This on the 27th day of June, at evening, Mr. Osborn being then sick, in our fortnightly meeting, a motion, which thanks had embodied in the blood of a company, was thrust into the room! This motion was done by the sheriff of the county and your committee and handed to us, in an apparently contemptuous manner. For notwithstanding the special and peculiar public character of this new prisoner, he was thrust into the room of a sick man, and without ceremonious, but, we fear, too down humanized and hurried.

Your committee further report, that several gentlemen from the vicinity, having been informed of the alarming situation, in which Mr. Osborn, by this transaction was placed, waited on the sheriff and by their spirited remonstrances, at length induced him, though with apparent reluctance, to remove the manacles from his ankles.

Your committee in this place think proper to state, that though the sheriff, when first thrust the prisoner into the same room with Mr. Osborn, did not deem it necessary to make any communication to him on the subject, or require him any caution to guard himself from any attempt which he might make upon him; yet when he was afterwards placed in the room with the two criminals, he, unknowingly, communicated to their owners and first been chaining, the sheriff was particular in informing them that the station of his mind, the cause of his imprisonment, and he therefore, must be kept from the reach knives, forks and every other instrument with which he might be armed, or any thing at hand capable of endangering room-mates. Your committee mention the conduct of the sheriff in this particular to the two criminals, not to censure but to applaud—every person, who duly is sensible of humanity and integrity as an individual, every citizen, required that he should have given, the warning that he did, and that silence would have been dishonest and cowardly in him, if he had, in any case ought act to have been pursued with respect to Mr. Osborn—whether it was not equally wrong that he should have been left in feeble health, uncomfortable, and in close confinement, his life exposed to the caprice and the piracy of a stout and athletic individual, your committee leave to his unbiasing and the world to judge.

Your committee further report, that on the 28th day of June, the two criminals before mentioned, were taken out of the room, and put into jail this time been confined, and put into the same room with Mr. Osborn, whose state of health, notwithstanding recommendations have been made to the sheriff in writing, he is in no instance supplied for that purpose, copies of which are herewith presented as part of this report.

Your committee further report, that the reason assigned by the sheriff for placing the two criminals in the same room with Mr. Osborn, was, "that he has no other right to confine debtors and criminals in the same apartment, that Mr. Osborn being a criminal, that he must provide for debtors it because are necessary to confine them all together." Your committee further report, that the sheriff till the said two criminals were placed with Mr. Osborn, has acted as if under the impression of what he now claims to be law—that previous to that time he was in the constant habit of imprisoning debtors in the same room with Mr. Osborn, who indeed have uniformly complained of it as a grievance. That before Mr. Osborn's imprisonment, when debtors were occupied by him was uneasy, and since, the sheriff has frequently confined debtors in the same room with the criminals confined for felonies—That at the time the said criminals were confined with Mr. Osborn there was but one debtor, unless we also be considered as such in jail—That this debtor was the arrival instructed to be confined with him, but the sheriff by frequent entreaties, has been, and must him up with the criminals—That on the 19th day of July last, this debtor was discharged and another subject to jail, notwithstanding which the criminals still were with Mr. Osborn, and, when the sheriff and engaged that in such case they should be removed. And your committee further state, that there is no such law as that claimed by the sheriff in jailing debtors with felons, and Mr. Osborn. The statute of this state directs "that debtors and felons shall not be confined in the same apartment and even sheriff. Lenden, it is presumed, will not be guilty of such a violation of law with the order of a county court is foreign. Notwithstanding a matter whose is such were reading with the blood of humanity, was let loose upon Mr. Osborn; yet we hope, that he was treated with apparent reluctance, and notwithstanding his place has since been applicable by your committee to commodious and capital difficulty, yet your committee will not for a moment entertain the idea, that this step either rigorous treatment adopted towards him has proceeded from any disposition in any one to terminate his existence; but they hesitate not to say that this treatment of Osborn, in all its circumstances, will be very likely to result in his death.

Resolved unanimously, That the duties of this meeting, including the above report be published in the next Gazette.

