

NOTICE.

MR. WM. YOUNG having returned to this Settlement, and being nominated in the Will of the late Captain F. LYNCH, as one of his Executors; we do hereby make the same known for the information of those who may be concerned.

J. NCHAT, R. T. SMITH, Joint Executors.

BATAVIA, March 24, 1814.

Advertisement.

THE undersigned respectfully informs the Inhabitants of Batavia and its vicinity, that he means to reside near the Marine-yard, where he will keep for Sale fresh BEEF on Wednesdays and Sundays of each week, and will most thankfully comply with all orders which he may be favored with to that effect a day previous to any of the above-mentioned.

J. BARNES.

BATAVIA, April 14, 1814.

Advertisement.

ALL persons having claims on the Estate of the late Satur Awit, Armonian Merchant, or being indebted thereto, are hereby requested to state their said claims or pay their debts to Mr. Stephanus Matarnich, No. 30, Great Malacca Street, within the space of six weeks from this date.

GAVORK MANUK, Executor. Batavia, April 13, 1814.

Advertentie.

ALLE de geenen die iets te preteenderen hebben dan wel verschuldigt zyn aan den boedel van wylen Satur Awit, Armonische Koopman, gelieve daar van opgave te doen aan de Heer Stephanus Matarnich, op de Grote Roer Malacca in het Huis No. 30 Woonstigt, binnen de tyd van zes weken van heeren af gereceand.

GAVORK MANUK, Executor. Batavia, den 13, April 1814.

Advertentie.

ALLE de geene die iets te vorderen hebben dan wel schuldigt zyn aan den boedel van wylen den Burger Johann Wilhelm Spiegel, in leven oud Baas der Wapenmaker, te Samarang, gelieve daar van opgave te doen aan deszelfs Testamentaire Executor, J. T. Busscher, in 't J. van Dordrecht, binnen de tyd van zes weken gerekend van de eerste plaatsing.

Advertentie.

ALLE de geenen die iets te preteenderen hebben dan wel verschuldigt zyn, aan den gemeene boedel van Johannes Mathes, en Petrus de Fokkens, gelieve daar van opgave te doen aan de Notaris J. Burger, gerekend van den 1de April tot den 1de Mey.

J. BURGER, Notaris.

Advertentie.

ALLE de geene die iets te preteenderen hebben van ofte verschuldigt zyn aan den boedel van wylen J. W. E. Noor, weduwe Hagebout, gelieve zulke opgaven binnen een maand na dato dezes, aan deszelfs Testamentaire Executor.

P. GEORGE VAN DE KEER, Batavia, den 1de April 1814.

Advertentie.

ALLE de geenen welken iets te preteenderen hebben van verschuldigt zyn, aan den Boedel van wylen den oud Lieutenant ter Zee, en gewezen Stuurman van de Batavische Rhoede Carel Cornelis, gelieve daar van opgave te doen binnen den tyd van een maand, ofte van prime tot ultimo dezes, aan den ondergeteekende Testamentaire Executor.

JOANA den 1ste April 1814. JOHNS JURGENS.

Advertentie.

BY H. F. LIPPE, op de Grote rivier naast het Vendu-kantoor, zyn voer Contant betaling te bekomen, onderscheiden beste Dranken en andere Goedelen, bestaende in Madeira-wyn op halve pypen, Fransche Claret-wyn, Constantia, Cognac Brandy, en Hollandische Genever op Bottelet, zyn staalwerken, als, Scheermessen, Jagers, Penne, Knipmesse en Schaarnen Hollandische Speel-kaarte, Bretels en andere Goedere meer.

MR. GAVORK MANUK with deep regret communicates to the Public the loss which he has suffered in the death of SATUR AWIT, his first Cousin and intimate Friend, who departed this life the 7th instant, aged 38 years, after an illness of only five days.

MR. G. MANUK, avec beaucoup de regret, fait part au Public la perte qu'il vient d'essuyer en perdant le pauvre SATUR AVIET, son Cousin Germain et son Ami, qui s'est decede le 7 Avril, age de 38 ans, et sa maladie n'a pas ete plus que de cinq jours.

Java Government Gazette.

BATAVIA,

SATURDAY, APRIL 16, 1814.

Law Intelligence.

SUPREME COURT OF JUSTICE.

BATAVIA,

Tuesday the 6th April 1814.

Sebastian Villarubi a native of Calogras in Catalonia, aged about 57 years, was put to the bar, charged with the murder of a native of Palembang, named Spadille. The Advocate Fiscal exhibited pro forma the Act of Accusation in this case, which among other things stated, that the Prisoner had proceeded to Palembang with the Expedition which was sent against the Sultan of that place in the year 1812. That being in his house at Palembang on the evening of the 8th September 1812, he went into his room to pay some people who had brought him fruit by desire of the Sultan. That the Prisoner began to beat a female servant named Karima with a rattan, when the deceased Spadille came into the room; upon which the Prisoner with a Kris, stabbed the deceased in his belly, giving him a mortal wound, of which he almost instantly died.

The Prisoner on his arraignment pleaded Not Guilty. The Advocate Fiscal then adduced the following evidence in support of the charge.

First Witness, Mr. Assistant Surgeon Thomas Compton, lately doing duty at Palembang, deposed that to the best of his recollection, it was in the month of September 1812, when he with Lieutenants Pearson, Bruggemeyer, and Franquemont were sitting together at table after dinner, in a house occupied by the Prisoner at Palembang. That hearing a noise in the Prisoner's room, Witness went to learn the cause, and saw the Prisoner with a woman who lived with him, standing at the room door. On enquiring what was the matter, Prisoner said, a man was running a dagger, that he had rushed upon him in his room and wanted to kill him. Witness accordingly called the Prisoner to the Cook-room where the man was seated to have goods, but found no one there. They then went round in front of the house where Lieutenants Pearson, Bruggemeyer, and Franquemont were standing, and there saw the deceased Spadille lying upon the ground, with a large wound in his belly which appeared to have been inflicted with a Kris and passed through the body. The man died soon after.

