



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

BOMBAY CASTLE, 21st SEPTEMBER, 1792.

JOHN MORRIS, SECRETARY.

## Proclamation.

**B**ombay BY Virtue of a Precept to me to wit. I hereby Proclaim and give Notice, that a Session of Oyer and terminer, and General Goal Delivery, will be holden before SIR ALEXANDER ANSTRUTHER, KNIGHT, Recorder and his Associates, Judges of the High Court of the Recorder of the Court House in Bombay, on the Thirteenth day of July at eleven o'clock, in the forenoon, the Trial of all Treasons, Murders, and other Crimes and Offences, had, done, or committed in this Town and Island of Bombay, and thereof, and the Places and Jurisdiction thereto, and dependent thereon, and also to enquire, hear, and determine, in like manner, all Treasons, Felonies, Forgeries, Perjuries, Extortions, Misdemeanours, Wrongs, and Oppressions, and committed, by any Person or Persons, in any Part of the Territories which now are subject to the Government of the said Government, or within any of the Territories of the Native Princes of India, and at the same time and place, to holden, a Session of Admiralty, for the Trial of all Treasons, Murders, Robberies, Trespases, and other crimes and Offences, done, perpetrated or committed on the High-Seas.

And, I hereby require and enjoin all persons bound to prosecute and give evidence at the above Sessions, or in any way concerned therein, to attend at the time, and place above mentioned, and not to depart without leave of the Court, — Dated this 29th day of June, 1816.

GEO. WM. MIGNAN,  
SHERIFF.

## Government Advertisement.

NOTICE IS HEREBY GIVEN, THAT, the General Quarterly Sale of WOOLLENS and METALS & other STORES as hereafter enumerated, will take place on the 15th of July at the Import Office; and the Sale, each day, will commence at noon.

### WOOLLENS, COURSE,

Blue Striped,  
Blue White,  
Pompadour,  
Aurora White,  
Aurora Striped,  
Orange,  
Scarlet,  
Common Yellow White,  
Pale Yellow,  
Buff,  
Sky Blue,  
French Green,  
Emerald Green,  
Ditto Striped,  
Pea Green White,  
Grass Green Striped,

### FINE,

Pompadour Scarlet,  
Emerald Green,

### SUPERFINE,

French Grey,  
Mazarine Blue,  
Pompadour,  
Orange,  
Emerald Green,  
Popinjay,  
Sky Blue,  
Violet Purple,  
Scarlet,  
Pea Green,  
Common Yellow,  
Black,

### DOUBLE COLOURED, METALS, IRON SWEDISH,

Flat,  
Square,  
Very Broad Flat,  
Square Large,  
½ Inch Square,

### IRON ENGLISH,

Very Broad Flat,  
Square Bars in Bundles,  
Bolts in Bundles,

Plates,  
Hoops in Bundles,

### LEAD,

Pig Ditto,  
Shot Ditto,

### STEEL,

Swedish in Kegs,  
Ditto, in Faggots,

### COPPER,

Sheathing Sheets of Different Kinds,  
Raised Bottoms,  
Flat Bottoms or Round Sheet,  
Square Sheet,  
Bolts,  
Sheathing Nails,  
Shot Copper in Casks,

### WINDOW GLASS,

14 By 10 Inch Square,

The undermentioned Articles will be put up in small lots; the Woollens in ten yards; of the other descriptions, single Pieces, Pairs or Dozens, on the days specified, for the convenience of Individuals: but this concession is not to interfere with the Standard Sales as prescribed in respect to General Purchasers.

22d JULY.

### MEDLEYS,

Blue,  
Yellow,  
Mixture,  
Buff,  
Sky Blue,  
Pepper and Salt,  
French Grey,  
Bottle Green,  
Stone,

### FELT,

Scarlet,  
Black,

### VELVETS,

Blue,  
Scarlet,  
White Cotton,  
Brown,  
Crimson,  
Black Figured,  
Green,  
Yellow,

23d July,

### THICKSETS,

White,

Yellow,  
Black,  
Brown,

### LADY'S CLOTH,

Scarlet,  
Green,  
Corbeau,  
Pompadour,  
Black,  
Brown,

### PELISSE CLOTHS,

Brown,  
French Grey,  
Dark Brown,  
Bottle Green,

### BAIZE,

Green,  
Blue,  
Red

### 24th, KERSEYMERE,

Black,  
Pompadour,  
Green,  
Blue,  
Scarlet,

Spanish Brown,  
Pepper and Salt,  
Buff,

Pea Green,  
Mens Cotton Stockings,  
British Muslins Coloured,

Wilton Carpeting,  
Camblets of different Colours,  
IRISH LINEN,  
Knitting for Breeches or Pantaloons,

— Silk,  
— Cotton,  
— Worsted,  
Bed Tickings,  
Welch Flannel,  
— White,  
— Blue,  
— Green,

26th,

Blankets White large,  
Russia Duck,  
Marine Cloth of different Colours,  
French Cambric,  
Fleecy Hosiery,  
Plush,  
Shawls,  
Square and } of different Colours,  
Long,

27th,

### MADEIRA,

London Particular,  
Market,

To be disposed of per single Pipe.  
The Gentlemen of His Majesty's & the Honorable Company's Military and Marine Services, are permitted to pay as at present, by six Monthly instalments.