Resolved unanimously, That the purpose of obtaining information from time to time, respecting Mr. Osborn's health, situation, &c. that Messrs. Reuben Webster, Moses Seymour, jr. and Charles Hall, jr. be a standing committee, who are hereby requested, in behalf of this meeting, to visit the prison daily, and from one state to Mr. Osborn's health, the state of the air in said prison, the state of the prisoners confined with him, and every other particular, respecting his situation and publish the same weekly in such of the republican papers in this state as they deem proper.

Attest,
MOSES SEYMOUR, Jun. Cl.

Extract of a letter from the American Consular Agent at Gottenburg dated 12 May, 1806.

"On account of the present Swedish war with France, all neutrals are allowed to bring the produce of any country to market, except the British, and permissible to entry, into Sweden; and the republicans are not, yet, but I do not for this effect can be reversed. The former and generally established law of the country, is, that no vessel should bring only the produce of his own country and its dependencies and nothing else."

A London paper of June 2 says, "Mr. Secretary Fox, in the course of his address, expressed his hope, that Prussia, took an opportunity of throwing out the idea respecting that kind of peace which he was anxious to obtain. He expressly stated, that he wished for such peace as should be on honorable terms; but then the character of the peace he wished for was, that it should be such as should secure to the inhabitants of Europe, and not give up any thing which was the great object of war to give up." These spirited sentiments were cheered from all sides of the house.

On the subject of invasion the right honorable secretary observed, that he differed much from some of his friends on that subject. He by no means dreaded invasion. He was ready to admit, in first place, a powerful security in the superiority of our navy; yet in the second place, in the spirit of the nation, which he was convinced was abundantly sufficient to repel the enemy, he was any army that could invade this country."

In the British House of Commons, on the 27th.

Mr. Secretary Fox, rose to give notice that he should on Tuesday next moving for a committee, with the view to have the effect of shewing that his ministry's intention of carrying into effect the pledges they had given, respecting the final abolition of the slave trade. Some conversation took place on the present session to propose any bill upon the subject, but it was seen to be one important subjects upon which his majesty's present ministers had pledged their opinions to the nation, and it would be high time to evince their determination of carrying those opinions into effect.

The London Traveller, of the 10th June, contains the following article:—"American papers to the 12th ult. have reached us, the intelligence contained in them is of great confidence. The unhappy affair which happened off the Chesapeake, has given rise to the conjectures of a very decisive and harsh character upon the part of the American Government. We hear that the United States has published a Proclamation, commanding all Citizens of the United States, to arrest, and, if possible, the *Leander*, wherever he may be found; requiring the flags of the United States, to be hoisted in all ports and waters of the United States; and in case of this requisition not being complied with, prohibiting all pilots from affiling in navigating them, and all individuals from furnishing them with provisions or any other aid, in attempting for ever the entrance of Capt. Whitby, of the *Leander*, Capt. Marine, to Cambreland, and Capt. Sangfin of the *Driver* into any American harbour, whatever ships they may in future come in."

The death of Pierce, the American seaman, is not the only grievance for which in the Parliament. The jurisdiction of the United States is said to have been violated; the unlawful intercepts and violations committed on their trade, are also in treatment, the ground of complaints. The former is certainly an accusation of very serious nature. Capt. Gore, who is a man of under superior orders, has taken a dreadful responsibility upon himself; it would be rare to pass a sentence upon the conduct until this point is decided.— We regret accordingly that he has returned to England in the Melampus. It is impossible that he can remain there, without either renewing those practices which have given so much offence to the Americans, or being subject to profane and tumultuous behaviour from every quarter that pass under the hoses of the *Leander*, in case he should decline the exercise of the right of visiting and search.

Mr. JEFFERSON, we believe, is extremely averse to violent measures. The Proclamation is supposed to be reported from him. The sections expressed in such unusual period, the eve of the general elections in America. The two parties, the Democrats and Federalists, by whom the United States are divided, are forced to bid against each other at the address of popularity. The only question between them is, who shall display most violence against England, but fortunately it is not the mob of New-York who is to discuss this complaint.

CIRCUIT COURT OF THE UNITED STATES.
NEW-YORK DISTRICT.
UNITED STATES vs. WM. S. SMITH.

SIXTH DAY.

The Court met at 10 o'clock, parties and counsel.

