## -- American,

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## FOREIGN NEWS.

LONDON DATES TO JULY 31, 1807. -Received by the Sally-Ann, captain Glover, from

#### Liverpool. CONTINENTAL PEACE.

HAMBURGH, July 15. A Courier from Bettin has just arrived, with the following important intelligence, to confo--latory to humanity :-

" " Imperial Head Quarters, at Tilsit, July 9. "NOTICE TO THE ARMY. "Yesterday, the 8th of July, peace was signed

between the emperors of France and Russia, by the Prince of Benevento, the French minister for foreign affairs, on the one fide; and by the Princes Kurskin and Labanoff Von Rollrow, on the other. These Plenipotentiaries were furnished with full powers by their respective fovereigns - The ratifications were exchanged this day, the 9th of July, as both Sovereigns are fill at Tilfit. (Signed)

" The Mursball Prince of Neufchatel. "BERTHLER."

TILSIT, June 28.

Yesterday, at three o'clock, the emperor made a vilit to the emperor Alexander. Thele two Princes remained together until fix o'clock, when they mounted their hories, and went to fee the manœuvres of the Imperial Guard. At eight o'cleck the two lovers gn: returned

.. to the place of the emperor syapoleon, where they dined together.

At one o'clock this day the emperor Alexander visited the emperor Napoleon, who came to the gate of his palace to receive him.

At two o'clock the King of Prussa came to the Emperor Napoleon, who went to receive him to the bottom of the staircase leading to his apariment.

At four o'clock the Emperor Napoleon went to visit the Emperor Alexander. They mounted their horses at five o'clock, and went to the greend where the corps of Marthal Davoull was to manauvre.

TILSIT, July 6. Their Majeslies the Emperor Alexander, the

King of Prussia, the Queen, the Grand Duke .Constantine, Prince Henry of Prussia, the Prince Royal of Bavaria, and the Grand Buke of Berg, dined on the 6th of this month with his Majeky the Emperor Napoleon.

A Journal Announces that at the dinner at Tilsit, at which the two Emperors were present, the following toalt was given, " The Freedom of the Seas."

#### EIGHTY-FIFTH BULLETIN. Tilsit, june 24, 1807.

The Grand Marshal of the Palace, Duroc, went yesterday to compliment the Emperor Alexamier. Marihal Count Kalkreuth, was presented this

day to the Emperor. He remained an hour in lits Majesty's Cabinet. The corps of Maribal Lannes was reviewed

this morning by the Emperor. He made several promotions, and gave rewards to those who had distinguished themselves by their bravery.

To-morrow the two emp-rors will have a conference.

## EIGHTY-SIXTH BULLETIN.

Tills: T. June 25, 1857. Agreeable to arrangements the two Empegoes met on the raft in the cental of the Niemen, and saluted each other in the most cordial manner.

The vast number of persons belonging to each army, teho flocked to both banks of the river to riew this ice ie, rendered it the more interetting, as the speciators were brive men, who came from the extremities of the world.

## -SWEDISH AFFAIR'S.

HAMBURGH, July 17. Marihal i rune has received the most peremptomy and laconic orders to attack the Sweden, and zake Strallund by florm.

ORDER OF THE DAY. " Head Quarters, Stettin, July 10. The corps of obtervation belonging to the Grand Army must prepare for an attack.

Billioter Sweditts-Pomerania. Fillish armillice was concluded with Sweden at Schladkow, on the 18th of April. Ten days motice was to be given previous to its terminazion. But as the generals had farther conferentes, by an additional article, the term was extended from ten to thirty days, and this arricle was figned at Straif and on the 29th of the lame

Respecting this last arrangement no difficulty occurred; but his Majefly the King of Sweden supeared in Pomerania, took the command of his army, and fron made it appear that it was his view simply to abide by the previous engagement for the term of ten days. At the fame sime the Swedish marine appeared in activity before Colberg, and notwithflanding the armittice, Ebnimenced hossilities against the French and the allied corps which belieged that place. In configuence of this flate of things, a corsespondence-commenced between the generals man his Swedish Majesty; and with the view of bringing the points at iffue to a conclusion, a conference was propoled at Schladkow, on the

