

From the INDEPENDENT GAZETTEER of January 11, 1783.

MR. OSWALD.

The Grand Inquest of the city and county of Philadelphia presented the following Memorial and Remonstrance to the Chief Justice, and Judges of the Court of Oyer and Terminer, in support of their public rights and private characters, attacked by the doctrine and reflections of the Court.

To the CHIEF JUSTICE and Judges of the Court of Oyer and Terminer.

The Memorial and Remonstrance of the Grand Jury for the City and County of Philadelphia,

Respectfully sheweth,

THAT the grand jury, having, in discharge of their duty, and on their solemn oaths and affirmations, deliberated and decided on two several indictments presented against Eleazer Oswald (each for a libel) and, under the sanction of such high obligations, having delivered their just return into court, (on Friday the 3d instant) cannot but remember, with peculiar sensibility and concern, that they incurred the severe displeasure of the bench, and received very reproachful language for their conduct.

After the most scrutinizing self-examination, they feel themselves assured of the purity and rectitude of their intentions; and do therefore, in defence of their violated rights, and in their own justification, request the permission of the court, to clear themselves from the charges alleged against them—and to establish the propriety and uprightness of their conduct.

That if any thing should fall from them, which, by a forced construction, might appear disrespectful to the court, they shatter themselves, that the unshaken zeal for the liberties of their country, their fidelity to their trust, and the relative situation they stand in with their fellow citizens of the state, which are the motives that alone actuate them will fully plead their apology.

That they have been accused of having examined witnesses, on the above-mentioned indictments, not previously approved of by the court: your memorialists have been taught to believe, that an examination of all witnesses (laboring under no legal disqualification) is founded on law, reason and practice; is a right inherent in a grand jury; and, in free governments, should be secured by every restraint of the most rigorous construction; consequently, that the attempt to deprive grand jurors of this invaluable privilege, is an obstruction to the citizen's claim of right in the present instance; and, if acquiesced in, might be drawn out into precedent, so as to prove a most certain defeat of them in future, to the great detriment and degradation of the members of this free commonwealth.

They conceive that the doctrine of the court, of having a right to control the evidence they should examine, on indictments brought before them, is not only departing from the solid principles of law and liberty, and trifling with the discretionary power of judges; but would, if introduced into practice, be subversive of the oaths of the jurors, who are bound thereby diligently to enquire into and present, the whole truth; which, doubtless, cannot be ascertained and established, with satisfactory precision, but from the result of testimony on both sides. It would likewise give to Judges the opportunity of suppressing, from improper motives, such evidence, as might tend to exculpate the party accused. It is destructive, too, of the humane intention of the law, which benevolently designs that no person shall be convicted, but on the solemn decision of twenty-four persons, delivered into court.

Your memorialists are of opinion, that the suggestion of the chief justice, "that the grand inquest of the city and county were biased, and led away by the spirit of party views, and that they had been tampered with by the authors of the odious publications," involved in it a criminal charge, of a heinous and offensive nature, that exposed their moral characters to doubt and discussion, was highly insulting to their feelings, and was an unmerited attack upon their integrity of conduct.

That it is possible imputations, falling from such high authority, may make impressions, that will remain long, and affect deeply, and that until they are cleared from such weighty accusations, they are fearful of being virtually incapacitated from serving their country in the same characters. Candor and impartiality are the essential qualifications of a grand jurymen, under a deprivation of which, the sentence of the chief justice tended to lay them, when he accused them of delivering into court, a false return. Matter of such serious consequence, falling from the bench, should be supported on the broad basis of truth.

That they apprehend the language of aspersion and menace, delivered in an authori-

tative tone, is unbefittingly addressed to a grand jury, who by being regulated in their conduct by their principles and their oaths, not to be biased by the exercise of power, or the influence of office, however elevated. They can readily conceive that precedents of this kind (as were indeed observed and quoted by the court) may be found in the slavish times of the Tudors and the Stuarts; but they are convinced that no such instances have existed, since liberty was fixed upon a permanent basis at the revolution.

Your memorialists are of opinion, that a clear conviction in their own minds of a bill being "not true," from the evidence produced, is a sufficient reason for not submitting it to the ulterior decision of the petit jury, which the chief justice prescribed to them, as their line of duty.

That they are fully persuaded the requisition made to the grand jury, individually to give their reasons to the court, which induced them to return the bills they presented "not true," was an encroachment upon the sacred rights of juries, which form the bulwark of our civil liberties.