Witness heard the deceased make some declarations, but as he spoke in the Malay language (which Dependent did not understand), he could not make out what the deceased was saying. A search had been made upon his person for a Kris with which the Prisoner said he was armed, but no such instrument was found. Afterward a Kris was discovered in the Prisoner's room under a heap of foul linen, on which stains of blood were visible. The latter circumstance however Dependent heard from Lieutenant Pearson who shewed him the Kris, but he has no knowledge to whom it belonged. The Prisoner had dined in company with Witness and the above mentioned Gentlemen that evening, but left the table as soon as the cloth was removed to pack up his goods, being on his departure from Palembang. Witness being asked on the part of the Prisoner whether by opening the body of the deceased, it was ascertained that the wound was mortal or not, he answered that the body was not opened, but that having seen and examined the wound he was convinced it was the immediate cause of the man's death.

2d. Witness, Mr. Assistant Surgeon Hodgson deposed that in the month of September 1812, when on board the Helen in Minto Roads, on which vessel a Court of Enquiry was held to investigate

into the business of the murder of a Malacca at Palembang, a Kris was shewn him, which on examination appeared to have been stained with blood in several parts of the blade, as well as in the inside of the sheath. Witness did not know to whom the Kris belonged, nor had he ever seen it before.

The case being here closed on the part of the Prosecution, the Prisoner, by his Counsel, Mr. Reinking, alleged the following circumstances in his defence. That the Prisoner was employed in the expedition which under Major-General Gillespie had proceeded to Palembang to punish the Sultan of that place for the murder of the former Dutch factory, and on that occasion had exerted himself in rendering essential service to the British Government, that the active part which he then took caused him a great number of enemies among the Inhabitants, who secretly were adherents of the late Sultan. That several attempts had been made on his life, and three times his house had been set fire to, when he with much difficulty escaped death. That from these circumstances and the impression which they produced on his mind, he conceived he could not but look upon every stranger in the place, as upon a treacherous enemy eager of destroying his life. That finding himself suddenly assailed in his own room by a person having a weapon in his hand, his hair hanging loose and exhibiting every symptom of desperation, it was easily to be imagined that the impression on the Prisoner at the instant had worked most forcibly upon him, and that the first thought which then naturally occurred to his mind, was that of defending his own life. That if in doing so he may have wounded or even killed his assailant, it could not be imputed to him as a crime, but should be considered as an act not only justifiable, but even permitted by the Law of nature and the Laws of every country.

The following Witnesses were then adduced on the part of the Prisoner—Constantia, a Malay girl of the age of 13 years, stated that she was in the service of the Prisoner. That one evening when at Palembang she was with her master in his room, when he was chastising a female servant of the name of Karima. She saw a Malay man with his hair dishevelled, and a naked weapon in his hand come in, and rush upon her master, on which he shed out a yell. Witness was so alarmed that she went and concealed herself, and did not see what passed afterwards, she could not say whether the man was wounded by her master or not, nor did she see any Kris on his person. Some Gentlemen who came into the room afterwards made a search, and a Kris was found under some dirty clothes, but who found it, or to whom it belonged she did not know.

On her cross examination, being desired to declare what sort of weapon the man had in his hand when he entered the room, Witness said she could not do so, but she was certain he had a weapon, as she could distinctly see the brightness of an iron blade.

Two other Witnesses were called by the Prisoner, the one a Chinaman of the name of Lamong, and the other a Malay woman named Seckasse, but as they could only depose from hearsay they were not admitted. The latter however was heard as to the character of the deceased Spadille whom she had known to bear a bad reputation at Palembang, he having been imprisoned at that place for theft and other misconduct when Col. Barber was Resident under the Dutch Government.

The Jury after a short deliberation brought in a verdict of Not Guilty. The Prisoner was accordingly discharged.

None of the numerous cruelties which have occurred this week, have furnished us with any novelties, although one of them was from Bengal and another from the land, we have received no intelligence from either of those places, of so late a date as that already announced.

We are sorry to state that a serious attack and sickness took place on Friday night the 14th instant, at the house of Mr. L. S. Jaanssen Rees, (Governor of this Island) on his estate of Jampang, about 40 miles from Batavia. It is supposed the robbers were about sixty in number, of whom are said to have carried off arms. They killed one of the slaves who opposed them, wounded two or three others very severely, and Mr. Jaanssen and his Lady narrowly escaped a similar fate. They then plundered the house of every thing of value, and afterwards set fire to it, and dispersed.

The Police, it is said, are actively employed in searching for the robbers, some

of whom it is hoped will ere long be brought to Justice.

Captain Hall of the Honourable Company's Cruizer Antelope, which arrived on Sunday last from Minto, states that he fell in with a fleet of nearly 180 smuggling or Pirate Prows, between the Coast of Banca and the Island of Billiton—He chased them with a part of his crew in the Boats of the vessel, and succeeded in scuttling and sinking about thirty.—We shall endeavour to procure a detailed account of this gallant action for our next number.

On Thursday morning the Commander of the Brig Virginia, (who went on board the night before in the expectation of sailing next day) was surprised on first going on deck, at the increased draught of water, on examination it was found that the vessel had sprung a leak, and that more than three feet water was then in her hold. This accident has rendered it necessary to reland the Cargo she had on board for Bengal, which it is to be feared has sustained great injury.

By the Marine Reports received in the course of this week from Anger Point, it appears that an English Vessel of large tonnage (supposed to be one of the H. C. ships) named the Arch Duke Charles, passed that place on the 12th instant, from Canton, bound to London.

TO CORRESPONDENTS. On a revision of the "Recreation in Batavia," we are concerned to find that it contains several poetical faults, which render it unfit to meet the public eye without alteration. As we do not think it expedient to alter this office upon ourselves, it shall be returned for that purpose to our Correspondent if required.

SHIPPING INTELLIGENCE.

ARRIVALS.] April 10.—H. C. C. Antelope, Captain Hall, from Minto.—Passenger, Mr. Burslem.