Spedish territory. I accordingly repaired to Schladkow on the 4th of June, accompanied by five or lix officers of the Staff, and an equal number of orderly gens d'armes. His Swedills Majelty's Adjutant had apprized me that his Majelly was at Schladkow almost without thy escort, and with Favery small suit. Upon my arrival at Schladkow. Istound the house where his Majesty was without guards; but in the cuprt before it observed a squadron of cavalry drawn up in Corder of battle. As I was left alone with his Majety, I began to explain to him the cause of ista interview; but he inter-unted me immedistell, and affured me that his determination to abide by the first term of the armillice was interocable, and thus made use of his authority wave the quentions which would otherwise have formed the principal object of the conferenths is one will hear of this with regret, betwild the laws of honor, and the rights of maker with journelly violated. "He even dared to tropole to a French General; one of the the second first the second wis comment of the invited him to join the diviner let colors of a band of renega does, the particulation and and in infemble to the good in the camery and flrangers to giory. - This Capitalence alles temped to prove, that the king of the weather work of the madness of these foreigneon and acrisises to them the

was interests of his some start of

Fince this conference, the king has continued his hollilities before Colberg, and committed other acts of the same nature in the mouth of the Trave. He has drawn men and money from England; he has collected as many fugitives and deferters as possible; and, confident of his own strength, on the 30th of this month he announced the termination of his armistice of ten days, at a time when he might have known the new dispositions of Russia and Prussa.

"Of course hostilities with Sweden will recommende on the 13th of this month. We might begin them fooner, because the conduct of the king has exhibited a fuccession of manifest violations: but it is confistent with the character of our sovereign, equally celebrated for his moderation and generality, as for his genius and heroism, not to avail himself of the advantage. Europe will justify this conduct, and will distinguish those who wish to extend the scourge of war.

" "The French and the allied troops will emulat with each other in discipline and courage; they will never forget that the eye of the emperor Napoleon is upon them; and I am convinced that all of us will merit, by our devotion, the satisfaction of our sovereign.

(Signed) "MARSHAL BRUNE."

ALTONA, July 17, in the evening. "This moment we received advice, that 18,000 Dutch troops, under the command of General Dumonceau, are on their march thro' Bremen, to reinforce the army under General Brune in Pomerania,"

Frontiers of Swedish Pomerenia, July 14. The hostilines with Sweden have recom menced His Excellency Marshal Brune has removed his head quarters from the C sile of Brok to Demmin, and will be this evening at

The Swedes, with whom several actions have been fought, are returning to Strallund. Two pieces of cannon have been taken from

General Blucher is to pass the day after tomorrow with his troops through Anclam

Prince Suskowski, Colonel of the 1st Polish regiment, has obtained leave from his French Imperial Majesty to serve as volunteer against the Swedes.

Bavarian and Spanish troops, and the husfars of the Prince of Ahrenberg &c. have en tered Swedith Pomerania by Dumgartiu and

### AFFAIRS WITH RUSSIA.

LONDON, July 29. Lord Gower, on announcing to the Rutean Minister of State, Budberg, his arrival at Memel and expressing his intention to attent his Imperial Majesty on the Ni-men, is stated to ! have received intimation, that under the present circumitances, his Majerty was desirious to dispense with his Lord.hip's intended cour-

Considerable sensation was excited yesterday by a report that the Emperor Alexander had accepted the Order of the French I. gion of Honor. We perceive nothing in this that should ciente extraordinary surprise After having ma .e peace with Bonaparte and recognized him as Emperor, with what grace could he have refuied tojaccept that which the former confidered as the greatest honor he could offer his illustrious guest? The circumstance appears to us or very little consequence. It does no follow, because the Emperor Alexander has accepted Bonoparte's ribbon, that he is for the future to make common cause with France. It would, perhaps, be better for the intervening States, that this extreme intimary had not taken place between France and Russia, for the will of these two powers must hencescith be the law of the Continent. They have -already, it is falt!, come to an argeement with respect to the Turkilli Empire and it is of that nature which might have been expected. Each will seize upon that part of it which best suits its convenience and future intentions. This arrangement will do admirably for the moment, but it contains the feeds of deep and permanent fusure hostisity.

