bring it within the general rule of law, is the province of the jury, and their only province. They have no diſpenſing power over the laws of the land. Will any man in the leaſt acquainted with our ſyſtem of juriſprudence declare, that a jury has a right to decide, that breaking open a dwelling houſe in the night time with intent to ſteal, is not burglary, unleſs an actual theft be committed? I preſume that no one will hazard ſuch an opinion. The jury in ſuch a caſe, may decide that the houſe was not broken open, that is, was not a dwelling houſe, that the fact was not committed by the perſon accuſed, that it was not committed in the night time, or that it was not committed with an intent to commit a felony. But if they believe the affirmative on all theſe points, they muſt find the priſoner guilty or commit a direct violation of their oaths. They are bound by the general principle of law, as declared by the court. Their duty, and their ſole duty, conſiſts in applying it to the particular caſe. In this ſenſe, and in this alone, are they judges of the law as well as of the fact.

It is well known that a new trial may be granted in a criminal caſe, where the verdict is againſt the party accuſed, and is ſuppoſed by the court to be contrary to law This proves that the jury are not the judges of the law, in the unqualified ſenſe contended for by ſome perſons; for if they were the judges of the law in that ſenſe, it would neceſſarily follow, that a new trial could no more be granted in favor of the priſoner in a criminal caſe, than againſt him. The rule that it cannot be granted againſt him has been eſtabliſhed by the courts in favor of life, through a laudable motive of tenderneſs and humanity; and not becauſe they had not power to grant new trials in this caſe, as well as in others, where the verdict is contrary to law.

[TO BE CONTINUED.]

FOREIGN NEWS.

NEW-YORK, *August* 4.

The ship Otis, capt. Philips, which arrived at this port on Saturday evening brings London papers to the 17th of June, seven days later than before received.

From these papers it appears, that in the House of Commons the 11th of June, the subject of the impeachment of lord MELVILLE commenced; and after an animated discussion the House divided, 195 being for the impeachment and 272 against it—majority 77. When this was divided, a motion which had been previously made by Mr. Bond for a criminal prosecution, 238 against lord Melville, was taken up. For the criminal prosecution 238—against it 229—majority 9. On the latter question lord Sidmouth (late Mr. Addington) and his friends voted with the opposition against ministers. Lord Melville will thus be obliged to stand a trial at the court of king's bench; where the reports of the secret committee of the House of Commons had already been presented.

LONDON, *June* 12.

Yesterday being the day fixed for the motion for an impeachment against lord Melville, a great croud assembled at an early hour, in the avenues of the House of Commons. At 12 the doors were opened, and a severe pressure ensued. The gallery, of course, was filled in a few minutes. In the early part of the day an opinion prevailed that Mr. Whitebread would open the debate; but about 3 o'clock it was said that lord viscount Melville would be previously heard in his defence. This excited a great degree of expectation, and a great number of persons crowded into the lower lobby, and also lined the stairs to the gallery of the House, which commands a view of the lobby through which lord Melville was to pass. About half past 4, his lordship entered the lobby, and passed in the Secretary's room on the left hand——The House was at this time engaged in private business. Shortly after 5, the Speaker read a letter from lord viscount Melville, requesting to be admitted into the body of the House, to be heard in his defence. The hon. Robert Dundas Saunders, his son, then moved that his lordship be called in; which being agreed to, the Speaker desired Mr. Colman, the Sergeant-at-Arms to take the Mace, and conduct lord viscount Melville into the House. In the mean time Mr. Bellamy, the principal messenger, brought in a square armed chair, and placed it within the body of the House, within the bar, on the left hand side. The Sergeant-at-Arms then took up the Mace, and having waved it three times, went out of the House, and took his station outside, in the lobby, in front of the door of the House, and also opposite the door of the treasury room. Mr. Heard, one of the messengers, had previously thrown open the folding doors of the latter apartment, and lord viscount Melville being informed by him that the House requested his attendance, his lordship came out, and walked uncovered into the House, attended by the Sergeant and Mace. His lordship was dressed in black, and wore a close buckled wig powdered. He bowed three times as he approached, and, on coming within the bar, the Speaker, who wore his hat on all the time, addressing him, said, "My lord Melvill, there is a chair for your lordship." His lordship then sat down and put on his hat. There was a loud murmur in the House on his coming in. As soon as it subsided, which was in less than two minutes, his lordship arose, and taking off his hat, he laid it upon the seat of the chair, and upon the hat several papers. His lordship then standing at the back of the chair, commenced his speech, in the course of which he frequently refreshed his memory from the papers before him. His lordship spoke for two hours and a quarter. His manner was firm and impressive; and he did not, even in the part of it where he appealed to the feelings, appear the least shaken. The moment he had concluded he took up his papers deliberately, one by one, and having put his hat under his arm, made a bow to the Speaker and withdrew, attended by the Sergeant, who, during the whole of the speech, remained standing on the right hand side of his lordship, but at the distance of a few yards, with the mace resting upon the ground and his hand upon it. The House was uncommonly crowded. Not fewer than 500 members were present.

