



Bombay Gazette.

Wednesday, 5th March, 1817.

GENERAL ORDERS

By the Right Hon'ble the Governor in Council, BOMBAY CASTLE, 22d FEBRUARY, 1817.

THE Right Honourable the Governor in Council is pleased to permit Captains Lodwick, of the Marine Battalion, to do duty as Brigade Major of His Highness the Pashwa's Regular Brigade.

In consequence of the provisional furlough granted to Lieutenant Colonel John Johnson, C. B. Quarter Master General, the following Staff appointments are ordered to take place from the date of his embarkation for the Persian Gulf.

STAFF.

Lieutenant Colonel Robert Lewis, to act as Quarter Master General of the Army until further orders and in virtue of his appointment to take his seat at the Military Board. Captain Vans Kennedy, of the 2d Regiment Native Infantry, to act as Judge Advocate General until further orders.—Date of appointment, 15th February 1817.

Lieutenant W. D. Robertson, of the 1st Battalion 4th Regiment Native Infantry, is appointed to act as Bazar Master in the Deccan.

The Right Honourable the Governor in Council, with sincere concern announces to the Army the loss the Public Service has sustained by the death of that meritorious Officer Major Alexander Campbell, of the Ninth Regiment of Native Infantry, and directs that the following promotions take place in consequence.

Ninth Regiment Native Infantry.

Captain W. B. Sealy, to be Major. Captain Lieut. W. Morrison to be Captain of a Company. Lieutenant and Brevet Capt. F. W. Pedlar to be Captain Lieut. and Ensign John Addison to be Lieutenant, in succession to Campbell, deceased.—Date of rank, 11th February 1817.

BOMBAY CASTLE, 27th FEBRUARY 1817.

The Right Honourable the Governor in Council is pleased to appoint Lieutenant Robert Robertson, of the 2d Battalion 1st Regiment Native Infantry, to be Assistant to John Elphinstone Esquire as Member of Council, from the 1st Proximo.

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



NAUTICAL CHRONICLE and NAVAL REPORT.

BOMBAY.

SAILED.—February 26th, Brig Countess of London, Captain W. Johnston, to the Coromandel Coast and the West Coast to Sumatra.—Ditto 1st, Grab Brig Good Fortune, Captain F. Menesse, to Mocha.—2d, Grab Snow Edroony, Naquda Sved Amud, to Mocha.

BOMBAY.

DEATH.—Yesterday, suddenly, Mr. Robert S. Kitson, a very much respected and esteemed individual.

The Gazette.

WEDNESDAY, 5th MARCH, 1817.

In the course of our editorial career we have scarcely ever been so completely destitute of interesting materials, wherewith to form a paper, as we are at present. The latest English journal in our possession is dated nearly seven months back, & in consequence of the *Argo* and the *Hannah* both coming from Liverpool, no supply whatever of pamphlets reached us. Thus circumstanced we confidently hope our readers will, for a short time longer, bear with our defects.

All our anticipations with regard to the internal distress of the United Kingdom have been, unfortunately, so completely realized, that Parliament must, as we think, have assembled in November. If not, evils, without end, will inevitably visit our afflicted country. No temperate or sober individual, who loves his

native land, can, we should suppose, have read the intemperate speeches, made at the late meeting of the livery of London, without being agitated both by indignation & alarm. By indignation because they indiscriminately revile, with the coarsest vulgarity, and, for any but a good purpose, all that is, or has been, venerable either in church or state,—by alarm, because they contain a considerable portion of truth artfully mixed up with egregious falsehood and detraction.

That Ministers should have been so indiscreet as to call, or at least sanction and support, without doing which it never would have been called, the meeting they did at the London Tavern, is to us perfectly inexplicable. As one of the resolutions truly declares they proclaimed the poverty of the country to the whole world, and, what is worse, discovered to the lower class the extent of the relief likely to be extended to their wants by the higher, when left to the free exercise of their own feelings, thereby giving to the factious demagogues, who are desirous of convulsing the empire from one extreme to the other, such an handle against the patrician body of the state, that we tremble for the consequences. We in fact shudder when we think on what another six months may produce, since the last Madras Courier leads us to apprehend a general failure of the harvest throughout the United Kingdom. The Editor of that paper thus expresses himself on this distressing head.

“The expectation of good Crops which generally existed in August had been completely blighted by subsequent continued bad weather. The seasons during the whole of last year, had been the most extraordinary ever known.”

Add to all this the possibility of Ministers being compelled, either for the purpose of pacifying or restraining the people, to recall the Duke of Wellington and his troops from abroad: A measure which perhaps may lead to another revolution in France, and the consequent confusion of all Europe. In short let us contemplate the prospect before us how we will, we are struck with trepidation and dismay, and most anxiously shall we, for the next half year, look forward to intelligence from England.

The report of the committee on the police of the Metropolis has been at length printed. It consists of 388 folio pages and is, from all we have heard, a most valuable production. We have given the interesting examination of Sir N. Conant, who appears to have been rather hardly pressed. In our opinion however he was fully a match for those who examined him.

We have taken, from the *India Gazette*, a short abstract of the principal arguments used by Counsel in the Supreme Court of Calcutta, in the case of the Dispatch, and, from the *Mirror*, the opinions, at length, of the several Judges. The clear and temperate Judgement of Sir Edward East is highly worthy the perusal of our readers.

We learn from the *Mirror* that the Merchants of Calcutta intended to give a dinner, on the 22d ultimo, to Mr. Ferguson and the other Gentlemen of the Bar. We have also heard that vases of gold, with suitable inscriptions,

were to be presented to Messrs Ferguson and Compton for their great and successful recent exertions.

Calcutta.

The case of the King, against the Cutter *Dispatch*, PHILLIPS, Master, was argued and determined on Tuesday last on the Instance Side of the Admiralty Jurisdiction of the Supreme Court of Judicature. The Court was crowded at an early hour, by a greater concourse of people, than we ever recollect to have seen in any Court of Justice in India, on any similar occasion: and it may be asserted, that nearly every person in Calcutta, connected with its external Commerce, was present in Court; awaiting with anxiety, the decision of the important question, which had so much agitated the public mind. In addition to the principal Agents and Merchants of Calcutta,—Europeans, Natives and Arabs, who were in Court, there were hundreds of individuals, interested in the Shipping, then virtually under an embargo, waiting in crowds, at the doors of the Court-house; evincing the utmost solicitude to learn the decision of a point, which few of them understood, otherwise than by its consequences. The Judges took their seats about half past 10 o'clock, when the cause was called on; & the Pleadings having been opened by the two Junior Counsel;—Mr. EAST on the part of the Crown contended that the vessel was liable to condemnation,—as well on the grounds which have already been before the public, in the reports of the recent decision at Bombay, in the case of the *Erraud*, as for other reasons, which he most forcibly and ingeniously submitted to the consideration of the Court. Mr. EAST was followed and ably supported by Mr. MACNAGHTEN; and it may be fairly stated, that every statute, authority or argument that could apply to the case, was brought to the notice of the Court, and urged in support of the seizure. When the case of the Crown was concluded, the Advocate General, Mr. FERGUSON, addressed the Court on behalf of the Claimants; and with his usual clearness and ability, contended, that the 18th and 19th Sections of the Act of the 12th Car. 2d c. 18. did not at any period, extend to the East Indies; that from the time of Queen Elizabeth to the 9th and 10th of William and Mary, the trade to and from India was regulated by Charters, which he cited and illustrated; and which demonstrated that the trade exclusively granted was subject to special provisions; and must have been exempted from the operation of the Navigation Laws, so far as they applied to *English Plantations*. That by the Statute last mentioned passed two years after the Navigation laws had been reformed and confirmed, the East India Charters were adopted and sanctioned by the legislature: and especial provisions were made for obliging all persons trading to India, to take to England without breaking bulk, the *whole* of the commodities of India;—That afterwards by the 6th of Anne, chap. 3d, the then East India Company, and all persons who might lawfully trade to India were required to enter into a Bond, in the penalty of 2,500 £ for every 100 ton of Shipping to be employed, conditioned for the bringing to England the *whole* of the East India Commodities, which might be shipped to the Eastward of the Cape of Good Hope: and that these enactments of the Legislature not only secured the interests of the mother Country, in respect of its revenue; but shewed that the Plantation Bond, required by the Navigation Acts, was neither applicable to India, nor calculated to secure what the Legislature contemplated, in respect of the commerce of this Country. The Advocate General also contended that by the 37th Geo. 3d chap. 117. Foreign Ships are permitted to trade with our East India settlements, and may now lawfully come to the British Ports of India: and that if the Plantation Bonds, mentioned in the 19th Section of the Acts relied upon by the Counsel for the Crown, must be given by Ships who are permitted by law, to trade with our Ports; every Foreign vessel must enter into a Bond, conditioned to land the articles enumerated, in some port of Great Britain, or in some of His Majesty's English Plantations! Mr. FERGUSON then referred to the 53d Geo. 3d chap. 155 and to “The Circuitous trade Act;” and argued that if the British Ships now permitted to come to India under the authority of these acts, are compelled to enter into Plantation Bonds, they cannot, without a forfeiture of the bonds, carry the enumerated articles, to any places except to English Colonies and to Ports in Great Britain,—where-

as, by the Statute authorising the Circuitous trade, they are permitted to land their cargoes, including the enumerated articles, at any intermediate ports or places between the limits of the Company's Charter and the United Kingdom, situate in North and South America, except His Majesty's Plantations in America. Mr. FERGUSON also observed, that vessels, bound by the restrictions of Plantation Bonds, are permitted to take their cargoes to any other English Plantation; but by the Circuitous Trade Act, the vessels allowed to trade with India are prohibited from taking their cargoes to any of “His Majesty's Colonies and Plantations in America;” and that therefore the provisions of the 19th Section of the 12th Car. 2d chap. 18th are repugnant from the enactment of the act which regulates the circuitous trade to India. Mr. CAMPBELL for the Claimants followed the Advocate General; and the learned Judge, *per curiam*, immediately delivered the Judgment, pronouncing for the RELEASE OF THE VESSEL. We would submit to our readers a more detailed account of this interesting case; but we are informed, that a CORRECT report of it, is preparing for the Press, compiled from the notes of several gentlemen who attended at the trial. When this report shall be completed, we shall re-publish it for the perusal of our readers.