Mr. M'Kenzie, on whose advices from the Continent, a Sauinet Council was held a few days ago, witnessed the memorable interview between the Emperors on the Niemen. He reports that the most remarkable cordiality exists at this time between them; that some extraordinary projects have been suggested by Bonaporte as indicative of their future power and grandeur; that Alexander had yielded to the address of Bonaparte; that the Russian has promited either he or his brother Constantine thall pals a month at Paris; and that the whole of those intimacies are not only alarming, but strenously tending to the injury of Great Bri-

\*AFFAIR IN EGYPT.

ConstantinoSLE, June 10. The day before yesterday a Tamar courier reached town from Egypt, with the following intelligence:

"The Inglish, in order to avenge the defeat fullained near Rosetta, marched again 5 to 6000 men ftrong from lexandria to attack that town, but were furrounded on their murch, and either put to the sword or taken. The English garrison of Alexandria, reduced to rooo men' demanded thereupon to withdraw on board Admiral Louis' fleet, which was grant-

Contrary to cultom the Porte has for the first time announced that victory to the public by an official bulletin.

AFFAIRS IN TURKEY. An engagement has taken place between the Ruffian and Turkish squadrons off the island of Tenedos, and we suspect to the disadvantage

of the latter. CONSTANTINOPLE, June 14.—The new Emperor Mustapha follows the political system observed besore the Revolution which placed him on the throne, and by the advice of the Musti, he has determined to continue the war

against Russia. The populace have declared entirely in favour of the new government. On the 19th of May, the Turkish sleet gained advantage over the Russian squadron. A ter an obstinate batt'e, the Capt. Pacha landed in the island of Tenedos, and made himlelfmaster of it. The army of the Grand Vizier confists of 120,000 men, divided into three corps of 40,000 each. The right wing of this army has already entered Buchesest, All Transylvania is full of fugitives, who have fled from the unfertunate country of Waliachia.

# THE EXPEDITION.

The Grand Northern Expedition under the command of Admiral Gambier, lailed yesterday tiom Yarmouth, with a Brisk and fair wind at fouth west.

The fleet under the command of Admiral Gambier, who has holsted his flag on board the Prince of Wales of 98 guns, confists of that flip seventeen 74's, five 64's, ten signtes, and nineteen imalier vesselspfromes 2 to: 18 guns each, besides cutters, ac.

The expedition hab on board a great number of flat bottomed-beats. With the troops which it takes out, and those that have already has sed the Sound, we thall have in that quarter, 2 force little short of 30,000 men. .

COPENHAGEN, June 11:-On the 7th two. more divisions of the English Expedition, under convoy of an armed ship and two cutters afrived in the Soulel, and immediately proceeded to the Baltic. On the morning of the 8th, both these divisions supposed to consist of IDI fail passed the island of Amack.

House of Lords, July 27.—Previous to the reading of the order of the day, Lord Holland role, for the purpole of obtaining some information from Ministers on the subject which extremely agitated his mind; he alluded to the reports of some unpleasant occurrences on the coast of America. He wished to know whether it was the intention of Ministers to make any communication to Parliam, nt on the subject. A war with America was in his opi nion, a most serious calamiry, the effects of which would be equally felt by both countries. He trusted and hopped that Ministers would be prepared to make such a communication, and my fuch documents before Parliament as would justify them in a measure of such importance and responsibility.

Lord Hawkesbury explied, that all he could fay at present was, that he was not authorised to make any communication to the House on the subject alfreded to bythe Noble Lord. He could venture to affure the Noble Baron, that his Majefly's Ministers would as sincer ly deplore a war with the United Pates of America as the Noble Baron could pulibly do. His Noble friend would feel the impropries of entering into any plemature discussion of the subject. Should it be necessar; romake any communication to the House en the subject, Minis ers would fee that it fluidd be as full and fatisfac. tory as possible.

Lord Holland was ar from wishing to force a subject of such externe delica, y into pra mature discussion, but he c'uld not help repeating that he truffee a speedy communication, if any were necessary, woul! be made, and that Parliament wouldnot separate until they had all 'h · circumitances before them which gave rife to such an uthappy Itale of things.