### 29th, CUTLERY.

Knives of different Sorts,  
Knives & Forks of different sorts, Handles,  
Ivory, Green, fluted, &c. &c.  
Best Scissars of Sorts,  
Razors of Sorts,

30th,

### GENERAL STORES.

Adzes, }  
Augers, }  
Axes, }  
Broad,  
Carpenters,  
Felling,  
Coopers,  
Pole,

Axletres and Handles for Grinding Stone,  
Bolts, }  
Bick Iron, }  
Bung Borers, }  
Bill Hooks, }  
Blocks, }  
Brass for Chest,  
— Writing Escutoires,  
Compasses, }  
Boat Chains, }  
Chissels, }  
Clamps, }  
Brass Castors,  
Brass for Chest,  
Chalk " " Writing Escutoire,

Brass Springs,  
Iron Balcony,  
Smiths and  
Coopers,  
Brass Cocked Double,  
Ditto Single,  
L. V. Single,  
L. V. Double,

Caulkers,  
Carpenters,  
Cold,  
Turner's,  
Turning Screw,  
Brass for Chest,  
— Writing Escutoires,

Coopers Dri- }  
vers, }  
Glue,  
Grid Iron fluted,

Iron side,  
Garnet,  
Hook,  
Chest,  
Brass Balcony,  
Writing Escutoire,  
Side,  
Chest,

Hinges, }  
Handles Iron Saw,  
Hasp with }  
Staple }  
Small Coopering,  
Claw,  
Clinch,  
Rivetting,

Hand Hatchets, }  
31st.  
Jack Plane }  
Moulding Plane of Sorts,  
Knives }  
Locks }  
Lanterns }  
Mauls }  
Mallet }  
Wooden }  
Pepper Mills,

Single,  
Double,  
Cooper Drawing,  
Hallowing,  
Iron Pad Single,  
Brass Bramah Door,  
Door of Sorts,  
Writing Escutoire,  
Tin Punched,  
Muscovy Light,  
Pin,  
Double Headed,  
Top,  
Carpenters,  
Joiners,

Brass Burnished,  
" Wire,  
6 Penny,  
8 Do.  
10 Do.  
30 Do.  
40 Do.  
Spike,  
Scupper,  
Deck,  
Boat,

Oil Leather Preservative,  
Oil Stone in Case,  
Pestle and Mortars Brass,  
Steel Punch,  
Plane Iron,  
Plyers,



Rings { Brass for Picture,  
" Curtain,  
Iron Screw,  
Rivets,  
Sawsets,  
Screws { Brass,  
Cotton,  
Hand Saw large,  
Ditto Saw small,  
Vices { Bench,  
Standing,  
Smiths Shears,  
Brass Wire,  
Turning Nobs,  
Web to cut Brass,  
Wire Cards, for cleaning of Cloth,

The value of the Lots of Goods to be sold, will be fixed, for the convenience of the Purchasers at a Standard of from one thousand to ten thousand Rupees; the latter amount, will not be exceeded on any account, unless it should be for an Article not capable of being divided.

The Goods will be sold to the highest bidder, and ten per cent must be paid down by the purchaser, as a security for the clearance of the goods purchased.

The Goods to be paid for as cleared, and no discount will be admitted on prompt payment.

The English hundred weight to be received for three Surat Maunds.

The public are hereby assured, that no private or intermediate sale of the Company's Europe Imports will be made, on any consideration whatever, until the next Quarterly General Sales, except of damaged goods.

The Goods purchased at one sale, to be paid for before the period fixed for the ensuing one, on failure of which the ten per cent deposit will be forfeited to, and the unpaid for goods resold, on account of the Company, at each ensuing sale.

Great inconvenience having been experienced in the Warehouse Department by the loss of issue Notes and by their having in some cases been kept upwards of a twelve month after delivery to the Purchasers, no Treasury Note is to be kept without being presented, for an issue Note, longer than six Months from the first day of the Sale at which the Goods were purchased; and no Note is to be withheld by any one longer than one week from its date, under a penalty on the infraction of it, of 5 per Cent: on the amount thereof.

No Woollens or Metals are allowed to be exported from the Presidency to China.

These conditions will be strictly adhered to, or timely notice given of any alteration to which they may become liable, nor will any indulgence of an extension of the limited period for the clearance of the goods be conceded.

Published by Order of the Right Hon'ble the Governor in Council,  
R. TORIN,  
T. FLOWER,  
Committee of General Sales.

BOMBAY,  
29th June 1816.

**Government Advertisement.**

Notice is Hereby Given,

THAT Sealed Tenders will be received at the Office of the Chief Secretary to Government on the 10th of next month, at noon, from any person or persons; willing to contract for the supply of such manufactured Copper and Brass Work, as may be required by the Commissary General, for the use of the public service in the Military Department.

The Tenders to be accompanied by detailed statements, shewing the price at which the different descriptions of Brass and Copper work, will be supplied. Lists of which may be seen on application at the Office of the Commissary General.

The Contract to be in force for a period of six months certain, to have effect from the 1st of August, the various articles when ready for delivery, must be submitted to the inspection of the Commissary General or to a Committee appointed for that purpose, before they be received into Stores.

The Tenders to specify the amount per Bombay Maund, for which the different articles will be manufactured, from Copper supplied from the Hon'ble

Company's Stores, the proportion of the Copper required to compose the Brass, to be likewise mentioned.

Two good and substantial Securities must be produced, for the due fulfilment of the engagement, which may be entered into by the Contractor for the supplies notified in this Advertisement.

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

BOMBAY CASTLE,  
27th JUNE 1816.

शरकारी. मदीर. मजरा. या मे

मेवी. मी. ली. डरी. कार. भा. ना. भा. शर. कार. ना. भा. म. शा. ३. न. रं. भा. नु. त. थ. पी. त. ल. नु. भा. म. थ. रे. लु. म. मी. शरी. न. न. रा. ल. मे. कु. ए. मे. ला. ग. शी. ते. या. प. वा. १. ३. ३. मे. को. र. अ. थ. ध. ने. अ. द. श्री. ध. ला. प. र. पो. ल. या. प. शी. ते. या. व. ता. म. डी. ना. नी. १०. मी. तारी. मे. म. पी. र. ना. शर. कार. ना. २. ४. २. न. र. अ. र. अ. मे. न. रं. ३. ४. १. श. भा. मे. लेशी \*