[The India Gazette, February 10.]

REPORT OF THE IMPORTANT CASE OF THE CUTTER DISPATCH.

The Honorable the CHIEF JUSTICE began by observing, that when he reflected on the great political, as well as commercial interests involved, in the present question, it might have seemed desirable, that the Bench should defer giving Judgment, until the Judges had taken an opportunity, to re-consider all the Acts of Parliament, in connection with the learned, and able pleadings, which had come from both sides of the Bar. But as both he and his Honorable Colleagues, had devoted much time and attention to the subject, since the question had been first started, his Lordship felt, that to delay pronouncing Judgment for one or two days longer, would not enable the Bench, occupied as it was by a pressure of other business, to give a maturer opinion, than that, which they were already prepared to do; and would, his Lordship apprehended rather savour of affectation and parade, than be productive of any real advantages: and to delay their Judgment for any length of time, would necessarily aggravate the inconveniences, and uncertainty, under which the Mercantile interest had laboured for some time past.

His Lordship observed, that with respect to the ultimate decision, there could be no doubt entertained; and that it would be monstrous injustice, to decree a forfeiture, in a case, when to constitute an offence against the Law, on the part of the individual, it was necessary that certain public officers, who had not been appointed in this country, should have been ready, to have concurred with him in the act; for the Bond was required to be given to civil officers.—To punish this individual for a crime, whose perpetration depended upon others, and not solely upon himself,—and where he had not the means of employing with the Law, would, the Honourable Judge repeated, be monstrous injustice; and his Lordship held, that, even on this ground alone, the Court must decide against the prosecutors. The argument, he said, carried conviction to his mind, that as no such persons, as the legislature required, to execute the law, had ever existed in this country; & as the affairs of India had been repeatedly before Parliament, and as no measures were taken to supply this defect, for nearly one hundred and sixty years, it was not at this day to be credited, that the legislature ever intended the 18—19 s. Navigation Act, to apply to the trade of this country.

His Lordship remarked, that it was not a matter for the consideration of the Court, whether the Navigation Laws now answered the purpose, for which they were originally intended; but there could be no doubt, that they once promoted objects of the highest utility; and although a variety of Acts of Parliament had made alterations in them, in respect to this country, they still remained the grand pillars of our naval strength at home. One of these enactments, requiring that three fourths of all the seamen, employed in the trade of England, should be British subjects, was notoriously directed to the increase of our Naval Power, in all parts of the world, where we had possessions—and in providing for this object, the terms, as found in the first section of the Act, are *Lands, Islands, Plantations or Territories*. But when this Act comes to regard the secondary object, that of exporting articles, the *growth, produce, or manufacture* of the Colonies, these terms are immediately changed; and the words used are simply *English plantations*; and he also observed, that the articles enumerated in the 18 s. of the 12 C. II. c. 18. were the well-known products of the West India Islands, and America, at the time of its passing. The distinction betwixt the first, and the 18 and 19 s. of the Act, his Lordship held to be established, by the circumstances, that where the Navigation Laws refer to the *Bulk, and Manner* of British ships, they are in force, wherever the King has a *dominion or possession*; but when they relate, as in the 18 and 19 sections of 12 C. II. to the *shipping of goods*, they limit themselves to *English Plantations, of which the enumerated goods are the growth produce or manufacture*—and his Lordship observed, that here the word *manufacture*, meant the bringing of the produce of the soil into the state, in which it was usually exported;—thus *Sugar and Tobacco*, underwent a species of preparation, which may very properly be called *Manufacture*.

His Lordship observed, that it therefore became a matter of the first importance, to ascertain what is meant by the words *English Plantations*; but there was no legal definition to be found, in the Books of

Law, on which a judge would rely, in deciding on the meaning of these words. His Lordship, therefore, was bound to take the meaning of the words, as regarding this country, according to the Parliamentary sense of it; and as he held, that Parliament by making a particular commercial and political system for this country, had not intended the sections, in which the words, *English Plantations*, are found standing alone, to apply to this country, as it was obvious, that these words in the Parliamentary sense, excluded British Possessions in India, which have been uniformly considered, as Territories governed by a system of their own. It was not however, his Lordship observed, for the Bench to say, whether India is now become an *English Plantation* within the meaning of the Navigation Act—it was not, for Courts of Law, to run before Parliament, in making such a declaration; the more especially, as this country could not have been regarded as an *English Plantation*, at the time of passing the Navigation Act. His Lordship said, that whether India might, or might not now be considered as an *English Plantation*, within the common and ordinary meaning of that word; he would always wait for a legislative declaration, when such important interests were involved in the construction. His Lordship would, for his part, follow the example of the most Learned Judge, Sir William Scott, in wishing to make a declaration, whether any particular piece, which had grown up under different circumstances, as in the case of Newfoundland, was, or was not an *English Plantation*, till the Legislature had expressly considered it so to be. His Lordship remarked, that the same Learned Judge, in deciding an important case, which he cited, declared his opinion, that the Maritime Laws, in respect to India were *undefined*—by which his Lordship understood him to mean, not sufficiently defined by Parliament. He would not, therefore, take upon him to say, that India is an *English Plantation*; or that it is necessary to constitute an *English Plantation*, that the articles exported should be grown in it, and cultivated by English subjects of the King; but he would wait, until the Legislature in its wisdom saw fit, to declare precisely, the light in which this country is to be regarded by Courts of Justice.

His Lordship then proceeded to observe, that the plea of no forfeiture having been incurred, in the present case, was strengthened by the provisions regulating the trade of India, which had grown up under different circumstances, as in the case of Newfoundland, in all their enactments to India; but Parliament always legislated separately for this country, and had not extended to it any part of the Navigation Laws, except the first section of the 12 C. 11. c. 18, which regarded the *Building and Navigation of ships*. In all the cases, in which doubts had arisen, in regard to this point, these doubts had reference to this First Section of the Act; and only so far as regarded the trade of foreigners with this country. It must be remembered, that the Company's shipping was not confined to the limits of their exclusive trade; but they necessarily passed those limits in going to, and from England, and while their ships were out of those limits, they came to be comprehended under the Law, as applicable to British shipping at large. It being, however, found inconvenient for the Company to trade under these restrictions, his Lordship observed, that it had become necessary, to make a special provision, exempting from a strict compliance with them; and it had been enacted, in the 21 G. 3. that all ships, then purchased by the Company, and employed in the East India trade, should be held and reckoned to be British ships. This enactment became necessary, as the privilege granted was in contravention of the first, and broad section of 12 C. 11. c. 18, which was thus held, as having a *prospective operation*; and not as confined to the dominions, then in possession of the Crown. In the same s. of the statute, 21 G. 3. a direct provision is also made for the *maning, or navigation of ships*; and to one, or other of these provisions only, his Lordship observed, that the case, cited by the Counsel for the prosecution, referred. In all the instances, in which reference had been made, in subsequent Acts in respect to this country, to the statute of 12 C. 11. c. 18, the built of the ships, or their navigation is alone regarded: the words used are uniformly, ships navigated according to law; and ships purchased by the Company were made, as already noticed, to come under the meaning of this clause. But no reference whatever to the sections of the 12 C. 11. c. 18, which regard the *shipping of goods* or the *giving of Bonds*, is to be found in these Acts. No such expression occurring in any of them, as *goods, shipped according to law*—a saving clause, which would have been also employed, had these sections been held, as equally applicable with the first, to the trade of India. This argument was therefore, applicable to all the cases, which had been quoted. And it was sufficient for his Lordship to say, that *quoad* the subject matter, brought before the Court, by the present case, this point alone required attention.

In respect to the Bonds, which had been insisted upon, as necessary, in the trade of this country, the Acts of Parliament upon that subject, were clearly incompatible with each other. The Bonds, required by the 6 Ann, from the East India Company, for the enforcement of certain provisions, in their trade from without the limits to England, were different, in their amount, & in their object, from those exacted by 12 C. 11. c. 18. The Bonds of 6 Ann, obliged the Company, to carry all the produce of this country, which they might once bring beyond the limits, to a particular Port in England; and prevented them from breaking bulk at sea, or transshipping *in transitu*, any part of this produce.

