

now which can induce us to regret it was made. It served, beyond question, not only as a most powerful diversion, whereby General Blücher was enabled to attack, and with success, the Duke of Tarentum, but it also totally deranged the intended operations of Buonaparte—and what he must consider worse than all, has had the effect of enabling his enemies to cage him, as it were, within the walls of Dresden. Had he succeeded in entering Bohemia, he might have drawn supplies from a country not yet exhausted by war—he would have been at large and, being unrestrained, at liberty to act. As it is we are at a loss to surmise in what direction his next efforts will be made. His remaining at Dresden long, we should consider as next to impossible; want alone must drive him thence; pressed however as we are for time we will defer any further observations for the present, contenting ourselves with merely requesting our readers to observe that General Blücher's head quarters were at Goerlitz—that the advanced part of the Bohemian army (the headquarters of which is Toplitz) were at Gishabel Altenberg, and Lavenstein; with regard to those of the Prince Royal we are at some loss. It is stated that his were at *Beltitz*, but having gained a victory at *Trebbin* we should hardly imagine he would have retreated; but perhaps he keeps the garrison of Magdeburg better in check by making the former place his head quarters.

The report of another glorious Victory in Spain we may now consider as confirmed, for to-day we are enabled to present our readers with an extract taken from a letter addressed by a gentleman of unquestionable veracity, to a very good friend of ours.

We also have it in our power, thro' another fruitful and most obliging source, to give the copy of an intercepted letter from the French General Catur, serving in Lusatia, and which possesses, as we think, very considerable interest.

Extract of a Letter from Persia, dated 28th October, 1813.

"I am happy to inform you that yesterday we received a few St. Petersburg Gazettes which give us most delightful news, Lord Wellington had been obliged to raise the siege of St. Sebastian, to attack Soult and after very severe fighting for five days, viz the 25th, 26th 27th, 28th and 29th of July, had completely defeated him with great loss. Lord Wellington speaks in the greatest admiration of the bravery of his troops: on the 2d of August, St. Sebastian was again besieged and Pampeluna blockaded by a Spanish force.

Nothing now remains between Lord W. and France, he has pushed on a light force and took possession of the passes in the mountains, he has likewise published a most animated and humane address to the troops upon their entering France to respect private property and the inhabitants; the Russian Gazettes do not state the number of killed and wounded.

The Russians, Prussians, Austrians, and Swedes, have made a very happy commencement; each have completely defeated a French force and driven Bonaparte to concentrate all his forces in Dresden and to fortify it for his safety; the last battle was fought under its walls—Macdonald's Army consisting of eighteen thousand, have surrendered to General Blücher—in fact Bonaparte has been defeated at every point—and his ruin now seems inevitable.

I am sorry to say that poor General Moréau, fell at the battle of Katsback, having had both his legs shot off—the French Officers and Soldiers are deserting to the allies in the greatest numbers.—Bernadotte has likewise defeated a French division, but as these Gazettes will be sent to Bombay, you will see the particulars in your paper."

Copy of an intercepted letter to His Excellency General Count Lauriston, Commanding the 5th Corps, or to His Excellency the Duke of Tarentum.

My Lord,
This morning at half past Eleven o'clock, I was in the act of dispatching a letter to your Excellency, when I received by an officer of the staff of my Lord Duke of Tarentum an order, in consequence of which I proceeded to the point where I now am.

In conformity to your orders I set off with my division from Steinberg at half past twelve only, after having recalled to me the Battalion stationed at Valsdorf and distributing the provisions which arrived at the moment from Goldberg.

I repaired to Schoenau by Neukirch, Schoenhausen and Falkenhayn in tremendous weather, the road being tolerable as far as Falkenhayn, but horrible to Schoenau, and having torrents to cross, up to the middle for the Infantry, and difficult for the artillery.

I arrived at 7 in the evening at Schoenau without being able to cross the Katzbach, which at the common fords had already risen to four feet. I took position at Upper-Schoenau on the left bank of the river; two Companies of Voltigeurs occupied the town. The weather continued equally bad during the whole of the night; a great part of my Division threw themselves into the Houses during the march, and in spite of my efforts and those of the Chiefs and Officers, we were unable to compel them to follow.

This morning, having still the same weather I marched with the 147th and 148th, (that is

to say the remainder) to repair on the road of Jauer, where I was to take position at Jagen-dorf in conformity to your Excellency's orders and there to receive others.

