From the PALLADIUM.

Mr. Samuel Adams's Correspondent.

"I presume you are so far acquainted with ecclesiastical history as to know, and the bishop who has answered me has been obliged to acknowledge the fact, that the books that compose the New Testament were voted by *yeas* and *nays* to be the word of God, as you now vote a law, by the popish councils of Nice and Laodicia, about 1450 years ago. With respect to the fact there is no dispute, neither do I mention it for the sake of controversy. This vote may appear authority enough to some, and not authority enough to others."

[*Paine's Letter.*]

Those who are sufficiently acquainted with ecclesiastical history know the *falsity and unfairness* of the representation in this passage; and the sophistry of the objection to the authenticity of the New Testament, pretended to be founded on this supposed fact. It is *not true* that the councils of Nice and Laodicea passed such votes as he asserts, or if they did, that the authority of the books rests on their decrees or votes; though it may be confirmed by them. It is *not true* that bishop Watson acknowledges the fact, as asserted by Mr. Paine; on the contrary, he denies it.

The council of Nice, composed of bishops from the east, convened A. D. 325. The points debated and determined by this council were principally relating the Arian controversy. There was no catalogue of the books of scripture in their canons, and they passed no votes upon the subject; unless, perhaps, upon the epistle to the Hebrews. [Vide Lardner, vol. 4, p. 187.—200.]

With respect to the council of Laodicea, which sat about A. D. 365. it was a *particular* council, composed of 30 or 40 bishops of Lydia and the neighboring countries. The chief design of this council was to deliver rules of church discipline. In their last canon they declare, "That private psalms ought not to be read in the church nor any books not canonical—but only the canonical books of the Old and New Testament." After which follows a catalogue of such books, including all those that make the New Testament, excepting the Revelation. From this decree it appears that there were in the hands of christians writings already known by the title of canonical. Long before the meeting of this council, there had been a general agreement among christians, what were the writings of the apostles and evangelists, and what not. The vote, as Mr. P. is pleased to call it, or decree of this council, was simply a direction or exhortation to the churches, to use none but canonical books, or such as, by concurring testimony and tradition, were acknowledged to contain the history and laws of the religion; and an opinion given what the books were. Yet the writer of the letter would have it understood, as a fact admitted by all parties, that the writings of the New Testament are believed to be as ancient as they pretend, and composed by the persons to whom they are ascribed, upon the authority of the yeas and nays of the councils of Nice and Loadicea. This can proceed from nothing but the grossest ignorance and stupidity, or a profligate contempt of truth. "This vote (he says) may appear authority enough to some & not authority enough for others." This vote will not probably be deemed authority *enough* to any; tho' it may serve as a confirmation of the proofs to the authenticity of the writings, arising from the impossibility of a forgery; from ancient Christian, Jewish, and Heathen testimonies, many of them long before the time of these councils; and from the internal evidence. It ought to carry some authority, being the testimony of a large number of Christians, about the middle of the fourth century, to the antiquity, credit and reception of the greatest part of the books of the New Testament. But what books should be received as containing the rule of faith and practice for Christians, never depended on the determinations of any council, but on the general agreement of Christians from the times when they were written and spread. [See Lardner's works, vol. 6, p. 25, &c.—vol. 4, p. 308.]

What pretence Mr. Adams's correspondent has for saying bishop Watson concedes the fact, respecting the votes of the councils, will appear from a few extracts from his "Apology for the Bible," in answer to the "Age of Reason."

"The book called the New Testament, consists of twenty-seven different parts. Concerning seven of these, viz. the Epistle to the Hebrews, that of James, the 2d of Peter, the 2d of John, the 3d of John, that of Jude, and the Revelations, there were at first some doubts; and the question, whether they should be received into the canon, might be decided, as all questions concerning opinions must be, by vote. With respect to the other twenty parts, those who are most acquainted with ecclesiastical history will tell you, as Du Pin does after Eusebius, that they were owned as canonical *at all times and by all Christians.*" P. 133.

"Though you could make it out that the book called the New Testament did not formally exist under that title till 350 years after Christ, yet I hold it to be a certain fact, that all the books of which it is composed were written, and most of them received by all Christians, within a few years after his death." P. 135.

From the AURORA.

