

Wilmington Gazette

PUBLISHED WEEKLY BY ALLMAND HALL.

Three Dollars per Annum.]

THURSDAY, NOVEMBER 10, 1801.

[Vol. V.—No. 254.]

Late Foreign Advices.

From London papers to the 15th September, received by the ship Two Friends, capt. M'Neal, arrived at Charleston.

LONDON, September 10.

We are happy to hear that Mr. Fox, yielding to the wishes of his friends, has resolved to attend parliament in future, as consistently as he did before his secession. These were some period which called more loudly for the exercise of his great abilities.

The intelligence we stated on Monday is daily confirmed. The Duke of York is at Portsmouth inspecting the fortifications, assisted by able officers; and he will make the circuit of the coast as far as Norfolk, for this purpose. By a letter from Brighton we find he is expected at that place in a day or two. A camp is forming there of ten thousand men; and some of the guards have arrived at the appointed spot. To begin forming a camp at this season of the year, is an explicit declaration that ministers have recently seen new cause to apprehend an attack upon our coast by the enemy.—This new cause, we believe, consists not only of the menaces and preparations of the French, but the almost certain and speedy rupture of the negotiations. The Duke of York will order new means of defence on every part of the coast which may be thought most vulnerable, and his attention will be particularly directed to the coast of Essex, which we long ago stated to be the real object of the enemy, if they actually design invasion. Of this there can be no doubt, as far as preparations and menaces go.—The hostile in all their ports the sea to London, the marching of troops and artillery to the coast; the movements have been repeatedly stated; and in the Paris Journals to the 7th, which we received yesterday, we find a circular letter of very great importance from the maritime prefect, at Amiens, to the sub-prefects. It is there announced, "that the French soldiers having obtained peace on the continent by conquest, it remains for the French to obtain peace on the seas by conquest likewise. The task of the soldiers is fulfilled; that of the sailors is beginning—the moment approaches—armaments are ordered in all the ports of the republic, and all the forms are to be put in requisition." This letter has not been officially published by the French government, which, so far from being ostentatious respecting the preparations against Britain, conducts them with the greatest secrecy. The French papers are nearly silent on the subject, and the best intelligence we obtain is from the Hamburg papers, sent to us by a private correspondent at Brussels. In addition to this letter of the maritime prefect, we find that Admiral Winter is strictly ordered to sail the moment the equinoctial gales drive the English fleet from the coast of Holland. He is desired to join the flotilla, "the advanced guard," under Admiral Latouche at Bonaire. If these circumstances do not induce ministers to take every precaution, they will be as criminal as those who effect "the alarm of invasion is all a ministerial humbug."

On Monday, we not only stated the departure of the Guards, and of the duke of York to review the walls, but that the negotiation had approached to an important crisis, and that something decisive in it was to be immediately done at Weymouth. Mr. Addington left town for that place, soon after the important conference at the duke of York's on Friday, at which the rupture of the negotiations was not only foreseen, but the requisition taken of interesting our means of defence, in consequence of private information. Mr. Addington returns this day. What the steps are, that have been taken in respect to the treaty, we do not know; but it is reported by well informed persons, that ministers having about a fortnight ago made certain propositions to Buonaparte, in the form of an ultimatum, with the design of pressing him to a decision, and to bring about an open and regular treaty, he has demanded the restitution of most of the colonies of the allies of France, as a preliminary to a negotiation. Upon this, it was on Friday received, at the conference at York House, to prepare against invasion, and to send Mr. Addington to the king, with a view of taking some important step. Perhaps the negotiation will be broken off, and if we have published immediately, but it is more in the character of the present ministers to send envoys to Paris; and the force may still be kept up till nearly the meeting of parliament, as the denouement will then have a much more serviceable effect on the public.

Two mails arrived yesterday, all that were due from Hamburg. With them came Mr. Vick, with dispatches from Vienna, and a messenger from St. Petersburg, with the ratification of the treaty concluded between this country and Russia. From the foreign journals we learn however, that this treaty is not much liked by Sweden, and still less by Denmark. This it is said, detains Duroc at St. Petersburg. France takes an active interest in the subject, and the interchange of messengers is very frequent. The emperor of Russia is said to have detested the French from landing troops in European Turkey. The report of Menou having surrendered is certainly untrue; equally so is the news of a fall from Alexandria, in which the French lost 300 men. This last intelligence comes from Malta the 11th of July; now we have advices from Egypt itself as late, which take no notice of so great success as the capture of five hundred of the troops at Alexandria. The French soldiers arrived at Malta, cannot have belonged to Belliard's army, no part of which could have left Egypt so early as the 11th of July, the day on which these troops reached Malta. Two thousand Swiss and Condé troops have arrived at Malta, on their way to Egypt, and three thousand English have lately passed by for the Western Sea for the same place. Several small vessels seem to get into Alexandria, which by the best accounts, may hold out a considerable time.