I had directed the 9th Foreign, and the 146th to Hirschberg and last night I sent two companies to Klepelsdorf near Laehn, to convey an order to the 134th to proceed also to Hirschberg, warning these three Corps forming my first Brigade under the orders of Colonel Salcm, that they were going to cooperate, in beating and driving the enemy from Hirschberg, to take possession of the Town in conjunction with the Division of General Ledru, under whose command they would remain until further orders.

This morning 27th, after taking the road leading to the position I was ordered to take on that of Jauer and passing the Katzbach at Upper-Schoenau, I found the enemy 2500 strong in Cavalry and some Infantry occupying a position in advance of the first Village I came to; I gave him a few Cannon shot, but seeing that he showed no inclination to withdraw and that he occupied the two roads of Jauer and Goldberg, I suspected that the success of yesterday's battle was doubtful. The 147th and 148th regiments having lost a great many men during the night and this morning's march, were so weak, the men were so fatigued and so very unwilling, their muskets not being in a state to go off, that I resolved on retreating the Katzbach at Upper-Schoenau, that I might not endanger the two Eagles of the regiments and my own honour.

At the moment I was taking up position, an Officer of His Excellency the Duke of Tarentum's Staff arrived and informed me of the result of yesterday's Battle, of the march of the army to-day, and that it was your Excellency's intention I should immediately retire upon Zobten and there take up a position on the field of Battle of the 19th; then that I might go back to that I had yesterday at Steinberg. It was entirely out of my power to go to Steinberg this morning, being no longer able to cross without Bridges the torrents which were from four to six feet deep, the board for the Infantry having been carried off and my artillery unable to pass any where.

Having but a very small force with me, and my 1st Brigade, as I thought with the Division Ledru, being at Hirschberg I determined on retiring to Hirschberg, to collect the troops remaining of my Division, and concert with General Ledru, with whom I wished to march to-morrow to Spiller and repair by my right to the position at Zobten, whilst that General repaired to that of Griffenberg. I accordingly proceeded to Hirschberg; I arrived at 6 o'clock in the evening, but what was my astonishment to find there, only the 134th and 146th regts. Gen. Ledru not having arrived and to complete my misfortune, my two regiments on the right bank of the Bobr, had not been able to cross the bridge the river having overflowed in consequence of the Torrents which fall into it to the height of six feet on each side of the Bridge.

It is therefore out of my power to retire as far as Spiller by the road of Griffenberg and go from thence to the position at Zobten.

I have determined on retreating by the road of Laehn and Zobten, from that to Loewenberg if I cannot cross the river before I reach it. I shall move along, in a very bad position, the right bank of the Bobr, with Troops, excessively fatigued and in utter despair; their courage and strength however the Officers will restore; I shall give the example.

I send this letter, with 25 men of the 134th and 20 Horsemen who will take them up behind to cross the torrents, where they may find any difficulty.

It is distressing for me to announce to your Excellency that three-fourths of the men, in spite of my efforts, those of my chiefs and officers threw themselves into the woods and houses; that gentle means, threats, blows had no effect with them, that they answered, "It was better to be taken than to perish with misery." Thus my General I am heart broken; I am in the greatest affliction; I shall nevertheless do my duty with honor, your Excellency may rely on it.

Receive the assurance of my respectful devotion.

CATUR,
General of Division.

ARCHES COURT, DOCTOR'S COMMONS.

REEVES v. REEVES.

This was a proceeding for a divorce, at the instance of Mr. Wm. Thomas Pugh Reeves, of Holborn-bridge, London, against Frances Reeves, his wife, on the ground of adultery.

It appeared in evidence, that the husband is the son of Mr. Reeves, a respectable colour manufacturer, of Holborn-bridge, and first became acquainted with his wife in the summer of 1808. An intercourse ensued between them, and they passed for man and wife under an assumed name, at various lodgings, until June 1809, when the marriage took place. The connection continued for some time longer, and was kept, by the young man, a secret from his friends, on account of his being a minor, and an apprentice to his father, and heretofore unable to provide for his wife, should he incur his displeasure; but Mr.