Lord viscount Melville's speech will be read with interest. Upon the subject of the 10,000*l*. and other sums of the public money received by him, and not applied to naval purposes, his lordship positively declared, that "private honor and personal convenience" must prevent him from ever giving any account of them.

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JUNE 11.—Accounts are said to have reached town yesterday from Lisbon, which represent the Portuguese Cabinet in a very embarrassed situation, in consequence of some fresh demands having been made upon it, the tendency of which is to exclude all English ships and merchandize from the ports of that country. We give this statement as we received it, without being able to ascertain the degree of credit to which it is entitled.

In a former paper we stated, that the French and Spanish Ambassadors at Lisbon remonstrated against the entrance of the expedition under General Sir James Craig into the port of Lisbon. The following additional particulars have since been related:

"While General Craig was at Lisbon, the French and Spanish Ambassadors remonstrated with much warmth on the shelter which the Portuguese government afforded to the ships and troops under General Craig. The Prince Regent answered that the English Convoy had been forced into the Tagus by stress of weather, *(aribada.)* They demanded that it be ordered to sea immediately. But General Craig resolved not to stir till he was assured there was no danger of his meeting the combined fleets of the enemy; and, in case of receiving a peremptory order to quit, we are assured that he had resolved to take possession of the forts on the Tagus, and keep his post by force, rather than risk the falling into the hands of the enemy, by sailing prematurely. The Portuguese government evidently extended its indulgence to the utmost of its power."

JUNE 13.—Extract of a letter from an officer on board of one of his Majesty's ships in the Downs, dated June 10. "We have thirteen sail of the line here now; the North-sea squadron being ordered round; and we expect five sail more from the westward; I believe it is expected that the combined fleet is coming north-about. By every cruizer that comes in, I learn, that the French appear in all their ports ready for a push out, and most of the officers are of opinion they certainly will do it shortly, as their preparations with their shipping are different from what they have seen before."

We yesterday received a letter from an officer on board one of the transports in the Cove of Cork, in the expedition under Sir Eyre Coote. It says, "this morning, June 5th, the troops were brigaded as follows:—The 1st or Highland brigade, consisting of the 71st, 72d, 93d, and buffs, under the command of Gen. M'Farlane. The 2d, of the 8th, 24th and 83d, with artillery under Gen. Balfour. The brigade of the 32d, 38th and 62d, under the command of Gen. Montrefor. The 89th regiment is to form a detached corps, under the command of Lieut. Col. Blayney. I have not yet heard who is to command the artillery, or staff corps. Gen. Drummond is second in command under Sir Eyre Coote.

"The troops are all in good health, and are landed every other day to keep them so. Our destination is not yet known; but it is supposed we are going upon some remote and desperate expedition, and not to the West-Indies, for all the married officers are ordered to send their wives on shore immediately; and the transports are to be furnished with provisions for six months."

JUNE 17.—We received this morning the Paris papers to the 9th, and the Dutch to the 12th. Some of the former hint a plot to have been executed at Milan, which, as usual, is attributed to the English government. It is thus mentioned in the *Bulletin de l'Europe*:

"Persons will be very much astonished in Italy if they hear reported there the absurd stories which indolence or malevolence have been for some days circulating in Paris, upon a pretended conspiracy which was to burst forth at Milan, and whose object would have been to change, into a day of mourning, a day of the liveliest and purest joy.