In the beginning of last month the Janissaries at Belgrade maintained, and compelled the Pacha of that place to throw himself into the citadel with a small number of officers and men who remained faithful to him. The voice on this occasion declared themselves

in favour of Pashwan Oglou. Soon after, however, some of the oldest of the Janissaries, apparently full of courage at this shameful dereliction of their honour, duty and allegiance, sent an act of submission to the illustrious Pacha, who received it joyfully, left the citadel, and returned to his former residence in the city. But in the night of the 14th ult. many of the malcontents found means to get into Belgrade, in troops of from ten to twenty, and a new insurrection broke out, which forced the harassed Pacha to seek again refuge in the citadel, where he expected to be attacked, the number of his followers had also been greatly diminished. The wretchedness of Belgrade was in terror and confusion; and many merchants and rich Turks fled with their goods and valuable effects to Semlin. The letters from Semlin positively assert, that the rebellious Janissaries had been actually bombarding their Pacha in the citadel ever since the 17th ult. and when these accounts came away, a fire had broken out in several places. A corps of Pashwan Oglou's troops was then on its march to join the rebels. The Turkish merchants who remained, were no longer permitted to convey away any of their goods; but the Greeks from Semlin, and Austrian subjects, were respected, and at liberty to dispose of their property as they pleased.

Mr. Charles Pinckney, the new American ambassador to the court of Spain, arrived some days ago off the coast of Suffolk in the Fox, which vessel being bound to the port of London, he shifted his baggage on board another vessel, bound to Hamburg, whence he is gone, on his way to Madrid.

An open boat, as a flag of truce, arrived at Dover from Calais on Monday, with dispatches from Mr. Merry, and brought Mr. Dawson passenger; he is a member of Congress of the United States of America, who has been over to settle the treaty between the two powers.

Dispatches supposed to be of great importance, were received by Mr. Otis, and communicated to ministers. It was yesterday reported with confidence that the negotiation is on the eve of being broken off, if not absolutely at an end; and it is experienced a depression of above one per cent. There was a rumour likewise that Mr. Addington is about to retire, and that Mr. Pitt was again coming in. If it be true that the negotiation is really at an end, we shall not be surprised to see Mr. Pitt come forward from behind the curtain. If the negotiation be not entirely broken off, we believe it will not last much longer. We see very little hopes of its success.

September 11.

A second and more considerable division of Lord Nelson's force sailed from the Downs for Boulogne on Thursday.—It consisted of the York, of 64, and Isis, of 50 guns, with several other ships of war. His lordship, on Wednesday, received intelligence by one of our armed vessels that the enemy's flotilla had moved out of the harbour to Boulogne roads, the wind having abated. Hence a suspicion arose of their design to put to sea. By our Margate letter, it appears the small ships of war in the roads there have been put in motion, to join Lord Nelson in the Downs, no doubt; and it is said, his lordship will himself put to sea, to prevent the movements of the enemy, who, it is believed, will attempt to bring the fleet of gun-boats that is in Calais out of that place to Boulogne. Notwithstanding recent events, the spirits will again come to blows, if the French again come within their reach.

The Paris journals to the 9th, which we received yesterday, confirm the former intelligence of the Chamber of Murder having postponed the election of a Bishop at the instance of the King of Prussia. No doubt can be entertained of the late Bishop of Prussia. Prussia must have taken to decide a line of conduct in consequence of the support of France. In return she is subjected of a wish to see the armed neutrality of the North, or at least to embroil Great-Britain on the subject. The Emperor Alexander has solicited Prussia in vain to accede to the convention of the 17th of June. Sweden is dissatisfied with it, and Denmark withholds her approbation. It is not unlikely that a new storm may arise out of these elements. Prussia will be as desirous of diminishing the power of the court of Petersburg, by gaining over to her interests, and placing at her devotion, the king of Denmark and Sweden, as she has been to curtail that of Austria in the German Empire.

The funds again fell yesterday. No man entertains any hopes of the negotiation. Indeed some report that it is on the eve of breaking off. With such a combination of unfavourable circumstances, as an approaching rupture of the treaty, daily threats of an invasion, and the certainty of an enormous loss, the funds must soon tumble at a rapid rate.

Accounts from Cadix state, that 8 or 10,000 French troops are now at Cadix, where it is expected that 30,000 or 60,000 more will soon arrive. Various conjectures are formed respecting their destined service. Some apprehend the safety of Spain, while others suppose they are intended to attempt the storming of Gibraltar.

September 14.

Some Janissaries, under a leader connected with Pashwan Oglou, have taken Belgrade, deposed the Pacha, and appointed a new one, supposed to be devoted to Pashwan. The authority of the Part in this quarter has received some rude shocks, and Pashwan threatens it more and more. We should not be surprised to see part of the Turkish forces recalled from Egypt, to stop the alarming progress of the Pacha of Widdin.