Same day.—Ship Mary, T. Maunham, from Indramayo the 9th April.—Cargo, Timber and Coffee.

April 13.—Ship Warrant, H. Moor, from Bagdad the 2d Aug.—New South Wales 9th Feb.—Cargo, Pearl Shells.

April 14.—Ship Ann, E. Bemont, from Calcutta the 2d Aug.—Passenger, Mr. J. Baily, and Mr. Footey.

Same day.—Ship Runa Margaret, J. Ballot, from Samarang 10th April.—Passenger, Mr. Depong.

DEPARTURES.] April 10.—Brig General Scheedias, for Bengal.—Passenger, C. Attey, Esq. and Dr. Rhille.

April 11.—Ship Tiger, A. Piot, for Mauritius.

Same day.—Brig Mary Ann, E. Bradley, for Samarang, with Troops.

April 15.—Brig Mauritius Packet, Noguez for Cheribon.

Vessels lying in Batavia roads, April 15. H. C. brig Antelope—Ship Success—do. Mary—do. Wanstead—do. Ann—do. Anna Margaret—brig Hercules—do. Java—do. Virginia—do. Angelica—do. Sophia—Ship ship Patolear—Chipse's goods—Batavia—do. Woongsoon—do. Bauthay—do. Bauthay—do. Benschoten.

Vessels lying in Samarang roads, April 15. Ship Charlotte—brig Olivia—do. Ball.

Vessels lying in Sourabaya roads, April 15. H. C. brig Mary—do. Ship Ann—do. H. C. brig Mary—do. Ship Ann—do. Arnoldina—do. Aydenker.

DEATHS.

Departed this life on the 17th of March, in the 27th year of his age, the much respected Captain Norman McLeod, of H. M. 78th Regt. at Onarang. By his mild and gentle manners he endeared himself to his brother Officers—possessed of a most estimable character, he attracted the most intimate friendship by the indissoluble bands of gratitude and affection. He had not a short but most honorable career in the path of glory, and as he had shed his charity with a pure heart, without a sigh he cheerfully resigned his soul into the hands of the Omnipotent.

A beautiful infant, on the 1st instant, a child of Mrs. C. Simons, aged 3 years and 3 months.

EUROPEAN EXTRACTS.

LONDON, August 19.

Letters have been received from Hamburg to the 17th ult., by the way of Gottenburgh. It appears from them that upon the payment of a certain portion of the contribution of 40 millions of francs, the Merchants had, at the recommendation of Davoust, sent three of the most respect-

able of their body to Bonaparte, in the hope of obtaining a remission of the remaining instalments. They had returned, however, without having been admitted even to an audience; and previous to their departure, it was intimated to them, that it was only upon the full and prompt payment of the contribution, that they could hope to obtain their own pardon and that of their constituents. The whole of the male population, without distinction, continued to be employed in constructing military works round the city, and in forming a bridge from Hamburg across the Elbe to Harburgh. The same measures of sweeping severity were exercised against the inhabitants of Bremen and Lubeck; and the sons of the most opulent merchants were forced to enrol themselves in the Imperial *garde d'honneurs*; to equip themselves at their own expence, and to contribute yearly 800 francs towards the support of the corps. No substitute is accepted, and we have seen a list of 56 young merchants, who in the city of Bremen alone were subjected to this cruel order.

Late on Friday night, or before two o'clock on Saturday morning, the house of Mr. Justice Gibbs, in Russell-square, was broken open and robbed of several articles of plate, and other property. The robbers entered by the kitchen window, by breaking two cast-iron bars. The noise which they made awoke the footman, who slept in the pantry; he got up, and was in the area just time enough to see the last man get over the rails. The principal part of the plate had been taken to the Banker's, Sir Vicary being out of town.

LONDON, AUGUST 21.

Private letters received by the Speculator state, that Soult was collecting conscripts, invalids, militia, armed peasantry, and every description of force; and that it was expected that he would soon again try his fortune by an attack on the allied line in all its points.—Bonaparte is said to have sent him positive orders not to allow the sacred territory of France to be invaded.

The loss of the enemy in the battles of the Pyrenees is stated to have far exceeded the numbers originally returned. Up to the date of the latest accounts numbers of wounded and half-famished men and officers were coming in to our out-posts, and surrendering themselves. Many had been killed by the Spanish soldiers and peasantry; the latter in particular are said to shew no mercy to those who fall into their hands.

Several Officers came in the Speculator, one of whom is said to be the bearer of the sword of Joseph Bonaparte. It was found in Joseph's carriage, when he fled at the battle of Vittoria.

Sarragossa, the capture of which is announced above is rendered immortal by the gallant and glorious defence it so long made under the valiant patriot Gen. Palafox. Its reduction not only does great credit to the skill and activity of General Mina, but is an event of considerable importance. It commanded the City, and was one of the enemy's depots for arms and clothing.

It is said that last week 40,000 stand of arms were shipped from the Tower for Prussia; and 10,000 were sent down to the Nore, without their destination being avowed.

AUGUST 26th.

According to accounts from Berlin, no doubt whatever existed as to the immediate renewal of hostilities. A gentleman writes from that city, on the 30th ult. that the whole French force in Germany, he conceives, he does not over-rate at 400,000 men; notwithstanding, as a complete change of system had taken place in the cabinet of the Allies, he was more sanguine respecting the success of the good cause than he had been in February, when the remnant of the French army was running away before superior numbers, spiritless and disorganised. Of cavalry the French have again an abundance; 30,000 had passed Leipsic by the 28th ult.—most of the horses in the finest order—all the men middle-aged and well-equipped. Still, however, immense as this force is, the confidence of the Prussians was unbounded, and their desire again to try their fortune in the field was most ardent. The King of Prussia is represented as by no means deficient in the qualities of a great man, and appears to have great confidence in himself; of late he has taken most effectual means to restore his army. He has declared himself Generalissimo of all his armies; and the Crown Prince commands in chief under him all the Swedes and Allies from Custrin to Hamburg. This army, it is stated, unlike former ones, which were only on paper, consists, in reality, of at least 120,000 men divided into four corps. The King remains with the Silesian army, and under him will command in chief Barclay de Tolly: this army will also be divided into four corps, and a fifth corps was forming as a reserve. Since it has become apparent that neither activity

nor ability is wanting in the Allies, volunteers join faster than they can be clothed; and for the last three weeks in July this had been more than ever the case. The Crown Prince is indefatigable, and enjoys the confidence of all ranks.