पर. पो. ल. या. प. शी. ते. म. धे. श्री. या. श्री. म. त. थ. २. र. मे. क. न. रे. नो. पी. त. ल. नु. त. थ. न. रं. भा. नु. भा. म. या. प. शी. ते. श्री. म. त. नो. व. ग. त. व. र. या. कार. नी. ल. मी. या. प. वी. ने. ते. अ. न. शी. नी. वी. ग. त. म. मी. शरी. न. न. रा. ल. मे. कु. ए. मे. ला. ग. शी. भा. म. ध. ने. मे. मे. \*

म. मी. शरी. ६. थु. वी. या. लु. रे. लेशी. म. म. ती. तारी. म. ९. या. ग. श. थ. या. लु. रे. लेशी. न. त. न. त. ना. मे. अ. न. शी. या. प. वा. ने. त. थ. या. र. या. शी. ते. म. मी. शरी. न. न. रा. ल. मे. कु. ए. म. थ. व. ते. अ. न. शी. त. पा. शी. ने. ल. व. १. ३. ३. कां. मी. टी. ने. म. शी. ते. कां. मी. टी. शर. कार. भा. ना. भा. ली. ध. ना. या. ग. लु. दे. म. रा. व. ने. ले. ध. न. या. मे. \*

ते. तरां. भा. नी. अ. न. शी. अ. न. शी. नी. थ. र. क. र. वी. ने. नो. ला. व. मु. ल. ध. ना. म. ल. नी. श्री. म. त. थु. ते. पर. पो. ल. या. म. ल. म. वी. व. पी. त. ल. म. त. रं. लु. फे. लु. ले. ल. व. ने. मे. ध. शी. ते. प. ए. प. र. पो. ल. या. म. ल. म. व. थु. \*

मे. म. मी. शरी. म. म. म. र. या. पी. ली. डी. ते. पर. म. भा. ए. म. म. ते. ध. र. म. म. ती. क. री. ने. ले. शी. ते. पु. रो. क. री. ले. व. १. ३. ३. भा. श. र. म. भा. ते. ध. र. म. म. ती. मी. न. या. प. वा. त. १. २७. मी. म. धि. अ. न. शी. ते. १. २. ९. ६. अं. ग. रे. अ. \*

Notice is Hereby Given, THAT, the prices estimated by Government for the Sale of the Honorable Company's Madeira Wine for the ensuing month are as follows:

IMPORTATION OF 1814.  
London Particular,.....Rs. 728 .. 37 per Pipe.  
Ditto Market,..... 680 3 85

IMPORTATION OF 1815.  
London Particular,..... 654 2 54  
Ditto Market,..... 614 3 12

By Order of the Right Hon'ble the Governor, in Council,  
R. TORIN,  
Warehouse Keeper, and Commercial Accountant.

BOMBAY,  
Warehouse Keeper, and Commercial Accountant's Office, 28th June 1816.

**ADVERTISEMENT.**

NOTICE IS HEREBY GIVEN, THAT, Friday next the 5th Proximo, being a Hindoo Holy day ( Alsady Ekadushy food ) no business will be transacted at the General Treasury on that day.

J. WEDDERBURN,  
Sub Treasurer.  
GENERAL TREASURY,  
29th June 1816.

**ADVERTISEMENT.**

NOTICE IS HEREBY GIVEN. THAT ANUNTAJEE RAGOWJEE, having Bargained with KAZEE GOOLAM HOOSINE MAHRY, to sell his Sweet Batty Ground, being 11 sticks in breadth and 35 sticks in length, or thereabouts Situated at Bhulesier adjoining to the South side of CAWASJEE PATELL'S Stable, any Person or Persons having any Claim or Demand on the said Ground, are hereby required to notify the same to the said KAZEE GOOLAM HOOSINE MAHRY, within 14 days, or else they will be precluded.

Bombay, 29th June 1816.

**Waterloo Subscription.**

THE Committee for managing the Subscriptions to be appropriated for the Relief of the Sufferers at the Battle of Waterloo, wishing to remit the amount to England by the earliest opportunity; it is particularly requested that the undischarged Sums may be paid to Messrs. FORBES & CO. with as little delay as possible.

S. HALLIFAX,  
Secretary.

BOMBAY,  
24th June 1816.

**ADVERTISEMENT.**



THE Ship PERSEVERANCE for Calcutta, has good Accommodation for Passengers: will sail about the 9th July next. Apply at the

Courier Office.  
Bombay, 29th June 1816.

**ADVERTISEMENT.**

Kaira, 19th June 1816

**CAUTION.**

WHEREAS Mrs. PATCH Wife of Cornet PATCH H. M. 17th Dragoons absconded from me on the morning of the 17th June 1816 this is to warn all Merchants, Tradesmen &c. &c. from crediting Mrs. PATCH on my account from the 17th Instant as I will not be answerable for any debts, contracted by her, from that date.

JAS. PATCH,  
Cor net of the 17th Light Dragoon

**FOR SALE.**

AT Mr. JACOB EYSOOB'S, Godown in Nerbitt Lane, a small Quantity of Sheraze Wine, and Rose Water lately Imported from the Persian Gulf per Ship Fazel Kareem.

Bombay, 29th June 1816

EDULJEE CURSETJEE, will Sell on Monday, the 1st July next, by Public Auction, Sundry Household Furniture, Glass, China & Queens ware & a few Dozen of old London Particular Madeira Wine, some Law Books and the remaining Articles; Tents &c: belonging to the Goa Residency: also will be put up several Saddle Horses &c. &c. at 12 o'Clock Precisely.

Bombay, 28th June 1816.

**RECORDER'S COURT.**

Thursday, the 20th of June, being the first day of Term, the Court was occupied in the trial of an information, filed by the Advocate General against Messrs Forbes and Co. for having imported into Bombay, twenty Chests of Turkey Opium, contrary to a Regulation passed in the year 1805, by the Governor in Council; whereby, the importation of any kind of Opium, not the produce of Bengal, was prohibited under the penalty of forfeiture of the Opium, and a sum of money equal to three times the value of the same.