SIR,

Your paper of the 1st Feb. falling in my way last evening, I particularly noticed in it, Mr. Thomas Paine's letter to Mr. Samuel Adams; in which there are many things that denote the man. But I have no intention to make any remarks on any part of it, but one paragraph, where he insinuates, that the divine authority of the new testament, rests on the decrees of councils about 1450 years ago. This, in my mind argues either want of knowledge or of candor. For, he ought to know, that by fair the greater part of the books that compose the new testament, were supported by the unanimous testimony of the primitive church, hundreds of years before the period he refers to. He ought to know moreover, that so far from resting the divine inspiration of those sacred books on the *votes*, as he words it, of councils, we do not even rest it on the *testimony* of the antients alone, though their testimony be credible in matters of history, but upon much more solid grounds, viz. that the writers of those books were inspired men; that they confimred their doctrines and mission by working miracles, and that their writings contain prophecies that have been fulfilled. These considerations afford a foundation of faith not to be shaken. I only add, if Mr. Paine knew these things, was it not very uncandid in him to publish the above paragraph—if he did not know, he was disqualified from writing on the subject.

You will be so good, sir, as to give this a place in your paper, and oblige at least your very humble servant.

SAMUEL JONES.

From the BALANCE.

"*Nothing extenuate, nor set down aught in malice.*"

AN ACCURATE STATEMENT OF FACTS CONCERNING MR. ATTORNEY GENERAL SPENCER'S LATE ATTACK ON THE Liberty of the Press IN THIS COUNTY,

Written by a gentleman who was at court during the whole transaction, and who pledges himself that the detail is substantially correct.

[CONCLUDED.]

Mr. Spencer began his reply by stating, that he could not avoid believing, that the declamation of the gentlemen who preceded him was addressed more to the ears of the spectators who surrounded the bar, than to the sound discretion of the court. They had made fine speeches, and travelled through the whole field of invective. They had invoked all the powers of liberty and independence, and attempted to press them into their service. But these, he said, were delusive sounds. At a distance they appeared enchanting; but when closely inspected, they proved to be Jacks o' th' Wisp, calculated to bewilder the judgment and lead it into error.

The gentlemen, he said, had indulged themselves to a great extent, in reproaches, and had, not very politely, impeached his motives. As to his motives in this prosecution, he said they were pure. The torrents of slander which pour incessantly from the presses opposed to government, must be checked, or all that is dear to man would not be worth preserving. He said he had been urged to this prosecution more particularly by what fell from one of the judges in his charge to the grand jury last sessions. [Judge Sylvester here interrupted Mr. Spencer. He stated, that he had, in his charge to the grand jury, alluded to, turned their attention to all *immoral* publications, and had particularized "The Temple of Reason," an infamous deistical paper published weekly at Philadelphia; but that he had never alluded to the "Wasp," or to any other particular paper.] Mr. Spencer replied, that he did not suppose that his honor had done so. He could not believe that his honor would conduct as a certain federal judge once did. He then related to the court, that false and infamous slander about judge Chace, which is believed to have originated with Duane: That when he entered Richmond, he sent for the public prosecutor and advised him, if there was any democratic printer in the city, whom they could get hold of, to prosecute him immediately under the sedition law. But, Mr. Spencer said, his motives had nothing to do with the question. The court were bound to pronounce the *law*. And whatever might be said about freedom, liberty, and the rights of man, if the law was as he contended, it must have its course until altered by the legislature.