It was a demand too, that militated in open defiance and violation of their oaths and affirmations, from the obligations of which, they know no authority on earth that has a dispensing power to release them.

That they solemnly pledge themselves, the accusation of the chief justice, stigmatizing the jury with partiality, in refusing to examine evidence, is ill founded, the jury having deliberately and dispassionately searched into the merits of the case, and having formed a decision thereupon, before they had a knowledge of any further testimony intended to be offered by the court.

In order, therefore, that the conduct of the court may not, by our acquiescence under it, pass into precedent, and be quoted in future cases as an authority, your memorialists conceive it an indispensable duty they owe to themselves, to their country, and to posterity, to leave on record a testimonial against it.

To themselves, to evidence that they merit not the inferences of perjury, which might be drawn from the language of the chief justice; to their country, that courts finding that grand juries will support their own rights, and, with them, the liberties of the people, may not attempt to encroach on them; and to posterity, that no advantage may result to their prejudice, by our silence.

That these benefits, arising from their salutary interposition, may not be lost, they pray that this memorial may be filed amongst the proceedings of the court.

Signed, Zebulon Potts, Foreman.

- Samuel Caldwell, William Bingham, William Turnbull, Robert Hart, John Snee, William Davis, George Ord, Reuben Haines, Jacob Berge, Jacob Hiltabeimer, John Harrison, David McCullough, Samuel Wheeler, Derrick Peterson, Caleb Emlen.

Philadelphia, January 6, 1783.

ON THURSDAY,

The 1st of August next, at 8 o'clock in the evening at the Merchants Coffe House, WILL BE SOLD,

A COUNTRY SEAT.

SITUATE in the manor of Moorland, Montgomery county near to Thomas Longstreth's Paper mill, and not far distant from the Newton road, and about 15 miles from Philadelphia—containing 2 1/2 acres of Land, on which is a good two story stone dwelling house, frame stable &c. on this place is a large garden with every kind of vegetables, and a good bearing orchard of the best grafted fruit, such as harvest and winter apples, pears, cherries, quinces &c. The crop in the ground consists of corn, flax, potatoes and clover. The situation is very healthy, and being in the neighbourhood of several stores and flour mills, makes it a desirable purchase for any person wishing to secure a summer retreat at a small expence, Terms may be made known at the office of Edward Bonfill. No. 64 Dock Street; or by

BENSON & YORKE, auc'rs. July 25 dtzA

Several good Nurser

WANTED. FIVE or SIX capable NURSES may meet with immediate Employ at the public ALMS-HOUSE, On producing satisfactory recommendations.— Married Men and Women would be preferred. Persons acquainted with suitable characters, are particularly requested to send them without delay to LUKE W. MORRIS, or CHARLES PLEASANTS, Committee of the Managers. July 27 dtc

NOTICE.

WHEREAS Messrs FOOTMAN & CO. have assigned all their property both real and personal, to the subscribers, in trust, for the benefit of their creditors; Therefore all persons who are indebted to said firm, or to Richard Footman, or Richard S. Footman, prior to the 23d March, 1799, are requested forthwith to make payment or they will be immediately put in suit, and those who have claims against them are desired to exhibit them properly attested, to either of the subscribers. SAMUEL PRICE, Assignees appoint. SAMUEL YORKE, &c. Ed by the Court. Philadelphia, July 31, 1799. dtm

TO LET,

And possession given the 7th of next month A Three story Brick House, with a good kitchen and cellar, in Second-street near to the New Market. Enquire of THOMAS GREEVES, No 73 Walnut Street. July 23. 31aw127

CONTINUATION OF

Late Foreign Articles

VIA NEW-YORK.

By the brig Trio, arrived at New-York in 47 days from Liverpool.

VIENNA, May 22.

What Lieutenant General Bellegarde had announced previous to the Bulletin of the 22d and 23d instant, which his Royal Highness the Archduke Charles had ordered to be published relative to the operations of Lieutenant General Hotze, is connected with what follows, although the intelligence from Lieutenant General Bellegarde arrived later.

According to this account, Colonel and Brigadier Strauch, after very fatiguing marches, reached Chiavenna with his brigade on the 9th inst. at which place Col. de Loup, of the van-guard of General Vukobovich, had arrived on the preceding day.

From the 7th the enemy had commenced their retreat from Chiavenna by the valley of Giacomo, leaving at the first place 32 pieces of cannon, of which we have taken possession.

