

ury, through their counsel, petitioned the justices of the Inferior Court for a writ of Habeas Corpus, which was granted. The grounds upon which the Inferior Court acted, will be found detailed in the following document of their proceedings:

Chambers, April 26, 1804.

Present the Hon. Edward Telfair, Edward Harden, John G. Williamson, Esq's.

vs. *Habeas Corpus.*

Wm. Smith, &c. }  
IN this case Messrs. Mitchell, Noel, Miller and Berrien, attorneys in behalf of the prisoners, aided by a committee appointed by the citizens of this county for that purpose, applied for the enlargement of the prisoners.

After argument. It appears that William Smith, Barrack Gibbons, William Blogg, James Mackintosh, Richard Turner, Solomon Shad, William Lewden, James Alger, John Gibbons, Isaac Minis, William Brown, Saul Simons, James Belcher, John Y. White, Joseph Rice, Joseph Machin, John Pettibone, Sampson Nevis, Timothy Bernard, David Guggle, Henry Putnam, and Jonathan Cline, composing the grand inquest for the body of the county of Chatham, were in the forenoon of yesterday committed to the common goal of the county, by judge Bowen, under and by virtue of a precept in these words:

"To the goaler of the common goal of the county of Chatham.

"You are hereby required and commanded to keep safe in your custody, those members of the Grand Jury, committed to your charge keeping this morning by the sheriff, in obedience to the order of the Judge of the Superior Court, until you receive from under the said Judge's hand, an order for their liberation.

(Signed)

JABEZ BOWEN, jun. (L. S.)

Which said commitment appears to be vague, informal, and assigns no specific charge or reason, for the commitment wants precision, naming no particular persons, and contains this unlawful restriction, that the goaler should keep them until he should receive from under the said Judge's hand, an order for their liberation; and being without a date.

It further appears that since the above commitment, judge Bowen has been confined and in close custody in the common goal of this county, which has thereby suspended his judicial functions, created a virtual absence and legal disability of the judge of the Superior Court, as appears by the goaler's certificate, in the following words:

Georgia, Chatham county.

To the keeper of the common goal of said county. }  
Receive the body of the Hon. Jabez Bowen, jun. brought before me, in a warrant, charging him with an attempt to excite a domestic insurrection in this state, and him safely keep until thence delivered by the due course of law.

Gives under my hand and seal, this 25th day of April, 1804.

(Signed)

JOHN POLER, J. P. (L. S.)

I do certify that the above is a copy of a mittimus in my possession, under which I have the body of the person therein named, now in the common goal of Chatham county. J. P. OATES, Golar, C. C.

Savannah, 25th of April, 1804.

And the 7th section of the judiciary act of 1799, giving unto any two or more of the justices of the inferior court in the absence of the judge of the superior court, full power and authority to issue writs of habeas corpus, and in all cases discharge, admit to bail, or remand to goal, any prisoner according to their discretion, and the law of the land. And the sheriff of the county of Chatham, having the said William Smith, and the other prisoners named in the said habeas corpus before us as commanded, together with the said judge Bowen's commitment, as the only cause of their capture and detention.

The Court thereupon addressed them: *Fellow-Citizens,*

It will be difficult to find a precedent to meet your case; at the same time we feel no hesitation in declaring your commitment, now before the court, illegal.

Because that it strikes at the root of jurisprudence, and consequently puts a period to the present term; without you, the lives and the rights of your fellow-citizens are in danger—it is the grand jury of inquest they look up to for protection, and without your body, the laws of your country cannot be executed. The patriotism, firmness and dignity with which you have conducted yourselves, together with the patience and fortitude you have displayed, will hand your names with applause to posterity.

The arbitrary and illegal confinement, under which you have laboured for twenty-four hours, is hereby declared to cease, and therefore you are discharged from your confinement.

A true copy from the minutes.

JAS. BULLOCK, Clerk.

The grand jury have made the following address to their fellow-citizens, through the medium of their chairman.

Savannah, April 26.

To Joseph Clay, Esq. chairman of the meeting of the citizens of Savannah, publicly convened at the exchange on the 25th of April, 1804.

SIR,

WE the subscribers, late members of the grand inquest for the body of the county of Chatham, are happy in finding that the conduct we, from duty to our country and to ourselves, were constrained to adopt towards

Jabez Bowen, jun. esq. judge of the Eastern district on the 25th inst. have been so generally approved by our fellow-citizens.

