

MR. EDITOR,

Some of the proceedings of the Grand Jury of this county having excited the general attention for some days past, they think it necessary, for the satisfaction of our fellow citizens, to publish the following presentments, made by them, together with the Chief Justice's reply to and remarks on the same, that a just estimate may be formed of their conduct.

It is not to be presumed, that Grand Jurymen are civilians, nor even deeply versed in the laws or constitution; but with pride and pleasure we remark that few among us are ignorant of either, as not to know that every individual has by natural law, a right to complain of all grievances; and surely no one can, or at least ought, to say that a Grand Jury does not possess the same right—and we conceive it matters not where the grievance originates, whether among ourselves, in the Executive of the state, or even of the United States.—If we feel it, we can and ought to complain, and seek for redress in a constitutional manner.

We deny being actuated by any thing selfish or personal in these presentments; they have long been a subject of general complaint, except the first; and even in presenting that, we did not take it up hastily; nine days having elapsed from the existence of the offence, (as we did, and still do conceive it to be) and the presentment only made when we thought the Grand Jury was about to be discharged. We also disclaim having had the most distant intention of reflecting on the Associate Judges of the General Court; nor can we conceive how any part of our presentment can be tortured into such construction—and finally, we submit to the SUPREME TRIBUNAL of the public, our whole conduct in this business.

Baltimore, 22d August, 1794.

PRESENTMENT of the GRAND JURY.

AUGUST TERM, 1794.

The grand inquest for the body of Baltimore county, do, upon their oaths, present as grievances—

1st. The insult offered to them in open court, by the Chief Judge, in censuring the Sheriff "for having summoned to bad a jury." Justice to our fellow-citizens requires that we should solemnly protest against such arrogance of office.—To pass it unnoticed, although immaterial to our own individual justification, might be considered hereafter by Judges equally vindictive and tyrannical, as a precedent; until the frequency of the offence, would make men of feeling and reputation, extremely averse to the discharging of this important duty.

2d. The arrangement in the judicial departments, which constitutes the same person Chief Judge of the General Court, and Chief Judge of the Criminal Court for Baltimore county, in violation of the 30th article of our Bill of Rights, which declares, "that no Chancellor or Judge ought to hold any other office civil or military, or receive perquisites of any kind," and of the 32d article, which declares, "that no person ought to hold, at the same time, more than one office of profit." In consequence of this arrangement, the benefit of appeal is greatly diminished, and may in certain cases be nearly destroyed.—A Chief Judge must, from his station, and may, from peculiar circumstances, attain a powerful ascendancy over his brethren upon the bench should he happen to be tenacious of his opinions, self-important, and self-sufficient, as the passions of the man must ever tincture the proceedings of the officer, he will not fail to use every mean in his power, for prejudicing the Associate Judges in favor of his adjudications in the court below, although personally withdrawn—for the appearance of common decency forbids, that the Magistrate who presided when the sentence appealed from was passed, should also preside when the appeal was heard—still the influence of his previous management may remain to blind, to bias, and mislead. The arrangement is faulty in another view.—By appointing a certain number of Judges to hold courts, though the presence of all be not essential, it is nevertheless necessary and desirable; various occurrences may prevent a full court at different times; when this does happen, it is accounted an inconvenience, and disadvantage incident to the nature of things and incapable of remedy; but it is extremely incongruous and absurd, by a deliberate system to create the inconvenience and disadvantage in all causes, brought by appeal from the Inferior to the Superior Court.

These grievances appearing to our ap-

prehensions truly great, of dangerous tendency and destructive operation, we the grand Jury aforesaid, do upon our oath present Samuel Chase, Esq. for abuse of power, in daring to censure the Sheriff for not summoning a Jury to his approbation. We present the Executive of the state of Maryland, for appointing Samuel Chase, Chief Justice of the General Court, to the office of Judge, for the Court of Oyer and Terminer and General Goal Delivery, for Baltimore county—and we also present the said Samuel Chase, for accepting of those two appointments, in violation of the 30th and 32d articles of the Bill of Rights.

W. M. Creery, Foreman, Hans Creery, J. A. Buchanan, Cumb. Dugan, John Ross, Joshua Miles, Andrew Robinson, Wm. Van Wyck, Henry Wilson, Robert Stewart, Robert Porter, J. Manwarring, L. Pajoult, William Hall.

THE CHIEF JUDGE'S REPLY.