Colonel Strauch, being reinforced with three battalions of light troops, and the remainder of the third battalion of Michael Wallis, commanded by Colonel Carneville, pursued the enemy to the heights; and Colonel Prince Victor de Rohan went with his force to Bellinzone, to dispute the passage of the Bernadine.

The Brigade of Colonel Strauch had many difficulties to surmount at Morpegon, in the valley of Camonica. He was obliged to wait two days at Piacca, in order to dig a road through the snow near Casa St. Marco, as it was impossible for the soldiers to march the snow being 15 feet deep, and not hard enough to bear. By this means, the communication is re-established with the principal corps of Lieut. General Bellegarde, Sufa Plantz, Malagio, and Cassinich.

Demonstrations were made for the purpose of alarming the enemy on the hills of Julie and Abula, in order to facilitate the operations of Lieutenant General Hotze, whom General Bellegarde was prepared to support on the side of Javos and the Hill of Abola.

Colonel Da Marseille, of the regiment of Clairfayt, had brought from Abula two pieces of cannon belonging to the enemy. At Malagn, and at several other places on the road to Chiavenna, were found a great quantity of ammunition, muskets, and waggon. The enemy had destroyed a part of them in retreating.

The first intention of the enemy was to proceed to Chiavenna by the mountain of Septime, in order to join Gen. La Courbe, near Lentz; but the detachment of the van-guard of General Bellegarde, which has advanced from Padama as far as Malagio and Cassinich, prevented this, and obliged them to retreat by the Spligen.

Extract of a letter from Lieutenant Colonel A. Crawford, dated Head-Quarters of General Hotze, Mayenfeld, May 22.

On the 12th inst. I had the honour to write your Lordship a few lines, containing the account of the successful attack made by General Hotze on the Enemy's post at St. Luciensteg and in other positions in the Grison country. In the course of the evening of the 12th, above a thousand more prisoners were brought in, so that the number taken in this affair amounted in the whole to between three and four thousand men.

The difficulties attending this operation were extremely great, and its success reflects the highest honour on the General and the troops. The fortified post of St. Luciensteg completely closes and defends the direct passage from Feldkirch into the Grison country; its natural and artificial strength is such as to render a direct attack upon it in front extremely difficult and imprudent, and its flanks are so well supported as to render it impossible to turn it without marching over such mountains as might almost have been deemed impracticable for troops.

The first or right hand column marched from Feldkirch on the great road straight to the Steig. The destination of this column was to form in front of the post, to make such demonstrations as to threaten attack, and endeavor to draw off the Enemy's attention from his right flank, and to be in readiness to pursue the Enemy with the Cavalry and flying artillery as soon as the other columns should have obliged him to abandon the Steig.

The second column commanded by Major General Yellachitz, consisting entirely of Infantry, made a considerable detour to the left, effected this march by extraordinary exertions over the chain of mountains by which the right flank of the position of the Steig is covered, and descended about day-break in the rear flank, in a place where, from the extreme difficulty of the ground, the Enemy could not expect an attack.—This column dislodged the Enemy from the post of the Steig, and made prisoners great part of the Infantry that defended it.

The third and fourth columns, commanded by General Hiller and Colonel Plunket, marched from Feldkirch up the Montafone Valley, from whence they with great difficulty crossed at different points the chain of Mountains which separates it from the Valley called the Breittigaw, and drove the Enemy from the different positions he occupied on this side, and descended into the Valley of the Rhine, by Marchlines and Zizers; the advanced guard of the first column pursued the Enemy from the Steig, arrived at Zizers time enough to cut off the retreat of the Enemy from the Breittigaw. Of the remains of the enemy's corps in the Grisons, one column retired through Coire to Reichenau, where they took post behind the Rhine, and another passed that river at the Zollbrücke, and marched through Ra-

gatz towards Sargans, leaving a rear-guard at Ragatz.

On the 15th General Hotze reconnoitred the enemy at Reichenau; but finding them strongly posted, and not having any Infantry at hand, he could not attack them. The same day, however, he ordered Colonel Cavacini to attack them at Ragatz, from whence they were driven with considerable loss. About fifty prisoners and two pieces of cannon were taken. The advanced posts were pushed forward to Sargans.

On the 16th, the Enemy retired from Reichenau towards Disentis, where they were attacked on the 18th, and obliged to retreat with the loss of two cannon and several men. On the 19th day they were driven from Wallenfstadt and Werdenberg, on which occasion they also lost three pieces of cannon.