The attention paid, the liberal vote, and offer for maintenance while in confinement, by our fellow-citizens, are deeply impressed upon our feelings.

We present, through you, sir, our sincere thanks to them for the lively interest exhibited towards us on the occasion.

Wm. Smith, Barrack Gibbons, William Blogg, James Macintosh, Richard Turner, Solomon Shad, Wm. Lewden, James Alger, Jonathan Cline, John Gibbons, Isaac Minis, Wm. Brown, Saul Simons, James Belcher, John Y. White, Joseph Rice, Joseph Machin, John Pettibone, Sampson Neyle, David Guggle, T. Barnard, jun.

[An address similar to the preceding was presented to gen. D. B. Mitchell, chairman of the bar meeting.]

In closing our account of this occurrence, the pain in detailing which is only equalled by that excited in looking to what might have been its consequences, we are impelled to a few remarks touching the cause which thus exposed the state to danger. We perfectly recollect the observations attributed to gentlemen of the first legal talents at the time of Mr. Bowen's appointment, stating the impropriety of that appointment; when, in extenuation, it was urged, that such was the paltry compensation attached to the office, that no gentleman of acknowledged juridical abilities would accept it; and justice must not be impeded; courts must be held; and that the best of those who would accept must be selected!! The eyes of our legislators we hope will be opened to the danger that is leagued with such economy, and not again to suffer a principle so rotten in practice to jeopardize the lives and best interests of our citizens.

#### NEW-YORK, April 25. THE GALE.

On Saturday morning about 10 o'clock, the most violent gale we ever witnessed, commenced from S. East, and continued about 24 hours without much variation or intermission. An unusual high tide was thrown in yesterday morning, which filled the cellars in low situations; but little property, however was damaged. Some of the vessels on the east side of the town were injured by chafing. The coppered brig Charlotte from Cayenne, in ballast, coming to J. P. Durand, drifted ashore on Staten-Island from her anchorage at the quarantine ground and went to pieces; and sch'r Friendship, capt. Lane, of N. Carolina, in 21 days from Port-Antonio, (Jamaica) with 18 puncheons rum, consigned to S. Jackson, went ashore on Robin's Reef, near Staten-Island, and also went to pieces. The crews of each vessel saved. The weather during the gale was thick and foggy, and continued so last night when this paper went to press, with the wind at S. East. Much damage, we fear, has been done on the coast. During the gale, the chimney of the house in which Adam Ackerman lives, in Skinner-street, blew down and fell through the roof which broke Mr. A's leg, and killed one of his children.

#### WILMINGTON, N. C. TUESDAY, MAY 15, 1804.

We have to apologize to our readers for an error in our last paper, in mentioning the name of Robert Cochran, Esq. as a Candidate to represent the Division of Fayetteville in the Congress of the U. S. That gentleman is the Republican Candidate for an Elector to vote for President and Vice-President of the U. States. Likewise for a member of Assembly for the town of Fayetteville. General Thomas Davis is named as the Republican Candidate for Congress, for the Division of Fayetteville.

The Wilmington Packet, sch'r Venus, arrived at this port last evening, from New-York.

The New-York Election for Governor, &c. commenced on Tuesday the 24th of April. By a division of the Republican interest, there were two candidates for each of the offices of governor, and lieutenant governor, viz. by one division,

Aaron Burr, for Governor.

Oliver Phelps, Lieut. Governor.

By the other division,

Morgan Lewis, for Governor,

John Broome, Lieut. Governor.

The polls, in the city of New-York, closed on Thursday the 26th, after an animated contest of three days; the result was a majority of an hundred and one for Mr. Burr, and for Mr. Phelps 82.

The Republican ticket for members of Assembly for the city and county of New-York, was carried by a handsome majority.

Samuel L. Mitchell and Daniel D. Tompkins, both republicans, are elected Representatives in Congress.

The Election in Rhode-Island has terminated in favor of republicanism without much opposition.

By the arrival at New-York of the ship Hero, capt. Pinkham, from Bristol, London dates to the 15th March have been received. They state, that

The King had so far recovered as to take his usual walk in the queen's garden—that 27 officers of distinction have been arrested in Paris for conspiracy, among the number was

general Ferrino, Macdonald, and Massena; that the British squadron off Boulogne, had captured 5 gun boats and sunk a number of others full of transports.