His Lordship then stated, that India, although an inheritance of the Crown, had been from time to time, yielded up to the East India Company; and no Governors of this country had ever been appointed by the King. Parliament having from political motives, with which their Lordships were not concerned, leased out these territories to others, and both granted them privileges of trade, and power of making regulations for its government, had rendered it impossible legally to comply with the enactments of 19 section of the Navigation Act.

His Lordship observed, that there were other minute circumstances, which required to be attended to, in coming to a decision upon the case. If Bond was required it must be taken from the Honourable Company by their Servants, which, as implying an absurdity, could never have been in the contemplation of the Legislature, who had expressly declared, that these Bonds could only be legally tendered to a servant of the Crown not to a servant of the Company. The penalties also, which were required from the Company by the 5th Ann. c. 3, being different from those of the 12 C. 11. c. 18, it could not have been in the mind of Parliament, to clash the penalties of the two Statutes together. For where the Legislature meant a subsequent enactment, to do away a former; or intended, to save any particular Privilege, or Provision, formerly granted, or made, it usually did so in express terms; as in the case, in which they enact, that Ships in possession of His Majesty's subjects, previous to the passing of 12 C. 11. c. 16 shall be deemed to be British Ships, within the meaning of that Statute, wherever built, or however procured. It was therefore to be presumed, that in enacting the Bond provisions of the 6th Ann. c. 3, the Legislature would have expressly mentioned the Bonds of the Navigation Act had these Bonds been considered, as ever applying to India or had it been the intention of Parliament, that they should apply.

The Honourable Chief Justice went on to state that the Acts of the 53 and 54 of the King, stood directly, in contradiction to the 18 and 19 section

of the 12 C. 11. c. 18, that there was no alternative, betwixt holding the one, or the other, to be a dead letter. The two former Acts grant permission to all His Majesty's Subjects, to export the produce of this Country, to a variety of places, from which the latter had shut them out, and as they do so, *any matter or thing or in any Act contained, to the contrary notwithstanding*—the 18, and 19 sections of the 12 C. 11. c. 18, must be held as repealed in terms.

His Lordship observed, in regard to the policy of the Navigation Laws, that there were circumstances, in which it was inapplicable; as it could not be made, in all respects, effectual in promoting the objects, it had in view. In the West Indies this policy might be strictly adhered to; but in this country, where our dominion was disputed, at the time of their passing, it was obvious, that this policy could not be rendered beneficial to England. Altho' it was true, that, in the course of time, almost all foreign powers were driven out of the field, by the prowess of the British Arms; yet, his Lordship said, that to shew our forbearance, in matters of commerce, all foreign nations, in amity with England, were permitted to trade with this country, after we had the power, in our hands, of excluding them. Even under these fortunate circumstances, it had been the magnanimous policy of England, to allow France, Denmark, and Holland to hold possessions on the Banks of the Hooghly; and it must be obvious from this, that the original policy of the Navigation Laws, in as far as respected the restrictions of trade between the Colonies, and Mother Country, could not be adhered to, in this country, as in the West Indies; but on the contrary, became completely reversed. Accordingly, so far from preventing British Subjects, from deriving benefit by the trade of foreigners with India, by being them up, to the observation of the Navigation Laws, it was wise, & expedient, to endeavour to throw the carrying trade of foreigners, into the hands of British Subjects, since these foreigners could not be excluded from sharing in it. The Act of the 37 Geo. III. which threw open, to Foreigners a Commercial intercourse with this country, provided as far as possible against any of the produce of India, being sent to Europe from the Company's Territories by the way of Suez; but, at the same time, permitted British subjects, resident in India—free Merchants for example—and even Company's Servants not otherwise specially prohibited—to sell goods to Foreigners, or to act as the Agents of Foreign Merchants: His Lordship then asked, what sort of policy that would be, which allowed British Subjects to purchase, and export articles of Indian produce, and manufacture, for Foreigners, which they could not do themselves. Such a policy, the Learned Judge observed would have been absurd, and consequently, in providing against a Trade by Suez, the Legislature had taken care, that that restriction should not be construed to prevent British Subjects, carrying the productions of this country to Europe by the highway of the Cape; and while the Legislature had specially provided, against the Coasting Trade of the British possessions being carried on by Foreigners, they did not prohibit British Subjects, from deriving benefit, by a direct intercourse with foreign nations. But if the Bond of 12 C. 11. c. 18 s. 19 was requisite, if this policy, and privilege were nugatory, and annihilated.

His Lordship concluded by observing that Newfoundland had been considered as without the benefit of the 18 and 19 s. of the Navigation Act, as it was not a British Colony, at the time, at which this Act was passed. To bring it within the operation of this provision, the Legislature interfered, and declared it to be so, by Act of Parliament; and his Lordship said, they would do the same, in regard to the trade of this country, when they should see it proper, to adopt such a measure, as extending the provisions of the 18 and 19 sections of the Navigation Act to India. Parliament had similar declaration, in regard to other important points, connected with the Trade to the East Indies, particularly respecting the Ships in which it was to be carried on, and the manner, in which these ships were to be navigated, so as to entitle them to be considered as "Navigated according to Law." But as circumstances now stand, a Court of Justice said his Lordship, had no authority for decreeing a forfeiture, for the breach of a Law, which had never been declared, or considered to apply to this country; and which, supposing it had, the Legislature had taken no means, to enable the Judges legally to comply with.

SIR FRANCIS MACNAUGHTEN, began by observing, that if the present had been simply a case of forfeiture for non compliance, with the 18 and 19 section of the Navigation Act, he would scarcely have occupied the Court for single moment, in stating his opinion. He had, however, heard some points started at the Bar, which had raised doubts in his Lordship's mind, regarding the application of the Navigation Laws in general to this country. It has been admitted, that the first section of the 12 C. 11. c. 18, did extend to the trade of India; but his Lordship could not conceive, how that, or any part of this statute could be shown to have ever borne, the internal meaning of this country. *India-Built ships* employed in this trade, had never been "Navigated according to Law" nor did they ever participate in the privileges of ships, built in any other of His Majesty's possessions. Even, as the law stands, at this moment, with regard to the Registry of ships, vessels built in this country, and not exceeding a certain burden, specified in the late *Registry Act*, are not bound to have a Register; whereas in the West Indies, and the colonies on the coast of Africa, the smallest vessels that put to sea, are required to be furnished with a Register. His Lordship, therefore, held, that the late *Registry Act*, is the first, and only Act, requiring India built ships, above a certain measurement, or engaged in particular voyages, to be possessed of Registers; which Registers, as even now granted, did not entitle a vessel of this country, to all the privileges, enjoyed by a *British Built ship*—privileges, which must have flowed from the first section of the Navigation Act, had this section ever applied to such ships, or had the late *Registry Act* been, as admitted at the Bar, a modification of this section.

The Honourable Judge then stated, that to him it would have been desirable, had the time permitted it, to have seen the judgement of the Learned Recorder of Bombay, in the case of the *Ernaad*, in a more authenticated form. Much must have been in the mind of the Judge, at the other Presidency, besides what has appeared in the only Report, which has reached Calcutta. According to this Report, a word had been used by the Learned Recorder, which he could not persuade himself, he had ever employed, as the English language could not have furnished one, in his Lordship's opinion, more unsuitable. The word to which he alluded was *Disseised*; but for his part, he could not comprehend how *disseised* could take place, where custom, and use had never prevailed; any more than he could form the notion of *Death*, where life had not previously existed. His Lordship then adverted to the decision of Lord Kenyon, which had been cited for the promoveant, which, he said, did not exactly declare, that the Navigation Laws extend to the trade of India. That point had not been immediately before him; but the question, in the case of the American ship *Argonaut*, rested chiefly on another ground. It turned upon points, in which the construction of the Convention with America, and the right of a British Subject naturalized, in America, as *Collet* was, to enjoy the pri-

villeges, granted by this Convention to the Americans. In that, as well as in the Case of the Swedish ship *Resolution* the decisions were grounded on the construction of specific enactments, relating to the Trade of Foreigners with this country; and not upon the Navigation Laws, as generally applicable to India. His Lordship next observed, that Sir William Scott, at a period posterior to these decisions, in giving judgment in a case somewhat similar, appears to have been of opinion, that the *Navigation Laws* did not extend to India; for in liberating the Ship then before the Court, he said it would be a question for those, who were to advise the captors, whether under the circumstances, they would recommend proceeding further. There was also another convincing argument, arising, as his Lordship held, out of the Case of *Whelan v. Murray*, which case proved, to his mind, that his Majesty's Ministers must have considered the Navigation Laws as inapplicable to the trade of this country; otherwise they could not have made a Treaty with America, despoising with these laws—obviously assuming a power, which could belong to Parliament alone.