I reim Treaties. House of Commer. July .7 .- Mr. Whitbread role, after waiting as he said, to the last moment, in h pes of seeing in his place a Reght Hon. Gentleman, Secretary for the Foreign Departmoni, in order t. enqui " whether it was inte ded speedi ytolas before the House copis of certain treaties some that time since said to be pinding of we notis majetty and certain of the Continental Powers, the result of which were said by his Majefty's diniders to defend on he occurrence of contingent events, and the pro uction of which the louse was taught to expect be ore the approaching close.

The Chancellor of the Exchequer answered, that on respect to the pending treities with Foreign Powers, aduded to by the first queltion of the Hon. Member some of those treates, depending on contingent eve its which had not occurr d, of courle cere net carried into effect; and of those were n t necessary to ay copies before the House; but of many other tien ies that had been concluded, he believed his Right Henorable friend (Mr. Secretary Canning) would be ready to lay copies bettle the House

REMARKS. A considerable degree of anxiety seems to be felt by the opposition to prove that the Ameri-

cans were in the right and se n the wrongthat the right exercised by Cap ain Humpbreys, is not recognized by any writer of authority upon the Law of Nations, and that no civilian will reilture to defend his conduct. The case of a neutral power receiving, perhaps ent cing away, the scamen of another nation, and refufing upon application to deliver them up, is not, we believe, contemplated by Vaitle. It is alserted that we have no right to learch a vellel bearing the flag and commission of the United State .- but has a vessel bearing that flag .: nd commission, a right to receive deserters from our fervice, an : to refuse giving them up upon application being made !- Is the co mander of a thip or fiquadron to fee his men deserting to a n utralifhip bearing the flag and commissio of a neutral power, and to have no power chicizing and bringing tuem back again ;-This was s cale in which the rearn captain did not proceed upon mere u u e 11 picion -he did not with to exercise at the of learch upon a loole probability that he might find his men on b ard he American ship -He knew they w e on board.—if it be said that he should have applied to the American government, and that up a their whial to give them up, or upon their returning an unsatisfactory aniwer, he thould have commed nimself to the fending off an account of the transaction to his own government, we reply, that in that cale it might happen that a thip or squadron tent upon a particuar service to a dillast sort, might, from desertion to neutral thips bearing the flags and commissions of neutral powers, be wholly unable to execute that service. Five Pappenburgh flops, bearing the flag of the petty Pappenbuigh fov reign, would be sufficient to defeat the well concerted expedition.

LIVERPOOL, AUGUST 1, 1807 Some hopes are now entertained that this affair will not mevitably lead to hostility. I Captain Mumporeys proceeded on the puficire intiructions of our Government, we sh uld despair of feeing the dispute amicably accommodated; but it is clear from the expressions of Mr. Fe ceval in the House of Commons that

this was not the case.

The moderate and reasonable language of that gen leman on this interesting subject; has given general fatisfaction to the whole country. It acknowledges the mutual obligation of both nations to respect the rights of independent fovereignty in each, and lays no ftress on the rights derived merely from superior power The Americans have never confented that we thould exercile, at the pleasure of our naval commanders, the privilege of fearching for deferters or English feamen even on board private ships. Can it then be expeded that the commanders of vessels which bear the flag of the United States, will submit to have their crews mustered and examined by any British cruizer they may fall in wit. ? The principle, however, may be fair or otherwise; but it cannot be denied, that if the right of fearch is to be admitted and applied to deserters it flould be common to both nations.

In the case of the Leopard, the circumstances are certainly very strong and it is probable that Cap. Humphreys may make out a, case which will completely justify his conduct. But it is to be observed that the Americans state a very different case, and materially alter the circumitances of the whole transaction. I therefore becomes, in a great degree, a question of fact, and we must have more certain information, and more exact details, before a de-Elsive opinion can be formed.

A vellel has arrived from the Mediterranean with letters from the city of Algiers to the 5th ute inclusive. They communicate the intelligence that a vigorous war was carrying on between the Algerine and Tunifian States. In the latter end of May a general-battle was fought

their Hightby the Algerines, who made dreadful flaughter among the fugitives. The Aigerines were wound up to the highest putch of considence from their successes, and when the last -advices came away, they were preparing to march in full force against Tunis, which was expected to fall an easy prey.