Letters from an officer of rank in Lord Wellington's army state, that prior to the dates of the letters which comprehend all recent battles of the Pyrenees, there was such a constant succession of rain, that there had not been a single dry day for six weeks. The tops of the mountains were almost invariably covered with mists and fogs, sometimes so thick as to render it impracticable to move, or to discern the way. Hail storms were frequent; and in some of them the hailstones are said to have been as large as school-boy's marbles. In one of these storms, which occurred in the night immediately preceding Soult's first attack, the wind was so violent, that the soldiers' tents were mostly blown down. The cold was so severe one night, that the sentinels were generally benumbed; and one was actually frozen to death on his post, close to the quarters of the Officer from whose letter this intelligence is derived. Amidst all these severities and difficulties of weather and of locality, the fierceness and obstinacy of the fighting was beyond any thing that the most experienced Officers of the army had ever witnessed. Whether in advancing or retreating; whether the French or the Allies were the assailants, or acted on the defensive; one hill was gained or lost only to make way for a more obstinate struggle on another immediately adjoining. The bayonet was constantly employed on both sides; and although it is specially termed a British weapon, and our troops fully proved their superiority in the use of it, the French evinced an ardour and a determination to close with it, beyond what had been known in any former instance.

General Rey, who now commands at St. Sebastian, was a Monk before the Revolution. When that broke out he threw off his Order, & enlisted as a common soldier. He soon distinguished himself by his jacobinical orations at the clubs; and in consequence of his violent conduct, he was soon promoted to the rank of General of Brigade. He was employed in La Vendee, under Thurreau, and made himself conspicuous by wearing the ears of the Royalists pinned to his coat, and in the loops of his hat, as may be seen in the account given in the *Moniteur* of Thurreau's trial. In 1795, he commanded the army on the coast near Brest; and his cruelties there were of such a description, that even Hoche, under whose command he was, complained of his conduct to the Government of France. In 1796, he was appointed to a command in the army of Italy; in 1797, in that of the Rhine; and, on Bonaparte's return from Egypt, again in the army of Italy. After the general peace, in 1802, Rey was sent to America as Consul General, and resided at New York, whilst General Thurreau was sent to America as Ambassador. In 1808, Rey returned to Europe, and was appointed to a command in the army in Spain. In 1809, he was sent with the forces which acted against Austria; and has been since constantly employed in Spain.

Captain Blanckley, of the 23d, or Royal Welsh Fusiliers, arrived yesterday in Downing-street, with the sword of Joseph Bonaparte, abandoned in the flight from the battle of Vittoria. Captain B. will set out this day for Brighton, to present this proud trophy to the Prince Regent. The Captain is the son of the late Consul-General at Algiers, now resident in Bath.

It is reported to be under consideration to send the whole of the troops of the line in this country to reinforce the Marquis of Wellington in Spain. Six hundred of the 1st Foot Guards are ordered to hold themselves in readiness for embarkation.

Lord Whitworth, with his Lady, the Duchess of Dorset, and his son-in-law, the young Duke of Dorset, and suite, left Grosvenor-place, on Monday, for Dublin, there to assume the Vice-regal Office of Ireland.

It is said that the Earl of Dalhousie, Lieut. Gen. Hon. Wm. Stewart, Major-Generals Murray, and Pakenham, are to be created Knights of the Bath.

THE NEWS,—AUGUST 22, 1813.

Private letters by the Heligoland Mail state, that the French continue destroying the outskirts of Hamburg. They have lately undermined St. Michel's Church, in order to blow it up should any attack be made upon the city. It is said to have been found impracticable to make it a place of great strength.—The first instalment has not yet been paid, and great oppression has in consequence been practised by Davoust.

All soldiers and followers of the army are, by a General Order, to be subjected to vaccination; and if any repugnance is manifested, the surgeons of regiments are directed to remove the prejudices, by representing the harmless nature of the operation.

A letter from a Field Officer of Artillery states, that the expenditure of ammunition before St. Sebastian's was very great; every gun might be calculated at firing three hundred and fifty pounds daily.

It is understood that a Dukedom will be immediately conferred upon Lord Wellington,

Soult, before he entered Spain, issued a proclamation to his Army, in which he says—
"That he has been sent by the Emperor to the command of the Armies of Spain, and that his Imperial Majesty's instructions and his own intentions were to drive the enemy across the Ebro, and celebrate the Emperor's birth day in the town of Vittoria." A copy of this proclamation was found among part of his baggage, which fell into our hands.

Bonaparte's birth-day was on Sunday last. It is generally believed that Lord Wellington, in his private dispatch to Ministers, has hinted the probability that Soult would return again to the attack, and that he still was in very great force. This is extremely probable, every motive of pride, obedience, and policy would urge him to this course, if practicable. Fortunately 400 British troops must have joined Lord Wellington by the 8th or 10th inst. and it is to be hoped that numbers of those slightly wounded in the battles of the Pyrenees, would be soon able to resume their station in the line; but the facility with which the French Emperor can recruit his broken armies, is too obvious to make us think of it with indifference himself (a fact certainly mentioned in the private letters from Paris) begets the notion that a desperate effort is to be made to regain the footing he has lost.

The strength of the enemy in the Texel is increasing fast. According to the last reconnoitre they had in Mars Deep, apparently ready for sea, four sail of the line, five frigates, two brigs, two schooners, and five gun-vessels. In the New Deep they had one sail of the line, with sails bent, and topsail yard across: four sail of the line in ordinary, with only their lower rigging over their mast heads, one ship having her mizen mast out, and a frigate, one frigate fitted out as a sheer hull, and one old East Indiaman. They are so strict in the Texel now, that no fishing boats are allowed to come outside the Sounds, and even there they have gun-boats to attend them to see that they are not boarded by any of our boats; and if we attempt it, a gun is fired immediately, and they all bear up for their anchorage.