Reeves was at length informed of it by an anonymous letter. This discovery, added to suspicions he had previously had reason to entertain of his wife's fidelity, induced Mr. Reeves, jun. to leave his house: a reconciliation, however, was afterwards effected between him and his father, through the medium of his maternal uncle, and he returned to town, but his suspicions having been confirmed by the enquiries which his friends had made, in the mean time, into his wife's character, which was found to be little better than of a common prostitute, he yielded to their recommendations to quit the country, and accordingly embarked for America, where he has remained ever since, leaving an authority for the commencement of the present suit. Various acts of adultery were then detailed in evidence, as having afterwards taken place between the wife, and a Mr. Dunbar, a lieutenant in one of the London militia regiments, at his Chambers in Lyon's Inn; upon which, it was contended, the husband was fully entitled to a divorce.

On the part of the wife, the proof of adultery was not denied; but the defence set up was this, that her innocence was clear up to the time of her husband's deserting her; that he did so at the instigation of his father; and in concert with him, by refusing to allow her a maintenance, had endeavoured to drive her into the commission of adultery, that he might avail himself of it to obtain a divorce. It was likewise stated in the evidence of Mr. Dunbar, the adulterer, and the wife's mother, that in the course of several applications they had made to Mr. Reeves, sen. and some confidential friends, of his, for a maintenance for his son's wife, they had offered to comply with the demand, upon condition of being enabled, by her committing an act of adultery, to obtain a divorce, and had unequivocally refused contributing towards her support upon any other terms. This, however, was most positively contradicted by Mr. Reeves and his friends, in their evidence, as was likewise a further suggestion, that they had endeavoured to entrap the wife into adultery by the employment of persons for that purpose. It was contended, however, that there was still sufficient proof in the abandonment and denial of maintenance to warrant the inference, that there was a collusion between the father and son, to obtain a divorce; an inference considerably strengthened by the circumstance, that all the acts of adultery proved were subsequent to the execution of the document authorising the suit; and therefore, as the husband was himself the active agent of his own dishonour and the wife had fallen the victim of vice, merely from the pressure of want, occasioned by desertion, he was not now to claim a remedy to which he could only be entitled, as long as his own conduct remained unimpeached. In support of this argument, the cases of *Manby v. Manby*, and *Mitchelson v. Mitchelson*, were referred to, as instances in which the husband, though the wife's infidelity was proved, lost his divorce upon the same grounds.

To this it was replied, that the abandonment was justifiable, upon the reasonable suppositions proved to have been entertained by the husband of his wife's guilt; and though he was afterwards convinced of the fact, and it became of public notoriety to all who were acquainted with the parties, yet there might have been wanting that species of proof, without which it would have been unsafe to have ventured on a suit of divorce. It was, therefore, more reasonable to suppose, that the authority to commence such a suit in this case, was given more with a view to a prospective proof of the wife's past adultery, than an anticipation of its commission being intended to be forced upon her. The cases did not apply to the present one, that of *Mitchelson* being one in which there was a failure of proof of the crime charged; and in that of *Manby*, the divorce was refused, in consequence of the husband having neglected to commence any proceedings until after five years' acquiescence in his wife's living publicly in a state of adultery. In this case, it was not pretended, that the husband was chargeable with any remissness in claiming his right, but that he had attempted to anticipate the means of obtaining it; this, however, not being proved, he was entitled to his divorce.

Sir John Nicholl recapitulated the evidence upon the principal facts, and observed, that as the adultery charged, was fully proved on the one side, and not denied on the other, the case turned entirely upon the question, whether the sort of defence, set up by the wife, was borne out in proof, for if it was, it would certainly go far to defeat the husband's claim to a divorce; but it must be clearly proved as

