

deficiency, and if any of them do not appear, or are set aside on challenge, the parties, or their attorneys, may again strike out, as before, and so, toties quoties, in like manner, until a jury be obtained; and the jurors so struck shall be empannelled, and sworn as the jury to try the cause.

XVII. *And be it enacted*, That on the application of either plaintiff or defendant the general court may, in their discretion, in any action between merchant and merchant, or between any merchant and his factor or agent, respecting mercantile dealings and transactions between them that are of great importance, and intricate from the length or multiplicity of items or particulars, or that will probably involve some new and difficult question of law, and also in other special and similar case of difficulty and intricacy, (although not between merchants, or a merchant and his factor or agent,) issue a special venire facias, directed to the sheriff of any county, or, if necessary, to sheriffs of different counties of the shire where such action is to be tried, to summon and return a jury of merchants to attend the said court on a day to be appointed and mentioned in such writ, for the trial of such cause, and such sheriff shall, in virtue of such precept, summon and return twenty-four, or such number as the court shall direct, of the most respectable and experienced merchants of his county, citizens of this state, above the age of twenty-five, and under fifty-five years, and having a freehold of above one hundred acres of land in his county, or property in the county assessed to above five hundred pounds current money, and out of the said jurors, or such of them as shall appear, a jury may be agreed on or struck in the manner herein before directed, and the jury so agreed on or struck shall be empannelled and sworn as the jury to try such cause; and all the expence of such jury shall be paid by the parties equally, or in such proportion as they shall agree, but if they do not agree, then the whole expence shall be paid by the party applying for such jury; and if any person returned shall not appear, or after appearance shall wilfully withdraw from the presence of the court, such person so offending may be fined by the court, in their discretion, not exceeding the sum of fifty pounds current money.

XVIII. *And be it enacted*, That the sheriffs of the several counties for the time being shall annually, and upon the first day of the sitting of their respective county courts in the spring of the year, return an alphabetical and true list, in writing, of the christian and surnames of all persons in their respective counties, qualified, according to this act, as grand and petit jurors in the general court, to their respective county courts, and the said courts are hereby required carefully to examine the said list, and diligently to inquire if any persons qualified to be jurors are omitted, and whether any persons not qualified to be jurors have been inserted, and if they find that any have been omitted, they shall order the sheriff to add them to the list, and if they find that any have been inserted by mistake, who ought to be omitted, they shall order the sheriff to strike out such person from the said list; and to obtain full information on this subject, the said courts may examine the said sheriff, and his deputies, or any other persons, (on oath or affirmation,) and if it shall appear to the said courts, that the said sheriff wilfully omitted out of any such list any person or persons whose name or names ought to be inserted, or that the said sheriff wilfully inserted any person or persons who ought to be omitted, the said courts shall fine the said sheriff for every person so omitted or inserted in such list contrary to the meaning of this act, not exceeding five pounds current money; and if any sheriff shall take any money, or other reward, for omitting or inserting any person in his said list, such sheriff shall forfeit not exceeding fifty pounds current money for every such offence; and the said county courts shall direct the clerk of their county immediately to enter such list (with the corrections, if any,) among the proceedings of the said court; and the said clerk shall forthwith thereafter deliver the original list (with the corrections, if any,) to the sheriff of his county, for his government in returning of grand and petit jurors to the general court; and such sheriff, immediately on receiving the said list, shall cause the same to be entered faithfully, fairly and alphabetically, in a book to be kept by him for that purpose, and such sheriff shall deliver the said original list to the clerk of the general court; and if any clerk of any county, or any sheriff, shall neglect any duty above required, such clerk or sheriff shall forfeit not exceeding fifty pounds current money for every neglect; and if any sheriff shall summon and return any person to serve as a grand or petit juror to the said court, whose name is not inserted in such list, such sheriff shall forfeit not exceeding fifty pounds current money for every offence; and every sheriff shall enter or register in a book to be kept by him for that purpose, in alphabetical order, the names of such persons as shall be summoned, and shall serve as jurors; and the said sheriffs shall so conduct themselves in summoning the respective jurors from those whose names are entered in the said list, as to prevent, as far as possible, a burthen or hardship from falling on individuals, as far as is consistent with his chief duty of returning the most capable and best qualified as he is herein before required; and if any sheriff, or his deputy, shall, directly or indirectly, take or receive any money, or other reward, to excuse any person from serving, or being summoned to serve, as a grand or petit juror to the general court, or under that colour or pretence, such sheriff, or deputy sheriff, so offending, shall forfeit fifty pounds current money for every offence; and every sheriff, on going out of office, shall deliver to his successor (when required,) the book containing the said list, and the register of the service of the said jurors during his being in office, under the penalty of fifty pounds current money; and on the death of any sheriff, his executor or administrator