Mr. Spencer then reviewed the authorities which he had before quoted. He said that Blackstone and Hawkins concurred in the doctrine, that any one who speaks words "tending to scandalize the government," who speaks "words of contempt of any officer of justice," or who publishes an obscene book, may be bound to their good behavior. He asked, if Mr. Croswell had not published words tending to scandalize the government. If, said he, a man may be bound to his good behavior merely for writing an obscene book, for which he cannot be indicted at common law, is it not absurd to say that for an indictable offence he cannot be so bound? A libel is an offence of a very heinous nature. And he contended that, from the whole course of the authorities, a libeller was subject to this recognizance. But, said Mr. Spencer, the gentlemen have told us that this man is not a libeller; that, he cannot be so considered by the court until he is pronounced guilty by a jury of his country. But here is an indictment found against him for libelling Thomas Jefferson. This is *prima facie* evidence of guilt. Besides, said Mr. Spencer, read the words which he is charged to have published. Mr. Jefferson is charged with violating the constitution, which is, in fact, a charge of perjury. He is charged with having paid a villain for libelling *that great and good man, that departed patriot, our beloved Washington.* Can the court doubt that these are libels! Or can they say that the man who published them is not a libeller? Or, upon so flimsy a pretext, will they suffer this calumniator, this slanderer, this assassin, to continue his slanderous publications. [Mr. Williams interrupted Mr. Spencer. He demanded that the court should protect Mr. Croswell from the abuse of the attorney-general. Admitting the charges made against Mr. Jefferson ever so false (which he denied) still the court could never know that Mr. Croswell was the publisher, until he was declared so by a jury. Mr. Croswell, he said, was neither a slanderer, nor a calumniator. And as to the term *assassin*, Mr. Croswell was as free from blood or crime as the man who would take this dastardly advantage of his situation, to abuse him with impunity. Mr. Spencer explained, and said he only meant an assassin of reputation.] He then quoted 3d Burn's Justice, page 348 and 349, to the same effect with the quotations already given. And from the whole argued, with considerable force and at some length, that a man standing indicted for a libel might be bound to keep the peace, and to be of good behavir.

In answer to the authorities referred to by the counsel opposed to him, he said, that the book first introduced, called "A Digest on the Law of Libels," was anonymous. It was probably a fugitive catchpenny production of some English barrister, and consequently entitled to but little credit. As to the case from 3d Wilson's Reports, he said it did not touch the present question. Wilkes, he said, was a member of parliament, and excused on that account from the bonds demanded. In answer to the paragraph cited from Mr. Fox's speech, he contended, that parliamentary debates in 1791 could not determine the law in this country in 1803; that, although *Mr. Fox was a great statesman, yet that he was no lawyer;* that, although he used the term "previous restraints in the form of previous sureties of any kind for good behavior," yet that he meant only such *restrictions* as could prevent the publication.

He therefore contended, that his doctrine stood unopposed by any substantial authority.

Mr. Spencer also contended, that his doctrine did not at all restrain the freedom of the press and fair discussion. He agreed that the true liberty of the press consisted in freedom from all *previous* restraint; but insisted, that the recognizance demanded would be no *previous* restraint. It would, he said, tend to restran its licentiousness. It would tend to check those libels which weekly issued from the press of the defendant. He said it might as well be contended that a prosecution for a libel was a *previous* restraint on the press. He read a long paragraph from 4th Black. Com. pages 151 and 152, and contended, that from these it was clear, that Blackstone, by the words "previous restraint," meant only such power as could prevent the publication. If the publication was permitted, he contended that it was proper that the publisher should be accountable to the law, and responsible to the public for the consequence of every syllable. And whether he was punished for a libel, by the forfeiture of his bonds, or by the verdict of a jury, could be of no consequence to the true freedom of the press or of fair discussion.

He denied that it curtailed the rights of jurors. He said there were two kinds justice known in our law; the one called *distributive* and the other *preventive* justice. Under the latter distinction fell the present motion. He then entered into a long argument, to shew, that in many instances, a man may, by our law, be deprived of his liberty without trial by jury. He instanced a recognizance for the breach of the peace, where a man may be required to give bonds to keep the peace and be of good behavior, and in case of refusal may be committed to jail. He contended that this was a parallel instance; and that it was absurd to say, that in the one case a man may be compelled to give bonds, and in the other could not; that in the one case, the liberty of action might be restrained without trial by jury, and in the other the liberty of libelling could not. Besides, he said, if Mr. Croswell was charged with a breach of his recognizance, by hereafter publishing a libel, the court had the power of referring that charge to a jury. And in that case, unless he should be convicted by a jury, his bonds would not be forfeited. As to the habaes corpus, he did not deny that Mr. Croswell might be relieved from it by these bonds, if he chose to be committed. But admitting the supreme court would immediately discharge him, that was no rule for this court. This court must exercise its own discretion; and if the gentlemen advised their client to resort to the supreme court, it would then be time for that court to exercise their power.

Mr. Spencer concluded with professing that he had no intention to fetter the press. He knew its value—but he felt its licentiousness; and he trusted the court would exert their power in this goodly attempt to check those floods of calumny which threaten the destruction of our country.

