(Continued from first page.)

The commissary of government (the Attorney-General) then commented at great length upon the charges in the indictment, and the disposition of the witnesses. He painted in glowing colours to the jury the enormity of the offence with which the prisoners stood charged. They had meditated the murder of a man whose death would ensuare the irretievable ruin of the Republic, and on whose life the peace and tranquillity of all Europe depend.

Dumerville, Cerracchi, Diana, Asena, and Topino-Lebrun successively demanded to speak.—The three first contended that their confession at the Police office had been extorted from them by violence. "We were promised," they said, "pardon and protection if we would make the declaration which they required of us. We were threatened to be shot if we persisted in our denial. The moment we were at liberty we solemnly retracted the confession, which is now employed to destroy us.

Demerville demanded of Harel, whether he had not been bribed by the police to make their depositions?

Harel, "I have served this country with honour for eight and twenty years, does not enter into the pay of the police," replied Harel; and as he sat down, called them a *pack of villains*.—"You are a greater villain than any of us," replied Dumerville; "you accuse us of being conspirators. For my part, if I know one, it is yourself. Four or five days before October 10th, I heard you say at my house, that Buonaparte was a rascal, and that he should not perish but at your hands."

Dumerville added, that he could have easily proved what he advanced, but that Harel had the precaution, of four witnesses who heard the conversation, to denounce two, and to make them be arrested as conspirators; if a third had not been alive, at the Prince's, and had escaped, the fourth had not been allowed to set out for Bordeaux, in spite of his earnest request, that they might both be examined before their departure.

Demerville likewise complained, that although he had requested that the consul Cambaceres might be subpoenaed as an exculpatory witness, he had not made his appearance.

"I subpoenad him" said the commissary of government. I have done every thing I could for you.

"I demand that the court now enjoin him to attend," replied Demerville.

The court has no right, interposed the president. The attendance of exculpatory evidence is quite voluntary on their part. Their attendance is the same as declaring that they should swear to nothing in favor of the prisoner.

"Cicero coming down from the capitol not hesitate to enter the Forum, to defend his fellow-citizens" exclaimed Demerville.

The court then gave leave to the counsel to speak in defence of the prisoner.

Citizen Bonnemaper, refused to proceed with counsel, "Said the president, "that if they shall be guilty of any personalities either against the magistrates who are at the head of the police, or against those in an inferior station, the court will not fail to punish such temerity.

Bonnemaper, thunderstruck, instantly sat down.—"Let us rather be lent to execution," said Topin Lebrun.

"What then becomes of the law," said Guichard, which entitles those accused to defend themselves by all the means in their power."

After some minutes of confusion, Bonnemaper addressed the Jury, first in favor of all the prisoners, and afterwards more particularly in favor of Demerville and Cerracchi.

He dwelt chiefly upon the absurdity of the charge, the good characters of his clients, their being not in any degree interested in the death of the Chief Consul, the improbability and contradiction of the evidence of the principal witness and his associates.

Citizen Guichard followed on the same side, and undertook the defence of Joseph Arena. He attempted to shew the improbability of the conspiracy, the absolute want of proof, and the contradictory nature of the evidence which had been adduced. He laid particular stress upon the circumstance that the two persons who had been arrested as the assassins of Buonaparte were completly unarmed. But following that there had been a conspiracy of this nature, he contended that Joseph Arena could not possibly have had any share in it. Having unfolded all the circumstances favourable for his client, he concluded by an eulogium, upon the government, and an invocation to the genius of France.

Citizen Cutteri then spoke in defence of Diana; but being frequently interrupted by bursts of laughter, Diana requested that he might be delivered to filent and that Citizen Dommanger might implore his place.—The petition was granted, and citizen Dommanger urged every thing in his defence which ingenuity could suggest.

The evidence, which began on the 8th concluded on the 9th at mid-day. The president then recapitulated it, and propoled a series of questions to the Jury, to which the foreman made the following reply:—

"It is agreed upon, there exisled in the month of Vendemaire laft a plot whose object was the murder of the Chief Consul; that the prisoner Dumerville is convicted of having taken a part in this plot, and that he did this with the intention of facilitating the execution. That the prisoner Cerracchi is convicted of having been concerned in this plot, and this with the view of promoting its accomplishment; that the prisoner Arena is convicted of having taken part in this plot, the purpose of aiding its completion; that the prisoner Diana is not convicted of having taken a part in this plot; that the prisoner Fumay is not convicted of being implicated in this plot; that the prisoner Topino Lebrun is convicted of having taken a part in this plot to promote its execution; that the prisoner Dutrey is not convicted of having been concerned in this plot; that the prisoner Lavigne is not convicted of having taken a share in this plot; that arms have been distributed for the execution of this plot; that the prisoner Cerracchi went to the Theatre of Arts on the 10th October, for the purpose of carrying the plot into execution; that the prisoner Arena went also on the same 10th October to the Theatre of Arts, for the purpose of executing the plot; that the prisoner Fumay did repair to the Theatre of Arts, but not with the view of being concerned in plot.