The Advocate General, opened the case by stating, that he had thought it his duty to advise the Custom Master to seize the Opium in question; it having been landed by Messrs. Forbes and Co. at the Custom House, and specifically included in their Manifest of Goods imported by their Ship the Charlotte, as Turkey Opium imported into Bombay. He thought it also due to the defendants to state, in limine, that there appeared nothing on the face of the transaction that could be called clandestine. That it was an open and a bold attempt to destroy the monopoly of Opium which was hitherto considered the undoubted right of the Company; and for the protection of which the regulation on which he grounded the present case was passed by the Governor in Council.—That, the Regulation was passed at a time when no person doubted the authority of Government to make



such a regulation, and that any doubts respecting that authority which may have since arisen, were expressly removed by the 54th of the King.

The 53d of the King, cast upon the Advocate General, the duty of filing informations in court for all breaches of the Revenue laws and regulations, and for the recovery of all forfeitures and penalties incurred by the same. The facts of the case were beyond the possibility of Answer. And, the only question to be determined was whether the regulation of 1805 had the force of law or not.

I am aware, said the Advocate General, that the defendants rely on the 53d of the King having thrown the trade of India generally open to all his Majesty's subjects, that the only reservation in that Act is the trade to China in general, and the trade in Tea in particular, which is still confined to the Company; and that as opium is not specially reserved by the statute, it is a legitimate article of trade to any of his Majesty's subjects. This construction of the statute would certainly virtually abrogate the penal regulation on which I sue. But I submit to the Court that there is another restraining word in the statute which necessarily must be considered as supporting the penal regulation.

The 53d G. III. C. 155, S. VI. contains the restriction to which I allude. His Majesty's subjects may, in common with the Company, export from England to India any goods wares and merchandise which can be legally exported. That is, which can be legally exported from England to India. Not absolutely saying all goods &c. which can be legally exported from England, but inferentially the enactment to such goods legally imported into India.

It is a legislative recognition of the law of India, as well as the trade is thrown open to it without restrictions; and of those restrictions.

The reference that will be resorted to, is the regulation in question is not a tax, nor is it either expressly or impliedly included in the 54th Geo. III.

To this I answer, that the 54th was passed as well to remove as to the meaning of the 93th of the 53d of the King C. 155 as to confirm all orders, regulations, duties, taxes, fines, penalties, and that is to say, in short, the whole revenue laws theretofore imposed by several governments; and that the same must be taken together and as part of the same law. I add the words duties and taxes alone in the title and preamble of the statute; and that all the subjects are carefully tied and connected by duties and taxes—but the whole of the statute is to confirm the revenue code as it then stood; and to put it on the same footing as if it had been passed in pursuance of the 53d of the King.

The popular meaning of the word, tax, I admit has long been confined to a tribute or imposition paid by the people, but when you trace it to its original source it means an ordinance or regulation, and the clause of the regulation now before the court ought not to be placed in an insulated manner, and construed merely as a prohibition, and therefore, not within the meaning of the statute. It forms a part of a Revenue law, which law, has undoubtedly been confirmed, and the prohibitory clause may fairly be considered, if not as a revenue regulation, at least as a part of a revenue regulation imposing duties and taxes by the authority of Government, and therefore the prohibitory clause is confirmed as a part of the whole.

I do not mean to dwell on the very probable abuse that will be made of this importation, if the Court should think itself bound to dismiss this information. Such consequential reasoning cannot technically be brought before the Court on the present occasion, and I know my learned friends will be eloquent in appealing to your rigid construction of a penal statute. They will not, however, venture to contend that it is not a part of the law of England, and therefore of the law of this Court, to construe all Revenue Acts favourably for the Revenue, and what-

ever force, the Regulation of 1805, might, or might not have had, before the 54th of the King, it is now distinctly placed by that Act of Parliament on the same footing as any other Revenue Act of Parliament, and is actually incorporated with the 53d and 54th of the King as completely as if it had passed under their special authority.

It should, therefore, be construed as any other act of Parliament respecting the revenue; and unless it be contended by my learned friends, that the legislature had in view, the very regulation on which I now come into Court, and meant to repeal the particular clause of it, that restrains the importation of any opium but the produce of Bengal, by the general enacting words of the 54th of the King, I submit to your Lordships that that clause is virtually and actually confirmed, and made law as a part of the said Regulation.

#### PROOFS FOR PLAINTIFF.

Henry Shank Esquire Sworn for Plaintiff.  
Mr. Woodhouse objects to Mr. Shank's Evidence on the part of the Defendants, because an action of Trover is pending against Mr. Shank for the Opium the subject of this Information, which was commenced before the present Information was filed; and a Verdict in this Information obtained on Mr. Shank's Evidence would be a bar to that action, or a ground on which the Court would enjoin the Plaintiff's therein.

The Advocate General said he would not press the examination of Mr. Shank. His only object in calling him was to put in, on the evidence of the Custom Master, the facts of the seizure, which the documents necessary to support the objection of his learned friend would of themselves sufficiently establish. He called upon Mr. Woodhouse therefore to put in those documents, and he would proceed to the examination of another witness.

The following Documents read in support of objection.  
Plaint in an action wherein Messrs. Forbes & Co. are Plaintiffs and Henry Shank Esq. Defendant read. Summons and Sheriff's return thereon read. Appearance by Mr. Hangerford for Mr. Shank read. Affidavit by Henry Shank Esq. Sworn 13th June instant with Exhibits annexed read.  
Notice of a motion and affidavit of the service thereof read.

Order nisi; made in the last cause the 14th day of June in last read.  
Court allow objection, and Mr. Shank's Evidence rejected.

#### PROOFS FOR PLAINTIFF.

Manifest of Opium in question Signed Forbes & Co. Dated the 15th day of May 1815. Admitted and read for Plaintiff.