against him, or it would go for nothing. A variety of circumstances in the antinuptial history of the parties appeared detailed in the course of the evidence, but any acts of criminality to be collected from them, could not be made use of in support of the case; they however, militated against that part of the defence which sought to establish the wife's innocence up to the time of her husband's desertion. He then entered into an examination of the principal points of that defence, as it had been stated in argument, and was of opinion, that its foundation as averred in the pleas was not sustained by the proof.—The connection into which the young man had precipitated himself, appeared to be of a most unfortunate nature; and he thought the general bad character of the wife, and strong presumption of her guilt justified the conduct that had been adopted in removing her from him. The father might, perhaps, have acted more properly in allowing some trifling maintenance; but not being bound by law to do so, he had a right to exercise a discretion in that respect; and it was a sufficient reason for the son's not doing it, though compellable by law, that as a minor and an apprentice, his means were inadequate to the burthen, a circumstance the wife was well aware of, and ought, therefore, to have been prepared for, as she might have resorted to the exercise of that industry, which, at a previous period, had been her only means of support. The only question, therefore, was, whether when the husband abandons his wife, upon a reasonable supposition of her guilt, he is thereby barred from claiming the remedy of a legal separation on account of adultery, which that temporary absence may give her the opportunity of committing? The Court has certainly a duty to perform in guarding the morals of married life; but it cannot make laws for that purpose; it can only enforce those already in existence; and would greatly depart from those laws, by holding the doctrine, that so slight a deviation from the nuptial duty as this, could in all cases, give such a general license of prostitution; but where the husband shews himself so grossly inattentive to his own honour and insensible to the injuries he receives, as in the case cited, his right to claim a remedy for them, stands on a very different basis. The present case, however, was certainly not one of that nature, or one in which the Court would feel disposed to strain the rigid rule of law, were it even more so. Upon the general complexion of the case, then, it appeared that there was nothing in the husband's conduct to deprive him of the right which the complete proof adduced of his wife's adultery otherwise entitled him to. The Court, therefore, pronounced for the divorce.

NEW COMETS DISCOVERED IN FRANCE.

M. Pons, keeper of the Observatory, near Marseilles, discovered a new comet on the 2d of April, in the constellation of the Royal Bull, of Poniatowski. Those whose eyes are good enough to discern stars of the fourth magnitude may see it with the naked eye. It is hairy, with a nucleus somewhat more condensed. Its geocentric progress is rather slow. It retrogrades from 15 to 20 minutes per day in the right ascension, which, on the 3d of April, at four in the morning, was 272 deg. 26 min. its northern declination being then 7 deg. 42 min. which diminishes about half a degree per day, so that it would pass the equator about the middle of April. At half past four in the morning of the 14th of April, M. Beuvard ascertained its position. Its right ascension then was 267 deg. 27 min. and its declination 0 deg. 24 min. It is crossing the head of the Bull, and after passing the equator, will proceed towards Serpentarius.

M. Pons also discovered a comet on the 5th of February, which was observed at the Capuleite till the 11th of March. Of this comet the longitude of the perihelion was 2 sec. 9 deg. 57 min. the longitude of the ascending node, 2 sec. 0 deg. 35 min. and the inclination of the orbit to the ecliptic 21 sec. 9 min. the direction of its heliocentric motion was retrograde.

The Comet which M. Pons discovered in April is the second which he has found this year, and the 19th which he has discovered in the twelve years he has applied himself to searching for new comets. He has sometimes discovered as many as four in one year, which shews that these bodies are not so rare as was formerly supposed, and that it requires only patience and assiduity to discover them.

SATURDAY, APRIL 2, 1814.

ORIENTAL STAR,—DEC. 11.

LAW INTELLIGENCE.

Supreme Court of Judicature.

SATURDAY, DECEMBER 4, 1813.

This day, the Second Sessions of Oyer and Terminer and Goal Delivery for 1813, were opened at the Court-house, with the usual solemnities, before the Honorable Sir Edward Hyde East, Chief Justice, and the Honorable Sir William Burroughs, Bart, and the Honorable Sir John Royds, Puisne Judges. The pannel having been first called over, the following Gentlemen were balloted and sworn of the Grand Jury: viz.

GEORGE CRUTTENDEN, Esq. Foreman.
 John Mackenzie, Enlas Mackintosh,
 John Trotter, Robert Lawson,
 William Hen. Oakes, John Vaughan,
 George Abbott, Wm. Lloyd Gibbons,
 Archibald Kelso, John E. Wilkinson,
 Charles Blaney, Matthew Smith,
 Charles D'Oyly, Fred. Vansittart,
 Walter Davidson, John Yates,
 Step. Laprimaudaye, John Vincent Briscoe,
 James Scott, Robert McClintock,
 Alex. Colvin, Jun. and
 George Martin, C. A. Molony, Esqs.

