

PUBLISHED

DAILY.

# BOMBAY

THURSDAY, DECEMBER 2, 1841.

# GAZETTE

Vol. LIII.

Price 13 Rupees Per Quarter — 52 Rupees Per Annum; — or, if paid in Advance, 48 Rupees Per Annum.

New Series No. 131

### TO ADVERTISERS

IN future persons requiring ADVERTISEMENTS to be published in THIS JOURNAL will please to SEND them to this Office before 6 P. M. and endorsed with the number of times they are to be inserted. CONTRACTS may be made by applying to the PRINTER. Bombay, August, 1841.

### SUBSCRIBERS AND ADVERTISERS.

Indebted to the Proprietor of the Bombay Gazette and Bombay Sporting Magazine are requested to make an early payment of their arrears.

Reduced rate of Charges for Advertisements in the Bombay Daily Gazette.

#### IN THE EUROPEAN LANGUAGES.

3 Annas per line for the first insertion  
2 Annas per line for subsequent insertions unless a contract be made.

#### IN THE NATIVE LANGUAGES.

5 Annas per line for the first insertion  
3 Annas per line for subsequent insertions unless a contract be made.  
Ready Money will be required and no Discount will be allowed.

Gazette Office, Augt. 30th 1841.

### BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers to the Gazette are informed that an Overland Monthly Summary, will be published at this Office for the present and every succeeding Mail.

The Outstation Subscribers to the Bombay Gazette are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Summary to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Two-pence.

To the Subscribers of the Gazette. included in the charge  
To Non-Subscribers. . . . . Rupee per Copy.  
To Subscribers in England. . . . . £ 1s. in advance.

Agents in England, Messrs. Grindlay, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.

Bombay Gazette Press, Apollo Street, Old Admiralty House.

### COPPER PLATE PRINTING.

THE Public in general is hereby informed that VISITING and INVITATION CARDS, will be executed at this Office, at the following prices.

Lady's Visiting Cards, Enamelled, per pack. . . . . Rs. 2  
Printing. . . . . Ditto. . . . . " 3  
Gentlemen's. . . . . Ditto. . . . . " 1 1/2  
Printing. . . . . Ditto. . . . . " 3

Invitation Cards, Engraving &c, on the most reasonable terms.

### TO THE ARMY AND NAVY.

THE following Works are for Sale and to be had on application at this Office.

MARRYAT'S CODE OF SIGNALS, Sixth Edition, on the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions. . . . . Rs. 2

Report of the Commissioners for Inquiring into the Naval and Military Promotion and Bereavement. . . . . Rs. 1

Proceedings of a General Court Martial held at Fort George on Captain D. G. DUFF, 16th Regt. N. L. . . . . Rs. 2

### Freemasons' and General Life Assurance, Loan, Annuity, and Reversionary Interest Company,

11, Waterloo-place, Pall-mall, London.

This office unites the benefit of a mutual association with the security of a Proprietary Company, and offers to the assured amongst others, the following advantages:—

1. Credit until death, with privilege of payment at any time previously, for one half of the premiums for the first five years upon assurances for the whole of life; a plan peculiarly advantageous for securing loans.

2. Sums may be assured to become payable at given ages.

3. Policies not forfeited immediately, if the premium remain overdue, and fraud alone, not error, vitiates them.

4. Officers in the army and navy, and other persons residing abroad, assured upon equitable terms.

5. Immediate, survivorship, and deferred Annuities.

All the rates will be found to have been made upon the lowest possible computation consistent with security.

JOSEPH BERRIDGE, Secretary.

### ADVERTISEMENT.

APPLICATION having been made to the Supreme Court of Judicature at Bombay that Letters of Administration limited to the five Government Promissory Notes following that is to say:—

- A Promissory Note No. 4775 of the 4 per cent Loan of 1832 | 33 for Sica Rupees. . . . . 1100.
- A Promissory Note No. 2773 of the 5 per cent Loan for Sica Rupees. . . . . 2100.
- A Promissory Note of No. 568 of the 5 per cent Loan for Sica Rupees. . . . . 2415.
- A Promissory Note No. 31 of the 4 per cent Loan for Sica Rupees. . . . . 1000.
- A Promissory Note No. 6231 for the 4 per cent Loan for Sica Rupees. . . . . 3700.

Being part of the Goods and Chattles of Enzebio Amboota, late of Bombay Christian Inhabitant deceased may be committed to John Junius Stevens also of Bombay Christian Inhabitant. All Persons interested therein are hereby apprized thereof—Dated this 25th day of November 1841.

ACTON S. AYRTON.

Proctor.

### AVISO AO PUBLICO.

TENDO se feito applicaçã a Suprema Corte de Judicatura em Bombaim, para que conceda carta de administraçã sobre as cinco notas da companhia que são as seguintes uma nota No. 4,775 de Juras de 4 por cento.

- De 1832—33 para Rupias Sica. . . . . 2,100
- Uma nota No. 2,773 da Juras de 5 por cento para Rupias Sica. . . . . 2,100
- Uma nota No. 568 de 5 por cento para Rupias Sica. . . . . 2,415
- Uma nota No. 31 de 4 para cento para Rupias Sica. . . . . 1,000
- Uma nota No. 6,231 de 4 por cento para Rupias Sica. . . . . 3,780

Sendo parte dos bens do defunto Enzebio Amboota habitante christão de Bombaim para serem entregues dellas ao João Junius Stevens tem habitação christã em Bombaim todas interessadas nisso são informado do mesmo Bombaim 25 de November de 1841.

Acton S. Ayrton,

Procurador

MONSIEUR LEON Professor of Music having just arrived from Paris, where he was Master in the Royal School of Music, Principal Violin in the Royal Theatre of Comic Opera, and professor of Violin Piano, Vocal Music &c. &c. will be happy to give instructions to Ladies and Gentlemen of this Presidency in all its branches, a line Addressed to him in Forbes Street No. 7 will meet with immediate attention.

Bombay 29th Nov. 1841.

### ADVERTISEMENT.

UNDER the Patronage of the Hon'ble the Governor will be performed about the latter end of next week in the Town Hall, and the use of which has been granted for the occasion, the admirable Play called L'clair, in three Acts to conclude with Halevy's Music. Further particulars will appear hereafter and due notice given of the time that the Tickets, which are now under preparation, will be issued. As it is the intention of the Parties concerned to render the seats in the Town Hall as comfortable as possible for all classes, they hope to receive an equal share of support and Patronage from the gentry and Public at large.

Bombay, 30th Nov. 1841.  
Jersey, August 23d. 1841

BAPOO PANDORANG BHUNDAREE, Deputy manager of the Temple of Shree Luxemee Venetash and Samulya Lalljee in the Fort of Bombay, most respectfully begs to invite the attendance of the Hindoos of all ranks and every class on the occasion of Ruth Jatra (or chariot Fair) in the said Temple of Shree Luxemee Venetash on Friday the 3rd Nov. 1841.

BAPOO PANDORUNG.

2nd Nov. 1841.

### ECONOMIC LIFE ASSURANCE SOCIETY.

34, Bridge street, Blackfriars, London. Established 1823. Empowered by Act of Parliament, 3 William IV.

Lower Rates of Premium than those at any other Office that entitle the Assured to participate in the Profits, as follows:—

#### ANNUAL PREMIUM PER CENT.

Age 15	20	25	30	35	40	45	50
--------	----	----	----	----	----	----	----

21 10 8 | 14 7 | 11 9 0 | 2 4 3 | 2 10 11 | 2 19 9 | 3 11 9 | 4 8 0

The Bonus declared in 1834 amounted upon an average to 16l. per cent. on the Premiums then paid; and in 1839 a further Bonus was awarded, amounting, on the average, to 31l. per cent. on the Premiums paid during the preceding five years.

Bonuses may be applied to the increase of the sum assured, to reduction of premiums for life, or for a term of years.

Policies on the lives of persons dying by suicide, duelling, or by the hands of justice, or not void as respects the interests of parties to whom they may have been legally assigned.

Assurances may be effected on any and every day, and instructions forwarded to parties resident in the country on application.

By order of the Board of Directors,  
CAMPBELL JAMES DOWNER, Secretary.

### MESSRS. ALLEN & CO.'S ADVERTISEMENTS.

On Commission Sale.

### MESSRS. ALLEN & CO.

HAVE received the following GOODS for Sale on Commission, viz.

- Double Barrelled Pistols by "Rabone," at Rs. 120 per pair.
- Single Barrelled Pistol Pistols in handsome Mahogany cases, by the same maker, at 85 Rupees per pair.
- Double Barrelled Fowling Pieces by "Rabone," in cases complete, at Rs. 120 each, to close an Invoice.
- New and improved Wave Wire Dish Covers, at Rs. 30 per set of six; also Wire Plate Covers to match.
- German Silver Drinking Flugs with Plate Glass Bottoms, at 3 1/2 at 5 Rs. each.
- Britannia Metal do., at from 25 to 35 Rs. per dozen.
- Military Saddles with Holsters, &c. complete, Rupees 56.
- New Regulation Military Flat Bridles, with polished Bits, at Rupees 20 to 25 each.
- Best Steel twisted Snaffle Bits at 4 1/2 Rupees.
- White Surcingle, 1 1/2 Rs. each.
- Stirrup Leathers, 1 1/2 Rs. per pair.
- Double Shot Belts, at 5 Rs. each.
- Best quality Metal Tea and Coffee Pots, made to order of assorted sizes, at Rupees 1 1/2 to 3 1/2 each.
- Hunting Whips at 7 Rs.
- Spare Balls and Pulleys for Argand Lamps, at Rs. 11 per set.
- Gentlemen's and Ladies' handsome Riding Whips

ALSO,

- A handsome assortment of the best London printed MUSLIN and COTTON DRESSES of two, three, five and seven colors, at 7 Rs. each.
- Japan Silk and Silk foulard Dresses, at Rs 30 per Dress.
- Mandarin Silk Dresses, at Rs. 15 each.
- Swiss Muslin Dresses of the latest patterns, a Rupee 7 each.
- A few pieces of newest fashion Bonnet Ribbons, at 1 Rupee per yard.
- Handsome Chalis Dresses, Rupees 14 each.
- An assortment of best London printed Flannel for Ladies Dressing Gowns, Warranted fast colors, at 2 Rs. per yard.
- A quantity of best London Cottons and "Walker's" gold eyed Needles, each in handsome boxes.
- A choice assortment of Ladies' and Children's STOCKINGS and GLOVES, and Gentlemen's real Paris KID GLOVES.