Francis Warden Esq. Sworn and Examined by Mr. Advocate General.  
Question. Are you Chief Secretary to Government.

A. I am.  
Q. Are you well acquainted with the Regulations that have been passed by the Governor in Council of Bombay at various times.

A. I am.  
Q. Are not those Regulations regularly printed and published after they have been passed by Government.

A. They are printed immediately after being passed in Council.  
Q. Can you produce any Regulation made and passed by the Governor in Council of Bombay for the Collection of the Bombay Customs in the year 1805.

A. I can; the Printed Copy now produced is the one to which I allude.  
Q. Is there any clause in that Regulation imposing any Penalty forfeiture or fine on the Importation of Turkey Opium.

A. All Opium except the produce of Bengal is forfeitable by the 2d clause of the 9th Section of Regulation 1 of 1805, which is in the words following to wit "IX. First; Opium not permitted to be exported to China. 2d; None but Bengal Opium permitted to be imported or exported, on pain of forfeiture of the Opium and a fine of treble its value."

Q. As Chief Secretary to Government do you not know that the regulation alluded to has been repeatedly acted upon.

A. I know that it has been repeatedly acted upon since it was passed.

#### Cross Examined by Mr. Woodhouse.

Q. Can you state the authority under which the Governor in Council passed the regulation in question.

A. Under the Authority of the Legislature.  
Q. This is not what is usually called a rule, ordinance or regulation.

A. No it is not, the one is a Revenue regulation and the other a police Enactment.  
Q. Has this regulation been recorded in the Judicial Department.

A. It has.  
Q. Is it not essential for the validity of these regulations, that they should be sanctioned by the Court of Directors and Board of Control or of one or either of them.

A. Prior to the late act all Regulations were in force as soon as passed and promulgated; They were sent to the Court of Directors, by the first opportunity after their enactment, and if not disapproved, continued in force. No regulation imposing a new Tax, or duty, or a gentlemen the existing imports, can now be in force without the previous sanction of the authorities in England.

Q. Do you consider the Clause in the regulation produced, prohibiting the Importation of Opium to be a regulation respecting the imposition of a Tax or duty.

A. I do.  
Q. Is it not necessary to the validity of a regulation of this description that it should be promulgated in the native Languages.

A. No, not necessary.  
Q. Is there no previous regulation that requires such promulgation.

A. There is an article in the Regulations directing the Regulations to be translated into the Native Languages, but I do not consider it necessary to its validity; no more than the Translation of an Act of Parliament affecting the Natives.

Q. Was this Regulation, and the other Revenue Regulations, framed by Orders from the Supreme Government.

A. Such parts as relate to the prohibition of Opium except Bengal, being imported, and the Export of all description of Opium to China were framed by Orders from the Bengal Government; the other parts not.

Q. Under what head of account are the proceeds of the sale of the Company's Opium entered.

A. They were entered in the Revenue Department prior to the promulgation of the new charter. On issuing their orders on that occasion the Court directed the accounts to be rendered in the Commercial Department;

but I believe the Supreme Government has continued them in the Territory.

Q. Is the second Clause in the Regulation of 1799, and the 15th Clause in the same Regulation applicable to the Regulation in Question as to the mode of its being recorded and published.

A. Yes they are.  
Q. Have those Clauses been complied with respecting the Regulation in Question.

A. The second Clause has been complied with, but I cannot say from my own knowledge that the 15th has; but it is more than probable, that it has.

#### Re Examined by Mr. Advocate General.

Q. Was it not for the special purpose of protecting the monopoly of the Company in Opium that the Supreme Government directed the 2d Clause of the 9th Section of the 1st Regulation of 1805, to be framed and passed by the Bombay Government.

A. It was.  
Q. Venoos Sunkar Sany sworn for Plaintiff, and Examined by Mr. Advocate General.

Q. Are you a purvoo in the Custom House.

A. I do.  
Q. Do you know of any Turkey Opium having been seized, belonging to Messrs. Forbes and Co.

A. It was.  
Q. Did they offer to pay duty for it.

A. Yes they did.  
Q. What did they call it.

A. They called it Turkey Opium.  
Q. What did you say when they offered to pay the duty.

A. They presented the manifest and offered to pay the duty but Mr. Shank ordered me not to collect the duties upon it.

Q. Is the Manifest now produced the same that they brought to you.

A. It is.  
Q. Who seized the Opium.

A. Mr. Shank desired me to put it into the Company's Godowns.  
Q. Did the Quantity seized, correspond with the Manifest.

A. It did.  
Q. What persons belonging to Messrs. Forbes & Co. were with the Opium when you seized it.

A. Muncherjee Jagsejee, a Parsee belonging to Messrs. Forbes & Co. who manages all the Custom House business, was with the Opium at the time it was seized and said the Opium was landed from the Charlotte.

Q. When you stopped the Opium what did you do.

A. I put it into the Company's Godowns and immediately reported it to Mr. Shank that I had done so, Mr. Shank desired me to seize it.

Q. Was there any Application made to you afterwards to give up the Opium.

A. No.  
Cross Examined by Mr. Staveley.

Q. How long was it after the Manifest was shown to you that you took possession of the Opium on the Bunder head.

A. After some days.  
Q. A week or ten days perhaps.

A. Yes six seven or eight days.  
Q. You had orders from Mr. Shank to seize it some days before it came on Shore.

A. Yes I had.  
Q. I believe a manifest of a Ships Cargo contains all goods whether paying duty or not.

A. Yes it does.  
Q. Do you know whether in the Charlotte's manifest there were any goods that did not pay duty.

A. Yes; Cordage, Marine Stores, English Steel and other articles.  
Q. It does not follow from the manifest being produced to you that an offer was made to pay duties for all the articles therein contained.

A. The manifest was sent to Mr. Shank who returned it with the memorandum that appears endorsed on the back and an order not to enter the Opium in the Import Books.