After retiring to chuse their Foreman, the Grand Jury returned into Court, when his Lordship the Chief Justice addressed them in the following eloquent and impressive charge:—

Gentlemen of the Grand Jury,

"This being the first occasion for my addressing you since my arrival in this country with the King's Commission, I cannot restrain the humble expression of my duty and gratitude, in unison with every other British subject in India, for His Majesty's paternal goodness, and gracious favor in having extended and confirmed to us, in this distant but mighty appendage of his Crown, one among the best of the free and noble institutions of our parent country, the trial by jury in criminal matters, whereby the life, liberty, and character of every British subject in India are placed under the same safeguard as those of our fellow-subjects at home. The same invaluable privilege has been conferred upon the Native inhabitants of this and the other capitals of the several Provinces, where intermixture with British subjects placed them in a fit condition to receive it; and if they had derived no other benefit than this from British connection and Government, they would have had abundant reason to bless the hand which gave it.

"The Court look with great satisfaction to the aid which they are to receive in the discharge of this arduous part of their duties; first from you, the Gentlemen of the Grand Jury, by your previous investigation of the facts and probable grounds of every accusation, your knowledge of the customs, habits, and general characters of the several descriptions of witnesses brought under your personal examination; and afterwards from the Petty Jury, by their just development of the truth of the whole case submitted to them in evidence on the part of the accused as well as of the accuser. The Court themselves are bound, under the highest anxieties which can affect the consciences and understandings of men, faithfully to expound, according to their best ability, the rules of law applicable to the points of evidence which may arise, and to the legal conclusions to be drawn from the facts of the several cases brought in judgment before them: giving to the jury also the benefit of their greater experience in the unravelling of evidence, by pointing out to their observation in summing up the degree of probability, and the confirmation or opposition of the several parts of it, so as to make the whole case distinctly understood by those who are sworn to deliver a true verdict upon it.

"But, in order to render the discharge of our respective duties beneficial to the people, to whom the British laws are thus to be administered, it is of the first importance, that an awful reverence for truth should be engraved upon their hearts, that they may justly appreciate its high value before the Almighty God of all nations, and in adorning and perfecting the civilization of man. An habitual love and practice of truth, even in the common concerns of life, (and more especially when God himself is called upon to witness and to avenge the breach of it,) is one of the best characteristics of a great and flourishing nation, as habitual falsehood and deceit are no less certain symptoms of national decline and degradation. I am sure that you cannot render a greater service to the state, than to exert all your authority and individual capacities, to impress these sentiments upon the understanding and regards of this people, so that they may know and feel in what abhorrence

the false witness, and the fabricator and contriver of false instruments to be afterwards supported by perjuries, are held by the whole Government and by great and honest men of all descriptions: that there is no offence for which more vigilance will be exerted to bring the perpetrator to justice, and the conviction of which will be followed with more certain and exemplary punishment to the extent allowed by law. The honest witness of the truth, the whole truth, and nothing but the truth, be his condition as humble as it may, will receive every protection and encouragement from the Court: the dishonest witness, be his condition ever so high, shall, when convicted and covered with shame before all his countrymen, learn to fear the justice of the laws, and repent his own prostitution and dishonor. Let it also be known, that those who procure or encourage another to commit perjury, are equally guilty with him in the eye of the law and of reason, and that their shame and punishment will be commensurate with his.

"The present Calendar exhibits one charge of Perjury, so flagrant as to have raised at the time the just indignation of the Court, by whom the offender was immediately committed, and another charge of Forgery: and my own short experience in this place has but too fully confirmed the general expression which I have heard of the prevalence of these offences.

"There is happily for the Native population, a natural and just abhorrence of shedding innocent blood. I was the less prepared therefore to read so long a list of murders, as appears in the first Calendar presented to me. One only of these charges, however, affects the Native character, I mean the instance of a Hindoo woman, charged with having occasioned the death of her infant daughter-in-law, by burning her in different parts of her body. But before you can find a true bill either for Murder or Manslaughter, you must have reasonable satisfaction, that the death was attributable to the burning by the prisoner, and not to a previous and continuing disease, of which there is also evidence; though, if the death of the child were caused by any such misconduct of the prisoner, aggravating to death a pre-existing disorder, which in itself would not otherwise have been fatal, she must be answerable for the consequence, to the extent of Murder or Manslaughter; according to the probability of the fatal result from the unlawful act done, in the actual condition of the child at the time. Upon this point, you will receive the best information from the medical persons who attended the deceased. If you collect from their testimony, that the death was not at all occasioned by the burning, you will of course reject the bill altogether for the Homicide, at the same time, I think it proper to warn all ignorant and superstitious persons, who may suppose that disorders either of mind or body are to be cured by such desperate experiments, that they are acting at the peril of answering for it with their own lives; for, if cruel and dangerous acts like those imputed to this prisoner, were clearly the cause of the death of another by producing fever and inflammation, though done only from the motive of effecting a cure by some supposed powers of sorcery, it could not be less than Manslaughter; and still more, if such acts were done for the purpose of correction and punishment of the child for eating mud, which was alleged against her by the prisoner, it might amount even to Murder, if the immediate danger of the instruments used in the application were apparent and probable.