Present TALMADGE.

The jury and the witnesses having been called, Judge Talmadge charged the jury that Judge Paterson being too indisposed to attend the trial, and a mournful occurrence having taken place in his own family, he should be obliged to adjourn the court until 9 o'clock on Monday morning.

FROM THE AMERICAN CITIZEN.

UNITED STATES vs. OGDEN.

(CONTINUED.)

The district attorney read an affidavit of his own, stating that the offence with which the prisoner was now, confined committed in this city, and that the witnesses, material to support the charge were prayed, resided and were at Washington at the time.

Having read the affidavit, the district attorney replied to the arguments of the defendant's counsel at great length. He contended that the testimony of the witnesses was not material in justification, and therefore was not proper to the jury in forming his judgment. For although it was the duty of the U. S. President's knowledge and approbation of the enterprise, which was not essential to the knowledge and approbation did not amount to authority or direction to the prisoner to carry it into effect. On the arguments of the defendant's counsel respecting the state of Spain, and the nature of the expedition was commenced, the district attorney said that the Congress of the United Congress had not declared *offensive*, nor had the President authorised or directed *offensive* war. The Spanish Minister of the U. S. was at peace, none at its disposal has a right to be at war with Spain.

With regard to attachments, the attorney said, they were in general, unusual and uniform. In England, attachments issued, in the testimony of the court, and never but to purge the witness a contempt.

The charge of the district attorney were coherent and illustrated by many, one of which judges Paterson, in which he fully maintained his well earned claim to eminence at the bar. He was happy in his subject, and his elastic pen, risk on the arguments of the defendant's counsel, was shewn with clearly and alarmingly unknown. Mr. Ogden, in his long speech at one, and closed at half after two in the afternoon, when the court adjourned till Wednesday morning, 10 o'clock.

Wednesday morning Mr. Edwards was heard in mitigation, and was succeeded by Mr. Emmett for the defendant.

Mr. Emmett commenced an elaborate and learned speech of two hours, in which he displayed a vigorous mind and profundity of research, by an impassioned and impressive eloquence, he appeared to be speaking a strength in the country, for undertaking the defendant, and he concluded, in one of the strongest his talents to the utmost, and he they were, in behalf of his client. He contended that the prosecution was premeditated, and wished it were in his power to extract the sting from the court and the remembrance of the country. He had no doubt of convincing the court that the defendant had offended against the laws, and, on the contrary, he was a man of the most honest mind, who proceeded over our national affairs had, in approving the expedition, and his personal employment, in the absence of his character, and assurance of the rectitude of his views. Neither, according to Mr. Emmett, has done wrong.

Mr Emmett maintained with unanimousness that indicated sincerity, that the testimony of the witness was material, first, in justification, and secondly, in mitigation of punishment, and therefore, he should contend, was an illegal issue before the defendant be put to trial.

In respect to compulsory process in England, on which the counsel for the defendant had made a long and large, it was issued at the discretion of the mitation the dignity of the courts, and the ancient rights of the subject, and that was not a *right* which could be claimed but a *privilege*, which might be granted. He traced the decrease of attachments in England to the reign of Elizabeth.

But in the U.S. compulsory process was not on a different footing. *Here*, said Mr. Emmett, it was *the right of* the party accused; a right guaranteed to him by the constitution, which, which the court cannot withhold. He read the 6th and 7th amendments to the constitution, which secure to the accused criminal prosecutions the accused shall have compulsory process for obtaining witnesses." This fundamental act was the paramount law, in which the right was secured to every citizen. Process must be issued; the accused takes it in his takes that which belongs to him. He wanted process, call it by whatever name, which could compel the witness into court. Any other *could* not be called *compulsory*.