Gentlemen of the Grand Jury,

On yesterday you delivered to the court, a paper in which you present as GRIEVANCES,

1st. The insult offered to the Jury in open court, by the Chief Justice, in censuring the Sheriff for having summoned to bad a Jury.

2d. The arrangement in the judicial department, which constitutes the same person Chief Judge of the General Court, and Chief Judge of the Criminal Court for Baltimore county, in violation of the 30th and 32d articles of the Bill of Rights. In this paper you present me for abuse of power, in daring to censure the Sheriff, for not summoning a jury to my approbation; and you present the Executive of the state of Maryland, for appointing me (being Chief Justice of the General Court) to the office of Chief Judge for the Court of Oyer and Terminer and General Goal Delivery, for Baltimore county; and you also present me for accepting of these two appointments, in violation of the 30th and 32d articles of the Bill of Rights.

You have, gentlemen, by law, a power to present all crimes and offences against the laws, committed within the county; but you usurp power when you present any offence not committed in this county; and you also usurp power when you present any conduct of a private citizen, or of a Judge, and much more of the Executive of this state as a grievance. If any person has committed a breach of the laws, it is your duty to present it, but misconduct of a judge in his office, though contrary to law, unless he acts at the same time corruptly, is not within your jurisdiction. The misconduct of the Executive of this state in appointments to office, is also not within your jurisdiction, and it is a manifest infringement of the constitution and laws of this state, for you to interpose, and to pass your opinion on the conduct of a Judge, unless flowing from corruption; or any conduct of the executive. These subjects are not entrusted to you by our constitution, or laws. If you were acquainted with the constitution under which you live, you would know that the House of Delegates is the only legal tribunal, in this government, to enquire into grievances. You present as an insult to yourselves, "that in open court I censured the Sheriff for having summoned to bad a jury," and you protest against it as an arrogance of office. Your calling my censure of the Sheriff (expressed in any terms) an insult on your body, will not make it so, and your assertion that my censure flowed from arrogance of office will not prove me to possess such a disposition of mind. Gentlemen, I shall not conceal what passed between me and the Sheriff.

On reading the pannel of the Grand Jury, I observed to the Sheriff that a more indifferent Grand Jury had not been returned for two years; that it was his duty to return a pannel of the best and most capable men in the county for the Grand Jury; that if I was sole judge I should fine him. I also observed to the Sheriff, that he had returned a gentleman who had encouraged the late riots. The Sheriff declared that he did not know it. I appeal to my associates whether I have stated the facts.

If I am correct your informant is mistaken, but, gentlemen, "if I had censured the Sheriff for having summoned to bad a Jury;" yet this is the first instance of a presentment, by any Grand Jury, for an insult to any one; and it would seem that delicacy would point out the impropriety of judging in their own case. But, gentlemen, the court in virtue of their office of Judges, have a power not only to censure, but to fine a Sheriff for not returning such a pannel of a Grand or Petit Jurymen, as they approve. As one of the court, I have this power, and it is my duty to exercise

an opinion, whether the Sheriff has returned the best and most capable men in the county to complete the present Grand Jury. By a good Jury is always meant a Jury of knowledge and experience in the business entrusted to them: by a bad Jury is only meant the want of sufficient knowledge and experience.

The power of the court is derived from the common law, and is recognised in all the laws that have passed for the establishment of this court, except the last, in which the clause appears evidently to have been omitted by neglect in making the copy. You have also, gentlemen, presented me for abuse of power, in daring to censure the Sheriff for not summoning a Jury to my approbation. If by law I have a right, not only to censure but to fine the Sheriff for returning a Jury which I disapprove; you have greatly erred in judgment, by calling this legal exercise of opinion an ABUSE OF POWER. An assertion that power is abused, is an admission that the power exists, but that it is exercised to such an excess as to become an abuse of it. If I have the power, you are not the judges whether I have abused it, and notwithstanding your opinion it will remain undecided, whether I have abused my power or not. A Judge in exercising his legal discretion is only answerable to God and his conscience, and is above all human tribunals, unless he acts from corrupt motives. I shall dare to do my duty as my judgment directs. Your indecency of language and illiberal reflections, not only on myself but on the two other judges of the general court, I shall not notice, but only remark that such conduct highly unbecomes the candor, the temper, and moderation that every Grand Jury should assume, even if they did not possess those qualifications.—You, gentlemen, have undertaken to present the Executive of this state for appointing me, being Chief Justice of the General Court to the office of the Chief Judge of this court—By the constitution of this state (48th section) the Governor and the Council are authorized to appoint all Judges and Justices, and they are bound by oath to vote for such person as in their judgment and conscience they believe most fit and best qualified for such office. By the constitution, therefore, the Governor and Council are made the judges of the person to be appointed Chief Justice of this court; and this power has been exercised twice by two different Executives in my appointment; but you set up yourselves as Judges of the constitutionality of the appointment, and present the Governor and Council for violating the constitution—by this conduct you have set yourselves up above the Executive, and presumed to censure the conduct of your superiors. Party has already and will probably hereafter give this the same construction you have done to the Bill of Rights, but as you have no right to give any opinion upon the subject, it will have no influence in the decision of the Executive. You gentlemen, have presented me for accepting the office of Chief Judge of this court, as I am Chief Judge of the General Court. If my acceptance of the office is an offence, I shall readily submit to the decision of the law, and for this part of your presentment, gentlemen, I take no offence—it was your duty if you in your conscience considered it an offence—but it cannot escape observation that no other Grand Jury have been of the same opinion with you, and the presentments seemed connected with (but I will not believe that it flowed from) a supposed insult to yourselves.—You all know, Gentlemen, that the Chancellor holds the office of Judge of the Land-office, and that too with the repeated approbation of our legislature.—You, will gentlemen, continue to do your duty, and I shall persevere in mine, and you may be assured that no mistaken opinion of yours—or resentment against me will prevent my having respect for you as a Body.