The Honourable Judge then observed, that consistently with the exclusive privileges granted from time to time to the Company, there had been nothing, to which the Navigation Laws could possibly be applied; for the Honourable Company had never been bound, by any rules or regulations of His Majesty; but acted in all respects, in regard to commerce in this country, by virtue of the rights vested in it by Parliament. In their trade with England, they had been bound under the obligation of the Bonds, specified in the 6th Ann.—which obligation his Lordship held to be inconsistent with the Navigation Act; unless it was meant to maintain the absurdity, not to say the nonsense, that a smaller penalty was necessary to enforce a larger one.

The Learned Judge then proceeded to say, that if the decision of the Court of Bombay was law, then must the trade of this country end at *Bencoolen*, or perhaps *Penang*; and that a trade confined to these bounds, must be of comparative little value, as the commerce carried on beyond the limits of the Company's Charter, is the most only profitable part of the country trade, in which the Merchants of India are engaged. But this interpretation of the Navigation Laws would cut them off entirely from this trade, and throw it into the hands of Foreigners, without being productive of any one good effect to the country. The Statute of the 37 Geo. III. c. 117 permitted Foreigners to trade with this country; and allowed British Subjects to act as their Agents. But if this *Bond of the Navigation Act* was requisite, the latter privilege would be rendered nugatory. Subsequent Acts, observed his Lordship in continuation, allowed British Subjects to trade with some Foreign Powers, with the express purpose of bringing them into competition with these Foreigners, in their own *Carrying Trade*. But to hold the Navigation Act applicable to the commerce of this country, it must also be found, that not only the 54th of the King, but numerous other Statutes must be repealed, to make room for it.

But the Honourable Judge added, that demanding the Bonds in question must utterly destroy the trade of the Indian Merchant, in another point of view, as it was impossible for any person, engaged in the *Coasting Trade*, to say at what particular Port, the goods which he might have shipped, could be landed, even admitting that he had a right of visiting those in possession of Native Powers. His Lordship observed, that a ship bound to *Bombay*, for instance, might not dispose of any part of her Cargo, at the first port, in that Island, at which she touched; but might proceed from place to place, disposing of her lading, as she found a market and taking in returns. This was the mode, in which trade to these quarters, was now conducted; but if the *Bond-system* were enforced, she would be compelled to sell her cargo at the Port, for which she originally cleared out, under the forfeiture of the penalty of her *Bond*. His Lordship therefore, observed, that if *Plantation Bonds* in the terms of the Navigation Act are necessary in the trade to *Borneo* or to *Patavia*, and could, as the law stands in this view of it, be granted to these places, then there is absolutely an end to the trade of this country. But according to the very terms of the *Plantation Bonds*, trade with these countries must be utterly cut off as illegal, as it is obviously as incompatible with the Navigation Act, as the trade which is specially authorized with America, under the *Circuitous Trade Act*—and this Circuitous trade itself, if measured by the Navigation Act, may be compressed within a nutshell.

SIR ANTHONY BULLER, coincided with his Honourable Colleagues in the opinion, that India had never been regarded as a *Plantation*—that if, by any construction, the Act of 12 C. 11. could be considered, as applying to this country, it had been repealed by subsequent Statutes. But to his Lordship it appeared, beyond a doubt, that from the time of Elizabeth to the present day, the Navigation Laws had never been held, as extending to the East Indies. The Learned Judge expressed his concurrence in the opinion, that the Company, since the period of their first Charter, to the passing of the 53 of the King, have enjoyed the privilege of trading from port to port, within the limits, unfettered by any restrictions—that all His Majesty's subjects, in common with the Company, now enjoy this unfettered trade—and that every case, which had been cited for the prosecution, had referred to the first section of the 12 C. 11.

It had, his Lordship observed, been contended, that the words "navigated according to law" meant navigated according to the 18 and 19 s. of the 12 C. 11. but it was scarcely possible to read the Statute, and to put such a forced construction upon it.

The Court adjudged the *SHIP* and *CARGO* to be RELEASED.

[Asiatic Mirror.—February 12.]

English Extracts.

ROYAL DIVORCE.

A letter on this important subject has just been published addressed to Lord Eldon, whom the writer considers principally interested in the future discussion of this question from the high office he holds under the Crown and the responsibility naturally attached to him for the propriety of the proposal and its ultimate success. The question itself is considered in the two only modes in which it appears it can possibly be brought before the public, as however congenial a proceeding by bill of attainder might be, it could not be tolerated in the present age. The first inquiry is, "whether his Royal Highness and the Princess are to be considered as private persons, and whether the measure itself could be brought forward before the Ecclesiastical Court.—

A doubt presents itself here, viz. whether the Ecclesiastical Court has any jurisdiction? If it has then the Princess must necessarily be entitled to the ordinary defence employed in that Court, viz. recrimination. The writer thinks it morally impossible that his Lordship could advise the Prince to commence a suit, in which a defence of such a nature might be employed, well knowing what the unpleasant disclosures might be. He next supposes that the measure would be brought forward on the Statute of Treasons, the 25th of Edward III. which declares, that "if a man defile the companion of the King's eldest son and heir, he shall be deemed guilty of high treason." As the offence is charged, however, with having been committed in a foreign country, and by an alien who consequently never owed any allegiance to the king, how can the offender be said to have violated his allegiance, having never owed any? and of course he having thus committed no crime how can the Princess be considered as partaker of that crime? Besides, in the statute above quoted, the wife of the King's eldest Son is described as "his Companion;" but the Princess, it is well known, was separated from his Royal Highness by articles, which undoubtedly were ratified by Parliament in their voting her a separate establishment. Certainly the Princess, under such circumstances, and especially residing out of the realm, with the consent and by special license of his Royal Highness, could not with any propriety be called his companion. The writer then observes, that by advising his Royal Highness to permit the Princess to reside abroad, his Lordship has deprived her of that salutary safeguard by which the severity of the above statute is mitigated. Would his Lordship act in such a manner with any Ward of Chancery? If not, why then be less attentive to the Princess, and why deprive her of the protection she is legally entitled to by the wise provisions of Parliament?

The exclusion of her Royal Highness from the Queen's drawing-room necessarily disgraced her, and led her to be viewed as the outcast of society; and therefore her wish to quit a country where she had been so treated was by no means astonishing; and she might perhaps further feel that her remaining any longer in this country might eventually injure her beloved Daughter. The conduct of his Lordship in giving his advice to the Queen to exclude the Princess from the drawing-room, and at the same time to receive the Duchess of Cumberland, is reprobated by the writer on the ground of its producing disunion in the family. The proposed Divorce is further considered in connection with the situation of her Royal Highness the Princess Charlotte. Her succession, indeed, to the Throne will be attended with one advantage to the country, viz. the disjunction of Hanover from the British dominions, which, as a male-fief, must descend to the Duke of York. After some remarks on the danger of a disputed Succession, the writer concludes by imploring his Lordship seriously to weigh the consequences likely to result from a measure of so serious a nature, by the melancholy experience of former times, by the diminution of affection which Ministers have produced in the minds of the people towards the Prince, once the much and justly esteemed friend of the country; and, above all, by the love the people bear to the Princess Charlotte, for the hardships they believe she has suffered, the sacrifices she has been called to make from affection for her mother, and her own amiable qualities, and pre-eminent talents. "Your advice and influence with the Queen," says the writer, "are supposed to have excluded the Princess from society. Do not inflict additional injury on the Daughter by disturbing her right of Succession. Such a measure would only be bequeathing a legacy of calamity to the country."

MORNING CHRONICLE, AUG. 1.

REMINISCENCES.—No. IX.

Versatility of talent is perhaps one of those attributes, which from being rare, even in men of the most distinguished genius, strikes us with the greatest wonder and admiration. This is a great measure arises from that insatiable thirst after novelty implanted in us by nature. Hence that delight we feel in contemplating a modern Proteus (who happily for his country still lives), and who stands unrivalled as an orator, a buffoon, or a diplomatist: at one moment charming an admiring Senate with his eloquence, the next writing a German play, or with equal indifference firing a squib or a pistol at his best friend.

As ardent admirers of this wonderful character, we have already laid before our readers several extracts from his works, and as we find they have given general satisfaction to our au-

merous readers, we shall from time to time, renew this pleasing task. We have perused his poetical works with much delight, and the more we have perused them, the

More our wonder grew,
That one small head could carry all he knew."
The following lines are a fine specimen of his dramatic powers, and though in some parts our author may seem to have borrowed his ideas from a speech of Young *Nerval*, in the first scene of the second act of the tragedy of *Douglas*, still we are convinced it is original, and that no one can suppose such a genius would deign to copy a poet so inferior to him as the author of *Douglas*.