On the 9th, the Enemy with a very superior force made a severe attack on the corps commanded by Colonel Cavacini at Wallenfstadt, but was completely repulsed on this occasion. The battalion of Swiss Emigrants, commanded by Colonel Rooreta, (which formed a part of Colonel Cavacini's corps) were engaged for the first time; it suffered a good deal, and with great bravery.

The Enemy now is in full retreat from the Rothenbourg and canton of Appenzell. The Austrian patrols entered St. Gall the night before last, and found between Rheinbeck and that place thirteen pieces of ordinance, besides a considerable quantity of ammunition, which the French had abandoned in their retreat. On the whole the Enemy's loss in this quarter, from the 14th to this day, exclusive of killed and wounded, may be estimated at near 4000 prisoners and 36 pieces of cannon. Lieut. Gen. Bellegarde is at Chiavenna.

June 3.

The Walsingham packet arrived at Falmouth on Friday from Lisbon, after a passage of 16 days. The passengers report that the French fleet, joined by some Spanish ships, making 24 sail of the line and eleven frigates, had been hovering off Cadix, on the 3d, 4th, and 5th of May; that Lord Keith, with 18 sail of the line, offered them battle; but the French being to the windward, declined the conflict, and on the 6th in the morning they disappeared.

An intimation was given by Mr. Newland to the Gentleman of the Stock Exchange on Friday that Mr. Pitt wished to have some conversation this day with the monied interest, respecting the ensuing Loan, which is expected to be agreed for in the course of the week. It is 13,000,000. and to stipulate for additional issue of 3,500,000. of Exchequer Bills, which is understood to cover a foreign subsidy, and to be provided for hereafter.

The outward-bound India Fleet will probably sail from Portsmouth in the course of the present week, as will the Lancaster, with Sir R. Cortis's flag for the Cape.

On Saturday last the Purfers of the following ships attended at the East India House, and received their final dispatches, with which they immediately proceeded to Portsmouth, to join their respective ships, viz. The Charlton and Asia, for Coast and Bay; Woodford and Albion for Bombay direct.—The Warley, Hope, Earl of Abergavenny, Hindostan, and Duke of Buccleugh, for China direct, will be dispatched at the India House this day.

The number of passengers on board the ships dispatched on Saturday last exceeded any former voyage. On board the Charlton, for Bengal and Madras, are 53 passengers, 20 of whom are cadets; and on board the Asia are 58, 39 of whom are also cadets, for the artillery, infantry, and cavalry.

Among the spontaneous productions of the island of Mauritius, is the curious plant Arbutusca Sirensis, or the Cape Jessamine, from a detection of which, it is said, the Eastern Nations make the beautiful and valuable scarlet dye called the Usiski. The people of the island are ignorant of the art of extracting dye.—The Cape Jessamine is to be found in the hot-houses of some curious Botanists of this country.

The Premier, it is said, means to impose a heavy tax upon wigs—Ladies wigs to pay double.

Lord Duncan was expected at Yarmouth on Saturday, to hoist his flag on the Kent, which is still in the Roads, with five Russian ships and five hired vessels. The Pyrites, Inspector, and Cruiser are also there.

The Marquis Del Campo has been called from Paris to Madrid, to take his seat in the Council of State.—Several Generals have been sent to Majorca, to effect the capture of Minorca. The Spanish Government now seems most actively to support the plans of the French Directory.

Count Wachtmeister succeeds the late Swedish Admiral Wrangel in the chief command of the marine.

A number of seamen have been ordered from Norway to the men of war fitting out for this year's service at Copenhagen.

The murder of the French Deputies at Rastadt is not unprecedented in the Imperial History. Two French Envoys, Renon and Trages, one destined to Venice, and the other to Constantinople, were assassinated in 1541, near Pavia during the reign of Charles V.

PARIS, 8 Prairial, May 27.

Championnet, Mack, and the Pope are on their way to Valence. [The Pope is not dead it seems.]

Letters from the army of Italy, say, that in case it should advance again, large bodies of troops must be sent to restrain insurrection in its rear—otherwise very serious consequences may result. The French are very frequently assassinated. Generals Clarke and St. Cyr, and Masnion, ci-devant chief of Staff have lately fallen victims. Massena contemplates condensing his army into a solid column and advancing. He is confident of success in this measure.