Foreign Intelligence.

FROM HAMBURG PAPERS.

THORN, June 14.

According to some accounts, Craeow has surrendered to the Prussians, and 4000 Polish troops were taken prisoners.

From a letter from Warsaw, June 24.

The citizens have requested from the National Council, an account of the battle of the 6th; but did not obtain it. This gives naturally reason to suppose that the same has been against us. The Russians are advancing from all quarters, and the confederate army is retreating. Every one seems to lose courage at these unfortunate incidents; and our most spirited patriots begin to have very serious thoughts.—Just now it is reported, that 10,000 Russians under Gen. Derfeldt have passed the River Szug, and defeated the Polish army near Dubienka; it is even said, that they are already at Lublin, about 36 or 46 miles the other side the Weichsel.—They deceive the people by the most ridiculous accounts, and try to keep them in spirits by the most barefaced falsehoods, of advantages obtained, of resources, and foreign connections.

VIENNA, June 18.

The Prince of Kaunitz lies without hope, and has already received the last sanction.

The accounts from the army in Italy are every day more favorable; on the frontiers of Lombardy they are without

any apprehension and even at Turin they have recovered of their panic.

Count Kaunitz of the army in the Netherlands has given in his resignation.

General Mack set out on his return from the Netherlands, two days before the Emperor.

In Turin upwards of 2000 persons have been arrested as being concerned in the last conspiracy. Four battalions of infantry and two of cavalry, of the Imperialists are there already, and more are expected.

GENOA, June 14.

On the arrival of a vessel from Ballia an extraordinary council of state was called, which sat from 2 o'clock till 9 o'clock next morning. We have since heard, that the Corsicans have formally declared war against our Republic, and have charged us with not keeping the treaties, but acting contrary to them. This declaration of war is said to be signed by the famous Paoli, as the Commander in Chief of the Corsican marine and land forces. This news has occasioned here a great deal of consternation; and forebodes the most melancholy consequences for our commerce, to which add, that the English keeps our ports blocked up. In the mean while preparations are made to defend our two rivers.

LIEGE, June 25.

Letters which deserve credit, mention that the French National Convention have demanded 25,000 men, from the army of the North, in order to march into the interior parts of France. This accounts seem to be some confirmation of the reports that the royalists had gained some advantages in La Vendee.

VIENNA, June 18.

According to a general report, a great plot has been discovered in Trieste, the object of which was nothing less than the destruction of the harbour. The conspirators are said to be mostly Italians or Greeks; who have been purchased with great sums of money by French emissaries for that horrid purpose. A great number of persons of different classes have been already arrested, and on this occasion such an immense quantity of powder has been found in the lower hold of a foreign vessel, as would have been sufficient to blow up not only all the vessels in the harbour, but the city itself.

WARSAW, June 21.

Kosciusko notwithstanding his defeat, speaks in a very high tone. In a circular letter which the supreme council have issued on the 12th, by his orders, it is said that the Poles will proceed now no longer on the defensive, but mean to act offensively, and Kosciusko promises therein Liberty to all the Prussians and Russian prisoners,—provided the insurgents can penetrate into these provinces, and provided likewise that these foreign provinces are fond of Palomion Liberty. The insurgents cannot maintain their ground against the Russians, tho' they fight with great obstinacy and rage. General Zajonczek gave an instance thereof on the 8th, near Chelm.