"With respect to another charge of Murder, that of a military officer on guard, by one of the sentinels on duty under his immediate command, upon the pretence of an order given or supposed to have been given, by the officer, denying him water which he demanded. While I lament to see so atrocious an offence imputed to a British soldier, yet if the fact be made out to your satisfaction, no difficulty as to the application of the law can arise in so plain a case. At the same time, it is much to be regretted, that a charge of this nature had not been investigated by a Court Martial upon the spot, and at the time when the offence was committed; where the witnesses to the transaction were all present, and where an example, if necessary to be made, would have been far more efficacious than at this distance of time and place, removed from those to whom it would be most salutary.

"There is another charge of Murder against an European, for which the depositions returned to the Court do not suggest any motive. This will require particular investigation. There appears to have been some expectation of violence to his person by the deceased from some of the crew of the *Nautilus*, on board of which he was serving, but on what account is left unexplained. All the witnesses however concur in stating, that the prisoner, who was a fellow seaman of the de-

ceased, went up to him when in the privy on shore, and struck him some blows. These blows, however violent, were only struck with his fist; from which it is not probable, without great disparity of age or strength, or from helplessness or infirmity of some sort on the part of the deceased, that death could have ensued. If nothing of this sort should appear, nor any evidence of previous malice directed against the life of the deceased, the fact of such blows, though given under the influence of passion or anger at the time, and without any apparent cause, not being in their nature probably productive of death, will reduce the offence to Manslaughter.

"The last, but not the least horrible of the dreadful list of Murders to which it is proper to call your attention, are those which are charged to have been committed by five seamen, who had embarked on board the Country ship *Asia*, upon their officers and some of their fellow seamen, in the hour of distress, after the wreck of the ship.

"I am not aware at present, that any of the questions of Jurisdiction, which have divided the opinions of the learned Judges on this bench, and are now under appeal at home are likely to arise in this case. The offences are charged to have been committed by seamen in the employ and under the command of British subjects domiciled in India, after the crew had been compelled for the preservation of their lives, to abandon the ship, which soon afterwards sunk, and to betake themselves to their boats. This was effected by the orders of the commander, and the crew in the two boats of the ship must be considered as much under his command and in his service when they were in the boats as they were when in the ship. Their condition in that respect was the same. Your attention, therefore, will be principally directed to the facts of the charge, and you will understand, that, where any number of persons are found combined together for an unlawful purpose, such as that of seamen piratically dispossessing their officers of the command and possession of the ship's boats in which they were proceeding to a place of safety after the loss of the ship, all the confederates are answerable for the acts of each other, done in the prosecution of that illegal purpose, by whatever hand the deadly stroke may be given. This observation applies with peculiar force to the murder of the Captain and other officers, who were marked out in the first instance for the vengeance of these infuriated men. The murders of other subordinate persons, which were committed on different days, might possibly have arisen from some diabolical caprice, in which some one or more of the prisoners might have individually indulged against their unfortunate victims, without any other apparent motive than the wicked thirst of blood inflamed by previous assassinations; yet as all were present, if each appeared ready to give aid to the others on every new act of violence, and by their presence and countenance and known combination, did in fact discourage any resistance to the will of either of them by the rest of the crew, I am not able in point of law to discriminate the case of any one of the prisoners from the rest, in relation to any of the murders charged to have been committed by them all.