The Doctor, who is the theme which our author always chooses as the subject of his poems, whether grave or merry, is the hero of the piece, and speaks as follows:—

"My name's the Doctor, on the Berkshire hills,
My father purged his patients; a wise man,
Whose constant care, was to increase his store,
And keep his only son—myself, at home.
"But I had heard of politics, and long'd
To sit within the Commons House, and get
A place; and luck gave what my sire denied—
Some thirteen years ago, ere my fingers
Had learn'd to mix a potion, or to bleed,
I scatter'd fire, I cringed, and squeak'd, and faw'd,
And thus became the speaker. I alone
With pompous gait, and peruke full of wisdom,
To my only Members could controul, or call
The House to order.
"Turd of the Chair, I sought a bolder flight,
And grasping at his power, I assum'd my friend,
Who held that place, which now I've made my own.
"Proud of my triumph, I disdain'd to court
The patron hand which led me, or to seem
Grateful to him, who rais'd me into notice.
And when the King had call'd his Parliament
To meet him here conven'd in Westminster,
With all my Family crowding at my heels,
My brothers, cousins, followers, and my son,
I shew'd myself Prime Doctor to the country;
My ends attain'd, my only aim has been
To keep my place and gild my humble name.

POLICE.

RIOT IN NEWGATE.

Sunday afternoon, a serious riot broke out among the convicts in Newgate, originating, we understand, as follows:—A person, who was visiting the prison, had his pocket picked of his watch, upon which an order was issued by the Keeper for searching the convicts, as well as those of their friends who were then with them, and that no other visitors should be admitted until the watch was recovered. The convicts in this part of the prison, who amounted to the number of 140, chose to consider this order as an encroachment on their privileges, and emboldened by their numbers, not only resisted all search, but proceeded to acts of violence and outrage. They took possession of the common yard where they are allowed to take exercise, and see their friends, as well as of the four wards where they are confined, expelling by force the officers and turnkeys of the prison from that quarter of the building. Here they endeavoured to maintain themselves, and considerable alarm for some time prevailed lest they should force the passages of the prison, and make their escape: but Mr. Newman, the Keeper, having assembled all his officers, several shots were fired over their heads, and into different parts of the yard, rather with a view to create alarm among them than to inflict any real injury, which the Keeper was humanely anxious to avoid; and at length they were driven out of the yard into the upper part of their wards, of which they remained in possession, having torn down the iron railing of the staircase, with fragments of which, and all that they could lay their hands upon, they barricaded the entrance to their wards at the top of the stairs. The Keepers having regained possession of the yards, several shots were again fired up the stairs, to intimidate and reduce the rioters to reason, but with no effect; and Mr. Newman thought that it would be only risking the lives of his own servants if he sent any of them up stairs to attack the convicts in their retreats, barricaded as they were and provided with iron bars. We have not heard that any of these infuriated wretches were killed by the fire-arms. One convict who ventured to come down from the upper wards, in order to lay hold of an iron bar, was seized by the legs and dragged into the yard by the turnkeys. Mr. Newman, soon after the riot broke out, procured the assistance of the city marshals and a number of constables, whom he so placed as to prevent the rioters from breaking prison, or escaping in any way by the roof. He also sent to the Lord Mayor and Sheriffs for instructions how to act; but these Gentlemen happened to be out of town. The watch, the robbery of which has created all this disturbance, was not discovered; and we understand that the convicts endeavoured to capitulate, by proposing that they

should be at all times allowed to see their friends; but the Keeper declared that they must implicitly submit to the regulations on this head appointed by the Magistrates and Judges. A noise was heard as if they were endeavouring to break through the wall towards the College of Physicians in Warwick-lane but in a short time the noise ceased. Constables and officers were posted in all parts where escape appeared possible.

The Lord Mayor arrived at Newgate at halfpast two yesterday morning; but it was not until near six they were induced to surrender. About thirty of them were double ironed, and put into cells; others, who had encouraged them in the work of devastation, were also double ironed; the remainder were returned to the middle yard, from whence they came, with an order that no stranger should be admitted among them, and the usual allowance of meat should be withheld until the damage be repaid. Mr. Newman's life, at one time, we are informed, was in imminent danger.

The following is another account from the Lord Mayor's Office:—

Last evening 120 prisoners under sentence of transportation, refused to be locked up in their bedrooms: they began to break down the iron railing in the stairs; they threatened to kill the Keeper and his officers if they came near them; the City Marshal and Marshalsmen soon attended with a great number of constables; he placed some on the top of the prison, and others about every part of it; they threatened the city officers, and threw the iron railing and brick-bats at them; they continued breaking up tables and chairs; the Lord Mayor arrived from his cottage at Twickenham in the middle of the night; as soon as it was day-light he entered the yard with the constables; they all surrendered; he took about 20 of the leaders and put them in cells; the others were allowed to return to their wards; they contemplated a plan of breaking through a wall, but they found it impossible.

REPORT ON THE POLICE.

The interesting Report on the Police of the Metropolis, which occupied so long the attention of the Committee, of which the Honourable Henry Grey Bennet was Chairman, is at length printed. It occupies no fewer than 388 folio pages, consisting entirely of evidence and documents, for the Report itself is quite brief. It merely states, that long as their inquiry has been, they consider it as a subject by no means exhausted; and they trust that in the ensuing Session of Parliament they will be permitted to resume their labours.—They have no doubt they shall be able to submit to the consideration of the House measures resulting from their inquiry, the adoption of which they would consider as highly advantageous to the public. The labours of this Committee cannot be estimated too highly by the public. They have been indeed unwearied in their investigation of every thing pertaining to the Police of the Metropolis, and they have accumulated in this Report a body of information the most valuable. We fear it is too long to be detailed in our columns; but the facts concerning the licensing of public houses—the effect of retail gin-shops—the effect of rewards on conviction of offenders—the conduct of watchmen—the nuisance of prostitutes—the debaucheries among the lowest classes, &c. &c. are extremely curious, and well deserve the attention of Parliament.

LONDON.

POLICE OF THE METROPOLIS.

Examination of Sir N. COLEMAN.
Are you aware that there are certain public houses within your district which are not frequented by respectable persons, but by thieves and prostitutes?—Respectable persons are not those only for whom public houses are provided; people may be reduced to their last penny, who may want refreshment; they are open for the poor more than the rich, and laborious persons more than any other description.
Are there not houses which are solely opened for thieves and prostitutes, in which they live; not that they go there for the purpose of occasional refreshment, but in which they pass their time?—There is not a district in this county where the Magistrates would not immediately suppress such a house.
Then you take upon yourself to say, that there is no house within your district subject to such objections?—The moment they came to the knowledge of the Magistrates they would be suppressed.
Could they exist with 100 Patroles, without coming to the knowledge of the Magistrates?—If they came to the knowledge of the Magistrates, the law would be put into force immediately; or at the general licensing time they would be suppressed.
Do you believe that they exist, and you not know of them?—If they existed in a shape amenable to the laws, I think I should know of them; and I am sure I should suppress them as far as the law enabled me.
Then, to the best of your knowledge, they do not exist amenable to the laws?—I think houses calculated for the succour of the poor, or the laborious part of the community, will, necessarily almost, fall in to abuses.
Do you not know that there are some called "Flash houses," solely used by thieves and prostitutes?—I do not know that there are; and if I did, I would, as far as the law enables me, immediately suppress them.
Is it not an established known fact in the Police-office, that there are houses, such as have been described, which are frequented by thieves and people of

the worst description; and to which resort the Police-Officers go just as regularly as a Gentleman goes to his preserve, in his manor, to find game?—If I say the Officers look to those places, it implies that those places exist; but I believe they do not exist upon system; I think the Magistrates, I am sure I myself would, by every contrivance, find out evidence that should justify them in their suppression of such houses; and I believe the Magistrates are extremely desirous of discovering an opportunity to do it at all times. I would go any lengths to obtain evidence. I send Police officers to every licensing meeting, to give evidence against houses that have come to my knowledge as encouraging a resort of thieves. There is no feeling in Bow-street to nurse such places, either in the Magistrates or Officers.

Do not the Police-officers frequent those houses, knowing them to be the assembly of thieves?—They go into them to seek for thieves whom they know are likely to associate at a particular place. A man discharged at the Old Bailey yesterday, for a robbery, would go the same night to the place where he was last taken into custody; probably to see his old associates, and to receive their congratulations; or perhaps, if he is distressed, for a little money; or he would go there to be treated by his friends; and, I fear, more commonly, in furtherance of his former crimes.

Is there not a sort of understanding uniformly kept up between the Police officers and persons of that description (thieves) at houses of this kind; so that, when they want them, they know where to find them?—They may keep up an understanding with the master of such a house, to say, "Let me know if Bill such a one drops in here, for I want him," that is their cant expression.

Is it not a matter of notoriety that they sit drinking at the same table, and are considered as boon companions till just that moment arrives when they are to be seized?—I do not much understand their art; but I think one mode of it would be, if they wanted to know the offences of one offender, as applicable to the particular object in view, they would be glad to get into company with another who was likely to be in his confidence; but it is a part of the mystery which I can neither understand or explain.

How long did the Rose public-house, against which there were such repeated complaints, continue unlicensed?—I think the Rose more than a year ago was denied its licence.

Had not the Magistrate at Clerkenwell made a verbal presentment of it?—It was in consequence of that that the impediment to the licence took place.

You have stated before, that the licence was granted in consequence of the landlord?—I think that was the reason.

In what state is the house at present?—I am fearful it is not reformed; and unless it is, the licence, I believe, will not be continued; but the actual licensing of that house is not in Bow-street; it is in the parish of St. Martin.