"If England has sent some spies to Milan, they have produced as little effect in the capital of that kingdom, as in the capital of the French empire. Discredited, dishonored, they have not been able to succeed in entering into a correspondence with any class of citizens. The moment of their arrival, the nature of their instructions were little known before hand: their arrest was as little known and with as little eclat as that of the vilest adventurers."

Of the movements, operations, and destination of the different squadrons at sea, the Moniteur affords us no information, it merely says in a dry, brief note on some of the English papers, that "in a month we will hear where the combined squadrons are gone;" we hope the first intelligence we receive will be from Lord Nelson, after having come up with them.

The mission of M. Novozilzow occupies much of the Paris Journalists, and an article from Hamburg in one of them, says, that a Congress for a General Peace, is to be held at Brussels; that Novozilzow and the Prussian Minister are to mediate for Great-Britain, and the port of Ostend is to be opened to carry on the diplomatic correspondence with England. The Paris papers of the 8th state, that the Arch-Treasurers set off for Milan the day before, preceded by the Finance Minister.—"The departure of these two grand functionaries affords us room to believe, that Paris will be much longer deprived of the presence of its sovereign, than was supposed. It is believed, that the affairs of Henoa will keep his Majesty much longer in Italy; it is proved besides, that he is expected at the camp of Castiglione, where he will remain a fortnight, and he is to reside sometime at Boulogna."

WASHINGTON CITY.

FRIDAY, AUGUST 9.

There is great force in the following remarks, taken from the Norfolk Public Ledger. It is a disgrace to any member of the American confederacy to deny to the Catholics the equal enjoyment of political rights with the protestants. We are well satisfied, that however consentaneous the narrow spirit, which dictated the restrictions, may have been to the day in which they were made, that spirit has long ceased to exist; it has perished in the crucible of the revolution. For the honor of the American name, let then these disgraceful memorials of a persecuting spirit be obliterated; and let there be raised on their ruins, a monument of the enlightened justice of republics.

FOR THE PUBLIC LEDGER.

MR. COWPER,

I have read with pleasure the able speech of Mr. Fox on the Catholic Petition, which has suggested some reflections on the subject, as applicable to the United States.

Few of your readers I believe suppose that there is any state in the union, in which the Catholics are under any restrictions in their civil rights, and yet the fact is so, as appears by the following extracts from the constitutions of New-Jersey, North-Carolina, and South Carolina.

"No *Protestant* inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles: but all persons, professing a belief in the faith of *any protestant sect*, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit and trust, &c.

Constitution of New Jersey, sec 19.

"No person who shall deny the truth of the protestant religion, shall be capable of holding any office or place of trust or profit in the civil department within this state."—*Constitution of North Carolina, sect.* 32.

"No person shall be eligible to a seat in the senate, unless he be of the Protestant religion."—*Constitution of South Carolina, sect.* 12.

"No person shall be eligible to a seat in the House of Representatives, unless he be of the Protestant religion." *Idem*, 13.

Upon this subject a committee on behalf of the Roman Catholic Clergy and Laity addressed General Washington in the year 1790, he being then President of the United States, in the reply of that great man are the following words:

"As mankind become more liberal, they will be more apt to allow, that *all those who conduct themselves as worthy members of the community* ARE EQUALLY ENTITLED TO THE PROTECTION OF CIVIL GOVERNMENT. I hope ever to see America among the foremost nations in examples of justice and liberality. And I presume that your fellow-citizens *will not forget the patriotic part which you took in the accomplishment of their revolution, and the establishment of their government*."

I believe however that no alteration has been made in the Constitutions of those states, a circumstance that must excite astonishment if not indignation in every liberal mind.

A CATHOLIC.

The Editor of the National Intelligencer owes an apology to Demophilus for the non-appearance of his communication. After a diligent ſearch he has not been able to find it. He, therefore, avails of the opportunity of extracting from the Star, its moſt important contents; and will afterwards inſert ſuch remarks as may be forwarded.

TO THE

DEMOCRATIC CITIZENS

OF MARYLAND.

Perſuaded that every citizen may with propriety recommend for adoption, ſuch meaſures as, if adopted, would tend to the advancement of the general welfare, I take the liberty of propoſing the annexed reſolutions, and of requeſting you to meet on Saturday the 17th Auguſt next for the purpoſe of taking the ſame into conſideration.