ALSO,

- Cash and Deed Boxes with "Chubb" and "Brahmah" Locks, and a few spare "Chubb" LOCKS.
- A few very Superior London-made Ladies Scissors and Gentlemen's best Razors and Penknives.
- Also a few best London-made Velvet Hunting CAPS.
- And a fresh invoice of OILMAN'S STORES, consisting of assorted PICKLES, SAUCES, Essence of Coffee, &c. at moderate prices.

LIKEWISE,

- Ladies' solid gold RINGS, set in precious stones, each in Morocco case—Rs. 8 to 17 each.
- Pairs of fancy jet solid gold Earrings, Rs. 6.
- Carved do. Rs. 6 at 12.
- Black centre pieces of different patterns, from 3 at 4 Rs. each.
- Black Buckles, Rs. 6.
- Plain Jet Slab Brooches set in solid fine Gold, Rs. 12 1/2 each.
- Jet BROOCHES, set in Onyx, Pearls, &c. from Rs. 1 1/2 at 3 each.
- Very rich Gold BROOCHES from Rs. 13 at 26 each.
- Gold-gilt waist Buckles from Rs. 2 1/2 to 4 each.
- Ladies Gold-gilt TIARAS at Rs. 5 each.

### MESSRS. ALLEN & CO.

HAVE also received for Commission Sale,

- A few dozens Crown brand Sillery CHAMPAGNE, quarts, Rs. 40, pints 25 per dozen.
- Clossmann's 1st quality CLARET, in English quart bottles, at 30 Rs. per dozen.
- London particular MADEIRA, in six dozen cases, at Rs. 22 per dozen.
- Best Copenhagen Cherry BRANDY in pints, at 12 Rs. per dozen.

Apollo Street, 15th Nov. 1841.

### VALUABLE JEWELLERY FOR SALE.

### MESSRS. ALLEN & CO.

HAVE received for COMMISSION SALE, from an eminent Jeweller in London, a new and choice selection of JEWELLERY as follows, and which is now on show at their Rooms in Apollo Street.

- Ladies' solid gold RINGS, set in precious stones, each in Morocco case—Rs. 8 to 17 each.
- Pairs of fancy jet solid gold Earrings, Rs. 6.
- Carved do. Rs. 6 at 12.
- Black centre pieces of different patterns, from 3 at 4 Rs. each.
- Black Buckles, Rs. 6.
- Plain Jet Slab Brooches set in solid fine Gold, Rs. 12 1/2 each.
- Jet BROOCHES, set in Onyx, Pearls, &c. from Rs. 1 1/2 at 3 each.
- Very rich Gold BROOCHES from Rs. 13 at 26 each.
- Gold-gilt waist Buckles from Rs. 2 1/2 to 4 each.
- Ladies Gold-gilt TIARAS at Rs. 5 each.

Gold WATCH HOOKS from Rs. 6 to 10 each.

Handsome Gold Perfumes, in cases lined with velvet, from 80 to 150 Rs.

Ladies best Silver THIMBLES at 12 Rs. per dozen.

Very handsome Gilt do. at Rs. 30 per dozen (in Leather cases.)

London made spare Gold Breguet WATCH KEYS at Rs. 6 each.

Colored Gold EARRINGS at from Rs. 29 to Rs. 44 per pair.

A Torquoise suit in case complete at Rs. 80.

Gem, Onyx, Regard, Ruby, Pearl Half Loop, and Ruby and Emerald RINGS, in Morocco cases at from 20 to 36 Rs. each.

A single Diamond RING at Rs. 80.

Colored Gold BRACELETS from Rs. 75 to 95 per pair.

Gold Locketts from 7 at 25 Rs. each.

Wedding Rings 6 Rs. each.

Small Gold SEALS with Devices at Rs. 6 each; And a few sets of fine Enamelled Gold Studs at 8 Rs. per set.

N. B. These Goods will be found upon inspection, of the newest and most fashionable style, and, being consigned on account of the maker, are moderately priced to ensure a ready sale.

Apollo Street, 15th Nov. 1841.

### MRS. ADDISON'S WORK.

To the Gentry, Civil & Military of the Hon. East India Company's Bombay Establishment.

GENTLEMEN,

I trust the circumstances I am about to name will plead in extenuation for the request this letter conveys. I was induced to publish a work with the intention of obtaining if possible, as many subscribers as would enable us to emigrate to upper Canada, and those who have honoured me with their Patronage I beg to offer them the expressions of my best acknowledgements, though I regret to add we shall never derive any benefit from it, the Publisher having become insolvent, and consequently the whole of the subscriptions become the Property of the assignees. Being thus circumstanced, I know of no other resource to relieve us from our great distress than making a final appeal to the generosity and sympathy of the Civil, Naval, & Military Gentry of the Hon'ble East India Company's Service on the three Presidencies, in the hopes they will aid us in escaping from privations no longer supportable, and which can easily be imagined, when I state that after deducting 45 £ for a ready-furnished house, for we were compelled from necessity to dispose of our furniture, we possess but 83 £ to subsist twelve persons upon, and to purchase clothes with, and this includes 10 £ derived by a Pension from the Corporation Office to Captain Addison's Sister as being the Orphan Daughter of a Clergyman, and who has been supported by her Brother for the last seven years. Could I have brought out another work, I should have preferred doing so; but neither my health nor spirits will permit me. It is painful, I can assure you, to make such an appeal, but I have preferred this humiliation to seeing my children starve, which would have been the case had we not received some assistance from a few Gentlemen of the India Service, and a timely loan from Messrs. Grindlay & Co., to all of whom I shall ever feel grateful. I therefore most respectfully, but reluctantly solicit subscriptions from the charitable and humane of the service my husband had the honor to belong, to enable us to accomplish our long-desired object, which would place us in a state of comparative affluence from that of the greatest misery. Those who may be so kind as to subscribe I beg they will have the goodness to remit their subscriptions to Messrs. Leckie, & Co.

I have the honor to be,

Gentlemen,

Your most obedient servant,

LOUISA ADDISON.

Published Monthly,  
THE COLONIAL MAGAZINE

AND  
Commercial Maritime Journal

OF THE  
BRITISH EMPIRE

EDITED BY

R. MONTGOMERY MARTIN, ESQ  
AUTHOR OF THE "HISTORY OF THE BRITISH COLONIES," &c.

England possessed of Colonies in every part of the globe, has no Magazine, devoted to their peculiar and nationally momentous interests.

Relying therefore, on the obvious want of such a work, on the high reputation of its Editor and his personal acquaintance with our colonies, the Proprietors look with confidence for the support of every individual who reflects on the intimate connection between colonial legislation and the prosperity of manufactures and commerce in Great Britain and Ireland. Published for the Proprietors, by Fisher, Son and Co. Newgate-street. London; to whom communications for the Editor (post paid) are to be addressed.

John Comming, Dublin. White and Co. and J. Johnstone, Edinburgh.



INDIAN INTELLIGENCE.

North West Provinces.

ONE MISFORTUNE SEEMS RAPIDLY TO TREAD ON THE heels of another, if the report, mentioned in a letter just received from Meerut, be true.

It is there reported that there has been a rise en masse of the Afghans, that Cabul is besieged by them, and that Sir Alexander Burnes is killed or severely wounded! Disastrous accounts are looked for daily.

If the above report be true, and we sincerely hope it is not—though there is a strong probability in favour of its accuracy,—we must remind our readers that we prophesied as much, long ago!

The account we published in our paper of the 18th instant, relative to the behaviour of some of the men of the 13th Queen's, is, we find, incorrect. We lose no time therefore, in contradicting it, and in expressing our satisfaction of the fact having confirmed our own previous belief in the matter.—Agra Ukhar Extra, Nov. 23.

Calcutta.

We have been requested to draw attention to an advertisement respecting certain Sermons to be delivered to-morrow at the Union Chapel on the occasion of the twenty-third anniversary of the Bengal Auxiliary Missionary Society, and likewise to the Annual Meeting of the Society, at the same Chapel on the 23d instant, when the Rev. A. Duff, D. D., will assume the duties of President.—Star, Nov. 20.

The Agra Ukhar of the 11th, taking up the subject of interrupted communication with Cabul, refers, as every one must, to the folly of leaving Afghanistan, that "vast and savage country" so weakly guarded—our contemporaries' remarks upon this,—"how inglorious, how mortifying, how utterly destructive of that prestige of success, which has been for so long a period an attendant on our arms, must such a condition of events be deemed?"—Amen say we, in the man—but what does our good brother mean by his "prestige of success"? We can understand the prestige of our power, and so forth—but of success? Why it has ever been a reality—a remarkable reality,—and never an illusion. For the rest, the Ukhar's anticipations are not likely to be fulfilled, if (and there seems no reason to doubt) we may rely on the announcement of arrangements satisfactorily adjusted, between Captains McGregor and Paton, and the insurgent leaders.