shall also (on demand) deliver to the successor the said list and register, under the penalty of fifty pounds current money; and any of the said fines may be imposed by the general court on any clerk, sheriff or his deputy, or on the executor or administrator of any sheriff, on examination and proof of such offence in a summary way; and the levy courts of the said counties may make such allowance to the said sheriffs and clerks, for the execution of the aforesaid duties, as they may think reasonable.

XIX. *And be it enacted*, If any person not qualified to serve on juries according to this act, or exempted from such duty, shall find his name mentioned in such list, or being qualified, shall be so circumstanced in other respects as to make it improper to summon him as a jurymen, such person may apply to the county court to which such list was returned, and the said court, upon satisfaction, by the oath of the party complaining, or other proof, that he is not qualified to serve, or that he is exempted, or ought to be exempted from serving as a jurymen, shall order his name to be struck out or omitted in such list, and on producing a certificate of such order to the sheriff, he shall immediately strike such person out of his list.

XX. *And be it enacted*, If by any means of challenges, or default of jurors, a sufficient number of jurors shall not appear, in any criminal or civil case, the general court may award a tales, directed to the sheriff of Anne Arundel county, or to the sheriff of Talbot county, as the case may be, to summon and return so many of his county as will make up a full jury, and the said tales shall be liable to the same challenges as the principal jurors; and if any person returned shall not appear, or after appearance shall wilfully withdraw from the presence of the court, such person so offending may be fined by the court, in their discretion, not exceeding the sum of twenty pounds current money.

XXI. *And be it enacted*, That the sheriffs of the respective counties in this state shall summon and return, as grand and petit jurors to their respective county courts, the best and most capable persons mentioned in the list above directed to be taken, subject to the same provisions and penalties respecting the same, prescribed in their duty in summoning the jurors to attend the general court; and a special jury may be selected or struck in any county court, at the request of the plaintiff or defendant, in the same manner as above provided in the general court.

XXII. This act to continue for seven years, and until the end of the next session of assembly thereafter.

By the senate, December 2, 1795: Read the first time and ordered to lie on the table.

By order,

H. WARFIELD, clk.

By the senate, December 16, 1795: Read the second time and will pass.

By order,

H. WARFIELD, clk.

By the house of delegates, December 18, 1795: Read the first time and ordered to lie on the table.

By order,

W. HARWOOD, clk.

By the house of delegates, December 21, 1795: Read the second time and will not pass.

By order,

W. HARWOOD, clk.

SOUTHAMPTON, November 1.

THE weather has been so unusually severe for some days past that the farther embarkation of the troops and stores, destined for the West-Indies, has been almost entirely suspended; this delay must, of course, be attended with serious consequences, should the wind come round to the eastward, as the sailing of the transports cannot possibly take place for some time at any rate, were the weather immediately to prove ever so fine, of which, however, God knows! there is no very encouraging prospect, as it blows as hard a gale as ever.

The inconvenience which this expedition has thus sustained might have been prevented, had proper vessels been engaged for the service; but while all the men and stores had no other means of being conveyed on board but in small open boats, it was evident, that should foul weather occur, no officer, who knew his duty, could permit them to run the risk of being swamped along side of the West-Indiamen, and other large ships.

LONDON, November 10.

Yesterday was observed as lord mayors day, the annual city festival.

At noon the lord mayor went off from Guildhall to the court of Exchequer, at Westminster-hall, where he was sworn into office, before the barons, with the usual forms; after which the old and new lord mayor returned together, by water, to Blackfriars bridge, where they landed and went in their respective carriages to Guildhall, where there was an entertainment and ball in the evening as usual.

As the procession passed up Cheap-side, the carriage of Mr. Pitt (N. B. It was not his own carriage) was accompanied by an immense concourse, with hissing, groning, hooting and execrations, and though he was attended by a guard of soldiers, in our opinion not less than 200, it was with the utmost difficulty the populace could be prevented from breaking in upon the carriage, so great was the public resentment.

The poor lord mayor followed, soon after with little attention from the people, guarded by an extraordinary number of constables, seventy additional ones having been sworn in for the purpose yesterday.