RESOLUTIONS.

1. That diſtrict meetings be held in each county, at the places of holding elections therein, on the ſecond Saturday of June annually.

2. That each diſtrict meeting nominate one candidate for delegate to the General Aſſembly—vote for a candidate for Sheriff, in the year when Sheriffs are to be elected; and elect ſeven committee men, who when united with like committee men from the other diſtricts of the county, ſhall be a committee of arrangement for the ſame, and continue to act until the ſecond Saturday of the June following.

3. That the chairman of each diſtrict meeting, cauſe to be conveyed to the committee of arrangement for the county, a written ſtatement, under his hand, of the votes and proceedings of ſuch meeting.

4. That each committee of arrangement meet on the Saturday next after that on which diſtrict meetings are held, at eleven o'clock, A. M.—Complete the nomination of four candidates for delegates, either when the number of diſtricts in the county are leſs than four; or when any diſtrict ſhall have failed to nominate, or when two or more diſtricts ſhall have nominated the ſame candidates—Examine the votes given in diſtrict meetings for a candidate for Sheriff, and declare the citizen having the greateſt number of ſuch votes the candidate in nomination; or in caſe two or more have ſuch greateſt number, nominate one of them—and alſo nominate two candidates for electors of the Senate, in the year when ſuch electors are to be elected.

5. That for making nominations that require the concurrence of two or more counties, each county have a committee of conference to conſiſt of a number exceeding by two, the number of diſtricts in each county, and to be choſen as follows:—The citizens having the higheſt number of votes on the liſt of committee men choſen by any diſtrict meeting (beſides being a member of the committee of arrangement) ſhall belong to the committee of conference: If two or more have ſuch higheſt number on the ſame liſt, the committee of arrangement ſhall chooſe one of them: and one member being thus taken from each diſtrict, the committee of arrangement ſhall chooſe two others.

6. That on the ſecond Saturday next after that on which diſtrict meetings are held at eleven o'clock, A. M. each committee of conference meet and unite with a like committee from the county with which is to act, for the purpoſe of nominating a candidate for elector of Preſident and Vice Preſident, in the years when ſuch electors are to be elected, and proceed to make ſuch nomination accordingly—And on the third Saturday after that on which diſtrict meetings are held, at eleven o'clock, A. M. meet and unite with like committees for the counties with which it is to act, for the purpoſe of nominating a candidate for repreſentative to Congreſs, in the years when ſuch repreſentative is to be elected and proceed to make ſuch nomination accordingly.

7. That the committee of arrangement make all new nominations of candidates for delegates, electors of the Senate, and Sheriffs, whenever they ſhall be neceſſary in conſequence of the refuſal, death, reſignation or removal of any citizen when elected or nominated; and that the joint committee of conference have like powers, in caſes relating to the candidates to be nominated by them reſpectively.

8. That in all ſuch caſes when a new nomination is neceſſary, the chairman of the committee which is to make the ſame, notify each member of ſuch committee of the place, day, and hour, when and where ſuch nomination will be made—and in caſe the nomination to be made by a joint committee of conference which ſhall not previouſly have met, the chairman of the committee of arrangement for the counties intereſted in ſuch nomination, ſhall correſpond and fix ſuch time and place, of which they ſhall give the like notice.

9. That no chairman of a diſtrict meeting or committee vote, except when the votes of the meeting or committee be equally divided, in which caſe he may vote viva voce—all other votes to be by ballot, and no nomination or choice to take place, either in diſtrict meeting or committee, unleſs the citizen ſo choſen or nominated, have a majority of the whole number of votes taken.

10. That no committee proceed to make any nomination or choice before a majority thereof be met; but after ſuch majority ſhall have met, any of the members ſhall withdraw from a diſpoſition not to act, ſo as to leave a member leſs than ſuch majority, the members that remain ſhall proceed to act in the ſame manner as if their members had not withdrawn.

11. That the chairman of each committee of arrangement twenty days before the time of ſervice of ſuch committee ſhall expire, cauſe to be ſet up at leſt ten advertiſements in each diſtrict of the county for which the committee acts, notifying the democratic citizens thereof to meet in diſtrict meetings on the enſuing ſecond Saturday of June, and ſpecifying the houſe.