In another article of the same paper, we find a continuation of the tirades in which the editor of the Ukhar delights to revel against Lord Auckland. We are not blind to the mismanagement of affairs in the North-west—the great test by which the political abilities of his Lordship are invariably tried by his condenser and continuer—but we cannot subscribe either to the soundness of his own views, or to the extreme bad taste in which his vituperation is lavished. Already, events are falsifying many of his predictions. That there will be no Burmah war is now pretty generally understood—nor do we observe any manifestations of an outbreak with Nepal. Even though the first of these were actually to occur, Cawnpore might still preserve its accustomed Garrison, and "our centre" remain guarded as at present, because, in case of hostilities, Madras we presume, unaffected by what is passing in China and Afghanistan, would furnish, and could well afford to furnish, relatively to the means at command in the three presidencies, the greater portion of troops that would assemble to repress the ambition of "the Burman." Again in Afghanistan, instead of the "unprecedented reverses" about which, in his comments respecting that country, the editor laments so pathetically, we are now aware that the terms offered have been accepted, and therefore, to all appearance (so far as the insurrection is concerned) both safety and tranquility are perfectly enjoyed. How long these may last is another question; but the position of affairs "portentous of some disaster," proves to be mere illusion with reference to defeat, and a chimera of the writer's brain with respect to the desperate condition in which he would have us believe these affairs are placed. There can be no doubt, that we have allowed matters to take an unfavorable turn, through the ill-judged measure of diminishing our force in that quarter; but the remedy is easy, since nothing exists to prevent the augmentation of the army, serving beyond the Indus, to its original strength, save the fiat of that authority which first directed it thither. Whether our Rulers will take a lesson from experience, remains to be seen. Our opinion of the necessity for their doing so has been too often expressed to need repetition here.—Ibid.

Intelligence of an authentic nature has at length been received from China. In a later column we have given extracts from the papers brought by the Hero, and it will be seen that they confirm the reports previously received of the fall of Amoy, &c.

In the afternoon we will publish a very thin paper, in the form of a small extra, the news now received, so that subscribers may send it home by the Express this day. Applications for copies should be made before 2 P. M.—Englishman, Nov. 10.

Here is another bit of Hukarn intelligence which may match, in point of fact, with the famous Hadjee's communications to that branch of the press!

We have been informed, that Mr. J. R. Colvin, Private Secretary to the Governor General, who, it was supposed, was about to return to England with his Lordship, is to succeed Colonel Low, as Resident at Lucknow.

It has been deemed good advice to a Cook to tell her to catch her hare before she begins to concoct hare soup, and keeping that wise principle in view we recommend our contemporary to make his vacancy before he fills the place. The above item is so directly opposite to the true state of the affair to which it refers that Mr. Colvin is going home, and Colonel Low is not! Moreover, without professing to be very much in Mr. Colvin's personal confidence, we venture to say that he never so much as thought of the Lucknow, or any similar appointment.—Ibid.

A letter from Phopawar gives us the following intelligence:—

BHOOPAWAR, Nov. 6, 1841.—There's but little going on in these parts. The Blueels have been kicking up a row in the Daud district, and had arranged to attack Mhow on a Sunday during Church time; a Brahmin who put them up to it, swore he had Jadoo-karred all the hounds. I believe a simultaneous attack was intended on Indore and this place. We should have been spiffed to a certainty as we had not above 50 sowars in the station; two companies with four officers, are encamped at Nalchee to keep them (the Blueels) in check. Captain Stockley, of the Bombay Infantry, forming the new Blueel Corps, is laying out his cantonment about two miles north of this at a place called Sirdewpore.

It is reported at Mhow that some of the regiments of the 6th will have to garrison Saugor. The rains at Mhow commence on the 14th December. Cholera has been raging at Indore. This is strange weather; we had a severe storm with hail on the 3d, and a good deal

of rain. The winds are variable and the weather continues cloudy. The zemindars expect a summer season. Such rains were never known before in the district; rain continued to fall incessantly for upwards of 50 days.—Ibid.

Kishnagar Races.

FIFTH-DAY THURSDAY, NOVEMBER 18, 1841. First Race.—Handicap sweepstakes of 30 G. M. each for all horses, 2 miles. Mr. White's gr. a. h. Athlone..... 8 7. 1 Mr. Lokman's b. a. h. Jericho..... 0 8. 2 Time 4m.

Second Race.—Sweepstakes of 50 G. M. each for all maiden Arabs, 8 7 each, 1 1/4 miles. Mr. Cozey's gr. a. h. The Postmaster..... 1 Mr. White's gr. a. h. Damascens..... 2 Time 3m. 31s.

Third Race.—Purse of 40 G. M. from the funds, with 25 G. M. entrance for all horses. Weight for age, English horses to carry 8 stone. Cape and N. S. Wales Ist., C. B. 3lbs. extra, 1 1/4 mile. Mr. White's gr. a. h. Walmer..... 9 3. 1 Mr. Lokman name, gr. a. h. Commissioner..... 9 3. 2 Time 3m. 10s.

Fourth Race.—Sweepstakes of 25 G. M. each for all horses. English excepted. Cape to carry 9 4, C. B. 8 10, Arabs 8 7. 1/2 mile. Mr. White's gr. a. h. Walmer..... 1 Mr. Lokman name gr. a. h. Commissioner..... drawn

Fifth Race.—Match for 50 G. M. each P. P. 2et, 7 1/2 lbs. each 1/4 a mile. Mr. White's b. a. h. Plibbertgibbet..... 1 Mr. Cozey's gr. a. h. Michael..... 2 Time 56s.

DACCA RACES.

The Welter Race, for all Arabs, 11st. 7lbs. R. C. 2) G. M. from the fund, 10 G. M. entrance. Three horses to start, or no race.

Mr. Felix's gr. a. h. Castaside..... 1 Mr. Kent's b. a. h. Confidence, (late Sheikh)..... 2 Mr. Sarkies gr. a. h. Skylight..... 3 Confidence took the lead for the first 100 yards, when Skylight headed him and led them at a great pace for 1/2 of a mile, when Confidence and Castaside passed him, after this the race was at an end. Castaside came in without a touch of the whip in 2m. 57s, Confidence hogging on his quarter.

A match for 50 G. M. P. Heats. Mr. Felix's gr. a. h. Floridan. Mr. Kent's b. a. h. Rushlight. Floridan won both heats easy in 67 sec. but his jockey having dismounted before he was ordered to do so, it was Rushlight's race.

Note.—Length of the Dacca Course 1 1/2 mile, less 132 yards. November 17, 1841.—Englishman 20th Decr.

Madras.

The Madras Bench.

The Examiner of yesterday states that Mr. Norton of the Chancery Bar, has been appointed to a seat on the Madras Bench, in the room of Sir Robert Comyn about to retire; we believe however that this is so far a mistake that Mr. Norton is appointed Puisne Judge, and that Sir Edward Gambier, as a matter of Justice will succeed Sir Robert Comyn.—U. S. Gazette, Nov. 23.

The Civil Service.

It is said that Messrs. A. D. Campbell, Montgomery, W. B. Anderson, and Charles Cotton, have applied to take the annuity. Some Orders have been received from the Supreme Government, to the effect announced by us last year; viz that Acting Circuit Judges, will only draw 2300 Rupees per Mensem, and further that the order for abolishing the Provincial Courts may be expected immediately. The superior Judges will be established from January next. It is said that Mr. Lushington will go to the Hills or Cape, immediately, and Mr. Chamier, who arrived from Calcutta on Sunday, will in consequence assume his seat in Council.—Ibid.

The change which we noticed the other day as having taken place in the Bombay Gazette, we now find to be a change, not only in its conductor but also in its political principles. From the staunch advocacy of Whiggism, it has become a Petite of the first water; and the Editor tells his readers that he is really glad to observe that Lady Peel died at Windsor, and that Sir Robert and the Duke of Wellington joined her Majesty in her equestrian excursions. We have heard of some people being "pleas'd with a rattle and tickled with a straw" our cotemporary is nearly of this class, so that in future we may expect a series of amusing papers upon the art of trifling.—Athenaeum Novr. 23.

Ceylon.

The Church.

The Bishop of Madras, we understand, has ordered the Chaplains of Ceylon to observe the Saint's days by public service in their Churches.—Observer, Nov. 11.

The Seaforth.

The Bombay Times is at great trouble, by means of a long article with lithographic plates, to prove, what every body in Colombo knows, that the Seaforth's paddle wheels are placed too deep in consequence of her having been built with teak on a model intended for the lighter timbers of the West.—Ibid.

The Colombo Bar.

It was Mr. Justice STARK, and not the Queen's Advocates, as stated in our last, who presented some books to the new Society. We however trust the latter gentlemen will take the hint and follow the example of the former.—Ibid.

The New Charter.

The gentlemen of the Colombo bar recently presented a Memorial to the Governor requesting to be favoured with a copy of any proposed alterations in the Charter of Justice, but in reply were informed to the effect that there was no such thing. It is difficult to reconcile this with the Governor's declaration in the Legislative Council, and with the fact of the Judges of the Supreme Court having received the document referred to for the purpose of reporting upon it.—Ibid.

Malacca.

Abolition of Native Oaths.

Our attention has been drawn to this subject again by perusing a letter in the Friend of India signed Amicus Curio, in which the writer maintains, that the object of Government in passing Act V of 1840 has signally failed in the Mofussil. He states, that so far from the feelings and consciences of the respectable Natives being either shocked or violated by being sworn on the koran or water of the Ganges. It is known that the Zemindars and village Bannuabs are in the constant habit of holding punchayats among themselves to settle disputes in the course of which they administer oaths in much more solemn manner than they are required to take in English Courts of law, and infers from this, as well as from the fact of the

higher castes appearing at these latter courts by Mookhtars, that the objection on the part of respectable Natives springs from an abhorrence in being compelled to appear personally and not of the oaths they were obliged to take.

He further contends that it is a fallacy to suppose that truth would be as likely elicited by a solemn declaration as by an oath. He says, that when a Native comes into Court as a Witness he generally intends to swear to a certain point, which may be either truth or falsehood. He comes prepared to establish this position, and to attain his end, oaths or declarations are alike to him, his object being only to forward or promote the cause of his principal, and this he determines to do as far as in him lies.

We regret in being obliged to coincide in the sentiments herein before expressed. We know it lays us open to a charge of inconsistency, in having at first advocated the adoption of the measure in our local Courts; but experience of its working among the Native Community, where evidence to establish any point may be bought for a couple of dollars makes us regret that declarations should ever have been substituted for oaths in these Settlements.

We know that little dependence can be placed on the evidence of a Native even when on oath, in consequence of their total disregard of moral obligations; but an appeal, as the same writer has remarked to his superstition, will more readily induce his return to the truth, than a simple declaration that he is bound to speak the truth in the presence of Almighty God, which, in many instances, does not convey any definite idea to his mind.