TILIT, July 5 -One of our papers mentions, that the Grand Duke Constantine will go to Paris, and that the Emperor himself intends to go there in the course of the following winter His journey, like that of Peter the Great, will contribute to the improvement of the Russian Empire; like him, he will not find a weak Prince, but a mighty Sortreign, adored by that nation whole glory he-has fixed, and whose happinets he has promoted. His Imperial Ruffian Majesty will be most cardially welcomed by the French, who will zealously pay homage to a Prince in whose porson they behold annally of the Emperor Napoleon.

FRANKFORT, July 10 - I'here is talk of an approaching marriage between his Imperial Highnels Prince Jeroine and the Heredilary Princels of Saxony

Pants, July 7 .- M. De Montesquieu, one of the Officers in waiting upon his Majetty the Emperor and King, is arrived, on the part of his Majelly, to communicate to her Majelly the Empiel's Que n, the de ails respecting the interviews of the two Lin erers.

July 8 M. Joseph De Monaco, one of the Officers in waiting upon his vejctty is arrived with the detai s of the 2d and 3d c nference between the two Emperors.

The Moniteur of this date contains a long ac ount of the cerem mie oblirved upon depofitting the bedy of his Imperial Highness Napo-I on Charles, Prince Royal of isolland, in one of the Chapels of the C. thedral of Paris, until the Imperial Chusch of St. Denis shall be repaired, and it may ut said alm it rebuilt to re-

CARLSCRONA, July 10 Lord Hutchinson. the English General, is arrived here from Mcmel. The Pandora an English ship of war, with 5 fail of transports under convoy laden with Gunpowdert originally bound to Memalhas put in here, as also another English veilel of war

A gentleman, lately from France, is ready to attelt, that no let's than 113 American veilels, all in ballaft, and many of them . f very considerable fine burden, ar ived in L'Orient, from the 5th to the 28th of May. The people of L'Orient, talk publicly that these ships were employed for particular purpoles by the French government.

The House of Commons with a liberality worthy the Representatives of the British nation, last night voted an addition of 20,000, to the fum formerly given to Dr. Jenner, for the difcovery an application of the Vaccine Syltam.

Sir Francis Bu dett is lo far recovered as to be able to walk about freely, and will, it is expest d, take his leat in the House of Commons this week.

Mr. Hill late Collector of New Providence, is appointed Auditor of Accounts, &c. at he Care of Good Hope; and is to be succeeded at New Providence by Mr. Wade, from Barbados. M. Reddith, a relation of Mr. Canning, is app inte: Celector of Montgomery Bay; & Mr. Jeffery, fon of the Member for Poole, is to be the new Collector of Port Royal, in Jamaica.

#### BUR 'L RIAL. OPINION

Of the court on a motio to arrest the evidence edelivered on L. 1 ay Aug. 31.

The question now to be decided has been argued in a momer worthy of its importance, and with an earnestitess evincing a strong con iction felt by the coun-

sel on each side that the lass is with them. A acgree of eloquence seldome displayed on any occasion has embellish d a solicity of argument and depth of research by which the court had been greatly aired in forming the opinion it is about to deli-

The testimony adduced on the part of the United States, to prove the overt act character, was committed, and there being ! deed. no reason to doubt but that he was at a great distince and in a different state, it is objected to the testimony offered on that part of the United States, to connect him with those who committed the overt act, and must therefore be rejected.

The arguments in support of this metion respect in part the merits of the case as it may be supposed to stand independent of the pleadings, and in part as exhibited by the pleasings.

On the first division of the subject two

points are made. 1st. That conformably to the constitation of the United States, no man can be

convicted of treason, who was not present when the war was levied. 2d. That if this construction be erroneous, no testimony can be received to

charge one man with the overt acts of others, until those overt acts as laid in the indictment be proved to the satisfaction of the court. The question which arises on the con-

struction of the constitution in every point of view in which it can be contemplated, is of infinite moment to the people of this country and to their government, and requires the most temperate and deliberate consideration.