LUCERNE, May 21.

In consequence of a message from the Directory of the 17th, the Great Council has adopted the following resolutions:

- 1. Until the present dangers are past, all Helvetia is considered to be a camp.
- 2. All citizens whose names are inscribed for service either in the chosen body, or in the corps reserve, are declared from the present moment, to belong to the picket, for the service of the Interior, and placed at the disposition of the Directory, for the defence of the country.
- 3. All the officers and sub-officers are placed in requisition at the demand of the Directory, and bound to perform the service which it may order them.
- 4. All the magazines containing matter and effects applicable to the military service, are put in requisition, as well as every thing which may relate to the same object.
- 5. The nation will indemnify, in the fullest manner, the communes and citizens who may suffer in their properties in support of the common cause.

DUBLIN, June 1.

Yesterday the whole of the yeomanry corps were put off permanent pay and duty. This circumstance augurs well for the peace of the country.

Extract from the Lord Lieutenant's Speech, on the prorogation of the Irish Parliament, to July 16.

"I have his Majesty's particular commands to acquaint you that a joint Address of the two Houses of Parliament of Great Britain has been laid before his Majesty accompanied by resolutions proposing and recommending a complete and entire Union between Great Britain and Ireland, to be established by the mutual consent of the Parliament, founded on equal and liberal principles, on the similarity of Laws, Constitution, and Government, and on a sense of mutual interests and affections. His Majesty will receive the greatest satisfaction in witnessing the accomplishment of a System, which by allaying the unhappy dissensions too long prevalent in Ireland, and by promoting the security, which, and commerce of his respective Kingdoms, must afford them at all times, and especially in the present moment, the best means of jointly opposing an effectual resistance to the destructive projects of foreign and domestic enemies; and his Majesty, as the common Father of his People, must look forward with earnest anxiety to the moment, when in conformity to the sentiments, wishes, and real interests of his subjects in Great Britain and Ireland, they may all be inseparably united in the full enjoyment of the blessings of a free Constitution; in the support of the honour and dignity of his Majesty's Crown, and in the preservation and advancement of the welfare and prosperity of the whole British Empire."

STOCKHOLM, May 10.

The demise of Prince Belorodsko, the Russian Chancellor of State, has occasioned a temporary suspension of the Congress appointed for the demarcation of the frontiers between Sweden and Russia. Mr. Hayles, the British Envoy in Sweden, has obtained permission of his Court to absent himself for some time from Stockholm.

LONDON, May 30.

Lord Bridport, it is said, has adopted the wisest precautions to encounter any danger that might affect Ireland from the Irish fleet; his frigates are so disposed as to communicate by guns and signals nearly two hundred miles along the South and West coasts, while his principal force (28 sail of the line) is concentrated so as to be able to act immediately upon any point where it may become expedient.

All the accounts from Spain announce, that kingdom is in the most critical state.—The Minister Urquijo has completely imbibed French principles. This disposition, joined to poetical enthusiasm in a young man, who had gained some literary reputation before he was raised to be minister, persuaded him that his country must be revolutionally regenerated. He does not disguise his plans; and steps boldly forward towards a revolution, of which he flatters himself to have the direction. This also was the idea of the ambitious Neckar, when he conceived the scheme of revolutionizing France. We shall see if the calculations of the Spanish minister will be better founded than those of the Genevese Financier. But it is impossible not to lament the fate of Nations subject to such quacks, and to such experiments.

The report that Buonaparte had formed a treaty of Alliance with the Maronites of Mount Lebanon, must be void of foundation, their country being at the extremity of Palestine, at least sixty leagues to the northward of the last position of the French army, which was before Acre.

A letter received from the Dardus says, "We had been in sight of the French ship for three days; nor does it appear the meant to avoid us, as her force was much superior. We brought her to action at half past 11 P.M. on the 3d of January. She had many soldiers on board, and the musquetry was extremely tedious; she seemed to determine to dispute the contest, and her metal was so heavy, that though we were close on board for 25 minutes, she did not seem inclined to wear; at a quarter past 12 we succeeded by a judicious manœuvre—we let her run a cable ahead, and fell on her starboard quarter; this was just the position. We drove in her counter, and boarded her at the same time with such promptness, that she hauled down her colours."

June 1.

Not a single merchant ship has been permitted to sail from any port since the Brest Fleet was at sea, notwithstanding numerous applications have been made to the Admiralty for a license.