How often do we hear Natives, when anxious to obtain any advantageous end, or to circumvent another, make the most solemn protestations of truth, linked with the name of the Divine Being, and before many hours have passed away have laughed at the credulity of the person whom they have cozened. And we appeal to our local readers whether any faith can be placed in the integrity of Native Witnesses in any of the local Courts, since the abolishment of the formality of an oath.

The Natives in these Settlements have never had any repugnance to appear in our Courts to be sworn like the rest of the Community; and it is but necessary to appeal to a Native himself, and enquire the degree of credibility he would extend to Native testimony under the new Act, to be satisfied that the design of the legislature has been defeated as far as the colonies in the Straits are concerned.

However, we can perceive no remedy at present, except it be in a greater exercise of caution and circumspection by the Judges when taking the declarations authorised by the Act. In civil cases the injury is not perhaps, so great; but the difference in criminal suits—in leaving a fellow creature's life to hang upon so brittle a thread as the declaration of 2 Native Witnesses, is very awful indeed.—Malacca Weekly Register, 22nd Sept.

CORRESPONDENCE.

TO THE EDITOR OF THE BOMBAY GAZETTE.

My dear Sir,—Can you inform me, if at any period during the Peninsular War, a Medical Officer was ordered to accompany a storming, (or more properly, a forlorn hope) party, as in the case of Dr. Thatcher at Guznee. Many Peninsular Officers at the time viewed the Order more particularly to an Officer who happened not to be too great a favourite, as not intended for the public good. A letter which appeared in the Times of Saturday, to which the attention of the Medical Service was particularly directed, "Senior without patronage" may perhaps inform you on the motives that led to so unusual an order, the pen of so unpopular "and shallow" a character as "Senior," who is well known to the Service, and whose professions of disinterestedness receive that weight they deserve, is not required to write the character of Vere Kemball, whose retirement from the Service is still felt and regretted; at no period of his service has he ever marked for mean and petty underhand tricks, no act of his ever deserved of any of his juniors to decline any private correspondence &c. with him as occurred to one of his successors.

Senior, I understand, despises public opinion;—were he not to do so, I should feel very much astonished at possessing a virtue foreign to his natural character.

Senior possesses one advantage—that none of his predecessors ever did, as being a character whose retirement from the Service will be hailed by every individual in it with universal rejoicing.

And in conclusion, my dear Mr. Editor, I sincerely hope, as a Member of that Service to which Senior belongs, the Government will see the justice and propriety of withholding from Senior as much power and patronage as possible as he has richly merited to be a "Senior without patronage."

MEDICUS.



"Treasures, not Men."

THE GAZETTE

Thursday, December 2, 1841.

OUR Presidency Subscribers are doubtless aware of the irregularity which has characterized the issue of our Paper for the last fortnight. The difficulties attendant upon the daily issue of a Newspaper in Bombay, can only be known to those who are conversant with these matters. Our Subscribers in this vicinity are of course ignorant as to the real cause of our late troubles, and we have no right therefore to expect any mercy at their hands. But in our desire to lay a few facts before them:—our Printer,

our principal Examiner, and a majority of our best hands, have of late been suffering severely from fever, and thereby rendered utterly incapable of attending to their several duties. We have therefore been wholly dependant upon chance-comers, of whose capacity we had no previous opportunity of judging, and whose attendance, being voluntary, could by no means be depended upon. As we intend to make a clean breast of it at once, we will confess that our irregularity has not been confined to our issues, but that clerical errors have been discreditably frequent of late. Under these circumstances, and after having taken every step in our power, for the purpose of continuing the Gazette as a daily paper without success, we are compelled to revert to a bi-weekly issue. Our resolution has not been hastily taken, or without a full conviction that we could not under present circumstances conduct our paper to the satisfaction of our Subscribers and credit to ourselves, by persisting in a daily issue against such adverse circumstances.

It is our intention to publish on Mondays and Thursdays, a paper in size equal to the Times, and we hope that our future endeavours to cater for the amusement and information of our Subscribers, will meet with no more such obstructions as have lately impeded their exercise. We shall make our first appearance as a bi-weekly paper on Monday the 6th instant.

Our Calcutta files are up to the 20th inst., and Madras to the 23d instant: we have also received the Colombo Advertiser of the 11th instant. We have made extracts from them which will be found in the usual place, but the hurry attendant upon the departure of the Mail, prevents our noticing them more particularly to-day.

We insert an extract from the Madras Athenaeum, in which our cotemporary is pleased to be, as he thinks, witty at our expense on the subject of the notice we took of Lady Peel's having dined at Windsor, &c. &c.

Now if our worthy cotemporary will have the goodness to refer to his English files, he will perceive that one of the principal mainstays of the Whig Radical party, was the personal dislike Her Majesty was supposed to entertain towards Sir Robert Peel, and there was no slight use made of this supposition during the late Elections. Under these circumstances, we cannot see anything very extraordinary in a journal noticing a subject, which considering the relative situation of the parties must be supposed to have some interest in the eyes of the public.

The hurried manner in which we were obliged to strike off our Overland Despatch yesterday Evening to save the Mail, was the cause of a great many typographical errors appearing in the following Editorial.—We have therefore thought it advisable to reprint it in our columns of to-day.

It seems we are never to have done with the great, contempt case as the Times has proclaimed it, and we are therefore determined once for all to take a general review of the whole papers therewith connected as they appeared in the columns of the Times. Dr. David Forbes Surgeon of the 1st Regt. Lt. Cavalry, died at a village named Kunda whilst the Regt. was en route from the Bolan Pass towards Shikarpore, 21st Nov. 1839 having first made or published a will wherein he appointed Andrew Farquharson Esq. of the House of Forbes and Co. his Agent. A Petition was then presented from one Charles Forbes praying that letters of administration might be granted to him of the estate of the late David Forbes. We forbear entering into all the minutiae which attended the affair before us at this stage: their republication now is unnecessary for our purpose. We therefore merely state the fact that Sir Henry Roper refused the application; and in giving his Judgement remarked very strongly upon the conduct of the Petitioner and his Proctor, attributing to them reprehensible carelessness in the drawing up of this slovenly petition, and declaring his suspicion that the grant of administration with the copy of the will annexed had been improperly obtained and by means of some malpractice. These observations and others of the same affect were endorsed on the back of the petition by Sir H. Roper. This took place during the month of October 1841.—A letter was despatched to Sir Henry Roper by Messrs. Patch and Bainbridge



informing him that Messrs. Forbes and Co. finding themselves aggrieved by these remarks being allowed to remain on the files of the Court, had instructed them to apprise the Judge that it was their intention to move that another petition without these remarks appended to it be substituted for the one now on the Records of the Court. This petition was accordingly presented; and we now come to the consideration of the question, whether or no it be competent for a Judge to make such comments upon proceedings which come officially before him, as he considers those proceedings to require.

The Petitioner says "he is advised that it is contrary to the established custom of H. M.'s and other Supreme Courts of Justice, as well as of this Hon'ble Court, for any Judge thereof to write his Judgement, order or Decree on the face or in the body of an original Record of the Court." Of course whatever are the contents of a petition which is presented in Court by a Barrister they have been previously submitted to him, and he is supposed to be fully prepared with precedents and authorities in support of the prayer of that Petition.

In disposing therefore of this question we shall merely refer to what passed between Sir John Awdry and Mr. Crawford, the petitioner's counsel.

J. Awdry distinctly asked Mr. Crawford twice, whether he possessed any authority for his present motion, saying at the same time, that the proposition for which counsel must contend is whether it is improper for a Judge to write observations upon the proceedings on which he gives Judgement,—again—"It seems to require direct authority or argument founded on authority, to decide that he may not, for the regular way of giving Judgement is for the Judge to write his fiat. It is competent to give Judgement with reasons and amongst the practices the most unconstitutional (adopted I think by Judge Field or some of the Judges between the Revolution and the Restoration) was the discontinuing to give reasons for their Judgements so as to evade the responsibility which the constitution attached to them." Mr. Crawford, if he had it in his power, refrained from producing any authority in support of the petitioner's view of the point under discussion, as well as from any argument of his own. Sir Henry Roper called the Chief Justice's attention to a case when he, Sir H., had as counsel, endeavoured to find a precedent on which to ground an application against a Judge's reasons being stated on an original Document of a much more solemn nature, but without being able to discover one. The Chief Justice said that he had on more occasions than one, directed the Prothonotary to record the reasons of his decision on an original record. We look upon these facts as quite fatal to the statement of the Petitioner, and perfectly convincing not only as regards the custom of this Court, but that of all other Supreme Courts, and decisive as to the competency of a Judge to write his observations upon the proceedings on which he gives Judgement. This being granted we must go on and see the result of the motion before the Court. Mr. Crawford in one part of the Report before us makes us think, a very injudicious admission relative to his client, which however does not in the least, coming from him weaken the ground upon which Sir Henry relied when he stigmatized Mr. Forbes' conduct as he did. Mr. Crawford says that "He (Mr. Forbes) swears as to facts which he could only know by hearsay, conclusions of law and other matters of the like nature; but this raises no imputation upon his Character." We beg to differ upon this head, and look upon the excuses put forward relative to the manner in which the affidavit was sworn, as far from satisfactory. A great deal has been made relative to the obligation of an oath, and imputations said to be cast upon certain individuals with respect to it. Now we will take upon ourselves to assert roundly, that a man who in his sober senses would call upon God to witness the truth of that to which he was swearing, when he either did not understand the contents of his affidavit, or had only become acquainted with them by hearsay, we say distinctly that man that either has not a proper sense of the value of an oath,—OR he swears to the affidavit having some ulterior and sinister object in view. In some remarks upon this petition, Sir John Awdry first doubted the power of the Court to grant the application, and even assuming the Jurisdiction, the propriety of exercising it. Thus tacitly acknowledging, and evidently against his inclination, the propriety of Sir Henry Roper's strictures and his sense of the "gross irregularity" which led to them. We regret that we cannot admire Sir John Awdry's mode of expression in these remarks. He was evidently weighed down by his ideas of the respectability of the parties. Justice forced that from him which he would have withheld, and he floundered through a labyrinth of words in which he had involved himself, in his endeavour to do what was right and at the same time avoid hurting the feelings of the respectable petitioner. A Judge has no right to consult feelings; and if Sir John was thus put to his wit's end for soft words wherewith to mollify his expressions we conclude he must have had a strong sense of the petitioner's culpability.