The Advocate General here closed the case for the prosecution.

Mr. Woodhouse, on behalf of the defendants, submitted, that the regulation in question, if it ever had a legal existence, was no longer in force. He was not aware of any authority, derived from any charter or any statute, under which, it was competent for the Governor in Council to have enacted such a regulation as this, which not only prohibited the importation of the Opium, but prohibited it on pain of forfeiture and of payment of treble the value.

That such a restraint, unsanctioned by any legislative authority, was against the Laws and statutes of the realm, was unquestionable.

That the only principle, on which such a regulation could be legally made, was to be derived from the monopoly of the Trade then possessed by the Company, and even under that principle, it could be valid only to the extent, of restraining the importation and not as to the penalties imposed. The regulation therefore being a creature of the monopoly must of necessity fall with it; and that the 53d of the King must be considered as having virtually repealed it.

It had been ingeniously contended that the right of trading in all goods &c. which that statute had given to all His Majesty's Subjects in common with the United Company was modified by the words, "such as may be legally exported" which occur in the sixth clause. Mr. Woodhouse contended that those words only meant such as may be legally exported without violating any of the laws and statutes of Great Britain, without reference to any of the regulations imposed under the authority of the Governments in India, much less to any regulation so materially affecting the freedom of trade intended to be conferred by the statute of the 53d Geo. 3d. He then

referred to certain Rules and Regulations passed by the Court of Directors, respecting the private trade to be shipped on board their own ships, as a satisfactory comment, by the Company themselves, on the spirit of this Act in favour of the construction contended for by the Defendants; for in those rules they first mention, generally, that all articles may be legally exported, except, amongst other things, Opium direct to China; and then state that that article may be shipped on board of Ships bound circuitously for China, provided it be landed in India.— It had been also contended by the Advocate General, that whatever might be the fate of this regulation under the 53d Geo. 3d taken by itself, yet as this regulation was made to protect the revenue arising from the Company's sales of Opium, it must be considered as a revenue regulation, and that as such it was kept in force by the conjoint operation of the 53d and the 54th of the King.— But the Court of Directors themselves have furnished an answer to this observation. For Mr. Warden has shown that they do not consider the profits arising from these sales as Revenue, properly speaking; for with the Act of 53d before them which directs the duties paid to them on goods &c. to be carried to the credit of the Territorial revenues, the Court, truly regarding these profits as commercial profits, have directed them to be carried to the accounts of the commercial branch. Mr. Woodhouse also submitted that the language of this last statute, was too express and definite to admit of the construction contended for. That the legislature had cautiously abstained from that act from the use of the words "restraint, or restriction" or of any general expression which could cover such a regulation; and had in the clearest manner, confined its protecting operation to regulations imposing Duties of customs and other taxes: If indeed the legislature had by the 53d of the King, empowered the Governments in India to impose, in future, restraint or prohibitions on articles of trade in the same way as it has empowered them to impose duties and taxes under the 98th clause, it might have been with some reason contended that the 54th of Geo. 3d Chap. 105, was intended to protect past prohibitory regulations also, though even in that case, it is more reasonable to suppose that such protection would have been given in express terms.—From the recital of the doubts mentioned in the 54th—it is however fair to contend that the legislature by the 54th, intended only to revive past regulations of the same kind as it had by the 53d empowered the Governments to pass in future. Unless therefore it could successfully be urged that a prohibition meant the imposition of a duty or a tax, or unless it could be supposed that the legislature intended to pass a gross delusion on the good people of England by covertly reviving regulations so contrary to the spirit of the new Charter, the present prohibitory clause cannot be said to be protected by the 54th of the King but must fall by the blow given to it by the 53d.

#### Evidence for the Defence.

Thomas Baker Esq. Sworn in behalf of the Defendants and Examined by Mr. Staveley.

Question. Are you acquainted with the hand writing of James Cobb, Chief Secretary to the East India Company.

A. I am.  
Q. Is it his Signature subscribed to the Letter, in the Book now shewn to you.

A. It is.  
Letter marked No. 1. read.  
Q. Are you Captain Patterson's Purser of the Ship Castle Huntley.

A. I am.  
Q. Did all the Captains in your Service receive a Book similar to the one now produced.

A. Yes they did this Season.  
Q. Captain Patterson has a Similar Book.

A. He has.  
Q. The letter produced is addressed to Captain Lochner of the Lady Melville.

A. It is.  
Q. Look at the Instructions now produced marked No. 2. and say what is the Certificate that is required by those Instructions.

A. The Certificate is required by Gear and Foster the Company's Shipping Agents previous to the Opium being allowed to be sent to the Ships. It is to the following effect. "I Captain Patterson, of the Castle Huntley, having shipped so many Chests of Opium specifying the number, engage to produce a certificate from the proper authority of its being landed at Bombay, or Penang; the Certificate to be produced on the Ships, return to England."

Q. By whom is that Certificate to be Signed.

A. By the proper authority, I should apply to the Collector of the Customs here, if the Opium was Landed here, for the certificate required.



Q. Is there any Bond given to the Company when that Declaration is made.

A. No, no Bond is given.

Q. Is there any Bond given to the Custom house in London.

A. There is.

Q. Upon the production of that certificate from the Collector of the Customs where the Opium is landed will that Bond be cancelled.

A. The Bond given is conditioned that it shall be landed agreeable to entry, I never knew an Instance of an application for the Certificate at the Custom house.

Q. Look at the paper now produced to you, marked No. 2 and say what it is.

A. It is a paper purporting to be the rules and regulations respecting private Trade, and I believe is given to all Officers of Ships.

Q. Look at the parchment now produced to you marked No. 3, and say what it purports to be.

A. It is a Cocket of Entry at the Custom house, Signed in the same way and in every respect similar to those I have got myself: I know the hand writing of Mr. J. Dodson who is the Chief Assistant for making the Entries outward whose name appears on the face of the Cocket.