Are you acquainted with any public houses, the notorious character of which, for the resort of thieves is such, that there are strong rooms in which they can be confined when they are seized by the Officers of the Police?—There was a public-house in Bow-street, where all the prisoners were carried for security before they went to goal; but for more than two years past a place of that kind has been provided within the Office at Bow-street, and there is no place of confinement in the neighbourhood of any of the Police-offices.

Do you know that the public-houses in the city are shut up at a much earlier hour than in this part of the metropolis?—In the western parts all public-houses are required to be shut at 11 o'clock, except watering-houses for the hackney-coaches & those in the immediate vicinity of public places; but these are perpetually restrained by the Magistrates in every possible way.

Is it not universally true that no houses are open either as public-houses or gin-shops, during the whole or best part of the night, except in that confined district, or for those limited purposes you have mentioned?—Never, without the immediate check of the Magistrates.

Do you know that the proprietors of the hackney coaches have presented a petition to the Lord Mayor, or have they presented a similar one to your Office, praying that those houses might be shut up; for that they were productive of great injury to them?—I have had no such petition; but have frequently heard from the proprietors of hackney-coaches that they should have no objection to such an arrangement. It is my opinion, that it would be better there should be none of them, both for the horses, the men, and the public.

Then there appears to be no reason why the law should not be carried into effect?—I see no reason; though the vicinity of the theatres makes some difference.

It is not true that many of the keepers of the lowest brothels take out a licence for selling wine, and are thus enabled to keep open those houses?—Formerly, the wine licenses by the Excise were obtained without the intervention of the Magistrates; but by a late law, a person must carry a certificate of license by the Magistrates, before he can obtain one for wine. I have never known a new licence granted to a house of the description named in the question, since that arrangement has taken place.

Do you not know that many such houses hold licences, granted before the law passed, and who annually come for a renewal?—With respect to low brothels, certainly not; but with regard to a higher kind of hotels, kept for the reception of men and women, for purposes which one cannot be blind to, I think they may have been continued; but in no instance, in any division in which I have acted.

Are not the persons who principally keep the houses, such as have been described, notorious thieves, who have "retired," according to their own phrase, "from doing business, because the times are hard"?—I think such a man would never have got a licence of any kind.

You mean to say that, to the best of your belief there are no houses of the description referred to in the question held by any persons?—I have known no persons of that character ever receive a licence, unless a prize-fighter is considered as within the description; I have known two or three of those men keep public-houses.

You know no one answering that description who at present holds a licence?—Indeed I do not.

You stated yesterday, that pains were taken to ascertain the character of persons petitioning for licences; and that they brought with them the recommendation, either of the Clergyman, or of two resident housekeepers?—The statute requires it.

Are you aware that it is stated by Mr. Colquhoun to be within his knowledge that those recommendations are got by the beadle of the parish for half a crown, who gets the signature of the Clergyman?—I have no idea that any Clergyman would certify upon such a mode of application. It is a matter of much solicitation the obtaining those recommendations from third persons to the Magistrates?—They are extremely pressing; individuals carry it on almost as a canvass; I have heard the merits discussed, at the Justices Meeting on a single licence for an hour.

You stated yesterday, that you thought it would be advisable, if some regulations were established for shutting up gin-shops at an early hour of the night; do you not think a similar advantage would arise if gin-shops were prevented selling liquor every Sunday morning before Church-time?—This might countenance their legality; but every resister on the trade of a gin-

shop would be beneficial; and I could wish that no spirits were sold in very small quantities, except to persons who went through the general taproom of an ale-house to the bar; I have done every thing, for 20 years, consistent with a just regard to the property, both in my Police appointment, and in the capacity of a County Magistrate, to prevent any gin-shop, not being a public-house, to be kept open.

You say you have done all in your power to suppress houses selling gin alone; are you not of opinion that gin-shops are more numerous now than at any former period?—No; every opportunity of suppressing them the Magistrates have availed themselves of; when they see a public-house turned into a gin-shop, they insist upon their wholly changing the features of the house, and going back into the ostensible appearance of a beer-house. Universally, at every Licensing Meeting that I have attended, the having two doors, a bar-door and a public-house door, is objected to; and licences are withheld, 30 at a time, till that reform has taken place. I speak particularly of the Holborn division.

Do you believe that practice to be confined to the Holborn division, or to be general?—In the city of Westminster it is not so much attended to.

Are you aware of any public-houses in London with two doors; the one for entry, and the other by which they go out, passing by a bar, where they take their glass of gin, deposit their money, and take their departure; the consequence of which has been, that on a Sunday morning, between halfpast six and eight o'clock, an opposite neighbour counted 165 pass through one house?—I think it probable; but if that was made a formal complaint of, the licence would be withheld till the building was reformed altogether.

The object of the constitution of the gin-shops in the metropolis is, to have but one room where the liquor is retained, and a small apartment inside, where the family live, in many instances, with no second story, solely devoted to the sale of spirits; should you license a house of that description and character, if applied for?—Never.

What opportunities have the Magistrates of obtaining the form of the house; do they visit it before they license it?—I do not know what they do in other divisions, but for many years past I have gone with the Chairman of the Holborn division round to every public-house that was petitioned for, to examine into the local circumstances.

Is there any regular inspection as to the form of the gin-house, by which the proprietors would be prevented, after they had obtained their licenses, from changing the form?—If they do it is an absolute reason for denying the licence a second year.

Has that been often done?—I have always done it as far as I could.

Do you mean to state, that no ale-house can be converted into a gin-shop, without information coming to the Magistrate?—We never begin licensing without the High and Petty Constables of the division being convened; and we question them (on oath) whether any house is misconduted in their respective districts, or as having been converted into gin-shops. Those that are pointed out, undergo examination at an adjournment day. The Magistrates attend to this duty with the utmost diligence.

Have you any doubt that the great prevalence of those gin-shops contributes more than any other cause, to the early corruption of both sexes?—I think them mischievous to the last degree.

Have you any doubt that, from those shops not having tap-rooms, persons reputedly dressed, women particularly, are induced to go there to drink spirits, who would be ashamed to go through a room which was crowded with men?—That is the reason why I wish the opportunity of obtaining spirits in small quantities should be through a public room.

What is the course you pursue to limit or put an end to gin-shops?—By requiring the High Constable to present at the licensing meetings, all the houses that are carried on as mere spirit shops, and by suppressing them wherever we find an opportunity.

Do you believe he is faithful in the execution of that order?—They have been so in general; there are a great number suspended on the first day of licensing, and the bricklayer and carpenter are set to work to alter them; they very often find these the next year going on in the old way, and then deny the licence; but generally the High Constable gives them warning before hand.

Is it not an obligation by law, that persons should take out a beer licence before they can get from the Excise a spirit licence?—Yes.

Is not that in many cases nominal, and no beer is sold?—When a new licence is applied for, for a tavern or coffee-house, or hotel, or eating-house, if we suspect it might be converted into a gin-shop, we introduce an endorsement upon the back of the licence, that that licence is granted for a coffee-house, or whatever it may be, upon condition that it is used as such only, and not to be converted into a shop for the sale of spirits.

You have no doubt that the practice alluded to takes place?—It certainly does, and it requires extreme caution to prevent it.

Have not the licenses increased the last year?—The licenses in the neighbourhood of London increase; as the new buildings increase; if 100 houses are built, there will be one or two licenses granted.

Is there any account kept in your Office of the number of persons brought before the Magistrates in the course of a year, and of the proportion committed to those who are discharged?—For the lesser offences, of assaults and casual disturbances in the streets, though in general the names of the parties are entered in the book of occurrences, and how they are disposed of, whether discharged or bailed, or committed, they undergo no summing up; although if occasion requires, they might be collected at any time.

You are speaking now of the smaller offences; is there any account kept of those charged with capital offences?—Yes; and of any evidence that any witness offers on the subject.

Do you think that an account could be furnished to the Committee of that number?—There could be an account given of every such person brought before the Magistrates, distinguishing how they are dealt with, and all the circumstances of the case; an abstract of such an account goes to the Secretary of State's Office every month.

You have stated, that you have been in Bowstreet only two years and a half?—Yes.

From what you have seen in that Office in your capacity as Magistrate, do you think that the crimes that are committed in the metropolis, have considerably increased within these few years?—The atrocious offences have been less for the last three or four years; the number of larcenies have increased; I think the number of pick-pockets and street-robbers are less frequent.

Has there not been a very considerable increase of juvenile delinquents, commencing almost at the earliest age?—I think they increase even to the present moment, but at all times offenders under 20 years of age have been as numerous as those above.

The question does not refer to offenders under 20 years of age; but have you not brought before you, charged with crimes of all descriptions, children of the early age from six to seven years to 15?—For pilfering and privately stealing, to an alarming number.

Can you state to the Committee any reason that has suggested itself to your mind, why there should, within these few last years, have been that alarming

Increase of crimes among children?—I cannot impute it to the increased profligacy and poverty of their parents (for I do not think that cause has increased); but the exposure of goods at shop-doors, and the opportunity of bad association, from increased population, are the principal causes that occur to me at present.