It is not pretended that the precise language of Mr. Spencer is here copied—but it is believed that every material argument is given. And although the writer of this holds in abhorrence the political character of Mr. Spencer; although he considers this attempt as a tyrannical effort of "a little brief authority," to smother the voice of truth, and to bind in chains the real freedom of the press, still he must say, that in his opinion, with the exception of a few indecent expressions, which arose from violence of temper, or of party spirit, this was one of Mr. Spencer's most ingenious speeches. It was, in short, making the best of a very bad cause. After Mr. Spencer sat down, the judges consulted for a few moments on the bench, when judge Ford delivered it, as almost their unanimous opinion,* that Mr. Spencer *should take nothing by his motion.*

The opinion, while it reflects the highest honor on the judges, a majority of whom were opposed to Mr. Croswell in political principle, we hope will teach Mr. Spencer an important lesson. It shows him, that our tribunals are not prepared to sacrifice honesty at the shrine of party spirit. It must convince him that whatever schemes of persecution and revenge may have been formed, he is yet subject to the control of men resolved to restrain his vindictive spirit within the bounds of reason and justice.

The decision of the court appeared to give general satisfaction to the numerous assembly which crou d the court house. Here and there a visage appeared clouded with disappointment and anger. But the great body of the spectators, of all parties, received the decision with evident pleasure They seemed to *feel* that justice and law, reason and liberty, had once more triumphed.

* *It is understood that Judge Hogeboom alone dissented.*

LONDON, January 8.

A mail from Holland arrived yesterday. The expedition to Louisiana is now in such a state of forwardness, that it is daily expected to sail. The proclamation and addresses which general Victor is to issue on his arrival at that settlement, have been printed at the Hague.

January 10.

The Royal humane society (of which the king is patron) for the recovery of persons apparently dead by drowning, suffocation, and other sudden accidents, was established in this kingdom in 1774; and since that period, has been the providential means of restoring no less than 2679 persons, who otherwise would, in all human probability, have suffered a premature interment.

January 11.

Fraud on Underwriters.

The illicit transaction with the brig Adventure, for which captain Codlin lately paid the tribute of his life in London, when compared with the recent event of a similar nature, on which the inquisition tribunal at Stockholm has just pronounced judgment, becomes a relative object of consideration. This act has just transpired in the following detail, and is particularly held out by the German underwriters in the North, as a public and timely warning to all parties.

On the first symptoms of rupture between England and Russia, in the year 1800, such outward bound vessels as got intelligence of the embargo, at sea, put into various ports of the Baltic, particularly Dantzig, for refuge. Mr. Johann Lades, an eminent merchant, then had one cargo in this predicament, consigned to him, estimated at six tons of gold, which he shipped again as Prussian property, on board the Swedish ship Louisa, captain Turls Torngren, for St. Petersburg; this vessel sailed the 25th June, 1801, with several others; at a certain distance at sea captain Torngren parted company, and taking a course quite opposite to that of the remaining ships, proceeded to the Swedish island of Oeland, and arriving at Boda he cast anchor. His crew consisted of five men and a book keeper, named Johana Ahlstedt, who went on shore here and continued his route to Carlscrona, from whence he shortly returned with two merchants, named Otter and Karstrom, and the ship's broker Lovell; the following night these persons had almost all the goods taken out of the Louisa and put into 2 lighters, which carried them to Carlscrona. During this interval Torngren gave himself out as only mate of the ship, and Ahlstedt as captain, reporting that they came from Riga with corn. The day after Alhstedt having returned on board they put to sea again. In short time a misunderstanding arose between the captain and Alhstedt, when the latter was beat, ill used, and disabled; had his arms broken, his had wounded, and his money, which he had entrusted to two sailors, to take charge of for him, plundered and carried off. Torngren now bored holes in the ship, and put stoppers in, which when they got to the latitude of Nategla he took out, and made the men enlarge the holes, so as to sink the ship: he then forbid them ever to mention the name of Ahlstedt, or to say any thing of what had passed, and taking out some watches, with other valuable light goods, the crew all abandoned the vessel, and left her to go to the bottom, with the unfortunate man lying helpless and bed ridden in his cabin on board.