Q. Do you see in it, any entry of Opium.

A. I do: and I also see on the back the Clearance of Opium.

Q. Is Mr. J. Dodson the same person who Signed your Cockets.

A. He is, the same person who signed my Cockets.

#### THE ADVOCATE GENERAL SAID.

He should not trouble the Court with any reply. The evidence adduced on the defence was by no means applicable to the case then before the Court; tho' he thought it might be available on the trial of the informations filed against the Company's Officers for similar importations. That however the Court of Directors might think proper to subdivide their own monopoly, and grant a portion of it to their own officers, that was entirely a matter of bounty in them, and could not give the private trader any right to claim the same advantages. That he felt himself called on to state as a principle on the present occasion, that the Court of Directors did not possess the power to abrogate the laws enacted by their different Governments. They had never once attempted to set up such a power; for they had only to send out orders to repeal any law, which they thought ought to be repealed; and the Government receiving the order for repeal, would not fail to obey it. That no such orders in the present instance had arrived; and he was bound to believe that the Court of Directors never entertained a doubt of the validity of the Regulation. As to the construction of the regulation itself, and the statutes into which he had contended it was incorporated, his learned friend and he were so completely at issue, that as there was nothing else in the case to be determined by the Court, he thought it best to leave the arguments as they stood.

#### THE RECORDER SAID,

On the subject of the instructions to the Officers of the Company's Ships by the Court of Directors, that he thought they were not applicable to the case of Forbes and Co. although they appeared to be conclusive as to all the other actions; that the Court of Directors certainly could release the rights of the Company, & if a part of their undoubted monopoly as in the case of Tea, were by the Court of Directors given over to the Officers of their Ships, the Advocate General suing for the Company was bound by that act.

That he had not considered the statute of 53 Geo. 3d, in so limited a sense as the Advocate General, had contended. That the words in which the Trade is thrown open, appear to be very broad and to extend to all Articles which may legally be exported from England without any restrictions, as to the previous legality of the importation of the same Articles into India, that he should not however rest upon that point, as the Counsel for the Defendant had not urged it, and there might possibly be subsequent clauses restrictive of the right, which had escaped his notice.

Mr. Woodhouse stated that the Counsel for the Defendant had intended to urge that point, if they had felt it to be necessary.

The Recorder said, that he considered the present information untenable, because

the words of the statute 54 Geo. 3d, do not expressly include such a case, and penal statutes must be construed strictly.

That the 53d of the King had used very broad terms in the description of offences for which the Advocate General might file informations & extended to all breaches of the Revenue laws, *eo nomine* and to all penalties and forfeitures incurred in respect of those revenue laws.

If the retrospective confirmation of preceding revenue laws, and the right of filing informations for breaches of them, given by the 54th of the King had been in the same general terms, there could be no doubt of such a proceeding as the present being competent, if the case were not protected by the statute. But the provisions of the 54th of the King apply only to existing duties and taxes and to confirm all previous regulations made in support of those duties and taxes, to enable the Advocate General to sue for breaches of them; omitting the broader and more general words used in the 53d of the King, which included all Revenue Laws. But there may be revenues which are neither duties nor taxes. The Original revenues of the Crown of England were what was rendered by the tenants of the Crown and there is still a revenue from the Crown Lands. These are not taxes nor necessarily duties. Almost the whole revenues of the East India Company are of this kind—being portions of the produce of the soil.

The monopoly of Opium may be, and appears to be, an important branch of the Bengal revenue; but it has not the shape of a tax or duty. If the Government had laid so high a duty upon Turkish Opium as in effect to amount to a prohibition, that would at least *prima facie* be within the provision of the 54th of the King, but they have not done so.

The statute of the 53d of the King has made it incumbent upon the East India Company to keep clear and distinct accounts of the different sources of their emoluments, not for their own convenience, but for the benefit of the public. The rights of the Company, in different parts of their income, being different. If the profits of the monopoly of Opium be a part of their land revenue, it must be kept distinct from the commercial profits, but in its present shape it appears merely as a commercial profit, and not a branch of their revenue. It may have been the intention of the Legislature that the previous revenue regulations of the India Government should be confirmed and enforced, only so far as regarded the heads of duties and taxes, being avowed branches of the revenue, and in which the public have any immediate and clear interest; and not to any thing which might be classed among the commercial profits of the Company. And the distinction between the first and the 2d Acts in the extent of the terms used, seemed to point out some such motive.

But whatever the intention of the Legislature might be, it is sufficient for the Court in construing a penal statute, that the Legislature had used expressions not sufficiently broad to include this case.

All antecedent regulations concerning Duties and Taxes are confirmed by the 54th of the King, and the Advocate General is enabled to file informations for breaches of them; but this is not a regulation for enforcing any duty or tax, although it may be connected with the revenue. There must be a verdict for the Defendants.

#### GENERAL ORDERS,

BOMBAY CASTLE, 21ST JUNE 1816.

By the Right Honorable the Governor in Council.

CAPTAIN A. CAMPBELL, of the Battalion of Artillery is allowed a furlough to England on his private concerns for a period of three years from the date of his embarkation.

Assistant Surgeon John Stephenson, is allowed a furlough to England on his private concerns for a period of twelve months from the date of his embarkation.

The Right Honorable the Governor in Council is pleased to make the following Staff Appointments with the Field Force, which is collecting at Baroda.

Colonel East, . . . Commanding the Field Force.

Capt. Stannus, . . . Deputy Adjutant General.

Capt. Dutton, . . . Deputy Quarter Master Gen.

Capt. W. H. Sealy, Deputy Commissary of Stores

Leut. Wilson, . . . Field Commissary.

Assistant Surgeon Copland, Medical Store-keeper.

Leut. Dunsterville, Field Pay-master.

Captain Srover, Deputy Commissary of Stores, is to be considered in charge of the Department of Commissary of Stores at the Presidency during the absence of Major Leighton.

