

All offences, therefore, committed in breach of the constitution, or any of the laws of the United States, are subjects of your inquiry.

Among the many good things with which a wife and beneficent Providence has blessed us, is the institution of the trial by jury.

I will not detain you, Gentlemen, by a tedious inquiry into the history of juries. It is sufficient for us, that it is ordained by our constitution, and that the trial of all crimes, except in cases of impeachment, shall be by jury.

Although, Gentlemen, I have the greatest confidence in your information, ability and integrity, I hope it will not be deemed improper in me to explain the nature of your office, and the meaning of the oath which you have taken.

The objects of your inquiry and presentment may be classed under two heads. 1st. Such as are given you in charge; 2d. Such as may come to your knowledge, independently of the charge, but within the subjects of your inquiry.

You have also sworn, "to keep secret the counsel of the United States, your own, and that of your fellows." The wisdom of this provision must be apparent to all.

The next division of your oath is, "that you will present no person from hatred, malice or ill-will, nor leave any thing unpresented from fear, favour or affection."

It is the duty of all engaged in the administration of justice, to conduct themselves with the purest impartiality. In the elegant language of the same enlightened and able lawyer whom I before mentioned, you are not to be influenced by the darker passions of envy and wrath to bring the guiltless into trouble, nor from the amiable affections of compassion or benignity, screen probable guilt from a full and impartial trial.

The next number of your oath is, "To present all things truly as they come to your knowledge, according to the best of your understanding." It is necessary to enquire what is meant by true presentment, for what the Law means must be the rule of our interpretation, & the measure of your duty.

and other great lawyers are of opinion, that if probab'e evidence be given, the Grand Jury ought not to find a bill. I agree, that a jury ought not to find a bill on light, trivial, presumptive evidence; the probability ought to be strong, and approximate the truth as near as the Grand Jury can safely assert it.

when conformable to evidence, though many such verdicts have in a strict and logical sense unhappily proved false. It has been questioned whether the Grand Jury ought not to hear the evidence on behalf of the accused; but, Gentlemen, you will recollect, it is only your duty to denounce the offender and to take care that he shall not be sent for trial without probable cause of accusation.

Having thus, Gentlemen, explained to you the duties of your office, and the nature of your oath, let me remind you that your inquiries and the cases arising under the constitution and laws of the United States, and treaties and conventions made under their authority. The State Government have their rights, and judiciary tribunals, independent of the Government of the U. States.

Upon a candid review and strict examination of the Federal constitution, it will appear, that in some cases, the state and federal governments are co-ordinate in their powers, and in others respectively supreme. In proof of this, it is only necessary to observe, that the state governments have the power to modify the alienation and distribution of real and personal estates; here they are supreme, for Congress cannot interfere.

After having taken up so much of your valuable time, nothing but the importance of one object should induce me to detain you a moment longer. I is, Gentlemen, as to the manner of administering justice. It is in vain that we erect tribunals for the establishment of Right, and the punishment of guilt, if any part of the judicial department be impure.

I have been much astonished that in a government like ours, where the principles of liberty are so well understood, that it should have been permitted to a Marshal in any part of the Union to select a jury. To leave to him the immense power of summoning men of what character he pleases, who may be friends or enemies of either of the parties, is extraordinary indeed.

When we reflect, Gentlemen, that we enjoy the freest institutions in the world, that we possess a Government founded on the will of the people, formed upon the just principles of Representation, and guided by exemplary wisdom and virtue. When we recollect, that should bad men intrigue themselves into the management of your affairs and wicked measures be pursued, that the voice of the people can and will remove them and destroy their measures.

have judiciary tribunals, independent of the other departments of Government, and which are not to be overawed or influenced by them; when all these things are considered, how many incitements have we to love our country, and to cling with arduous round our Federal and State Constitutions, the dispensators, of so many blessings. Happy people! May your liberties be immortal!

SALEM, October 20.