ROME, June 14.

Several suspected persons have been arrested here again; and a Piedmontese has been sent to the Anogel Castle, daily new signs of Jacobin influence are discovered. Posterity will hardly believe it that Mendicant Monks and many secular Priests of the lower order were some of the main springs of the proposed Revolution in the Italian States; according to the French fashion, in their confessionals they preached to the people infidelity, and contempt of Religion and of Government; but fortunately for the States all has been discovered.

[Translated for the General Advertiser.]

HAMBURG, July 2.

The French have sent the magistracy of Ypres to the Austrian camp.

The centre of our army is at Cateau in the Cambresia.

July 5.

The progress which the French have made in Flanders as well as on the Sambre, has induced the Minister Plenipotentiary of the Netherlands, Count Metternich, to write to the Belgian states on the 23d ult. requesting them to cause a general arming, owing to the deplorable situation of affairs which exposes the whole country.

It is feared the Prussians expected from the Rhine will not speedily arrive.

The flight of the inhabitants from Flanders and the Austrian Netherlands

has continued for some time and now proceeds with increased activity. They are also removing the valuables into Holland with vast expedition.

Since the progress of the French in the Netherlands, the patriots in different cities appear of a mind to make some stir; in the present state of the armies any open attempt at insurrection might be attended with disagreeable circumstances.

The cause of the slow progress of the French into Piedmont has been want of provisions.

BRUSSELS, June 26.

The troops ordered to evacuate Valenciennes, Conde, Quefnoy and Landrecies have orders to join the army on the Sambre with all expedition.

As soon as 2000 Austrians had arrived at Turin the execution of the conspirators began.

TREVES, June 25.

Every thing is in motion here on account of the intelligence, that the French have advanced in three columns and formed a camp of 20,000 men near Longwi. The French are reinforcing these parts daily from the army of the Rhine, whence their soldiers arrive in waggon.

Upon this intelligence the few troops we had here went off to Merzig. We have sent a courier to General Melas who commands in the Luxembourg and is now at Arlon to come here with his corps. Count Kalkreuth has his head quarters at Oitweiler.

On the Vistula, June 26.

The Polish Lieut. Gen. Jaskinski, has issued a proclamation to the people of Lithuania which contains the following sentiment.

"CITIZENS,

"The earth on which we live cannot be taken from us by the enemy. They may burn your thatched dwellings and rob you of your goods; but soon will the booty you will get from the enemy enable you to build more comfortable houses, and you may live more happily when the land is freed by your valour. Then, citizens, let us attack the enemy in their own country and treat them as they have treated us; showing however mercy to those who have not injured you, revenging your wrongs on those who have fought your ruin by the most unwarrantable excesses. Let us be confident in our strength; but that strength must be exerted and our country calls upon us for a desperate effort."

The Russian Gen. Derfelt has taken Lublin, Kosciusko has called in all his small corps to the main body, to render his plan of defence more certain.

PARIS, June 23.

David has been directed by the convention to give a description of a new national dress.

It is generally believed, that the Swedish dress will be nearly his model,—that it will consist in a tight pantaloon, short waist coat and Spanish cloak.

The order which had been given that the post-horses throughout the Republic should only be used by deputies sent on public business, besides carrying the mails has been repealed.

Of the 17,000 men detached from the army of the North last year to quell the insurgents in La Vendee not more than 500 now remain.

The cavalry and artillery of the royalists are as well equipped as any regular troops. The former regiment of Royal Allemand and the hussar regiment of Emigrants are among them. Santerre in his retreat from Saumur has let cannon fall into their hands.

From Jersey and Guernsey the royalists receive provisions and ammunition, they are landed during the night or under cover of fogs.

Robert Lindet one of the members of the committee of safety is indefatigable in the discharge of his duty.

The members of the convention in general have very little to do, but give their assent to what is proposed by the committee of safety, they are always to be found in the play houses and such places.

Cambon who had proposed a personal tax in lieu of some other is now himself out of conceit with the plan & is quiet owing to the bad reception it met with.

The popular commission continues its searches and a great many people are daily confined; few are seen to return having once been in their hands.

The municipality of Cluse, in the department of Montblanc have sent to the commune of Paris, as a present 75 hundred weight of cheese, which has been distributed among the citizens in pieces of a quarter of a pound.

The journeymen of several mechanic