Lezaca, from whence Lord Wellington dates his last dispatches, is a small town on the river Bidasson, nearly opposite to the Echalar-pass, of which we have possession. Soult occupies the *Puerto de Beru*, a tremendous pass a few miles lower down the same river, and near Fontarabia. Lord Wellington has ordered up all his cavalry; it is therefore supposed he intends to force Soult from his position and advance into France.

Accounts from Gijon, of the 6th August, by a vessel arrived at Bristol, mention that General Lacy, with the Gallician Army of Reserve, 12,000 strong, had broken up to join Lord Wellington. The news of the battles of the Pyrenees had arrived at Gijon the day before.

Of the battles of the 28th and 30th Bonaparte would be informed about the 7th or 8th of this month. We do not believe there is any telegraph from Bayoune to Paris, so that we must allow four or five days for the intelligence to reach Paris. From Paris to Mentz there is a telegraph, and from Mentz to Dresden, the account might reach him in two days. At any rate he would have the news before the expiration of the Armistice on the 10th, and several days before it could reach the Allies.

The Marquis of Worcester, whose troop was not engaged, joined Lord Wellington's Staff as a superior Aid-de-Camp; a nearly spent shot struck his sword-plate, knocked him off his horse, and, glancing, passed through Lord Wellington's sash—most fortunate escape! His Lordship exposed his person extremely. He was several times known, and attracted, of course, the hottest fire. Some of his Staff were wounded, and omitted in the returns—Lord Fitzroy Somerset and Lord Worcester.

We have the satisfaction to announce, that the valuable fleet from Jamaica has arrived in the Channel—Those ships which were for the Severn and the Clyde, have already reached the ports of their destination.

THE TIMES—AUGUST 31.

The *Berlin Gazette* of the 31st ult. contains an Edict of the King of Prussia, directing the *levy en masse* to be continued, subject to certain modifications. A reserve is to be formed from the *levy en masse*, by which the Landwehr is to be kept at its full complement. The *levy en masse* is to be trained and exercised every Sunday and holiday, and also three evenings in each week. In case of the evacuation of a place, or the devastation of a district, it is declared to be the duty of every individual to deprive the enemy, as much as possible, of all means of subsistence. The Prussian forces now comprise four classes, namely, the Regulars, the Free Corps, the Landwehr or Militia, and the *levy en masse*.

Duroc, who was killed at the battle of Lutzen, left only one child, a daughter, whom Bonaparte has, by an Imperial Decree, declared heiress to the Estates and titles of her father.

A quantity of English merchandize, which had been seized, was burnt at Antwerp on the 27th of July, in presence of the tribunal of Custom-house Officers.

Dispatches were yesterday received from Lord Wellington: they were brought by Mr. Shaw, the messenger, who left the head-quarters at Lezaca, on the 19th; up to which date nothing of consequence had taken place. Soult was reported to be making every effort towards the

reinforcement and equipment of his army; he still occupies the strong situation of St. Jean Pied Port, which commands the most considerable pass of the Pyrenees, and from whence it was believed the Marquis did not intend to attempt to dislodge him until the fall of Pampe-luna and St. Sebastian—A convoy of transports, having on board upwards of 4000 troops, had arrived at St. Andero, with the *President* frigate: the troops had been landed, full of spirits, and had marched to join the army.

Lord Whitworth was sworn in Lord Lieutenant of Ireland on Thursday, and the Duke of Richmond next day took his departure. The *Leonidas* frigate was waiting for their conveyance across the Channel. Dr. Bourke, late Dean of Armagh, is the new Bishop of Waterford. A Dublin Paper observes, that this is the ninth Bishoprick, including two translations, of which the Duke of Richmond has had the disposal during his Viceroyalty; and that he conferred them all upon Irishmen.

The exchange between Dublin and London is now reduced to 1½ per cent. It used to be as high as 8.—The reduction is attributed to a variety of causes—the great importation of provisions from Ireland, the war with America, &c.

The Danish declaration has been received, which is much in the usual style of the productions from the Court of Copenhagen. It makes common cause with the French Emperor, and signifies the determination of the Government to conquer or die for the preservation of the independence of the kingdom.

The following story of a dispute on a point of precedence was published in an Evening Paper of Friday.

"The Emperor of Russia has, we understand, assumed or asserted a right to take precedence of Spain. The Spanish government complaining, with reason, of the time chosen for bringing forward this pretension, when their Sovereign is a prisoner, and their country in the grasp of an usurping invader, is involved in a struggle of life and death for its independence, and even its existence, are yet resolute in maintaining their ancient rank; and have sent instructions to their Ambassador at this Court; for here this formidable contest has been carried on—not to give way in a single instance. The Russian is as obstinate on his side, so that it is extremely difficult to see where the business will end. A compromise, we understand, was proposed, which would have the effect of giving each party the lead alternately; but this the Cortes rejected in the most peremptory manner. The ground of the claim on the part of Russia, is the alleged pre-eminence of the Imperial Title. On the part of Spain, antiquity is pleaded, and undisturbed and undisputed possession, for many centuries before Russia was admitted to the Society of civilized States, or even known to exist, otherwise than as a race of monsters, noticed by some fabulous travellers in their "tales of the desert." To such an extremity has this dispute gone, that it was with the utmost difficulty the two Ambassadors could be induced to give their presence at the recent feast of Vittoria at Vauxhall. The Russian, we understand, at length condescended to wave his superiority for that day, in consideration of its being an occasion in which Spain had peculiar claims to the place of honour. If he had not yielded the Spanish Ambassador would not have accepted the invitation given to him."

THE MORNING HERALD—SEPTEMBER 7.