(Signed) "MOULIN, Foreman of jury
"HERMIT, President."

After this decisions, the prisoners Diana, the woman Fumay, Dutrey, and Lavigne were introduced. The President intimated to them, that after the verdict of the jury they were acquitted of the charge brought against them, and would be liberated within 24 hours, unless they were detained on other causes.

These the prisoners, Dumerville, Cerracchi, Arena and Topino-Lebrun, were introduced. The President then announced the verdict of the jury to be read to them.

The Commissary of the Government demanded in terms of the 612th article, convicted crimes and punishments, that the punishment of death should be inflicted on these four prisoners.

The counsel, Dommanger and Guichard objected to the application of this article to the present case, the conviction not exactly with the questions submitted to the jury.

The court retired into their chamber to deliberate on this objection. In half an hour they retirned, and at eleven o'clock in the evenings pronounced sentence in the following terms.

"The court, after having heard citizen Gerardi, fulfilment of the Commissary of the Government, and his motion for the application of the 612th article of the law of the 25th October, year 4, together with the observations successively presented against this motion by Dommanger and Guichard, the prisoners counsel, with their conclusion in writing, signed by Simon, their advocate, laid upon the table, the object whereof was, that this should not the decision of the court. Whereas the fact declared by the jury is merely that there existed in October last, a plot, tending to produce the murder of the Chief Consul;

Whereas the Commissary of the government did not found his motion for the purpose of applying the punishment provided by the 612th Article of the Penal Code, on any thing except an inadmissible tendency to characterize the crime by a fundamental circumstance by which juries alone have the right of deciding.

"Whereas the court cannot decide, either on the fact, or the circumstances which characterise the crime or the intentions of the accused; whereas, in short, the crime specified in the 612th Article is different from that which has been declared conformably to the 431st Article of the same code, that the prisoners Dumerville, Cerracci, Arena, and Topino-Lebrun, are acquitted of the accusation.

After having retired into their Council-chamber to deliberate thereon, on returning to the audience, and the judges having given their opinion agreeably to the law.

"The court agreeing to the motion of the commissary of the government, with the involving clauses in the code Juliens embraced by the prisoner's counsel; considering, the unanimous verdict of the Jury that there existed a plot whose object was the destruction of the Chief Consul; that for the purpose of executing this plot, there was a distribution of arms, and that Arena and Cerracci went, on the 10th of October, to the Theatre of Arts to promote its execution; convinced that the plot declared to exist by the Jurys was designed to disturb the repose of the Republic by civil war, by arming the citizens against each other, and contracting loyal authority; convinced that the functions of the Jury are essentially distinct from that of the criminal tribunals; that to the Jury it belongs to decide if the fact stated in the indictment is true; but to the tribunal to fix the character of the fact, and to decide whether this fact tends to trouble the Republic.

Having read the 612 article of the Code of crimes and punishments, then conceived "Every conspiracy and plot tending to disturb the Republic by civil war, by arming the citizens against each other, and contracting loyal authority, shall be punished with death as long as this punishment exists, and with 24 years imprisonment after it is abolished.

"Sentences Dumerville, Joseph Cerracchi, Joseph Arena, and J. B. Topino, Lebrun, to the punishment of death.

"Done and pronounced at Paris, at 11 o'clock in the evening, after a trial of three days, in the public audience chamber of the tribunal, when Hermit fat as president, Selves and Bourguignon, as judges, and Emeun Regiffer in chief."

PARIS, JANUARY 4.

CONSULATE.

Message to the Legislative body.

"LEGISLATORS,

"The republic triumphs, and its enemies again implore its moderation.

"The fame of the victory of Hohenlinden has been heard throughout all Europe. It will be reckoned in the number of the most glorious which have illustrated French valor; but it had scarcely been considered any thing by our defenders, who never confider themselves as having conquered, but when there remain no longer any enemies to combat.

"The army of the Rhine has passed the Inn; every day has there been a battle, and every battle a triumph. The Gallic phalanxes have entered at Ramberg; the army of the Grisons, amidst thunders and rendered the Iphigen to turn the formidable lines of the Mincio and the Adige. The army of Italy has carried the passage of the Mincio by force of arms, and blockd Mantua.—In short Moreau is no more than five days march from Vienna, master of an immense country, and of all the magazines of the enemy.