Captain Dana has favoured us with the following particulars respecting the British expedition to the Red Sea:

Major general Baird arrived at Mocha from Bombay in May last, with a number of transports, having on board a large detachment of India troops, bound to Suez, to join colonel Murray's detachment, which had preceded him, and was already at that place; and in conjunction with the forces of the Grand Vizier, to form the expedition against the French army of Egypt, which was reported to have collected and fortified themselves at Cairo.

Admiral Blaker is commander in chief of the naval forces in the Red Sea.

In May and June several English vessels from different settlements in India, having on board troops and warlike stores, touched at Mocha on their way to Suez to join the expedition, and as fast as they received supplies of water, &c. departed, there being no armed vessels to annoy them on their passage.

Sir Home Popham, in the Romney, with part of the Squadron, arrived at Mocha from England, which he left in December last. Touching at the Cape of Good Hope, he took on board the British 6th regiment, and arrived at Mocha in May. After landing his sick, and receiving a supply of water, proceeded towards Suez. The other ships of his Squadron, consisting chiefly of transports, were daily arriving, and leaving Mocha for Suez as fast as they could get furnished with supplies of water and refreshments; and when Captain Dana sailed (June 22) all the ships had passed which were expected for Suez. But it is not probable that general Baird, with the main body of the forces, got forward in time to co-operate in the reduction of Cairo.

There were various conjectures as to the number of troops in English pay, but generally supposed to be twelve or fourteen thousand. The naval force consisted mostly of light ships of war, the Red Sea being of dangerous navigation.

The last year the English took possession of Mehein Island in the Straits of Babel Mandel, and made considerable progress in fortifying it, but were obliged to relinquish it and withdraw the garrison for want of fresh water. They have since taken possession of and established a port on the Island of Gebel-tor, about 60 leagues north west of Mocha.

James Pringle, Esq. envoy from the English E. I. Company, to the king of Senna, set out from Mocha in May last with his suite, having in charge presents to a large amount for the king of Senna and his chief officers.

The English, to secure the friendship of the Arabs, have bestowed presents very liberally among the dolas or governors on the coasts of the Arabian Gulph and the Red Sea. The following is a list of some of the presents made by the E. I. Company to the king of Senna, and some of his chief men, in 1801.

Table listing presents to the King of Senna: To the King, 10,000 Rupees; His Son, 2,500; His Vizier, 2,000; Dola of Mocha, 3,500; Dola of Aden, 4,000; Their chief Secretaries, 500. Total: 22,500.

NORFOLK, November 6.

Our London, Glasgow, and French papers up to the 19th September, received yesterday by different arrivals, contain no very interesting matter—Flags of Truce still continue to go and come between Dover and Calais, without the least hint transpiring in the London or Paris papers as to the contents of the dispatches they carry. The Stocks, at both places, have, for some time past, been very steady, which inclines a belief, that the Propositions for Peace are, at least, favorably received by those in power.

By the French papers we find the invasion of England is much talked of. De Winter's fleet is nearly ready for sea—General Lafnes, Buonaparte's relation, is arrived at Dunkirk, to concert measures with Admiral Neilly. Admiral Trouville remains at Boulogne—and the French Admiral Truguet has taken the command of the Spanish fleet at Cadix.

At the circuit court of the U. States for this district, the term of which closed on the 9th inst. Abraham Swaine, late of Nantucket, mariner, was indicted for having on the 25th of January last, on the high seas, about a mile and a half from the shore of this State, contiguous to the mouth of Little River, turned Pirate, and run a way with the Schooner Fidelity, of which Forda M'Peafe was master, belonging to Messrs. M'Condeless, of Baltimore, and who with one thousand dollars (the sum really taken is said to have been 11,000 dollars) the property of the said owners, which were on board the said Schooner; and that on the 10th of February following, the said Swaine was first brought into this district; and that on the 18th of July he was duly apprehended and arrested.

This offence comes under the act of Congress, "for the punishment of certain crimes against the United States," the 8th section of which says, "the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular State, shall be in the district where the offender is apprehended, or into which he may be first brought."