Last night we received Nova Scotia Papers to the 12th of August, to the interesting contents of which we have merely time to refer our Readers. By the extract from the Papers of the United States we learn that our squadrons continue to spread alarm along the American Coast, and that an attempt to carry an Embargo Bill through Congress has failed, but there is no account of the capture of the Macedonian, or of the division of the States, reported in another part of our paper.

The *Cydnus*, Capt. Langford, takes out convoy from Portsmouth to the North Coast of Spain. The men on board this fine new frigate were exercised on Friday, at their guns, with blank cartridge in the presence of Capt. Stephen Popham, of the *Aeolus*, and many other Officers, who dined on board at the close of the day. A number of Military Officers go out on board the *Cydnus* to join the army under Marshal Wellington. The *Pembroke*, Captain Brisbane, takes out convoy to the Mediterranean and Southern Coast of Spain. She will sail as soon as the wind becomes fair.

Admiral Hope has returned from the Baltic to take his seat at the Board of Admiralty, in the room of Admiral Domet. Mr. Pavne, Admiral Hope's Secretary, on board the *Defiance*, arrived yesterday morning at the Admiralty with dispatches. The Admiral has proceeded to his brother's in Scotland, previous to taking his seat at the Admiralty.

It is said to be at length determined to bring Sir John Murray to trial. A Court Martial is

to assemble for that purpose at Gibraltar, of which General the Hon. T. Maitland is to be the President. Gen. Maitland stops at Gibraltar, in order to officiate in that capacity; and is said, that after the close of the trial, he will proceed to Sicily, and take the command of the British troops in that island.

Friday his Majesty's store-ship Tortoise, Capt. Cook, arrived at Portsmouth, from Gibraltar, after a long passage of thirty-six days. She sailed on the 29th of July, since which she has been contending with strong easterly winds. On the 24th ult. in Lat. 50° 3' N. long. 11° 3' W. she fell in with the Bacchus sloop of war, Capt. Lewis Hole, and Hindostan store-ship with ten sail of merchant ships under convoy. They had then been forty days from Gibraltar, and were, in consequence, very short both of provisions and water. Captain Cook supplied them with all that could be spared from the Tortoise. The Bacchus had three days before spoke the Pomone, Captain Carteret, with a convoy from Lisbon, which had been a long time at sea, and were experiencing similar wants, owing to long easterly winds that had prevailed. The Tortoise left at Gibraltar the San Juan, Admiral Linzee, Swiftsure, 74, Capt. Dickson, Ganymede, Onyx, and Weymouth. She has brought forty-five passengers. General Fraser, Commander-in-Chief at Ceuta, and family, are on board. Gibraltar was very healthy when the Tortoise sailed, and she has a clean bill of health.

The King Fisher, sloop of war, Capt. Tritton, arrived on Saturday morning at Portsmouth, with dispatches from the Mediterranean. She was of course placed under strict quarantine.

The enemy's ships at Cherburg manifested an extraordinary degree of joy on the 27th, 28th, and 29th ult. by firing salutes, displaying colours, and performing several evolutions. It was supposed to be in compliment to Bonaparte's Empress, the French Papers having lately stated that she had left Paris on a visit to that port, and arrived on the 25th. Our blockading squadron, consisting of the Egmont, 74, Capt. Bingham; Danemark, 74, Capt. Baker; Medusa, Captain Bell; Eurotas, Capt. Philimore, and the Derwent, Capt. Sutton, were witnesses of their joy and in compliment to their zeal and bravery, the Frenchmen did not venture beyond the buoys of their own harbour. The enemy's force continues the same, namely, two sail of the line two frigates, two corvettes, and two frigate built armed store-ships. They have evidently more men than they had a few weeks since, but the inexpertness of their movements indicate the bad quality of them for purposes of navigation.

The Barham, 74, Capt. Spranger, Centaur, 74, Capt. J. C. White, and Madagascar, Capt. Curtis, which sailed from Portsmouth on the 1st of May, on a cruise in the Western Ocean, returned to Spithead on Sunday morning. During the four months they have been absent extending their cruise in every direction of the Atlantic, they saw only one vessel belonging to the enemy upon the seas, (an American schooner,) which the Madagascar chased, but night coming on, she escaped. The Tuscan, Captain Jones which sailed with them, was left to give protection to two transports, which the squadron fell in with.

Yesterday the Funds experienced a depression of about a half per Cent. A great Loan Contractor sold out a large sum, another followed his example, and of course it was concluded that they were in possession of bad news.

Fashionable Marriage.—Yesterday morning were married at Aylesbury Church, Bucks, the Right Hon. Lord Nugent, brother to the Marquis of Buckingham, to Miss Paulett, daughter to Gen. Paulett, and niece to Lord Paulett. The Marquis of Buckingham gave an elegant entertainment on the occasion, at his seat at Stowe, to which most of the neighbouring Nobility and Gentry were invited.

INDIAN EXTRACTS.

BENGAL HURKARU, DEC. 18.

SUPREME COURT OF JUDICATURE.
December 15, 1813.

THE KING versus JOHN ROGERS.

This was an Indictment for an Assault, on the prosecution of Lieutenant Hughes, of the Bombay Establishment. Mr. Strettel, the Advocate General, stated the case to the Court and Jury at great length. It appeared, that the Defendant was the Commander of a Ship called the Colonel Macaulay, belonging to Bombay; that Lieutenant Hughes had embarked with other passengers at the Isle of France on the 5th of September, the ship being bound to Madras. On the 8th of October, when within a few miles of the port, the dispute occurred, which led to the Assault charged in the Indictment; but as the narrative of the whole affair is most fully detailed in the deposition of the Prosecutor, it appears advisable to commence with his detail, although not the first in the order of the trial.