There is no arguing, either with credit or success, against a constitutional provision. The constitution unbodoubtedly guarantees to the accused compulsory process, such as is known to the law, been issued by the court, and the apology tendered for failing to obey an injunction, entirely satisfactory all things considered? Mr. Emmett stressed the idea of attachments in the principles of British jurisprudence, which, it be deemed to be at war with the part of the constitution which he had cited. When, however he was asked by the presiding judge whether, in obedience to the constitution, Congress had the statute provided a specific remedy, he answered that in the reading he had met with any. Failing that, he had bring the witnesses in by subpoena, to use process against the court issued, if attachments, issued on the principles of the common law were to be excluded? Mr. Emmett did not decry that law. Perhaps there is none known to the bar. Yet stations, in the opinion of Mr. Emmett, are silent on the subject. The constitution which recognizes the principle for which he contended, so, its, but the laws have made no provision for the exercise of the right.

With regard to the materiality of the witnesses, which as the defendant's counsel wished to put off the trial was the main point, Mr. Emmett, with analytical, and, repeated and impressive, Mr. Hoffman—Spain had commenced hostilities against us, and although Congress had not declared war, by the law of nations we were at war, though technically speaking, we were in a state of things that did not exist, and argued as they did. His conclusion was therefore unsuspected by facts. Mr. Emmett was followed by Mr. Harrison on the same side, who after quoting the same interest, travelled over the same ground. Mr. Harrison, who was about two hours, closed the argument. The court adjourned to Thursday morning 10 o'clock.

Thursday morning Judge Paterson delivered the opinion of the court, in substance. The opinion which was given of great length, was perspicuous. Having argues the reason of the court, concluded with stating the *grounds* on which the court that, in *justification*, the testimony of the witnesses *was not* material. The laws were in force, and the defendant was in the ensuing power, and therefore even a direction from him to the defendant to engage in the expedition, was the just life the act. It was not material in *mitigation*, for testimony of the witnesses was not for the jury. The trial must therefore go on.

With regard to compulsory process, the court, he said, was divided in opinion; one of the judges was for granting and the other for it; at least for a rule to show cause why the witness did not appear.

Having delivered the opinion of the judges, Judge Paterson, the court adjourned, he was about to be retired when Judge Talmadge was now alone.

A short time after, he, in the counsel for the defendant asked leave for a few moments consultation. It was granted, and they retired. In about ten minutes they returned, when Mr. Morton moved the court to put off the trial to the next regular term. The motion was made on an affidavit of the defendants, set forth that Lewis, Jun. Jacob and Thomas (capt.) Lewis, both on the ground the business of their professions, and were expected here by September. The judge decided against the motion on the ground that if they were material witnesses it should have been so stated in the first affidavit, and when the trial was originally put off. There would be no end to these motions if we were to. At the request of the defendant's counsel, the court adjourned to Friday morning.

Yesterday the trial commenced, but we shall say nothing upon it until it is over.

POLITICAL ANECDOTES.

The great Frederick of Prussia is said to have inquired of a person from Washington with this noble compliment; "from the oldest to the greatest man in the world?"

Mr. Fox, the political luminary of England, is said to have given, in his son, a not less flattering eulogium. On his late visit to Paris, he was asked by Bonaparte "who" he thought "was the greatest statesman in the world?" "Sir" said Mr. Fox's reply, "I know of no man Mr. Fox's reply. A finer compliment could not possibly have been paid to Mr. Fox.

It is no compliment, to receive the approbation of men, who are at a great of excellence. It is the merit of the eulogist only which gives a value to his eulogium. When we see a man so far qualities with which they have been long conversant, and which, we may be supposed capable of understanding, it is then only that their praise becomes a language of truth. We seem then only to deserve admiration, when we have reason to think we are thoroughly admired by the rest of the world. How insignificant must have seemed to Bonaparte the most flattering speeches of an ignorant rustic, when once his Lazar Nemesis, with a sceptre his work.

But the compliment of Mr. Fox is not to be confined to the merits of Mr. Bonaparte. It may be received as a noble tribute paid to the principles of the administration, and even to that republican system of government, which he has done so much to establish. And by whom is this tribute paid? By one of the most enlightened statesmen in the front station of Europe; by one whose delight, to use his own, "is the cause of liberty all over the world," but who has never ceased to regret the imperfect establishment of it in his own country; by a man, in fact, who has never ceased to the evils of such a mixed constitution, as exists in G. Britain, of its kings, its lords and its commons, which will be the results of a mixed government.