Do you not think that the limited opportunity for education is also one of the most efficient causes?—I think both the improvement of the mind, and the restraints attending education go greatly to diminish crimes in young people very much indeed.

Do you, speaking generally of the lower classes in the metropolis, think that their habits are more vicious, or that their poverty is greater, than they were 10 years ago?—No, I do not think they are.

Then, if the increase of crimes which is allowed to exist is to be traced to the poverty and vice, which have not increased, how can you account for the additional number of crimes which is allowed on all hands to have taken place in the metropolis?—I know no way of accounting for that, unless some of it is imputable to the exposure abovementioned, and the neglect of those to whose care property is entrusted; and perhaps some of it may be imputable to the greater vigilance of the Police in the parishes as well of officers, in the apprehending of offenders, and I rather think that the number of crimes has not so much increased in fact, as the number of offenders discovered.

Do not you think it is partly attributable to the increased size of the town, and the increased population?—I do; the population probably has increased within the last five or six years. In the former ten years, I believe there was an increase of 150,000 persons, between the returns of population of the years 1801 and 1811.

You are inclined to believe that the increased number of crimes that appear to have taken place within these few years, is more the result of the vigilance of the Police, in detecting them and apprehending the offenders, than the positive result of there being a greater number of crimes committed?—I can account for it no other way.

Do you think that if the principal places of confinement in the metropolis were placed in a situation different from what they are, in which a proper classification of offenders took place, and in which the infant could be separated from the adult, one of the causes of the increased number of criminals would be removed?—The infant, under proper discipline, without the bad example of the adult, must be greatly amended; and the other classification must be beneficial.

Have you any doubt that the principal places of confinement, so far from effecting the correction and reformation of the criminal, tend to send him back, at the expiration of the period of his imprisonment, more confirmed in vice?—I think he comes out generally worse than he went in, but perhaps still with a fear of getting there again that he may lessen his future offences; for though he comes out worse, he is afraid of going again, having experienced the miseries of a gaol; the worst of them hate the restraint; though they are free from labour, and fed, they have not those industrious occupations and strong liquors that are necessary to their ideas of happiness.

Do you not think, among the various predisposing causes for vitiating the people of this metropolis, the Lottery establishment is a very efficient one? That evil is at present very much restrained.

As far as it goes, is not its whole operation on the morals of the public bad?—It leads to theft, to supply the deficiency occasioned by their losses and disappointments in the Lottery.

Have you not constantly brought before you information for illegal insurances, on the drawing of the Lottery?—Frequently.

Are not persons brought before you, the accused as well as the accuser, amongst the lowest order of society?—Among them are persons of the lowest order; they are the greater number. There are people in the back ground, that having got 40 or 50,000, by that traffic, who employ people of the lowest order, and give them a commission for what they bring; there is a wheel within a wheel.

Is not the evidence by which these informations are supported, generally that of persons of the most abandoned character?—As far as my observation goes, they are generally persons who have been sufferers in that sort of Lottery, actuated either by resentment or by the object of future gain.

They receive from three to five pounds a piece for each information, do they not?—I cannot tell the amount; it sometimes comes out in evidence that they receive for their general employment, not for the particular case that is brought forward, for then the Magistrate would throw the evidence aside at once.

Do not those persons form a class of persons who gain a livelihood, and who derive a trade, by lodging informations upon this subject; are not their faces almost as well known at your Office as those of your own Runners?—Yes; and they seek knowledge of the offence, and then the evidence of it.

Have you not had cases before you, in which it has been quite manifest that the persons lodging the information have wilfully perjured themselves, for the purpose of the money they were to gain by it?—I do not remember an instance of that.

Had you not a case, not many days back, in which a woman deposed against another person for making an illegal insurance, and who being questioned whether she had not been tried at the Old Bailey for forgery of a seaman's will under another name, denied the fact; upon which a Solicitor who was accidentally present at Bow-street, and who had conducted her defence, gave testimony to the fact, and the consequence was, that the Magistrates dismissed the information?—I think it must have been before other Magistrates; I do not recollect that I was present at the hearing of such a case, but I think it is very likely to have occurred. I am sure that result would have followed upon the circumstances stated.

Do you not then, think that the facility that this mode of rewarding the informers against those who make illegal insurance affords, is one of the most fruitful means by which the poorer classes of people can suffer wrong, and that the parties lodging the information can gain a livelihood by perjury?—I hardly know how to answer that question; because in nine cases out of ten that those people bring forward, the party appears, from other circumstances attending the case, to have been guilty; they generally fix upon the right person although they may be induced to support it by false testimony.

Do you believe, that in nine cases out of ten brought before your Office for illegal insurances, the party is really guilty?—Indeed I do, in some such proportion.

Do you not know that there are persons now under sentence of confinement, convicted of perjury, who have for years past been in the frequent habit of lodging informations against individuals, to the amount of 16 or 18 cases per annum, and who have derived their livelihood from that trade?—I know nothing of their habit, excepting when they are brought

forward to give their evidence, and it comes out in cross-examination.

Of course on conviction before your Office, an attempt to perjure themselves would preclude altogether the evidence of that person from being again received?—I think it ought; it is not at all uncommon for the offenders solemnly to deny the fact, but before they leave the Office to confess it; and I have known many cases in which they have set up false alibis.

Do you not think that the system of pawnbrokers in the Metropolis, and the facility with which any thing that is stolen can immediately be disposed of, is also one of the great causes of the multiplication of thefts?—The facility with which stolen goods are got rid of, is a great encouragement to theft; but the business of a pawnbroker is of infinite accommodation to the poorer classes of people, and a great means by which they carry on their most profitable and honest pursuits; a woman can pawn her garments, and with the produce of that pledge can go to Billingsgate and buy mackerel, and afterwards fruit, and by the sale, keep her family for three days.

Has any plan suggested itself to you, by which those shops could be placed more under the inspection and control of the Police, without interfering with those beneficial results which you have just stated?—The law is already strong upon that point. It is a profitable trade, and the persons who carry it on are not disreputable, or uninclined, as far as I have seen, to aid the detection of thieves.

Do you not think there is a class of persons who may be considered as pawnbrokers, who are in fact neither more nor less than the receivers of stolen goods, and who gain their livelihood by their connexion with thieves?—They have not come to my knowledge.

Do you think they could exist to any considerable extent in this Metropolis, without coming under the eye of the police?—Where a pawnbroker is at all under good to be the encourager of thieves, or there is even well-founded suspicion of it in evidence, they have been indicted as the receivers of the stolen goods, and this deters them.

AFRICAN CIVILIZATION.

The following Extract from Mr. Marryat's Pamphlet of "More Thoughts," shows how shamefully the African Institution has failed in all its lofty Promises:—

The primary object of the Institution is declared in the original Resolutions, passed at the First Meeting of the Subscribers held on the 14th of April, 1807, to be the education and instruction of the natives of Africa, as the ground work of their civilization. The Report, founded on those Resolutions, proceeds on a conviction of this truth; for it states to the Subscribers and the Public, that "in that central part of the great African Continent, (Sierra Leone) schools may be maintained, useful arts may be taught, native agents may be found, and the African languages acquired."

In the advertisement prefixed to their second Report, printed in 1808, the Directors mention "the seminary which has been formed at Sierra Leone, at the Society's expense, for the instruction of native youth;" and in the body of the Report, they explain more particularly their having empowered Mr. Ludlam, the Governor, to erect a school at Sierra Leone, under the patronage, and at the expense of the Institution.

In 1809, they announce their "having sent out some African youths, who had been educated by the Sierra Leone Company, to be employed in the business of instruction; and having instructed the Governor, to induce the African Chiefs to send their children to be educated at the schools established at Sierra Leone."

In 1810, they acknowledge "a donation of five hundred guineas, to be exclusively appropriated to the purpose of civilization, and informing the minds, and improving the moral habits of the natives of Africa;" A donation, which this liberal and anonymous benefactor was probably induced to make, from the account published in their preceding Report, of the increased number of seminaries they had established at Sierra Leone.

In 1811, for the satisfaction of this gentleman, and the encouragement of others, they state "the number of children who are enjoying the benefits of education at Sierra Leone, to be between two and three hundred;" and announce that two more African youths were to be selected by the Directors, and qualified for schoolmasters by Mr. Lancaster.

In 1812, they express "their disappointment at not having more specific details to produce, with respect to the progress of improvement in Africa, by means of schools, or other institutions, under the patronage of the society;" which they impute to "the rapid succession of Governors at Sierra Leone, but doubt whether much more could have been done, in the way of civilization, than has been effected."

In 1813, they "again express their disappointment at not being able to state any thing satisfactory, relative to the improvement of the African youth, by means of schools;" and add, "that considerable difficulties had arisen, from the lowness of the salaries proposed for the schoolmasters, and their consequent wish to leave their situations, for any employment likely to prove more profitable."

Thus, for five years together, the Subscribers were constantly imposed upon, by representations of the vast progress the Directors had made, in extending the blessings of instruction and civilization to the natives of Africa; and even when the Directors acknowledge the receipt of advices from Sierra Leone on this particular subject, instead of confessing the plain truth, that all these assurances were fallacious, they still affect to doubt, whether much more could have been done than had been done.