The prisoner being brought to the bar, Mr. Martin, having previously put in a Plea of Abatement, on the ground of jurisdiction, proceeded to support his plea. He said the prisoner could only be legally tried in one place, and that must be in the district in which he was apprehended. To support this position, he quoted the above passage of the law. The piracy, he said, was stated to be committed on the high seas, but not that the defendant was apprehended in this district; on the contrary, it was admitted that he was first apprehended in the State of New-York. Nor was it contended that he was first brought into this State, but only that he first voluntarily came in, when he left the vessel on his way to New-York. The place where the piracy is stated to have been committed, being so near the shore of S. Carolina as to that of this district, the prisoner might, with as much propriety, have been brought to trial in that State. If it were admitted, that the United States might apprehend a person in one district, and send him into another to be tried, a prisoner might be oppressed, by being tried at a distance from his witnesses, and greatly to his disadvantage. The defendant in such a case, has no other shield than that of insisting on the observance of those rules which have been established by law. Mr M. therefore contended, that it was improper to try the prisoner in this court, neither having been apprehended in, nor first brought into this State, but in the State of New-York, where he was apprehended. He trusted therefore, his plea would be allowed.

Mr. Woods contended that this court had jurisdiction in the above case.

It was the opinion of the court that the plea ought to obtain.

On motion of Mr. Woods, grounded on sundry affidavits, charging the prisoner with conspiracy on land, after he left the vessel, for which he might be tried at the State court at Wilmington, he was delivered into the custody of the Sheriff of Wake county, to be by him taken before a State magistrate, and if the charges against him appear sufficient, to be sent to receive his trial at the said court, which is now in session.

The prisoner was accordingly brought to this town and lodged in jail.

Besides the above case, there were also tried three persons charged with counterfeiting and publishing (knowing them to be forged and false) Bank Notes of the United States, viz. Alexander and John Kearnes (father and son) from Kentucky, lately apprehended at Salisbury, and Nathan Baggot, of Johnston county. John Kearnes (the son) and Nathan Baggot, were both found guilty, and have been sentenced to two years imprisonment in the goal at Hillsborough, each to pay five dollars, the Court charges attending their prosecution, and the expenses of their imprisonment, or be confined till they are paid. Alexander Kearnes was acquitted.

The Court, conformably to the act of Congress in such case have designated the jurors to attend at the next term, according to the mode of forming juries to serve in the Superior Courts of this State, which is by nomination and ballot. The Marshal, therefore, will not, as heretofore, have a discretion in choosing them.

The French government has published a decree relative to the administration of the colony of Guadeloupe. It is henceforth to be under the superintendance of three magistrates, a captain general, colonial prefect, and commissary of justice.

Married on Thursday last, Captain J. BRUFF of Fort-Johnston, to Mrs. MARGARET SPAULDING of this town.

Died on Friday last, Mrs. HESTER WILKINGS, consort of Mr. JOHN WILKINGS, merchant of this town.

Port of Wilmington.

- Entered since the 7th instant. Ship Verena, Mildigstein, St. Croix. Sch'r. Helen, Miller, Salem. — Betsy, Thomas, Charleston. — Perfit, Bowler, Providence. — Betsy, M'Ilhenny, Charleston. — Betsy & Polly, Millet, N. York. — Eagle, Beale, Anquilla. — Favourite, Gros, Wilmington, D. Sloop Eliza, Wood, Bermuda. — Blue Bird, Bernard, Charleston. Brig Charlotte, Hudgings, New-York. Cleared since the 6th. Sloop Friendship, Rumbly, Beaufort. Sch'r. Apollo, Rumbly, Savannah. — Two Brothers, Willcox, Barba. [does. — Waldo, Trefethen, Guadeloupe. — Rebecca & Polly, Bernard, New-York. — Betsy, Thomas, Beaufort. Brig Rose, Everfon, Baltimore.

Blanks of various kinds, For sale by the Printer.