The late worthy chief magistrate, Mr. Skinner, succeeded, drawn by his fellow-citizens! His carriage could not afford room for a thousandth part of those to

lay a hand, who seemed anxious to throw him the mark of affection and respect.—The applause of the multitude was unbounded, and the contrast between him and the unfortunate minister was such, as to exceed the powers of description.—The first guarded by a chosen band of soldiers, (soldiers in the city!!!) execrated by every voice, and shunned even by his parasites and toad-eaters. The second, Mr. Skinner, attended by the exultation and applause of the multitude! The windows waving with handkerchiefs! Not even a constable to guard him! but the united voice of his fellow-citizens, seeming to exclaim, "Thou art not a burthen to the starving poor! thou hast not three insecure places! and thy good wishes for thy fellow-citizens are worthy of the lord chancellor." The judges, and the other officers of the crown, passed with little notice.

The humdrum aldermen excited no more attention than the horses that drew them. It was not so in the days of Barnard nor Beckford, and those are the magistrates of the best, indeed of any mark and likelihood, since the time of queen Anne.

Rather known

"By other follies than his own."

The minister and the poor duke of Portland, (it did them great credit) left their own carriages, and were carried incog. by other people!!! This would have been admirable, if it had been from humiliation and contrition.—But how much more admirable is it as a voluntary renunciation of popularity and their due reward!

[Telegraphie.]

Very great pains have been taken to impress upon the public mind, that a mine of gold has been discovered in the county of Wicklow. The daily papers have been filled with stories evidently framed to encourage such belief. It is, however, from beginning to end no more than a fraud and an imposition, calculated to give an imaginary value to the unproductive mountains in that quarter, and it is to be hoped that the proprietors of them have had no concern in so deep an artifice. D. E. Post.

Nov 12. Madame de la Fayette has retched Vienna with her two daughters. She has obtained the emperor's permission to reside with her husband; and did not lose a moment in setting out for the fortress in which he was confined.

PHILADELPHIA, January 9.

On the 10th of December a brig arrived at Martinique, which had been dispatched from the British fleet for the West-Indies on the 13th of November, then three days at sea: The fleet was rated to consist of nine ships of the line and eighteen frigates, with transports having on board a very large body of troops.

The French had 350 soldiers at Martinique from St. Lucia, the 9th ult. who burnt a small town and two sugar estates; and the negroes were constantly joining them.

Jan 21. In yesterday's paper was inserted the extract of a letter from Gibraltar, announcing that a treaty between Spain and the United States, was signed at Madrid, on the 27th of October last.

The principal object of the treaty was, as we learn, to obtain the free navigation of the Mississippi, and as the treaty is made there is the strongest reason to believe that America has obtained that consummation so devoutly to be wished.

In a late paper it was stated, on good grounds, that the emigrations to Kentucky, during the last year, amounted to not less than about 40 thousand people. If this navigation is laid open, the numbers will increase rapidly.

As settlements increase on the western waters, the Creeks and other Indian tribes who have done so much mischief on the south-western frontiers, will be gradually surrounded and shut up, as in a bag; and in a few years will probably become as insignificant as the Six Nations.

The multiplied benefits arising from laying open the Mississippi, are already understood and anticipated by every man in America. One of the most desirable consequences will be that of demonstrating to the western people the propriety of America being united with itself. This attainment will tend to confirm that general good humour and confidence so requisite for our existence as a political body, so extremely requisite that we may with singular justice adopt the national motto of the republic of Holland: FRANGIMUR, SI COLLIDIMUR.—We shall go to pieces if we dash against each other.

On Monday last arrived in town, major Lewis, aide-camp to major-general Wayne; and captain Britts, from the legion of the United States. The major left head quarters the 11th December, came by the way of Ohio, informs that the troops were remarkably healthy, and that a constant intercourse is kept up with the Indians, who conduct themselves in a peaceable and friendly manner. One of them accompanied major Lewis to the city, for the purpose of seeing the president of the United States.

Captain Taylor, of the dragoons, and several other officers, are also in town, and we learn that the commander in chief himself is daily expected, having left the army about the 10th ult. The gentlemen of the three Philadelphia troops of horse will hold themselves in readiness to meet the general a few miles from hence, to pay their respects to him, and to escort him to town.

BALTIMORE, January 25.

Extract of a letter from James Simpson, consul of the United States, at Gibraltar, dated at that place, November 14, 1795, and delivered by a vessel lately arrived at New-York, to the secretary of state.

"If this vessel has a speedy passage to New-York, she may carry the first news of the treaty between the