

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, to the quorum in like manner, until a jury be obtained; and the jurors so struck shall be empanelled, 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 shore 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 empanelled 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 ruling powers (particularly the *Courier Francois*.) It appears by them that the French armies, both that of Pichegru and Jourdan, have been defeated and obliged to retreat, but not to the extent reported. They say nothing of the Austrians having passed the Rhine. A part of general Jourdan's army crossed the Rhine, near Coblenz, while the rest took post at Dusseldorf, with the intention to maintain itself there.

Disturbances have broke out both in Holland and Hainault. The latter are so serious as to be termed *la French papers another Vendee*.

The reports of the passage of the Rhine by the Austrians, of their having taken Cologne, and defeated the French on the banks of the Roer, are all evidently unfounded.

The French general Marceau, occupied a post at Neuwied, beyond the Rhine, but this it was thought he could not long preserve. An engagement was heavily expected, but the French generals, it is added, had taken every precaution to secure their retreat, if necessary.

It was reported at Paris, on the 3d, that general Hoche, had fallen on the army of Charette, at the moment when he was endeavouring to form a junction with some troops disembarked from the English fleet; that Charette had been defeated, and himself killed.

One of the Paris papers states, that the port of Liffbon is blocked up by some French ships of war. They add, that a peace is near being concluded between France and Portugal.

Forty-nine sail of vessels of the captured Mediterranean fleet, including the man of war, is the number which the *Courier Francois*, an aristocratical paper, reports to have entered Cadiz.

Barrere has escaped! Pache, Bouchotte, and others, are set at liberty. Thuriot and Cambon, walk about peacefully in Paris. The report of the death of Merlin of Thionville, is contradicted. It is said that Charette has been defeated, and killed by Hoche. The Imperial chancery has ordered Semonville, Bourdonville, Marat, and the deputies, to be set at liberty.

Nov. 11. This morning arrived Mr. Major from Bafle, and Mr. Basset from the British army on the continent. Two mails also arrived, but the letters were not delivered out when this paper went to press. — Two more mails are on the road. We can, however, state the following authentic particulars:

The origin of all the disasters experienced by the French, arose from general Clairfayt having broken the line of neutrality, by marching over the mountains near Oppenheim, and by that means gaining the plains before Francfort. By so doing, he flanked the French army before Mentz, and threw it into the utmost disorder.

From the 12th to the 24th of October, the date of the accounts from Francfort, there were daily engagements, in every one of which the Austrians were victorious. We cannot enter in the details.

Evening Mail Office.

P. S. Half past 3 o'clock. We stop the press to say that about half an hour since a messenger arrived from Mentz, with dispatches from general Clairfayt, dated the 31st ult, containing the news of his having gained the most glorious victory obtained during the war, by driving the French armies which were before Marne, on the left bank of the Rhine, with the loss of all their artillery and baggage. On the same day general Wurmser attacked the French before Mannheim with equal success.

The privy council has issued an order for prohibiting in future the exportation of cheese, butter, hay, straw, and forage of any kind whatever.

Price of stocks this day at one o'clock. Consols 68 5-8ths 35ths.

N E W - Y O R K, October 8.

The following important article, which may serve as a key to the English account published on Tuesday, is translated from the Argus, from "The Journal of the Patriots of '89," printed at Paris November 6, 1793, handed by a friend, received by the Ariel:

[Argus.]

MANHEIM, October 28.

"Every thing here remains as before; we yet hold our posts; yet there remains but little hope of effecting the junction of our army with that of the Sambre and Meuse, which, by reason of the circumstance of Prussians having trespassed upon the line of demarcation, file off towards Dusseldorf and Cologne. On our side, we are daily attacked by the Austrians, but they have as often been repulsed with loss."

"The last action cost them dear; they attacked us with immense force; it was owing to our small numbers that they had not lost every man; it was said that their loss was five thousand men, but I, who believe only what I see, calculate it at three thousand."

"Every thing seems to have been disposed in such a manner as to prevent our annoying the enemy. We are small in number; the battalions are disorganized; a great number of the new officers and commissioners, sent by Aubry, are either nobles or emigrants, or relations of emigrants; they swear against passing the Rhine, creating discontent among the soldiers. The commissioners rob the peasants, and create the discontent on all sides. What have we to do on the other side of the Rhine? Infligate these friends to our enemies. Our troops are employed in a thousand different ways. The convention are in the fault. Why, by its silence, does it suffer disorganizing insurrections to gain such ground? Why does it not pronounce upon the limits on the Rhine?"

N. B. The citizen who forwarded this letter, adds the following observations:

"The lying system, which two months since so forcibly seconded the efforts of the conspirators, revives, and it is again the editor of *des Nouvelles* P. M.

B R U S S E L S, October 27.

A letter from Dusseldorf gives the following news.—Our army of 30,000 men is encamped some distance in advance of this city.—The Austrians have abandoned the ground which they had gained.

We are informed that general Pichegru has attacked the army of Wurmser, which was considerably weakened by the succours given to Clairfayt, and that his army was entirely defeated.

Oct. 31. The Austrian troops commanded by general Clairfayt are only at the distance of 4 leagues from Dusseldorf, where 50,000 republicans are determined to dispute the ground with the enemy.

A great quantity of artillery and ammunition of all kinds has been sent from the left bank of the Rhine, in order to replace the artillery lost in the precipitate retreat.

N A N T E S, October 22.

We cannot hear what has become of Charette. About three days ago, 800 men of his guard were in the forest of d'Azemy, without a chief, without bread or ammunition. The greatest part of his army have hidden their arms, and returned to their homes; others are wandering about, pillaging the country people who refuse to give them bread; they are, however, closely pursued.

L O N D O N, November 10.

We have ample accounts of the operations in Germany, and some of them in papers not friendly to the