"Then was it that Prince Charles asked an armistice, which was granted by the commander in chief of the army of the Rhine, the terms of which accompany this.

"Count Cobentzel, the plenipotentiary of the emperor at Luneville, has declared by a note of the 30th Dec. that he was ready to open negotiations for a separate peace; to which Russia is exerting the influence of the English government.

"Government, faithful to its principles and to the wishes of Humanity, replies in the same moment, and proclaims to the whole of Europe the intentions which animate it.

"The left bank of the Rhine shall be the limit of the French republic. It makes no pretensions to any thing on the right bank. The interests of Europe will not more that the emperor should pass the Adige. The independance of the Helvetic and Batavian republics shall be secured and acknowledgd. Our victories add nothing to the pretensions of the French people. Austria must not expect from her defeats what she could not obtain by her victories.

"Such are the invariable intentions of government: It will be the happiest of France to reflore peace to Germany and Italy, her glory will be to free the continent from the avaricious and malignant genius of England.

"If good faith should again be deceived we are at Prague, at Vienna, and at Venice.

"Such ardor and such fidelity will be the strongest tribute to the completed gratitude of the nation. Government would willingly hinder expressions so unworthily their exciting, but there is one which, by its simplicity, will ever be worthy of the sentiments, and of the courage of the French soldier.

"The government proposes the following four toasts.

1d. The army of the Rhine,
2d. The Gallo-Batavian army,
3d. The army of Italy,
4th. The army of the Grisons—have deserved well of their country."

This message was carried to the legislative body by the councellors of state, Regnier, Thibaudeau, St. Cyr. The legislative body returned the following message by way of answer.

"CITIZENS CONSULS,

"The greatest public joy was testified by the legislative body, when they heard the communication you have made to them.

"They now behold four days of prosperity down which peace secures to France great and to generous a nation.

"Peace—peace is the cry of all France, and it is the good that humanity must ourselves themselves are bound to call for.

"If any thing can console the philosopher for the shedding of human blood, it is to see our prodigeal by ambition: it is battles fought only for the repose of mankind. Thanks to our brave armies; thanks to your wisdom and your firmness!

"First magistrates of the republic, in depositing its sentiments in your bosom, the legislative body fulfils a duty which is dear and sacred to it. It speaks to you in the name of all Frenchmen."

(Signed)

The conservatory senate replied to the message of the consulate as follows:

"*Citizens Consuls,*

"The conservatory Senate have received repeatable news which government have by their message communicated, with that satisfaction and pride with which the glory of our arms inspires all Frenchmen. Fire, fire with the most lively satisfaction, in the last armistice, in our victories, and in the moderation of government the sure pledge of peace a so long and so ardently desired."

At the court at St. James's, Jan. 14, 1801.

PRESENT,

The King's most excellent Majesty in Council.

Whereas his majesty has received advice, that a large number of vessels belonging to his majesty's subjects, have been and detained in the port of Russia, and that the British sailors navigating the same have been and are now detained as prisoners, in different ports of Russia; and also that the commissance of thefe proceedings a confederacy, of a hostile nature, against the just rights and interest of his majesty and his dominions, has been entered into with the court of St. Petersburg by the court of Denmark and Sweden, respectively, his majesty, with the advice of his privy council, is thereupon pleased to order, as it is hereby ordered, that no ships or vessels belonging to his majesty's subjects, be permitted to enter and clear out for any of the ports of Russia, Denmark, or Sweden, until further order, and his majesty is further pleased to order, that a general embargo be laid and made on all Ruffian, Danith, and Swedish ships and vessels whatsoever, now within or which hereafter shall come into any of the ports, harbours or roads, within the united kingdoms of Great Britain and Ireland, together with all persons and effects on board the said ships and vessels, but that the utmost care be taken for the preservation of the same, and that the carpenter on board any of the said ships and vessels, so that no damage or embezzlement whatever be sustained.

And the right honorable the lords commissioners of his majesty's treasury, and the lords commissioners of the admiralty, and the lords warden of the cinque ports are to give the necessary directions herein as to them may respectively appertain.

W. FAWKNER.

FOR SALE.

THE Subscriber will sell at private sale, two Three story brick houses, adjoining each other, 28 feet front each, by forty feet deep, on Capitol Hill, Lot No. 6, 24, 686—a fine commodious lot 80 feet front, by 196 feet deep, running back to an alley 30 feet wide, and may be occupied as one or two tenements, they are finished in a plain, but fashionable manner, and built of the best materials—a credit of three, six, and nine months, on giving approved notes, negotiable at the bank of Columbia, or Baltimore—apply to Daniel Carrol, or in Baltimore to

HENRY H. CARR: 3L.

Wdhington, Jan. 5, 1801.