Capt. Kelly arrived at Philadelphia from Amsterdam, informs that general Moreau and Pichegru had both been tried and condemned; he had not heard of their execution. The French general Marmont, had taken command of the Batavian troops, whose officers were said to be much dissatisfied. An embargo was hourly expected to take place, as a fleet was ready to sail, consisting of 3 sail of the line, a frigate, a few small armed boats, and 60 sail of transports. A fleet of gun-boats had sailed for Rotterdam.

On the 22d Feb. orders were issued for all neutral vessels to go in the road and give room for the transports—but were countermanded next day, so far as related to vessels nearly ready for sea.

The Eliza, of Providence, Capt. Holland, also arrived at Philadelphia, from Alicant, which he left the 28th February, informs that when he sailed the Spanish Packet was daily expected from Algiers, and it was confidently believed would bring accounts of the liberation of Capt. Bainbridge and his officers, through the interference of the Dey and French Commercial Agent resident at Algiers.

The United States brig Argus, Lieut. Hull, had arrived at Alicant, from Genoa, and informed, that the American vessels at that port had been put in requisition to convey French troops on a secret expedition. The ship Alexander, Hoogdon, of Balanpre, was one of them.

Capt. Young arrived at Providence, (R. I.) in 72 days from Cadiz, informs, that at the time of his sailing, the Spaniards were momentarily expecting a war with the English. One French 74 and a sloop of war were blockaded in the harbour by 3 English frigates. All vessels from New-York and Philadelphia are obliged to perform a quarantine of 40 days; very little respect is paid to bills of health; a vessel provided with one is only permitted to remain in port; but all vessels without are ordered off immediately.

The London "Courier" of the 15th March received at the office of the New-York Mercantile Advertiser, contains the following articles:

"Pichegru had attempted to elude discovery by using crutches. It is said, too, in some Dutch papers which have been received to the 10th, that he had been a considerable time in the *Mulleries* before his arrest.

"The firing heard at Deal and Dover two or three days ago, did not, it is now said, proceed from our cruisers, but from the enemy who were exercising their mortars, gun-batteries, and batteries. Their boats and vessels have made no movement indicative of an intention to put to sea.

Capt. Sheffield, of the Schooner Temperance, arrived at New-York, from Guadaloupe, informs that on the 17th of March, an English letter of Marque, having been taken by the French and brought into Guadaloupe, was afterwards cut out by the English. Previous to the French quitting her they applied a match to the magazine, which was not perceived by the English; and after getting a little distance from the harbour she was blown up with a terrible explosion. Two English letters of marque, with valuable cargoes, were brought into Guadaloupe by the French, about the 15th ult. one of which was taken after an action of 8 hours, by a French privateer of 18 guns and a complement of men; the letter of marque had only 16 men. The privateer had fifteen men killed.

Extract of a letter from a gentleman in Hancock county, Georgia, to his friend in this state, under date of the 6th ult.

"Yesterday about two o'clock in the afternoon a tremendous tornado of a mile and an half in width, the most dreadful which has ever visited the state, passed within a mile of this place. In its passage of 20 miles from the Oconee it put a period to eight lives and crippled and wounded upwards of fifty persons, some of whose lives are despaired of. Ten dwelling houses and a number of barns and out houses were razed to the ground, and scarcely a roof which its course and breadth excluded was left on a house. Not a tree of any tolerable size can be seen standing in its track. Cabbage stocks not six inches long and pine stumps not waist high were torn up by the roots; beds, books and other furniture were carried off and no traces of some of them to be seen or heard of. A large ox cart at Mr. Wood's was taken up, the wheels fell off after whirling 200 yards in the air, and the body was carried better than half a mile before it fell to the ground. Among the unfortunate sufferers a woman and child were carried away in the whirlwind, and have not yet been found nor heard of. Several horses, cattle, &c. were killed, and as our information is quite small not knowing the distance it has gone to the east (as its course was from the S. W.) it is much to be feared that more damage has been done than we have any conception of. This whirlwind was not more uncommon than the size of the hail that preceded it, some of which fell in this place weighed five ounces, measuring eight inches round, and some inclosing small pieces of pine limbs. These things may appear incredible, but they are not less strange than lamentably true."

[*Minerva.*]

Extract of a letter from Wm. Lee, Esq. U. States Consul, at Bordeaux, February 16, 1804.