Bonaparte, who is a man of great, and who such a man as this produces our constitution to his mind, what will we think of those native Americans who wish to assimilate it more to the British government, by inducing a greater energy into our executive? When such a man as this pronounces Mr. Fox, to be the greatest statesman in the world, what shall we think of the conduct of our native Americans, who deny him every sort of merit.

Benjamin.

The Prefect of Venice has ordered it said of the 10th, of the 8th of 90 proto be laid on the stocks in the arsenals of Venice, three ships of war. Bonaparte mage was laid on the 7th of March, being the anniversary of the first coalition of Austria, Prussia, the German empire, Poland, Holland, Spain, Portugal, the two Sicilies, the Papal states and the king of Sardinia, against France, which was declared in 1793, on this day—the war was extra ordinary and great exploits.

The national commodores at Venice have ordered vast naval stores of ship timber to be transported from the forests of Dalmatia, for the purpose of the construction of two immense dry docks, which have been projected, and which have existed for 200 years, 5, by which the Venetian republic was enabled to maintain a naval ascendancy, during the period of any other nation. *Aurora.*

FROM THE LANCASTER INTELLIGENCER OF JULY 15.

At the influence of the *honorable* Mr. Chrichish Davis, of Chester county, the Editor of this paper was required, on Friday, to insert a resolution, signed in 500 dollars and one surety in 300, for his appearance at the next August term, to answer a libel, filed against Fold Davis, as Chairman of a committee of the late House of Representatives, appointed to enquire into the conduct of the late Comptroller-general, *Samuel Dryer*, Esq. and applied the Money appropriated for the relief of the sufferers of the late of John Nicholson. The *extraordinary report* that *extra ordinary Chairman* made, was, that the Comptroller, them, and other extraneous matter, it will be results fold, produced a very large fire, full, and animated Discussion in the House of Representatives, and was finally rejected.

LONDON, June 5.

We received last night Paris papers to the 19th inst. from which we have the same extracts, but rather more very interesting. The Moniteur of the 18th contains a long article, dated the 8th inst. which states, that the differences which occurred between Austria and Prussia, relative to the occupation of the mouths of the Cattaro, were amicably settled. The Emperor of Russia, having given orders that this possession should be given up to Austria, in conformity with the treaty of Presburg. This statement is the Moniteur's, and it is said to be an official shape, but as it is strengthened by so many concurrent accounts from different quarters, it is, it is now hardly possible to entertain any doubt upon the subject. The Russian only Dalmatia (according to the account in these papers) of which the French are to be in possession, and it is said, that the Porte has, in compliance with the convention, given orders to the Ottoman Porte to the territories which the republic of Venice formerly possessed in Dalmatia and the Ionian Islands. Whether the Porte may or may not be ultimately compelled to submit to the unprecedented demands of Bonaparte, we cannot pretend to determine; but it seems very improbable that the Turkish government should have so suddenly resolved to make such important sacrifices, and, in fact, to place all the European possessions of Turkey entirely at the mercy of the French. We cannot suppose that the cabinet of St. Petersburgh would have permitted the Porte to submit upon a point in which the interests of Russia are so deeply involved; it is the Island of Corfu, which is now consigned to a measure which in its consequences would place the fate of the Russians from the Mediterranean. If the French are masters of Dalmatia, and the Ionian Islands, the possessions of Venice, the whole power of the Turkish empire depends entirely upon their advancing to Constantinople if they please. We are therefore inclined to think that the Porte has yielded with her force, this dismemberment of Turkey, and Russia, in order to prevent the loss an important position, she may still effectually counteract the plans which Bonaparte has formed, and formed against the most valuable of the Turkish European possessions.

Baltic Trade.—The aggregate value of the exports, from all the Baltic ports to all places, according to the prime cost, amounts on average, to 3 millions, exported yearly of corn, to be reckoned to amount to no less a sum than 50 millions sterling.

When there is so great exportation of grain, the importation from ports of the Baltic trade is considerable; the ordinary quantity of corn exported is annually about two millions sterling; which is more than the regular produce of all our West-India islands put together.

The same which, Great Britain has of the Baltic trade (not taking grain into calculation) amounts to one of least two thirds of the whole, so that the Baltic trade is a very long one to G. Britain.