We now come to the judgment of Sir Henry Roper; upon the first line and a half of which have been grounded the majority of the attacks which have been made upon this distinguished individual. We quote them. "An impartial or soothing judgement on this matter can hardly be expected from me" &c. &c. Granting for argument's sake, the truth of the con-

struction which has been put upon these words, and they have been most villainously tortured, no upright man can sufficiently admire the reckless honesty which characterized him from whom they emanated.

But on the other hand, let us ask, Had it been Sir Henry Roper's wish to gratify private pique and to sully the judgement seat by allowing personal feelings to interfere between himself and what was due to a suitor, would he at the outset have expressed himself in words such as these? would he not rather have concealed the expression of any feeling upon the subject, by which a clue might be obtained as to the real motives which actuated him in his judgement? We pass by with contempt the signification which has been put upon these words as only worthy of those minds from whom it came. Sir H. Roper says, "according to my idea this Court has too often taken judicial notice of the respectability of the parties" &c. &c. Again—"It has always been and still shall be my endeavour to make no distinction of persons here" &c. &c.—"As I should deal with the humblest native so will I deal with Messrs Forbes & Co"—These are words which could not have sprung from a partial or a weak-minded Judge. Sir Henry subsequently goes on to defend the endorsement of his reasons on the back of the petition, and a gentleman of the Bar, handed up to the judge a book on Chancery practice wherein it was shown that Lord Chancellor Eldon had been in the habits of endorsing petitions &c.—But we do not think it necessary to revert to this point. Sir Henry in this judgement states his belief that the sole object of this application is a personal attack upon himself and the rancorous virulence which has characterized subsequent proceedings would seem in no wise to falsify the justice of his opinion. It is quite unnecessary that we follow the learned judge in his argument in support of his judgement; for its propriety and legality have never been questioned by either party. Sir John Awdry then in very few words gave his judgement, and the application was refused.

We have thus as briefly as possible laid before our readers the main points in these proceedings up to the 6th of March.—And we may here take leave of Sir J. Awdry and Mr. Crawford. On the 18th March after the adjournment of the Sessions, Sir H. Roper who had been sworn in as Chief Justice on Sir John Awdry's departure for Europe, made some remarks on the paragraphs which respectively appeared in the newspapers called the *Bombay Courier* and the *Bombay Times*, and which formed the Great Contempt on which all subsequent proceedings, heartburnings and annoyances hinged. In his remarks his Lordship said that "every Lawyer will agree that the Publication of of such language is a gross contempt; amounting in the fullest sense to what is scandalizing called the Court and using words importing scorn reproach or diminution of the Court."—In the course of his address Sir Henry stated Sir John Awdry had fully coincided in the judgement and the tenor of the judgement which Sir H. had given relative to the conduct of Messrs. Forbes saying that they had only got what they had laid themselves open to. Affidavits were put in relative to the proprietorships of the two papers. Sir Henry on Messrs. Montriou and Howard disclaiming having been intentionally a party to the publication, said "my object is merely to vindicate the Court and in directing that no measures be adopted towards you respecting this affair, I do no more than I should do by any other person, who being a Co. Proprietor disclaimed having been knowingly or intentionally a party to the publication, or who having been wilfully a party to it intimated that he felt regret for his conduct."

The whole proprietors of the respective papers *Times* and *Courier* were ordered to appear before the Court on the 27th March.

In all this we can trace no apparent object, but a desire to preserve the dignity of the Bench. Had harsh measures been his object, had he it in contemplation to persecute as well as punish those who had in the first instance made a personal attack upon him under the cloak of a motion before the Supreme Court; and in the second instance not only libelled him, but the office he holds through the medium of their avowed organ, was any opportunity more favorable than this? And did the learned Judge take advantage of it? Did he close the ears of the Court to explanation, or did he even ask for apology? We shall see in the sequel. On the 27th March, the Court house was as the *Times* says crowded to overflowing.—After a good deal of difficulty the parties ordered to appear had succeeded in obtaining the assistance of two Barristers, Messrs. Cochrane and Dickenson were the fortunate individuals from whom "duty to their clients" demanded justification of a gross and deliberate insult to the Chief Justice. Some affidavits were put in, containing disclaimers from some parties and from two very influential Natives not only disclaimers but apologies. Mr. Cochrane then proceeded to argue the case, in what some people call an independent fashion some an impudent one. His argument tended in no degree to do away with the impression that it had been the sole object of the parties to insult the Judge, it hinged entirely upon the jurisdiction of the Court and upon what he called the unusual method which had been adopted by the Court in bringing the parties before him. But we would ask, has it ever been doubted by any lawyer that it is competent for Her Majesty's Court to call before them summarily the authors of a libel upon that Court! Mr. Cochrane it is true made a feeble attempt to shew the contrary, but he

most completely failed in the eyes of all who were competent to decide and conversant with the laws and practice of England. We have often regretted in common with many others that no lawyer was employed against him, to give him the benefit of the law as it really bore upon the question.

Mr. Cochrane was followed by Mr. Dickenson who rolled out a speech in the course of which, he as Mr. Cochrane himself observed cut down his leader's argument. Mr. Dickenson declared the article in the *Times* a contempt, and which admission Sir Henry gave him back again. Thereby again showing of course his determination to take advantage of every trivial circumstance which might militate against the parties Mr. Dickenson concluded rather a mouthy speech, by a technical objection to the rule. Sir Henry Roper delivered a lengthy judgement, justifying the mode of proceeding he had adopted, but which we need not further notice as the legality of his conduct has not been doubted.

His Lordship expressed his anxiety to afford the parties and their "locus penitentiarum" and concluded by directing rules to be drawn up and personally served upon each of the several Proprietors who had not disclaimed, to appear on Tuesday next to shew cause why an attachment should not issue against them. The learned judge also said that he adopted this course in preference to proceeding by attachment in the first instance in order to give each of the parties another opportunity of either disclaiming all guilty knowledge of the articles in question or regret for their appearance in the Journals in question. Mr. Cochrane now apparently astonished at the calm determined and methodical manner the judge seemed to pursue, then requested as he should have done before, knowing their contents, that the affidavits originally put in might be read as they contained a full denial by the several Proprietors of their having seen the articles before they appeared in print. The Chief Justice with great consideration, as it appears to us, allowed the proceedings to be opened again and the affidavits were read. On their conclusion Sir H. Roper expressed his regret that these affidavits had not been brought more particularly to his notice as they should have been at first as such a course would have rendered all the proceedings unnecessary. Mr. Cochrane shuffled over this by saying he had stated these affidavits. After a short conversation all to the same effect, His Lordship ordered all the rules to be dismissed. At this stage a few remarks may not be out of place. We have before us two individuals, a Judge and a counsel. The Judge cites certain parties, proprietors of newspapers to answer for, disclaim, or express regret for, two gross and unjustifiable libels upon the Court over which he presides. These parties appear by Counsel. The Judge at the outset of the proceedings receives affidavits from a few of the individuals containing either disclaimers, expressions of regret, or both, and at once discharges the rules as far as they were affected. The affidavits were read in open Court, the Judge's expression of satisfaction was uttered so that none could fail to hear, and the terms upon which these individuals were released from responsibility must have been known to every one in Court. What course then should Mr. Cochrane have pursued, had it been his wish or that of his clients that the proceedings should drop here? was it not his bounden duty in such a case to press the contents of these affidavits upon his Lordship's attention, and if he perceived a disinclination on the part of the Judge to receive them, ought he not to have exclaimed against the injustice done his clients by a rejection of what had been considered sufficient to satisfy the dignity of the Court when presented by other individuals. But does Mr. Cochrane do this? does he beg, intreat, nay insist, that these affidavits should be read? Not he! He states the affidavits and they are smuggled upon the files of the Court.

What then is the inference we have a right to draw? Why that it was not Mr. Cochrane's intention that the Judge should know the contents of these affidavits,—it was not his intention that he should know them until all other means of getting out of the scrape had failed, we'll see if we can't bully him out of it, and then if that fails we can produce the affidavits." Want of "ingenuousness" indeed may be well imputed to Mr. Cochrane's conduct at this part of the proceedings, and we will add a want of common honesty and all feeling of self respect. It amounted to desingenuousness of the lowest order.—And yet notwithstanding all this the Judge received them: the Judge in whose administration of Justice these parties have lost all confidence.—We must go on however.

On Tuesday 30th March a special ecclesiastical Court was held, and the Chief Justice on taking his seat applied to Mr. Cochrane as to whether certain words to the effect that he, Mr. Cochrane "would not allow his clients to apologize" had been used by him and whether they were intended to reach the ears of the Court. Mr. C. avowed the use of words of that tenor and that all he uttered in that Court was "intended for the ear of the Judge." The Chief Justice still unwilling to proceed farther, still anxious to put an end to these painful proceedings and to prevent the sins of counsel being visited upon his clients, put it to Mr. Cochrane to say he had not been instructed to use these words or that it was a mere indiscretion. But the brave old hero of merchandise stuck to it, delighted at the probability of another opportunity for displaying his affection for the Judge. The consequence of this very wise and prudent step on the part of Mr. Cochrane was of course that the proceedings were reopened and attachments were issued against all the parties unless good cause be shewn to the contrary within four days from the service of the rule. The Court then adjourned. On Monday the 5th April the contempt case "was disposed of." The play was opened by Mr. Cochrane who returned to his task like a giant refreshed. We need not go with him thro' his speech. The line of argument he adopted coincides as if possible more than ever of its not having been his intention in the first instance that the Judge should know the contents of the affidavits. The learned counsel laboured

ery ingeniously and as events have proved with some success, to convince the Public that the quarrel was theirs as much as his, and that the original question of malpractice on the part of the Bombay Merchant, was dropped in favor of a defence of the liberty of the Press, and the independence of the bar.