Fellow-citizens, the foregoing reſolutions are offered to your moſt ſerious conſideration; they are ſubmitted without unneceſſary comment, and you will decide upon their intrinſic merit: you will conſider whether it is adviſable to eſtabliſh a uniform and ſyſtematic mode of making nominations in the ſtate, and whether theſe reſolutions are well calculated for the purpoſe?

I am not ſo ſanguine as to expect that you will univerſally adopt them in all their detail; on the contrary, I am aware that in certain parts of the ſtate, (owing to local circumſtances) they will require to be modified: I have, however, a full confidence that you will duly appreciate them, and the modifications you may think proper to introduce, will not be of a nature to hinder them from eventually leading to the adoption of ſuch ſyſtem as will be univerſally approved, and as will on all occaſions enſure a full and fair expreſſion of your will.

DEMOPHILUS.

FRENCH & ENGLISH FLEETS.

Capt. Bradford, (who arrived at Boston the 30th ult.) last from Madeira, reports, that on the 2d July, in lat. 38, long. 33, he passed 10 line of battle ships, and 4 frigates steering E. S. E. They did not show any colours, but from their appearance, he supposed them to be English. This fleet could have been none other than lord Nelson's, as the number of ships answers to the force which his lordship had with him, when he passed Antigua, in pursuit of the enemy, and from the course he was expected to steer, must have reached the latitude above mentioned.

The combined French and Spanish fleet was last spoken with on the 29th June, in the same latitude, and steering nearly the same course, and long. 43.

Norfolk, Aug. 1, 1805.

The following extract of a letter from Marseilles, although not of a very recent date, contains some interesting observations. It is from an intelligent American gentleman to his friend in this borough.

"I have arrived in this place within a few days. I very fortunately made my escape from Leghorn; as that place is now afflicted by the same pestilential disorder that has ravaged many parts of Spain.—Had I delayed there but a few days longer, I should not have been allowed to leave it, as there is actually a cordon of troops round Leghorn and Pisa. It is hourly expected that all Italy will be in a state of quarantine, both by land and sea: Switzerland has already cut off all communication; the Genoese were the first to quarantine those from Leghorn; more than two months ago.

"This pestilential disorder is called the yellow fever; but it is in reality no such thing. I was informed by a physician of eminence, when I was at Cadiz in 1801, that the disorder which occasioned so much mortality in 1799, had its origin in the country or was brought from the coast of Africa. It was remarked that year, that the sheep were unfit to be eaten; the liver having been generally found rotten, and the flesh producing immediate sickness. What is singular, is that the same circumstance was observed in Andalusia the beginning of the last summer; so much so that the sale of mutton was prohibited at Cadiz in May last. The appearances after death by this disease were, nearly in equal numbers, jet black, yellow, and a whiteness superior to any thing the human body was thought capable of exhibiting.

"In this place the board of health have gravely pronounced the yellow fever to be the plague; and they have imposed upon Americans, considering them as the source of all this contagion, a quarantine of thirty days; on the expiration of which they are visited in the same way as those who come from the Levant; that is to say, they are shipped quite naked, to the no small confusion of the poor Yankees, who swear that Frenchmen have no decency, and punched with sticks in various parts of the body. Americans should be very careful in coming here, to report truly whether or no they have been boarded on their passage, as they are liable to very severe punishment if detected in a falsehood in this respect.

"There can be no doubt that the disease at present prevalent in Italy, is the same which prevailed in Spain this year, and which was there so destructive in 1799."

JUVENILE EXHIBITION.

Mr. GARDINER'S PUPILS will this Evening recite, Speeches, Dialogues, &c. at Rhodes's Tavern, and commence at 4 o'clock.

Ladies and Gentlemen are respectfully invited.

August 9.

ALEXANDER M'CORMICK,

Has juſt received 2,000 weight of BACON, which he offers for ſale.

Auguſt 9——3t

RAGS.

The higheſt price, in *Caſh* or *Books* will be given for any quantity of clean Linen and Cotten RAGS, by Rapine Conrad and Co. Capitol Hill.

June 24—