, if withdrawn too soon, explosion takes place. At the end of that time great care is to be taken in transferring the mass in the crucible as rapidly as possible into a vessel with a large aperture, which can be perfectly closed. In time, the mass divides of itself into fragments and may be preserved for years. When the calcination has been thus performed, the produce is excessively fulminating; so as, without compression or confinement, to give, on the contact of water, a detonation like that of a powerful musket.

A burial society has lately commenced in the county of Lancaster: the first printed article of which runs thus—"Whereas many persons find it very difficult to bury themselves."