September 15.

The capture of Belgrade, the bulwark of the Turkish empire in Europe, by a corps of Janissaries, commanded by officers in the service of Pashwan Oglou, has produced the greatest sensation at Vienna. Pashwan Oglou has it now in his power to threaten the capital of Turkey. It is mentioned, as a positive fact, that the Emperor of Germany, by virtue of a secret article in the treaty of Lunenburg, has promised not to take any measure to stop or hinder the progress of the Pacha of Widdin, as long as the latter shall continue to observe the laws of good neighbourhood, and abstain from molesting the Austrian subjects, whether Greeks or Christians.

JUDGE HALL'S CHARGE.

The following is the Charge delivered by DOMINICK A. HALL, Esq. Chief Judge of the Fifth Circuit of the United States, at the Court opened in the city of Raleigh, on the second instant.

Gentlemen of the Grand-Jury, Congress having made a new arrangement of the Judiciary of the United States, it becomes the duty of the Court to explain to you fully the nature of its jurisdiction, and to inform you generally of the difference Courts established under the authority of the Federal Government.

The source of that authority is the PEOPLE, the only Sovereign known to the constitution or laws of this country. In language at once simple and sublime, this great and important truth is published to mankind in the solemn ordaining the constitution. In that act, new and astonishing to an admiring world, it is declared, that "We the People of the United States do ordain and establish this constitution."

Let us enquire what were the great purposes of this supreme act of the sovereignty of the people of the U. States. They were the wisest and best calculated to promote the happiness of Man.—To form a more perfect union, to establish justice, to ensure domestic tranquillity, to provide for the common defence, to promote the general welfare, to secure the blessings of liberty to themselves and their posterity. In these few words, we find completely embraced, and with energy and dignity expressed, the great purposes of their association—the happiness and security of the People.

The first great object of the citizens of this country, when they ordained the constitution, was to form a more perfect union. True indeed, they had been hitherto united by a federal league; but perhaps their union before, was more attributable to a sense of common danger, their common resistance, to oppression and the same oppressor, and to the enthusiasm excited by the great object of their cause, than to any written convention, or articles of confederation.

The able and patriotic statesmen who composed our Federal Convention, were deeply penetrated with a conviction of this great truth, "That in the strict union of the States, depended our political salvation; that it was the only measure to secure the blessings of liberty to themselves and their posterity. That union was firmly established, and Heaven grant it may last for ever. But those great and virtuous men were equally impressed, and a firmly convinced, that their union could not be preserved, their domestic tranquillity, and their common defence provided for their general welfare promoted, or the blessings of liberty secured to them or their posterity, without the ESTABLISHMENT OF JUSTICE. They knew and felt, that they could not invoke the Great God of Justice to bless their undertaking, or smile upon their country, whilst they neglected its promotion.

Here for a moment, Gentlemen, let us stop, and permit me to mingle my congratulations with yours on our happy lot in being citizens of a country possessing the freest constitution on the globe.

It has been asserted indeed, by the supporters of the different monarchies and aristocracies of the world, that a people are incapable of governing themselves. It has been declared by the apostles of these doctrines, that not only the passions of individuals should be subjected, but that even in the mass and body of the people, as well as in the individuals, the inclinations of men should be thwarted, their will controlled, and their passions brought into subjection, and that this could only be done by a power out of themselves; by which they mean, a power independent of the people, and out of the reach of their control.

Fortunately for the advancement of political truth and of Republican Representative Government, our happy country exhibits abundant proof of the absurdity of their doctrines, and at once puts to flight those principles so fatally hostile to the liberties of mankind. Let the preachers of those doctrines throw their eyes on United America; where the people is the only source of power, where the magistrate derives his whole authority from them, and to them alone is responsible; a country, whilst the old world is convulsed by war, pursues the arts of peace, under a government free, equal, mild and representative.—They will here find liberty, religion and political, most fully enjoyed; "the passions subjected;" submission to the ordinances of the people, constitutionally made; the certain punishment of those who infringe them, and the sacred protection of life and property. What abundant reason have we, Gentlemen, to rejoice in our happy destiny! What abundant reason have we to offer up our thanks to the Great Ruler of mankind!

I have before observed, that the first object of the people of the United States, after the formation of their union, was to establish justice, which is the end of government, and of civil society.