Doubts of an opposite nature, however, appear to have occasioned a schism among the Directors of the African Institution; and to have led to the establishment of a Committee, in the beginning of the year 1814, "to attend to those objects which are particularly specified at page 4 of the first Report of the Institution; and also to consider of the best methods of promoting the instruction of the native youth of Sierra Leone." It is obvious, that if the Directors had before paid due attention to those objects, and adopted the best methods of accomplishing them, the appointment of such a Committee would have been altogether unnecessary. This Committee "lost no time in entering on the business entrusted to them, and made a full Report to the Board." The contents of this Report were carefully concealed from the subscribers and the public; but the tenor of it may be conjectured, from the circumstance of Mr. and Mrs. Sutherland being soon afterwards engaged to go out to Sierra Leone in the capacity of schoolmaster and schoolmistress.

A fair estimate of the difference in the popularity of the Directors, while they appeared to adhere to, and when they were found to have deviated from the original objects of the Institution, may be formed from the amount of the subscriptions during the respective periods. So long as they reported that due attention had been paid to the education and instruction of the natives of Africa, and that a considerable proportion of the funds of the Institution was appropriated to these purposes, the subscriptions continued to flow in without abatement. The third Report, which gives the first items of expenditure beyond the charges incidental to the establishment, enumerates, "the travelling expenses, board, education, clothing, and passage money to Africa, of three African youths, 286*l.* 18*s.* 5*d.* Cotton seeds, cotton gins, hemp huckles, & plants, sent to Sierra Leone, 464*l.* 19*s.* 8*d.*" The fourth Report, contains an account of "cash paid for board and instruction of African youth, for seeds, &c. sent to Africa;" but does not specify the particular sum, all the disbursements of the year being blended together. The account of their funds, printed in the third Report, states the subscriptions from March 1807, to December 31, 1808, to be 4,374*l.* 2*s.* 2*d.* The fourth Report states the subscriptions from December 31, 1809, to be 1,662*l.* 16*s.* 8*d.* The fifth Report states those to December 31, 1810, to be 1,651*l.* 18*s.* 2*d.*

From this time, both the attention of the Directors, and the funds of the Institution, appear to have been directed to very different objects. The accounts annexed to the 5th, 6th, and 7th Reports, contain not one solitary item of expenditure, to promote the education and instruction of the natives of Africa, or their progress in industry and the useful arts. Amongst charges in the eighth Report to the amount of nearly 900*l.* incurred in printing a large number of Mr. Wilberforce's pamphlet, and translating it into Spanish,—in a piece of plate voted to Mr. Macaulay—in law proceedings against persons engaged in the Slave Trade,—and various current disbursements,—may be discovered, with a microscopic eye, the vast sum of 14*l.* 5*s.* 4*d.* "paid for necessary clothing for African boys, under education at the Royal Lancasterian school." The subscribers appear to have felt dissatisfied at the penny with which their funds had been appropriated to the intended purposes, and the prodigality with which they had been lavished on others of a different nature; for the subscriptions fell off as follows:—

Sixth Report—Subscriptions from December 31, 1810, to Dec. 31, 1811	£367 9 0
Seventh Report—Subscriptions from Dec. 31, 1811, to Dec. 31, 1812	652 9 7
Eighth Report—Subscriptions from Dec. 31, 1812, to Dec. 31, 1813	659 4 1

the aggregate of these three years being less than the amount of any one of the years preceding.

In the Ninth Report of the African Institution, the Directors state, that "by their unremitting and active exertions, more than eight hundred petitions against the revival of the Foreign Slave Trade, were presented to Parliament, signed by nearly a million of individuals." Among the disbursements of the Society, in the account annexed to that Report, is the following item: "Expenses incurred by the Committee appointed to carry into effect the resolutions of a meeting held at Freemason's Hall, to petition Parliament on the subject of the Slave Trade, 1865*l.*" The sentiments of Parliament on this subject had already been so fully and repeatedly expressed, and the attention of his Majesty's Ministers been so strongly directed to it, in the negotiations then pending, that the expense of the petitions was a work of mere supererogation; except, indeed, as it might add to the popularity of the great men who took a leading part in the proceedings of the meeting at which it was recommended. Even the parchment on which all these petitions were written, was paid for out of the funds of the institution; and is charged in the account of disbursements, 448*l.* 5*s.* So that they appear to have been sent down ready cut and dry, to the Methodist Clergymen in different parts of the Kingdom, to be signed by their respective congregations; and thus

when Parliament thought they were listening to the spontaneous voice of the people, they were, in point of fact, only listening to petitions that originated with a few members of the African Institution in London?

At the very period when this extraordinary system of expenditure was carried to a greater extent than ever, the Directors, with singular inconsistency, speak of their economy, and appeal for further assistance in promoting the great cause of civilization in Africa.

The Directors had now erected themselves into a sort of Grand Council of State; assumed the exercise of diplomatic functions; (1) issued instructions to the commanding officers of his Majesty's cruisers, and to the Judges of the Courts of Vice-Admiralty; (2) expounded treaties between Great Britain and Foreign Powers; (3) opened a correspondence with the American Secretary of State; (4) made the most urgent representations to his Majesty's Ministers; (5) pointed out the necessity of a reform in the administration of our West India Colonies, and undertook to legislate for their internal government; (6) Many of the subscribers, disapproving of these proceedings, seceded, and discontinued their subscriptions; (7)

In their special Report, written in answer to Dr. Thorpe's charges against them, the truth comes out; and they are forced to acknowledge, "it is certainly true that these various efforts of the Directors to promote the education and instruction of Africans, have not led to the institution of schools at the Society's expense." So that after deluding the Subscribers, for so many years together, with accounts of the seminary formed at the Society's expense, of having invited the African Chiefs to send their children to be educated at the schools established at Sierra Leone; after declaring that between two and three hundred children were enjoying the benefits of education at Sierra Leone; after doubting whether more could have been done, than had been done,—the balance for they admit that no school whatever had ever been instituted at their expense.

The Directors urge in their extenuation, "that Government were willing to bear the expense of all the schools Governor Maxwell had it in his power to institute; that the Missionary Societies had engaged zealously in the work of education in Africa, and thereby rendered the application of the funds of the Institution to this object, less necessary." They add, "perhaps, indeed, it must be admitted, that societies of this description, are on the whole better adapted to pursue the objects of education, than a Society constituted as is the African Institution."

No very great effort was requisite, on the part of Government, to bear the expense of all the schools established by Governor Maxwell; for, Dr. Thorpe says, it amounted to no more than paying two black boys, for teaching the children to read and write. But did the little progress thus made in the elementary branches of education, or the exertions of the Missionary Society, which probably were chiefly confined to the spiritual instruction of the natives, exonerate the Directors of the African Institution, from pursuing the plans they had so pompously announced; or from employing, as they had undertaken to do proper persons to teach the Arabic and Soosoo languages, instituting periodical examinations, and distributing medals and other honorary rewards in cases of extraordinary proficiency? Or do they think to found on the good works of others, their own justification, for having so long abused the confidence, and imposed upon the credulity of their subscribers, by publishing accounts of establishments which they had never formed, and of benefits which they had never imparted? The correctness of their last position must be admitted that the Missionary Society, or indeed any Society, was better adapted to pursue the objects of education, than one constituted and conducted as is the African Institution.

Another apology is offered, in the low state of the Society's funds and it is alleged, that the salary allowed to Mr. and Mrs. Sutherland, amounts to not much less than 300*l.* a year, which of itself nearly absorbs the whole annual income of the Society. "This if they have any subscribers left, is a disingenuous evasion of the truth, for though the interest of their invested capital had not quite reached 400*l.* yet in order to form a true criterion of their income, their annual subscriptions or donation must be added to that sum; and of these, with their usual finesse, they avoid all mention.

As a last shift, they add, "that whatever has been effected, either by the Government or Missionary Societies, on their earnest recommendation, may reasonably be considered, in a great degree, owing to their efforts." This is an additional specimen of the happy knack they have of arrogating to themselves that merit which belongs to others. In just the same mode they treat his Majesty's Ministers; for in their various comments upon the measures that have been taken, with the view of accomplishing the universal Abolition of the Slave Trade, they praise themselves for all that has been done, and blame his Majesty's Ministers for all that has not been done.

(1) Report VI. p. 9. (2) Ibid. (3) Ibid. p. 2—6. (4) Report VI. p. 9. (5) Ibid. p. 3. 5 (6) Ibid. p. 14. (7) Among the seceders, was the writer of these pages (Mr. Marryat, M. P.); who readily concurred in the views originally professed by the African Institution, but when he found that a Society established to promote the instruction & civilization of Africa was likely to be perverted into an engine for the destruction of the West Indies, he thought it high time to withdraw his subscription; and

— as the heresies that men do quit,
"Are hated most by them they did deceive,"
now comes forward to arraign the conduct of the Junta, who employed the funds and influence of the Institution, in purposes foreign to the intentions and hostile to the interests, of many of its supporters.