Lieutenant Hughes deposed, that he is an Officer of the Bombay Establishment, and took his passage at the Mauritius on board the ship Colonel Macaulay, of which Mr. John Rogers was commander; that she sailed for Madras on the 5th of September. That on the 8th of October, an observation was taken at

noon, at this time we had not, as I was informed, (from the state of the weather) had an observation for several days before. The mates said we were to the Northward of Madras, and how far to the Eastward they did not seem to know; I understood that there had been an error in the calculation of the Longitude, of three degrees, and I had learned from Mr. Humphreys that there were only three days provision for the crew; the wind was then from the Westward. The shortness of the provision, combined with the uncertain knowledge of our situation alarmed my mind, both for my own safety and that of the whole crew. It was the subject of conversation among the passengers and Officers the whole day; they said it was a very critical season of the year. A conversation between Mr. Kelso (a passenger) and Mr. H. induced me to go down to the Capt's cabin, and I asked him what port we could soonest fetch with the wind we then had; I believe he replied Masulipatam. I proposed his going in there for provisions; at this proposal he seemed very much annoyed, and replied in a very boisterous manner; he said, he 'could not think of it, the ship was bound to Madras.' I asked him if a case of necessity would not justify his departing from this course. He was still annoyed. I begged him to be cool, and to consider that we had not even provisions enough for the crew. He replied that we had plenty. I answered, we have only enough for three days. He replied, that there was plenty for twelve days. To this I said, that I was glad to hear it, and some other conversation ensued. A few minutes after, we arose to go up on deck, and while ascending the ladder, I remarked to him that if he had any doubt with regard to the quantity of rice, it would be as well to ascertain it, and then curtail the expenditure as might be necessary. To this he assented, and ordered the rice to be weighed. In the interval, Mr. Rogers addressed himself to me in a passionate manner, either directly accusing me, or insinuating that I wished to interfere in the navigation of the ship. I replied that I was astonished to hear him say so, it was not my intention to interfere in the navigation of the vessel, and that nothing but the starving situation in which we were and which he now forced me to mention in my own defence, could have induced me to make the proposal regarding Masulipatam. We then spoke of the time we should probably be in making Madras, and Mr. Rogers concluded by saying, he would not be intimidated by any one. After a pause of some moments, thinking he alluded to me, I went up to him and said 'I hope you don't allude to me, I have no wish to intimidate you.' I do not recollect any reply being made, but Mr. Rogers walked up and down till the rice was weighed, when I saw him calculating on a slate at the binnacle; I went and sat down close to him. When he had finished, he asked me how much I made of it. I said I have made no calculation, but will, if you give me the slate. He gave it me, and while thus employed, he commenced speaking in a very passionate manner, saying, he had done this entirely for my gratification; that I had no right to interfere. I got up and replied that the weighing the rice was his own act at my suggestion, that I had not therefore interfered, but that in the starving situation we were, I conceived I had a right to enquire into the quantity of provision on board; he replied flatly, 'you have not.' I begged him not to contradict me, but he continued to do so; I got up and said, 'Good God, Sir how can you talk so when we are in a starving situation.' There was then some reply, such as, you have no right to interfere regarding the crew. I replied, that if there was not enough provision for them, it was impossible we could get to any port and we must all starve together. He continued to contradict me, and being much irritated, I told him, 'go away and do not provoke me.' His reply was, 'do you mean to turn me off my quarter deck.' I said, 'no, but I wish you to go away and not continue to provoke me.' He said he would not, and the dispute was renewed about the right to enquire; he contradicted me repeatedly, till at length much provoked, I called him a 'Wretch.' I am uncertain whether I then added, 'you are beneath my notice.' I know I used this expression, but I am unable to say when. I was at this time sitting on the hen coop, when Mr. Rogers made a blow at me, and struck me slightly on the face. I instantly jumped up, and was seized by the chief mate, Mr. Humphreys, who held me fast, and pushed me towards the Captain; we were followed by Mr. Rogers, who then struck me while held and defenceless, a severe blow on the eye over Mr. Humphrey's shoulder; all the passengers were I believe present. I then struggled violently to disengage myself; but on Mr. Kelso coming up and calling on me in a forcible manner to recollect myself, I desisted and walked to the other side of the deck. I had not struck or attempted to strike Mr. Rogers before he struck me, while seated on the hen-coop. I was not on worse terms with Mr. Rogers than the rest of the passenger.

Cross-examined by Mr. Fergusson.

Q. Had you no other dispute with Captain Rogers, no dispute about beating an Arab?

A. No, on the contrary Mr. Rogers punished the man for having struck me.

Q. Had you no observation for several days prior to the 8th of October?

A. I understand the weather was so gloomy, an observation could not be taken.

Q. Did you usually go upon deck at noon? It is a very common practice I believe: every one is desirous to learn what progress is made, and some go to improve themselves.

A. I went on deck at noon very often.

Q. How then do you say there had been no observation?

A. In point of fact I was ignorant if they were acquainted with the situation of the ship; to the best of my recollection, Mr. Humphreys said we were to the Northward of Madras.

Here the prosecutor was shewn the Log-book of the ship, and directed to read the entry on the 7th of October, Latitude by observation &c. In his farther examination of the prosecutor, Mr. Fergusson enquired the number of times he had attended at the Police Office to give his deposition, and whether he had not corrected or altered the deposition at his second or third visit. The prosecutor replied with great hesitation; admitted that he had gone to correct the draft of his deposition, which was inaccurately taken down, but would not positively swear that he had not himself altered the substance of it. The assault was proved by several witnesses: on the deposition of the Chief Officer and by the inspection of the chart, it appeared that the ship was on the 8th of October, about 13 miles from Madras; the wind being foul. The passage from the Mauritius to that Port during the month of September is commonly 25 days; the Macaulay however reached the port on the 10th October. The provisions remaining on board were sufficient, on a full allowance for three or four days for the men, and could have subsisted them much longer. The provisions for the passengers were also scarce and not good. Some abusive language passed, and it was stated that Lieut. Hughes addressed the Captain in a very haughty manner. The depositions of the other witnesses examined proved little more than was stated by the prosecutor with the exception of a reply made by Mr. Humphreys the Chief Officer, on his cross-examination by Mr. Fergusson. In his deposition he had stated that Captain Rogers exclaimed, 'I will not be called Wretch by any person, and went up to Lieut. Hughes, whether with an intention to strike him I do not know; I saw no blow at that time; Lieut. Hughes arose and went towards Captain Rogers, I interposed, and while endeavouring to take Lieut. Hughes away, Capt. Rogers struck him, &c. on the cross-examination, Mr. Fergusson asked Mr. Humphreys—

Q. When Lieut. Hughes arose, was it in a menacing manner?

A. Yes, I thought it was.

On this assertion, which it was not advisable to push to any explanation, Mr. Fergusson rested his defence, and influenced, we conceive, the jury in their subsequent verdict of acquittal.