SIR,

It is impossible to give you an idea of the distresses of the merchants of this city.—Credit is totally destroyed, and misery is depicted in the countenance of every commercial man. What will be the end of this God only knows. I would advise all those who adventure this way to send out intelligent supercargoes, whose integrity can be depended on—and if the merchants of the United States were wise they would accept of no advance by means of facilities on London, or Amsterdam. Remittances to these places can not be made from this at the present Crisis without great risk and uncertainty. I am settling all my affairs, and withdrawing my name from commerce entirely in order to live peaceable and happy, and to enable me to give a more effectual protection to those of my fellow-citizens who may need my assistance in my official capacity. A Consul ought not to have his name in commerce. Since the failure of Perrot and Binaud I have been solicited to join some of the first houses here. But I find there is no pleasure or safety in commerce in this country. I have therefore resisted their importunities.

The Joseph and Phoebe, from Virginia to Cowes and a market, arrived here a few days since, and has been seized, vessel and cargo, for having touched in England. The vessel I am in hopes we shall get restored. The brig Eagle, Young of New-York, arrived here the 10th of January, from Bristol, having been taken in there by an English privateer, and is ordered out immediately.

The ship Columbine, and cargo, of Boston; and brig Sally, and cargo, of Charleston, seized by the custom house for debts due from Strobel & Martine, will be restored.

The cargoes of the sch'r's Eagle and Jefferson, belonging to Boston, which arrived here on the first and sixth inst. and consigned to Strobel & Martine, I have had deposited in the Entrepot, under seal of the court of commerce, subject to the orders of the proprietor.

Extract of letter from a Midshipman on board the Constitution, to his friend in Wilmington, (Del.)

Constitution at Syracuse, Nov. 29, 1803.

DEAR SIR,

I am extremely happy to have it in my power to inform you something of the circumstances of the Dey of Algiers.

"He has in his treasury fifteen millions of dollars; his army consists of 20,000 horse and foot; he has ransomed from him, upon an averaged calculation, 1200 slaves annually, at 1500 dollars each. Taxes, rent, trade, &c. between four and five millions—ninety-four thousand inhabitants in the city of Algiers—naval force, four frigates, three brigs, two schooners, three xebec ships. The Dey receives our consul, and the utmost attention was paid him by the Dey's first officers—we believe the United States to be the most favored nation. He made us handsome presents of bullocks, sheep, poultry, and vegetables of every kind.

"The British consul is ordered from Algiers—we are informed the Dey has a number of British subjects at labour."

There are letters in town which state that the emperor of Russia has by his ambassador at Constantinople interferred with his good offices to the release of the officers and crew of the U. S. frigate Philadelphia. (*Aurora.*)

A letter from Washington, says "government has received a long letter from the de-throned Tripolitan Bashaw, in which he informs the President that he has a large force under his command; but being destitute of arms, stores and money, he is unable to make any attempt to regain his authority in Tripoli. That he wishes the United States to advance him 50,000 dollars; for which he promises upon succeeding to the Beyship, to release all American prisoners in Tripoli—and to repay the money. He offers as a guarantee, to give possession to the United States of the strongest post he has at his disposal; Harret Bashaw it is said has already gained some advantages over the usurper."

A correct account from the Mediterranean states, that the Tripolitans lightened, and got off the Philadelphia frigate, in 48 hours, and that she was moored in 15 feet water in the harbour of Tripoli. They have since advertised her for sale at Malta. Capt. Bainbridge and his officers, are allowed the liberty of the city; but the crew are chained two and two, and obliged to labour as slaves. It is expected that commodore Preble will make an attempt to cut her out with his boats. (*Boston paper.*)

#### Benevolence of Buonaparte.

However Englishmen may sneer at Buonaparte, and strive to depict him in an unfavourable point of view to the world, it is not for the Americans to revile an individual who has on so many occasions exhibited a friendly disposition towards the U. States. A recent instance of his friendship towards this country must excite esteem for the man, however inimical our fellow-citizens may be to his politics. When the news of the loss of the Philadelphia frigate arrived at Paris, Buonaparte, without the least delay, addressed a letter to Mr. Livingston, our ambassador there, offering him all the services which it was in the power of the French government to render in behalf of the captive crew of the frigate Philadelphia; and likewise addressed a letter in his own hand writing to the bashaw of Tripoli, representing