shall consist only in levying war against

What is the natural import of the words "levying of war? and who may be said to levy it?" Had their first application to treason been made by our constitution, they would certainly have admitted of some latitude of construction. Taken most literally, they are perhaps of the same import with the words raising or creating war, but as those join after the commencement are equally the objects of purishment, there would probably be a general admission that the term also comp shended making war, or carrying on war. In the construction which courts would be required to give these words, it no: improbable that those who should Taise, create, make, or carry on war. might be comprehended. The various which falled the whole of the day. At length | acts which would be considered as cuming the Tunilians gave way, and were purficed in willim the term; would be ucflied by a

course of decisions, and it would be affirming boldly to say, that those only was actually constitute a portion of the military force appearing in arms could be considered as levying war. There is no difficulty in affirming that there must be a war or the crime of levying it cannot exist, but there would often be considerable difficulty in affirming that a particular act did or did not involve the person committing it in the guilt and in the fact of levying war. If for example, an army should be actually raised for the avowed purpose of carrying on open war against the United States and subverting their governmen, the point must be weighed very dsliberat ly, before a judge would venture to decide that an overt act of levying wir hid not been committed by a commissary of purchases, who never saw the army, but . who, knowing its object, and leagueing himself with the rebels, supplied that army with provisions, or by recruiting officer holding a commission in the rebel service, who, though never in camp, executed the particular duty assigned to him. But the term is not for the first time

applied to treason by the constitution of the United States. It is a technical term. It is used in a very old statute of that country, whose language is our language, and whose laws form the substratum of our laws. It is scarcely conceivable that the term was not employed by the framers of our constitution in the sense which had been affixed to it by those from whom we borrow it. So far as the meaning of any terms, particularly terms of art, is completely ascertained, those by whom they are employed must be considered as employing them in that ascertained meaning, unless the contrary be proved by the context. It is therefore reasonable to suppose, unless it be incompatible with other expressions of the constitution, that the term "levying war" is used in that instrument in the same sense in which it was understood in England and in this country, to have been used in the statute of the 25th of Edward 3d. from which it was borrowed.

It is said that this meaning is to be collected only from adjulged cases. But this position cannot be conceded to the extent in which it is laid down. The superior authority of adj dged cases will nev r be controverted. But those celebrated elam ntary writers, who have stated the principles of the law, whose statements have received the common approbation of legal men, are not to be disregarded. Princip! s laid down by such writers as Coke, Hal, Fost rand Blockstone, are not lightly to be rejected. Thes: books are in the hands of every student. Legal opinions are formed upon them, and those opinions are afterwards carried to the bar, the bench, and the legislature. In the exposition of terms, therefore, used in instauments of the present day, the difinitions and the dicta of these authors, if not contradicted by adjudications, and if compatible with the words of the statute, are entitled to respect. It is to be regretted that they do not shed as much light on this part of the subject as is to be wished.

Coke does not give a complete definition of the term, but puts cases which amount to levying war. " An actual rebellion or insurrection, he says, is a levylaid in the indictment, having shown, and | ing of war." In whom? Coke does not the attorney for the United States having I say whether in those only who appear in admitted, that the prisoner was not pre- arms, or in all of those who take part in sent when that act, whatever may be its I the rebellion or insurrection by real open

Hale, in treating on the same subject, puts many cases which shall constitute a levying of war, without which no act cah amount to treason; but he does not particularize the parts to be performed by the that such testimony is totally irrevalent, different persons concerned in that war, which shall be sufficient to fix on each the guilt of levying it. Foster says "the joining with rebels

in an act of rebellion, or with enemies in acts of hostility, will make a man a traitor .- " Furnishing rebels or enemies with money, arms, ammunition or other necessaries, will prima facie make a man a traitor."

Foster does not say that he would be a traitor under the words of the statute, independent of the legal rule, which attaches the guilt of the principal to an accessary, nor that his treason is occasioned by that rule. In England, this discrimination need not be made? except for the purpose of framing the indictment, and therefore in the English books we do not perceive any effort to make it. Thus surrendering ave. castle to rebels, being in confederacy with them is said by Hale and Foster. to be treason under the clause of levy-"Treason against the United States, ing war, but whether it be levying war in fact, or aiding those who levy it is not said. Upon this Point Blackstone is not more satisfactory. Although we may find among the commentators upon treason enough to satisfy the inquiry, what is a state of internal war? Yet no precise information can be acquired from them which would enable us to decide with clearness whether persons not in arms but taking part in a rebellion, could be said to levy war independent of that doctrine which attaches to the accessary the guilt of his

If in adjudged, cases this question has been taken up and directly decided, this court has not seen those cases. The arguments which may be drawn from the form of the indictment, though strong, is not conclusive. In