"Of the other offences to be submitted to your previous examination, there is one, to which I think it necessary to call your attention; and that, not because there appears to me any difficulty likely to arise, but on account of the daring nature of the offence, committed by an European, assuming the name of Captain Chalk, but whose real name is stated to be Patrick O'Neal. The native inhabitants of those extensive regions which are placed under the East India Company's dominions, have long had certain experience, that this Court in its dispensation of justice, knows of no distinction between European and Native. The foundations of their confidence have been and must continue to be firmly placed, no less on British justice than on British valour—the two certain supports of the Empire. The robbery planned and executed by this man, if you give credit to the witnesses, was committed in the face of day, by means of authority which he assumed as an European, over the simplicity and humility of the native servants employed by the owner to protect his property. Under the pretence of being an officer of engineers, and a friend of the owner of the goods, he converted that superiority and deference which justly belonged to the character he assumed, into an engine of rapine, oppression and fraud, the excess of which at last betrayed the impostor. If you find, Gentlemen, that he originally took the control of the goods on shore, and in the boat, from the owner's servant pretending to be the friend of the owner, and to act on his behalf, with intention to rob him of them, to which conclusion the whole of the conduct imputed to him seems to furnish a clue; or if, after hav-

ing possessed himself of them by the consent of the servant, as the friend of and for the professed benefit of the owner, you find that he broke open any of the packages and stole the contents or any part of them; in either case you may safely draw the legal conclusion, that he stole them from the owner. For he cannot be in a better situation by his imposition on the servant, who had no authority to deliver up the charge of his master's goods to the prisoner, than if he had received them in the condition they were by the delivery of the owner himself, for the purpose of safely conveying them to him at Calcutta; and if they had been so delivered to the owner, and the prisoner had afterwards broken any of the packages and taken out any of the goods, it would have been felony, as in the common case of a carrier, who breaks a package committed to him for safe carriage.

"The offences to which I have adverted, are sufficiently distressing to contemplate; but, since I have come down to the Court, other depositions have been put into my hands, containing a charge of Rape against a person of high cast, upon the wife of a poor bearer. To find the bill, you must be satisfied, that the entire act of fruition was completed, and that the offence was committed against the will of the sufferer; and if you are satisfied upon the close examination of the witnesses, that the charge is founded in truth, I have only to declare to you from this bench, that which you must be sensible of from your own experiences that, however, observant this Court is of the lawful rights and customs of the natives living in their jurisdiction, they will never permit any class of men, however high, to abuse them, and make them an engine of oppression and wrong against their fellow-subjects of lower degree.

"It is not necessary to call your particular attention to the other cases in the Calendar, which your ordinary experience in these matters will enable you to deal with without any assistance. It is shocking to humanity, to contemplate such a catalogue of dire offences as this Calendar presents, but I have no doubt that you will accurately investigate every case and draw such results as justice requires."

The Grand Jury then withdrew. And, there being no case in a state of sufficient forwardness for trial, the Sessions were adjourned until Monday morning.

The Pundit of the Sudder Dewanny Adawlut, against whom a bill was found at the last Sessions, on a charge of corrupt receipt of money, is understood to have absconded; and, at all events, as he has never been brought up under the bench warrant which was issued against him, he will retain his right of traverse even in the event of his now surrendering himself,—so that there is little likelihood of the trial coming on at the present Sessions. [In. Gaz.]

DECEMBER 7, 1813.

Res v. Richard Hunter.

This was an indictment for robbing a prostitute, named Mahtab, of a pair of gold bangles of the value of 48 Rupees. The prosecutrix Mahtab, in her evidence, stated, that about 6 months ago, two persons came to her door and knocked,—she opened the door and asked them what they wanted,—they in return asked her if she could accompany them to their house at Chouringhee, and they would reward her with four rupees. She agreed to this, and accompanied them from her house in the Cossitallah to the Cossitallah street, and then they led her into a lane, where one of them (whom she afterwards knew to be the prisoner) wanted to have connections with her, and, on her refusing to comply with their desires, a struggle ensued, in which the prisoner took away from her person a cloth, with which she was covered, and her bangles off her wrists, and gave them to the other person, who then made off with them. The prosecutrix immediately laid hold of the prisoner by his clothes, and sending a boy who had accompanied her for assistance, retained her hold of him until assistance arrived, when the prisoner was secured, and taken first to the Thannah and then to the Town Guard, from whence he made an attempt to run, but without effect. Prosecutrix did not all this time know the prisoner, but knew him the next day, when she saw him at the Police office.—The boy, the next witness, confirmed her story up to the struggle in the lane, and said that he went for the chokeydar, and brought him to the place where the parties were, and then went away. The chokeydar, in his evidence, denied having seen the boy, or that he was accompanied by him, but said that he saw the boy at the Town Guard, a circumstance which the boy denied. The prisoner made no defence, but called witnesses, two of whom said that they had been in the daily habit of seeing the prosecutrix, and that they had not seen her wear any bangles for two months previous to this transaction,—he also called