The speech of the Chief Justice was calm and dignified and displayed a degree of honesty and candour doubly distinguishable after the subtle display which preceded it. The absurdity of Mr. Cochrane's volunteering to say that his clients should, not apologize, when there was no desire on the part of the Judge that they should was clearly displayed. The Rules were of course all discharged, "These gentlemen having respectively stated that they rested the case on their respective Petitions and affidavits and on the discretion of their counsel" &c. &c.

The Chief Justice in conclusion appealed to the Bar as to whether the affidavits had been properly brought to his notice as containing disclaimers by Mr. Cochrane, or whether he did not rather allow the Judge to remain in ignorance of these important matters.

Mr. Montriou (Barrister) and a Proprietor of the *Times* assured his Lordship of the regret and indignation he felt at the misconduct of the *Times*.

The Gentlemen of the Bar in answer to his Lordship's appeal expressed themselves through Mr. Campbell. That learned Gentleman said that he was instructed by all his learned friends round him to say that they were of opinion that the petition and affidavit containing the disclaimer were not sufficiently brought to his Lordship's notice in the first instance, and that the bar entertained the highest respect for his Lordship's conduct throughout the proceedings. Mr. Cochrane not being present on this occasion, Mr. Campbell at the request of the other Members of the Bar wrote to Mr. Cochrane asking him to be in Court the following day when he would repeat what had passed that afternoon.

The following day therefore Mr. Campbell again addressed the Court in the same terms, adding that in withholding the disclaimers there had been a want of ingenuousness on the part of Mr. Cochrane.

That gentleman rejoined, insisting upon his having brought forward the affidavits as the hundreds who heard him could testify.

The matter there dropped.

At this time beyond a doubt the whole press of India had joined in the outcry against the supposed attack upon the liberty of the Press. The mode of proceeding which Sir H. Roper had adopted was exclaimed against, and the original cause of the whole affair lost sight of. Not a word was now heard as to the propriety of the attempt to defend the wid- and orphan from down right robbery and extortion, and the libel upon the bench was utterly forgotten. The barrister Merchant was lauded to the skies, the Cochrane testimonial was all the rage and the magnificent sum of £10 from some of the Houses in Bombay and £5 from others for whom he had made so splendid a display of forensic eloquence enabled them to present him with a "Testimonial." This testimonial seems to have rendered the learned pleader more testy than ever, for when he had no longer a Chief Justice with whom to bandy sweet discourse, he fell foul of the ex-Governor of Ceylon and we believe the affair was considered not very "high caste." We must now take our leave of the learned Gentleman who proceeded to England.

We are not aware of any thing of interest relative to this affair occurring from this period until the *Times* printed the petition which was presented to the House of Commons by Sir Geo. Larpent. We ought perhaps to mention that the *Courier* in his issue of the 16th instant said that it was not likely that a third Judge would be appointed here (a petition had been forwarded to England for one) as no counsel of eminence or long standing could be found to accept the office (we take the liberty of saying *twang* to this.)

We now approach this wonderful petition with all becoming respect and trembling. It is to us a matter of no small astonishment, that the petitioners in this case, these sticklers for the correct administration of justice should have so signally betrayed their ignorance of its very first principles. A more complete inversion of the real meaning of words, a more designedly tortuous method of stating circumstances we never had experience of. Truth is utterly lost sight of, and the mocking jesuitical humility of the tone of the petition utterly expels the idea of an honest intention actuating the parties from one's mind. The petition contains many untrue statements which we shall take in detail.

1st. It is untrue that Sir H. Roper in his judgement of the 12th February "avowed himself influenced by hostile personal feelings towards the said petitioner" altho' it is certainly true that he was grossly insulted by the said petitioner in private society. And now for a word upon this point. Had Sir H. Roper given a different decision, that is one to suit Messrs. Forbes, (of course disinterested) views of justice we suppose he would have been hailed as an upright Judge, and a second Daniel. What a very mistaken man Sir Henry must be. So far from using this language, he says in the very outset of his speech that in that Court all shall be treated alike. 2nd. That Messrs. Forbes, method of swearing to this document could not have been very exemplary or over and above correct, or it would not have been necessary for him to plead youth and inexperience. As to Messrs. Forbes, regard of an oath with reference to his acknowledged carelessness in this instance we leave it to the public discernment. 3rd. As to the statement in the petition that the irreproachable reputation of the said parties rose far above these measureless accusations,



we presume Messrs. Forbes and Co., signed the petition. 4th. Sir John Awdry certainly designated the petitioner and his firm as persons of "known respectability," but Sir H. Roper says "it does not arise from their conduct respecting the wills and estates of deceased British subjects." 5th. The paragraph in the petition commencing with "your humble petitioners" and finishing with "reputation" is all very correct but perfectly inapplicable to the occasion and founded upon most willful assumption. 6th. "The Press of Bombay immediately expressed the strong indignation of the public mind." This is not true—the *United Service Gazette* said very little about it, the *Bombay Gazette* took up the opposite side of the Question, and the two leading journals (this is very rich—the petitioners being part proprietors) were the culprits on the occasion. 7th. The Petitioners and the "well known" Editor of the *Times* are at issue respecting the propriety of the manner in which the Judge proceeded. The former grumble at being proceeded against, and the latter in his leader of 20th March highly approves of it.

8th. It is a wilful perversion of fact to say that every one of these cited individuals disclaimed in open Court the slightest participation in the Newspaper paragraphs &c. &c. &c., that is in the manner the petitioners would have it believed by the British Public. These disclaimers were not, we solemnly declare within the knowledge of the Court until after every attempt had been made by counsel to affront the Judge from his course. This is a most wicked misrepresentation of fact. 9th. The petitioners may twaddle and twaddle about the inference they draw from what Sir H. Roper said about the impossibility of finding an impartial Jury. If the Judge ever did say so, we quite agree with him, and if these mercantile gentry would recollect a little of the customs of their mother country they would discover that a trial is frequently removed from one county to another, and that without any imputation upon the veracity or rectitude of those who would otherwise have sat as jurymen. 10th. The Local Press was never silenced. It would perhaps have been better for the Character of the *Times*, the now be-smitten Newspaper of all India, if such had been the case.—Finally we hesitate not to characterize this petition as a document, which contains misrepresentations, malversations, and perversion of facts, a document which when it comes under the scrutiny of impartial and disinterested Judges, will redound far more to the discredit of those who at present deem it unanswerable, than it can possibly result in any unpleasant consequences to the enlightened and independent judge whom it now assails.

One single word as to the Editorial which preceded the petition in the issue of the *Times*. Our contemporary has stated what is unfounded on fact (and so he knows it) when he identifies the Barrister with any part of the Proceedings beyond their opinion of Mr. Cockrane's disingenuousness and their admiration of the Judges bearing on the occasion. They neither expressed nor intimated approval or disapproval of any part of the transaction beyond this, and we can only attribute this misstatement on the part of our "well known" brother to his soreness at finding himself deserted, by four proprietors during the investigation of what Mr. Montrou (one of them) called his "misconduct." With regard to the soi-disant faulty administration of justice, there have been just as many suits brought into that court as previously to this declaration of want of confidence, and it is a fact that a European seldom or ever comes into Court unless dragged in and compelled to do tardy Justice to some native whom he may have wrung with a hard bargain. But this is of no consequence, they never used to come into Court, but the Natives do as they ever have done, and to them the satisfaction as to the mode of administering Justice is complete.

We have thus endeavoured to lay the main features of this case before the public, and shall conclude by assuring our English readers, that however an interested and dependent cotemporary may endeavour to poison the public mind by vain assumptions and groundless assertions, however the subscribers to the above-mentioned petition may lay the flattering unction to their souls that their cause has already triumphed in public opinion, the Bombay Press is as free and unshackled as ever, there exists no want of confidence as to the administration of justice amongst honest men, and that the Bar requires neither Mr. Cockrane's eloquence, or the assistance of falsehood to support its independence.

(COMMUNICATED.)

JUSTICE IN BOMBAY

To the good sense, impartiality and love of Justice of British subjects in every part of the Globe, and especially of all those who take any interest in the Discussion now carried on by THIRTY ONE INHABITANTS of Bombay against the Chief Justice of Bombay—

The following unbiased statement on the part of all the Inhabitants of Bombay, other than the said Thirty one Individuals, is fearlessly submitted as affording full and fair means for forming a correct judgment.—

We of all ranks, characters, and stations, civil, military, religious and otherwise, constituting in numbers, in wealth, in respectability, in talents, in experience, and also in respect for, and in attachment to the British constitution and laws, the aggregate of the Inhabitants, or otherwise the Public of this Island, feel ourselves bound to come forward on this occasion, in order to prevent our silence from being misinterpreted. We have read with astonishment an article published in the *BOMBAY TIMES* of the 17th of November 1841, and which purports to be a Petition to the British House of Commons, on behalf of Thirty one Persons residing here; and which said article is, in our opinion, a tissue of ignorant assumptions, of wilful misrepresentations, of gross exaggerations, and even of falsehoods, woven together by some persons in secret, for the purpose of deceiving the British Public, and of misleading the British House of Commons, and perhaps the British Government into irregularities and acts of injustice. Our comments and statements thereon we shall now enumerate, one by one, in plain language.

I. Those 31 Petitioners profess to feel the deepest solicitude for the impartial administration of Justice in Her Majesty's Supreme Court of Judicature in Bombay; for the protection of Commercial credit from public aspersion by the Bench; for the freedom of the Press; and for the independence of the Bar. All this sounds well in declamation; but facts prove that their feelings are far more deeply engaged by solicitude for their own pecuniary profits.

II. Those 31 Petitioners profess profound respect for the British Institution, but this respect is strangely exhibited by a course of malignant attacks and calumnies against a Judge, in consequence of his having shown a desire to prevent Speculators from filling their pockets of the properties of widows and orphans.

III. It is notorious that there has long existed on the part of certain parties here an exceeding eagerness to get hold of the properties of such unfortunate Europeans as die intestate in India, because they are thereby enabled to realize large percentages, and to keep the money for a long time.