On rising to address the Court in behalf of the Defendant, Mr. Fergusson informed their Lordships that he considered it a paramount duty towards his client in all cases, to state every exception which in point of Law might avail him. In the present case, he had a grave and weighty exception to that part of the Indictment asserting the jurisdiction of the Court which in the present case with due deference to their Lordships he meant to deny, and he affirmed that it was incumbent on the other party to prove the jurisdiction, which had not been done. The Indictment stated, that the Assault was committed in and upon, &c. on board a ship called the Colonel Macaulay, (built, as the Learned Advocate could prove at a foreign settlement,) 'belonging to certain subjects of our Lord the King, to the jurors unknown.' He submitted therefore to their Lordships, that it behoved the opposite party to prove the jurisdiction of the Court, as stated in the Indictment, which was impossible, as he had evidence to shew that the owners of the ship were not natural born subjects, and though as Inhabitants of Bombay, subject to the Courts there, for what they do, that this liability could not change the nature of the property, which belonged and does now still belong to persons born in Persia. On this plea ingeniously set up and enlarged on, much conversation with the Bench ensued. Mr. Strettel's objections seemed to rest on the property being charged to belong to persons residing in Bombay, 'within the peace' &c. which the learned Advocate General insisted was sufficient, while on the other hand Mr. Fergusson maintained, that the jurisdiction must be proved as it has been laid.

We pretend not to assert that the opinion of the Bench had been determined on this nice point, but we infer that his Lordship the Chief Justice was not hostile to the intended motion of Mr. Fergusson to set aside the trial, by directing that the evidence should be examined regarding the owners of the ship to prove to what nation they belonged by birth. Mr. Fergusson called Mr. Johannes Sarkies. This gentleman stated, that he was the agent for the owners, who were Armenians, residing at Bombay, named Joseph Aratoon and Matherus Ter Stephen; the former he first knew many years ago in Calcutta; with the latter, Mr. Stephen, he became acquainted at Bussora. The witness never had heard from themselves or their relatives that they were born in Persia, but implicitly believes so from the general report never contradicted. The ship was built at the Portuguese settlement of Demaun.

Before proceeding further in the cause, his Lordship directed the Jury to decide whether on the evidence adduced, it appeared to them that the owners were natives of Persia; observing also for their information that in matters of pedigree only, hearsay evidence had ever been admitted. The jury accordingly retired, and returned with their decision, 'that the owners of the ship Colonel Macaulay were, in their belief and judgment, natives of Persia.' Mr. Fergusson then addressed the Jury in an animated strain in behalf of the defendant. He insisted that the interference of the prosecutor, Lieutenant Hughes, founded too on a presumption, proved to be wholly wrong, that the ship was three degrees to the Eastward of Madras, when it was proved she was at the time of the alleged assault, only 13 miles distant, was most culpable and unjustifiable in every view and might have been, considering all the attendant circumstances and the repeated declarations that the passengers and crew were in danger of starvation, followed with mutiny, and other serious consequences tending to involve the safety of the ship. That the Captain it must be allowed, was not only competent to judge of the propriety of directing the course of the ship under any circumstances, but that every one must admit he had a large stake at risque as Lieut. Hughes. In regard to the wounded feelings of this gentleman, alluded to by his learned friend, he must for his client assert equal claim to a sense of honour, he having been several years a Lieut. in the Navy, which placed him completely on a par with the prosecutor. After commenting on the whole of the conduct of the prosecutor and the language he had used, all tending to provoke and irritate in a high degree, the learned Advocate rested his defence on the prosecutor having arising in a menacing attitude, which on the principle of becoming the assailant in order to repel an expected blow, could alone justify Captain Rogers in striking Lieut. Hughes; and he felt convinced, that if the Jury saw the case in the same light as he did, they must necessarily return a verdict of acquittal.

Sir Edward East on addressing the Jury, read over deliberately the evidence of the Prosecutor which his Lordship remarked was delivered with every degree of candour and sincerity honorable to Lieutenant Hughes, though almost every sentence tended to prove his unjustifiable interference, and the degree of irritation the whole of his conduct would necessarily excite in the mind of the defendant whose crime if found, amounted to a very venial offence. In making these and similar observations, the learned judge clearly laid down the law as it regards personal assault, which will never, even on an occasion where the grossest abusive language is offered, justify or warrant a single blow in return. The assault his Lordship conceived was clearly established, and the only thing for the consideration of the Jury, was, whether any attempt at striking, any menace or posture of defiance on the part of the prosecutor could be discovered as an excuse, and the only excuse, which might be admitted as plea of self defence on the part of the defendant; of this his Lordship saw no evidence, but however left the ease for the decision of the Jury. Such is the general outline of his Lordship's charge. The jury then retired and after deliberating for more than half an hour, returned a verdict *Not Guilty*. His Lordship addressed the jurors, expressing his surprise at the verdict, which he thought the evidence before them did not warrant. After hearing some farther observations, their decision not being shaken, the verdict was recorded. The Chief Justice then admonished the defendant on the impropriety of his conduct, and recommending a more dignified and efficacious mode of proceeding in future, ordered him to be discharged, and the Court was adjourned.

SCHOOL BOOKS.

The following School Books may be had at the Gazette Office, viz.—

- Latck's Dictionary.
- Ashe's English Grammar.
- Aesop's Fables.
- Walker's Speaker.
- Ditto English Grammar.
- Polite Preceptor.
- Poetical ditto.
- Key to Literature.
- Fisher's Companion.
- Fenning's Book of Knowledge.
- Ditto Arithmetic.
- Turner's Arts.
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