The constitution of the United States declares, that the Judicial Power shall extend

- To all cases under the constitution;
- To all treaties made under the authority of the United States;
- To all cases affecting ambassadors, other public ministers and consuls;
- To cases of admiralty and maritime jurisdiction;
- To controversies to which the U. States shall be a party;
- To controversies between two or more States;
- To cases in which a State shall prosecute a claim against a citizen of another State;
- To cases between citizens of different States;
- To controversies between individuals claiming lands under grants of different States;
- To controversies between foreign States or citizens and the citizens of these States; and
- To cases where a State may be plaintiff against foreign States or citizens.

well as appellate, enumerated in the constitution were necessary to be given. It may be well said, that the Judiciary is the key-stone of the federal arch. It is the best means of binding the whole together, of preserving uniformity of decision in all the judicial proceedings of the United States, which greatly tends to the security of person and protection of property. "Miserabile est servitium, ubi lex est vaga, aut incognita"—Miserable is the situation of that people whose laws are uncertain or unknown. Where no uniform system exists, where there is no settled rule of decision, where what is law to-day shall be declared not law to-morrow; where there is no superintending tribunal of appeal in the last resort, you can neither expect respect abroad, nor security at home.

For those and other weighty reasons, the constitution has declared that the Judiciary of the United States shall have cognizance of

All cases under the constitution.—Because the true construction of the constitution, and its proper exposition, ought to be ascertained by the parties to the compact, or by authority derived only from one of them.

To cases under the laws of the United States.—Because as such laws, constitutionally made, are obligatory on each State, the measure of their obligation ought not to be fixed by the party from whom it is due, but by a tribunal deriving authority from both.

To all cases under treaties.—Because they are declared the supreme law of the land, and binding on the whole nation, and ought not to be affected by local laws, or customs of a portion of the nation.

To all cases affecting ambassadors and other public ministers.—Because as they are officers of foreign nations whom this nation is bound to protect and treat according to the law of nations, cases affecting them ought only to be cognizable by national authority.

To all cases of admiralty and maritime jurisdiction.—Because as the seas are the joint property of nations, whose right and privileges relative thereto, are regulated by the law of nations and treaties, such cases naturally belong to national jurisdiction.

To controversies to which the U. States shall be a party.—Because in cases where the whole People are interested, it would not be equal or wise to permit one State to decide and measure out justice due to others.

To controversies between two or more States.—Because domestic tranquillity requires that the contention of States should be peacefully decided by a common judicatory, and because in a free country justice ought not to depend on the will of either of the litigants.

To cases where a State has a demand against citizens of another State.—Because in such case, it is better that the should prosecute her demand in a national court than in a court of the State to which the citizen belongs. The danger of irritation and crimination arising from apprehensions and suspicions of partiality, being thereby obviated, and any influence of local prejudices altogether prevented.

To cases between citizens of different States.—For the reasons last assigned, the parties, citizens of different States, may litigate their claims in the courts of the United States.

To cases between citizens of the same State claiming lands under grants of different States.—Because as the right of the two States to grant the lands is drawn into question, neither of them ought to decide it.

To cases where a State may be plaintiff, against any foreign State, citizens or subjects, and to controversies between the citizens of these States, and any foreign State, citizens or subjects.—Because as every nation is responsible for the conduct of its citizens towards other nations, all questions touching the justice due to either, ought to be ascertained by, and depend on national authority.

I will here mention, Gentlemen, that it was judicially decided, that under the words of the constitution as they originally stood, "a State was suable in the Supreme Court of the United States." But by an amendment to the constitution, it is declared, "that the judicial power of the United States shall not be extended to extend to any suit in law or equity commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

I conclude this exposition of the judicial authority of the United States, in the words of the learned Judge from whom I have principally taken it, "that even a cursory view of its provisions, leaves the mind strongly impressed with their importance to the preservation of the tranquillity, the equal sovereignty and the equal rights of the people."

The constitution having thus defined the powers to be exercised by the Judiciary of the United States, and having declared, that the judicial power should be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish, Congress proceeded to legislate on the subject, and pursuant to the constitution, established one Supreme Court which holds its sessions at the seat of the Federal Government. That Court has original jurisdiction only in cases of ambassadors, other public ministers and consuls, and those in which a State shall be a party, and appellate jurisdiction in certain cases defined by law. To the District Courts certain portions of authority have been delegated, particularly of admiralty and maritime cases. It is our peculiar duty to inform you of the extent of the jurisdiction of this Court, and it is especially necessary that you should be acquainted with the subjects of its criminal authority. In every well regulated system of jurisprudence, the laws are necessary as the balance; and the well being of society requires, that as innocence should be protected, so guilt should be punished. It is the duty of the Court to inform you as to the extent of your inquiry and the nature and the obligation of the office you are called upon to exercise.

By the late arrangement of the Judiciary, the United States have been divided into six circuits; this circuit, being the fifth, comprehends the districts of North-Carolina, South-Carolina and Georgia. Very considerable civil jurisdiction is given to this court, and by the 11th section of the late law, it is declared, "That the circuit courts shall have cognizance of all crimes and offences cognizable under the authority of the United States, and committed within their respective districts, or upon the high seas."