The following Appointment is Ordered to take place.

COMMISSARY OF STORES DEPARTMENT; GUZERAT.]

Sub Conductor Pope, to be Conductor, to complete the establishment;—Date of appointment 7th June 1816.

The Right Honorable the Governor in Council is pleased to direct that a Medical Officer be in future attached to the establishment at Pombander and to appoint Assistant Surgeon William Atkin, to that situation.

Mr. Atkin, being now attached to a force is marched to the Northward, is not to proceed to his Station till Ordered so to do by His Excellency the Commander in Chief.

Assistant Surgeon Thomas Robeson, is appointed to succeed Assistant Surgeon Atkin, at Mooka.

Bombay Castle, 22d June 1816.

Major J. F. Dixon, of the 8th Regiment Native Infantry is allowed a furlough to England on sick certificate for a period of three years from the date of his embarkation.

Lieutenant A. W. Browne, of the 6th Regiment Native Infantry, attached to the Corps of Native Cavalry, is allowed a furlough to England on his private concerns, for a period of three years from the date of his embarkation.

Brevet Major and Captain G. B. Butler, of the 2d Regiment Native Infantry is admitted on the Invalid establishment from this date; and the following promotions are Ordered in consequence in that Corps.

2d Regiment Native Infantry.

Captain Lieutenant N. Beils, to be Captain of a Company, Lieutenant G. P. Seward, to be Captain Lieutenant, and Ensign J. Perin, to be Lieutenant in succession to Brevet Lieutenant, —Date of rank 23d June 1816.

Bombay Castle, 24th June 1816.

Lieutenant S. J. Wambey, of the 4th Regiment Native Infantry is allowed a furlough to England on sick certificate for a period of three years from the date of his embarkation.

By Order of the Right Hon'ble

the Governor in Council,

J. FARISH,

Secy to Govt.



BOMBAY.

SATURDAY, JUNE 29, 1816.

Since the arrival of the Marquis of Ely, which we notified to our Readers by the publication of our Extra of Wednesday last, we have been diligently employed in collecting such English papers of February as might afford additional articles of intelligence to those already known, and in endeavouring to procure any further news which the later departure of this Vessel from England, than that of the other Bombay and China Ships, might reasonably have induced us to expect, through the kindness of some of our friends we have succeeded in obtaining the loan of a series of English Heralds, extending to the 12th of February inclusive, and the perusal of a London Courier of the 20th and of a Morning Chronicle of the 24th of February: but as we have been completely disappointed in receiving any of our own papers, we have as yet been unsuccessful in our endeavours to obtain any other English papers than those abovementioned.

From a perusal of these papers which we obtained only a short time before we were compelled to send our paper to the Press, we

have collected the following heads of intelligence.

The Paris papers of the 19th of February speak of disturbances in Andalusia, Navarre, and Galicia and mention the intention of the Spanish Government of sending another armament to South America.

The measures of government, relative to the Income Tax, which it is proposed to perpetuate at five per Cent, appear to have been received by the whole of the United Kingdom with much dissatisfaction. Petitions have been presented to Parliament from all Classes and from all places, against the continuance of this productive Tax, during a period of Peace; and it seems to be one of the most unpopular (though perhaps necessary) measures which the present Ministers have ever attempted.

No impression seems to have been made upon Ministers by the general expression of discontent which the petitions shew relative to this Tax; for, on a report having been circulated of an intention to abandon it, the Chancellor of the Exchequer stated that such a report was totally void of foundation.

All the Napoleonists have been struck out from the list of Members of the Institute by order of Louis the XVIII, and other Members substituted, amongst whom are Lolly Tollen-dal, and the Duc de Richelieu: this unprecedented measure of the King's had been protested against by all the four Classes of the Institute.

It appears to be in contemplation to Crown the King of France as soon as possible.

At a meeting of the Court of Directors of the 23d of February, the Ship Alexander was taken up for Madena and Bombay:

Prince Leopold of Saxe Cobourg, who is a Cousin of the Princess Charlotte of Wales, had arrived in London, and it was expected that the Marriage of the Princess would take place, as soon as possible after it had been officially communicated to Parliament.—It appears that this Marriage has in some respects, arisen from a partiality on the part of the young Princess towards her Cousin.

The first interview took place in the Summer of 1814, when the Metropolis was filled with Royal and Noble visitors from the Continent; on that occasion, the Prince's pleasant manners produced an invitation from the Princess, with the most perfect approbation of the Ladies of her establishment, to repeat his visits as a tea table Companion, at Warwick House; As soon as the Prince thought he discovered that his company was agreeable to the Princess, he waited on the Prince Regent and in the most manly and candid manner stated the circumstances in which he was placed as delicately as he could. His highness added, that "proud as he would be of such an illustrious alliance," he came to take the commands of his Royal Highness to quit the Country instantly, if the prosecution of the affair did not meet with the entire and cordial approbation of his Royal Highness.—The answer was what might have been expected from the dictates of a generous and magnanimous breast. The Prince Regent gave his sanction to the continuance of an intercourse which was commenced and carried on upon such honourable principles.

Captain Harrower:—This Gentleman, handsomely dressed in mourning, appeared on the 22d of February at the Bar of the Old Bailey, to receive the Judgement of the Court—being asked if he had any thing to say, he stepped forward and said; "My Lord, I am not guilty of the offence with which I stand accused;" here he reflected on the Witnesses, and concluded by saying—"I have no fault to find with the learned Judge or Jury; no doubt, according to the Evidence before them, they discharged their respective duties conscientiously. Whatever punishment the Laws of my Country may doom me to, I shall submit to it with cheerfulness and resignation."

Mr. Recorder.—"The Judgement of the Court upon you, George Harrower, is that you be confined in his Majesty's Goal of Newgate for the period of six Calendar months."

The Captain bowed respectfully to the Court, and retired.

(Continued in the Supplement.)

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