IV. It is also known that the present Chief Justice, Sir Henry Roper, on his having practiced at the Bar here, is fully cognizant of the plans and schemes made use of for that purpose; fears are therefore entertained by the Speculators that through him proper measures may be adopted in order to have justice done to the relatives of the Intestates in every part of the world.

V. In the beginning of this year, an application was made to the Supreme Court for letters of administration, which application was made in so slovenly and irregular a manner, that the Judge refused it and called it by the legal name "malpractice."

VI. This legal word "malpractice" being reported to the applicant, he being a mere youth of little experience took it in a wrong sense, and soon afterwards insulted the Judge, by conduct which any Gentleman does not use to another, and especially towards one holding the distinguished commission from Her Majesty of the Puisne Judgeship, and consequently one of the most elevated ranks in this Presidency.

VII. This party next attempted to force the Judge to take his observations of the files of the Court, and gave notice to the Judge that the whole case should be tried before the full Court. The Judge then read his decision of the Case, in which he stated that however little an impartial or soothing judgment might be expected from him, he should do his duty. He did so—and the full Court confirmed his judgment.

VIII. This Party irritated at the result had recourse to the Newspapers. There is in Bombay a Newspaper, called the *Bombay Times* set up by a sort of Club, calling themselves "the Chamber of Commerce," because consisting of a number of the second rate Commercial houses. One of the objects of that Newspaper is to bully and browbeat their opponents. (1)

IX. Having failed in the attempt to bully the Supreme Court, the Party had recourse to the Club, when by one of those contrivances, which the Club loves, the case was got ready according to their fashion, and sent home in an *ex parte* state, together with their monthly Newspaper, in order to prejudice the Public mind in Europe.

X. The attacks were subsequently carried on in two Newspapers, the *Bombay Times* and the *Bombay Courier*, and the Public on all sides declared those attacks to be unjust. It was attempted to accuse the Judge of favoring the Registrar of the Supreme Court; but the Judge having declared that he thought the percentages of all were excessive; this accusation dropped.

XI. At this time, in consequence of the retirement of Sir John W. Awdry, the Chief Justiceship became filled by Sir Henry Roper, who on succeeding to his new office founded the Supreme Court an object of obloquy and reproach being reviled by men that ought to stand forward in its defence.

XII. Obligated by his oath to maintain the dignity of the Supreme Court, the Judge caused the Proprietors of these Newspapers to be cited before the Court, in order that they might publicly declare, if they were sanctioning the articles published in contempt of the Court.

XIII. All the proprietors having attended, several of the most wealthy and respectable instantly disclaimed all participation in any publication tending to bring the Supreme Court into contempt; but there were others who animated with the hope of irritating the Judge, sought by the Agency of a Barrister, well known for personal discontent as well here as in Calcutta, to dispute every act of the Judge however legal and constitutional.

XIV. The honest and honorable proprietors having on their disclaimers been dismissed, the others who sought by shuffling and trickery to baffle the efforts of the Judge to maintain the dignity of his Court, soon shone forth in high relief.

XV. There were denials made of the publications being contempts, but those denials proved vague, for even a barrister employed on before some, frankly admitted that the *Bombay Times* had committed a gross one.

XVI. Strange to state, but it is nevertheless true, the very men, who in their petition to the House of Commons, profess such profound respect for the institutions of the Country, struggled by every trick to avoid giving any satisfaction to the Supreme Court for those admitted contempts.

XVII. Some disclaimers were read to the Court, which by a sort of jugglery, their Advocate turning to them, exclaimed that "they made no apology."

XVIII. In the publications of the following days, their newspapers blazed forth that "they had not given an apology."

XIX. The dignity of the Court being thus trifled with, their Advocate, the discontented Barrister was first asked to disavow those expressions; he refused. His clients were then summoned anew when another attempt to irritate the Judge having proved unsuccessful, the requisite disavowals were made to the Court and the parties liberated.

XX. The conduct of the Barrister was declared by his Brethren of the Bar to be such, as exhibited during the proceedings a want of "ingenuousness."

XXI. Though thus obliged to admit the right of the Court to obtain satisfaction for the contempts published against it, the Parties resolved to persevere in their factious opposition, and got up petitions in secret to the House of Commons. The Club prepared two, one of which after six months delay was first published here on 17th of Nov. (2) The other Petition is said to be one praying for a third Judge; but this second Petition, the doughty advocate, who received 3100 Rs. as a subscription from his 31 clients, and proceeded in May last to England, has kept as yet in his breeches pocket in London, where he is now laughing at those he has left here floundering in the mire.

XXII. The petition lately printed, prays for the redress of the grievances of the proprietors of the two Newspapers and of other inhabitants of Bombay to the number of thirty one persons. It was presented to the House of Commons on the 30th of September, and has been sent out to Bombay for the Judge's observations.

XXIII. It is not difficult to point out the glaring inconsistencies of this Petition. The majority of the Petitioners are Scotchmen, who seem not to recollect the truth of the lines.

"Ah wad but Heaven the giftie gie us  
To see ourselves as others see us."

they forgot that in order that a petition to the House of Commons should be received with attention the hands that present it, ought to be clean and not stained with the plunder of the Widow and the orphan.

XXIV. There is not one of the 31 Petitioners who will venture to deny the fact of the great efforts made to conceal properties of the Intestates, that die in India.

XXV. Is it not a burlesque plea in a Petition to find the Petitioners crying out for impartial justice, while all their struggle is directed to preserve a partial and irregular way of gaining percentages?

XXVI. Is it not burlesque to hear those thirty one Petitioners shouting "Commercial credit is assailed," because the Supreme Court stated its conviction that those irregular and improper plans for gaining percentages, kept up by Agencies in Bombay ought to be put an end to?

XXVII. The plea of the freedom of the Press being endangered is beyond compare, most ludicrous, especially now when the *Bombay Times* has become signal to all India, for its abuse of the Constituted authorities. All persons from EARL AUCKLAND the GOVERNOR GENERAL, and from SIR JAMES RIVETT CARNAC the late Governor of this Presidency down to the lowest Native, who do not subscribe to the doctrine that the Bombay Club of

Commerce is infallible on all and every subject of politics, Arts, Sciences &c. are liable to be vilified in its twice-a-week distiches. (3)

XXVIII. The fourth plea is even more ridiculous than the rest; for the Petitioners pretend that the independence of the Bar has been assailed, and this at the time when they made a subscription for their advocate on account of his having browbeaten against the Court during several hours; and when they sent him home with their petition to have him made the third Judge here!!! (4)

XXIX. It is a strong proof of the odd reasoning of the 31 Petitioners to find them complaining in reality to the House of Commons that the Laws have not been enforced against themselves; they appear as if they wished to mystify or humbug the lower House of the Legislature. Are they not aware that if the House of Commons order an investigation, it will soon discover that all their allegations are inconclusive, unfounded and insidiously got up for the purpose of deceiving the Legislature and the Government into unconstitutional Acts? The House must then in its indignation scold the petition and consign "the rejected thirty one" as a mocking number to the contempt of the present and future generations. (5)

XXX. The attention of Parliament being awakened to the actual irregularities perpetrated with regard to the properties of Europeans dying intestate in India, it may be hoped that efficient measures will in future be adopted for doing justice to their Relatives, and at moderate charges.

XXXI. It is not however to be supposed that all the Petitioners are wrong headed; there are among them some sensible men who are now heartily ashamed of their factious opposition to the Supreme Court, while the great majority, from not misunderstanding the matter, have like sheep merely followed, where the rains went before.

We therefore, in behalf of the aggregate of the Inhabitants of Bombay, wishing to prevent the mistakes and blunders of "those thirty one" from being considered as the acts of the Bombay Public, and anxious to prove to all the world our respect and veneration for the Constitution, Laws & Institutions of our Country, and desirous of making those sentiments known to all our fellow subjects; have drawn out this unvarnished statement, without the knowledge of, and unassisted by any of the Judges; and we further declare that this statement which is founded upon and borne out by the affidavits and declarations of some of the most respectable persons of this City, and even in great measure by the very written documents of the 31 Petitioners themselves, can, instead of being signed by merely 31 persons, possessed of not more than one thirty second part of the wealth and property of the Island, receive, if necessary, the signatures of 3,100 of the leading Inhabitants, many being British Merchants of Bombay. Our earnest and solemn wish is to uphold the independence and integrity of the Judges.

This is the PUBLIC OPINION;  
This is COMMON SENSE; AND  
This is the PLAIN TRUTH.

Bombay Nov. 24. 1841.

(1) The ignorance, the impudence and the insolence of the *Bombay Journals* are every week commented on by the *Calcutta Journals*, and especially by the *Friend of India* yet the *Bombay Courier* is now the mere echo of its bullying Brother.

(2) This *hale and corner* petition was got up in secret and notwithstanding all the efforts of the petty faction and its leaders has not been and will never be undersigned by the best informed, most experienced, and most respectable Europeans in Bombay, many of whom, on the other hand, declare that the Supreme Court even if wrong, (which it decidedly was not) ought to be supported. This shows true respect for the British Institutions.

(3) The *Bombay Times* in its arrogance is now engaged in reviling the Barristers of the Supreme Court, because they uphold the dignity of the Court. They from their studies and profession must be considered to understand the principles of the British Constitution, of which the Scotch Editor of the *Bombay Times* appears wholly ignorant.

(4) There is now exhibited by the *Bombay Times* a disposition to fawn on Lord ELLENBOROUGH the PRESIDENT of the BOARD of CONTROL, but when that Noble Lord, who has had no experience of the Government of India, since the principles of the liberty of the Press have been converted into instruments of calumniating and reviling the highest institutions of the state, shall have seen the workings of the evil, it is highly probable that some of the legal arrangements adopted in England to keep the Press in order, will be introduced into practice here and that the Supreme Court will not be left single handed to defend its dignity, against the most unworthy and most debasing of all assailants, the low interested Speculators on the properties of the absent Widows & Orphans.

(5) The population of Bombay is estimated at about 310,000. The Petitioners could not obtain more than one person in ten thousand, and not even half of their own Club to sign their precious document!

Why does not the *Bombay Times* or the *Bombay Courier* with "the echoing horn" publish the names of the 31 Petitioners, for the edification of India? Because the best of them are ashamed of bad Company!!!

TO THE HONORABLE THE COMMONS OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED.

THE PETITION OF THE UNDERSIGNED BRITISH SUBJECTS RESIDENT IN BOMBAY.

HUMBLY SHEWETH.

That your Petitioners approach your honorable House with feelings of profoundest respect and of unbounded confidence in the wisdom and justice of your honorable House; yet your petitioners feel the deepest solicitude in so doing for the grievances which they would humbly submit to your honorable House, affect the dearest public rights of your petitioners; the impartial administration of justice in Her Majesty's Supreme Court of Judicature in Bombay; the protection of Commercial Credit from public aspersion by the Bench; the Freedom of the Press; and the Independence of the Bar.

That the honorable Sir Henry Roper, then Puisne Judge of Her Majesty's Supreme Court of Bombay, did on the 12th day of February last deliver a written Judgment in the matter of a Petition from Charles Forbes, a British Merchant resident in Bombay, wherein His Lordship avowed himself influenced by hostile personal feelings towards the said Petitioner, arising from circumstances; which had occurred elsewhere; and declared that an impartial Judgment could hardly be expected from him; That His Lordship proceeded in strong terms to charge the said Petitioner with having not proper sense of the obligation of an oath; and with having sworn roundly to facts not within his knowledge, further accused the Firm of which the said Petitioner was a Member as guilty of a systematic infraction and defiance of law and right in concealing property belonging to the Estate of parties deceased; and that His Lordship did further allege at least three times in his said Judgment that the said guilty course was also regularly pursued by several other Merchants of Bombay, whom His Lordship did not name—this fraudulent and illegal system being implicitly upheld by some thing little short of downright perjury.

That although these measure and accusations, against both the moral character and conduct of the parties named by His Lordship defeated their direct injurious tendency by their own palpable injustice; and although the irreproachable reputation of the said parties, rose far above them; your Petitioners could not but regard such licence of speech by the Bench as a most deplorable abuse of the sacred Judicial Function.

That the Honourable Sir John Awdry, then Chief Justice of this Honorable Court notwithstanding the charges of the Hon'ble Sir Henry Roper against the said Petitioner and his Firm, stated his belief that the Petitioner and his Firm, were

"persons of known respectability;" and did otherwise express his entire acquittal of them from any imputation of misconduct; and that the Honorable Sir Henry Roper himself did subsequently in open Court on the 18th day of March last, virtually retract all the gross terms which went to destroy for ever the moral reputation of his said Petitioner beyond having made an affidavit in an apparently careless manner. That altogether irrespective, however, of the justice or the injustice of the Honorable Judge's remarks regarding Mr. Forbes and his Firm, your Petitioners felt most deeply injured and aggrieved by His Lordship's application of these severe censures to "several other" parties, not named by him and not before him judicially. Your humble Petitioners doubted the right of the Bench to comment at all on the conduct or character of parties not before it; they doubted still more the right of the Bench to asperse the reputation of parties who were not present to vindicate themselves; and the manner of the aspersion which left it quite uncertain who might be the parties intended by the Bench and was particularly alarming. But your Petitioners felt the deepest cause of their alarm as freeborn British subjects in the bare assertion, and exercise, of the right of such extra judicial Censorship. They believe it to be not only, in principle, repugnant to the British Law and Constitution; but that, in practice, it would prove the most intolerable of despotisms. That the precedent being once established, the exercise of this tremendous right of censure would lie only in the discretion of the Magistrate using it; That its application in one instance would justify it in any other; and, that no commercial credit, no private reputation, would be any longer safe from the most tyrannous, irresponsible, and uncontrollable of Censorships.

That these alarms were aggravated to the utmost by the fact that this encroachment on the most sacred rights of your Petitioners was not the act of an Executive Government, but of that very Power to which British subjects ever look up with the deepest reverence and confidence for the protection of their lives, liberties, and reputation.

That the Press of Bombay immediately expressed the strong indignation of the public mind, at the assumption of this alarming right of Censorship by the Bench and that the Honorable Sir Henry Roper (being then advanced, on the retirement of the Honorable Chief Justice Awdry, to the Chief Justiceship of this Honorable Court, and being the sole Judge left on the Bench) did, on the 18th day of March last, himself move the Court to a prosecution of two leading journals of this Presidency, for Contempt of Court; and ordered the Ecclesiastical register of the Honorable Court accordingly to cite before his Lordship, not the Printers of those Journals (who were legally responsible) nor the well known, Editors (who were alone morally responsible)—but the Proprietors:—a body of men of various professions in life, parties whose names not being required by law to be register means.

That this proceeding appeared to your Petitioners most harsh, cruel and unjust. That every one of these cited individuals disclaimed in Open Court, the slightest participation in the Newspaper paragraphs condemned as contempt of Court; and that the great majority of them accompanied this declaration with a most respectful protest against the Jurisdiction of the Court and a humble prayer to be heard by Counsel.

That this prosecution of the Press by Her Majesty's Court by sitting the Journal and unavoidably deprived your Petitioners and the Public, of that fair and constitutional mode of expressing public grievances. That it was a still further aggravation of the case, to find that the Prosecution was conducted in a manner which also deprived the accused of the invaluable privilege of being tried by a Jury of their countrymen: and that it filled your Petitioners with a sense of the deepest astonishment, may a feeling of humiliation, when they beheld the sole Judge of this Honorable Court proceed himself without any delay, to try and judge a cause wherein he was the Prosecutor—a cause immediately connected with that very case in which he had already frankly avowed the bias of strong personal feeling, and that an impartial judgment could hardly be expected from him.

That the Honorable Mr. Chief Justice Roper give as his reason for depriving the cited individuals of the benefit of a trial by a Jury, that their wealth and influence rendered it doubtful whether an impartial Jury could be found in Bombay. That your Petitioners and the public, are aware that the extensive Grand and Petty Jury Lists of Bombay comprise the very intelligence and respectability of every rank and station both European and Native, in the Presidency, and that their integrity has over and over again been honored with especial encomium from the Bench:—this observation of the Honorable the Chief Justice, appeared a most unjust aspersion of the whole community.

That your Petitioners feel it unnecessary to lengthen out this narrative by details of the Proceedings which ensued. Suffice it to say that the cited parties who were heard by Counsel were first adjudged to reappear before the Honorable Court on a subsequent day; but that the Honorable the Chief Justice, on a mature deliberation, ordered the Rule to be discharged. That two days afterwards, however, in consequence of an expression used by the learned Counsel for the cited Proprietors, which expression had escaped His Lordship's ears at the trial, and only came to his knowledge afterwards, His Lordship informed the learned Counsel in open Court that if he did not avow the indiscretion of that body—he would again cite his Clients before him on the original charge of Contempt.

That your Petitioners felt that the Independence of the Bar was most grossly violated by this proceeding, which was tantamount to holding out the favour of the Court as a bonus to a Counsellor, either to confess himself guilty of an offence with which he felt he was not justly chargeable, or to give up his Clients to punishment for another offence of which they had already proved their innocence.

That the learned Counsel declining to avow any indiscretion—his Clients were actually again cited, and appeared before the Court; when Counsel proved, on the voluntary affidavits of many individuals of highest respectability, that his alleged indiscreet expression had been directly called for by the Court itself, and was not only discreet but necessary.

That the Rule for Contempt was ultimately ordered to be discharged.

That your Petitioners leave these truly deplorable proceedings to speak for themselves; and would merely supplicate with great earnestness, the attention of the Honorable House to the fact, that although the right of Censorship over parties not before it, claimed by the Bench, may for the present be checked in its exercise by the force of Public Opinion, which has been raised against it, and which when the local Press was silenced, found its utterance through an Independent Bar—the Honorable the Chief Justice Roper has not yet uttered one word to allay the fears of your Petitioners, or the Public, for the future; nor tending in the slightest degree to assure them that that right is not yet asserted by His Lordship in all its extent, and may not ere long be again enforced, with the most ruinous consequences to your Petitioners, and the Community at large.

That your Petitioners solemnly declare that their confidence in the impartial administration of British Justice in Her Majesty's Supreme Court of Bombay has been undermined by these proceedings; and do most respectfully but earnestly implore your Honorable House to take these premises into immediate consideration, and to apply such remedy for redress of the grievances humbly set forth as to the wisdom of your Honorable House may seem best.

And your Petitioners will ever pray, &c.

Bombay, 26th April 1841.



# Commissariat Advertisement.

حکم شکارچی و منی کشتی باری

درخواست نوشتن اوراق گورنری از ابتدای سال ۱۳۰۰ تا آخر سال ۱۳۰۱  
در کسب منظور است لذا شماره داده شود که هر کس شکارچی بخواهد در این منظور  
ارسله در مساجد کند از ابتدای سال ۱۳۰۰ تا آخر سال ۱۳۰۱  
وقت نوشتن اوراق گورنری و سایر اوراق در این منظور در هر ماه  
خواهد شد شرایط نامی اسکا اول آنکه مراتب صورت از حد خواسته شود  
بر آن خرج بیک آن خواهد بود و بجز این مورد در هر صورت  
خواهد شد و هر کس خواهد بود که در این منظور در هر ماه  
از یک چهارم تا یک نهم خواهد بود و در هر صورت  
آن مورد که خواهد بود در صورت نقصان از حد  
بسیار خواهد بود و هر کس خواهد بود که در این منظور  
محمود و هر کس خواهد بود که در این منظور  
بسیار خواهد بود و هر کس خواهد بود که در این منظور  
خواهد کرد و یا از فرزند بزرگسال بزرگسال  
از این بزرگسال و از این بزرگسال بزرگسال  
بسیار خواهد بود و هر کس خواهد بود که در این منظور  
بسیار خواهد بود و هر کس خواهد بود که در این منظور  
بسیار خواهد بود و هر کس خواهد بود که در این منظور