Captain Torngren, with all his crew, except Jonas Lustig, the mate, who left the party here and went away, now proceeded to Nategla, where they took the usual oaths that the ship's unavoidable disaster was not produced by the neglect of any individual on board, that they had with much difficulty saved their own lives, and that the mate was unfortunately gone down in the ship as he was endeavoring to bring off a compass out of the cabin. The insurance to a large amount had been made at Lubeck; but Mr. Lade's suspicion was first awakened by an underwriter there refusing a part of 70,000 marks, and declining for a while to tell his motives, till vigorously pressed for an explanation; he declared experiencing a strong presumption that some mischief would befal the Louisa. The circumstance soon after being so fatally confirmed, and getting to the ears of Mr. J. P. Dalby, a very active merchant at Carlscrona, he exerted himself to discover the captain and the supposed drowned mate, who were apprehended immediately, upon which the two other merchants took flight, but Karstrong was presently discovered and arrested, as were likewise most of the vessel's crew. A special commission of the inquisition was appointed to bring the contriving parties to trial, and the following sentence has just been adjudged as an exemplary punishment of an act so systematically nefarious, viz, captain Torngren to be beheaded, and his body exposed on a wheel; his property to defray the expences of the prosecution: Lustig, the mate, and another sailor, most active in the crime, to be beheaded, the merchant to pay a fine of four times the value of the lading fraudulently taken off, or to receive forty pair of stripes, three to the pair, and to do penance on Sunday at the church-door, after which he is to work three years at the hulks in Carlscrona, and his property to answer all judicial expences. The broker, J. Lovell, with his brother, T. Lovell, the district crown executor, for complicity, to be deprived of their offices, to be confined for one month on bread & water, and to do 3 years hard labor at the hulks; the postschiffer, and the two lightermen, who conveyed the goods off in the night, to be imprisoned twenty-eight days on bread and water; the strand surveyor, for neglect of duty, sixteen days of the same penance; and the pilot twelve days; besides a number of pecuniary fines on all such as were proved to have bought any of the goods composing this cargo.

January 13.

Aloys Reding, the hero of Switzerland, before he took an active part in the defence of his country, had made up his mind to every sinister event. Being asked by the French minister to repair to Paris, he nobly answered, "No, never, except in chains."

January 14.

The cabinet council sat on Friday or Saturday last, on business of great importance, according to the whispers in the upper circles. Whether the subject of its deliberations was intelligence received from Holland, or the news from Honduras, we know not. Important private advices from Holland were received last week respecting the designs of Bonaparte on that republic; and we know, the first of the letters from Honduras, which was received in London more than a week ago, has been laid before ministers. French funds 56.

January 15.

Among other reports, it is said, as soon as Bonaparte shall be declared and established emperor of the Gauls, he will be divorced from Madame Bonaparte, on the plea of state necessity, namely, that it is necessary to preserve the peace of his empire that the succession should be settled. With a view of having an heir to the imperial throne, he will marry a daughter of the prince of Baden, a most beautiful girl. By this means he will become brother-in-law to the emperor of Russia, who is married to one of the princesses of Baden; and through the Wirtemberg family, he will be even related to the king of G. Britain. Bonaparte will *royalise* himself most wonderfully by this match. With regard to madame Bonaparte, she will be provided for in the handsomest manner. She will probably be made a princess, or rather, perhaps a countess of Liguira, the Valais, or some other little republic.

January 17.

We some time ago noticed the arrival of a troop of *French commercial agents*, whom our government had refused to receive as such, but who had been sent over by Bonaparte, *in spite of that refusal.* These persons were then just arrived in London, whence they have since been distributed among our different sea ports; and, we are well assured, that the *commercial* agent at Hull is a *colonel of engineers!* That other of his *commercial* comrades are of the same or of a similar description, no one can doubt.

A very extraordinary and important article of intelligence has been received from Milan. It states, that after the departure of the king of Etruria, a Tuscan deputation waited upon the French general Clarke, at Florence, to express the wish of the country, that they might either be allowed to receive again the grand duke as their sovereign, or if that could not be complied with, that the first consul would be pleased to place himself at the head of the government of Tuscany, in the same manner as he is in the Italian republic. General Clarke is said to have received this deputation very favorably, and to have assured them that he would transmit their wishes to the first consul. If this intelligence be true, Etruria will either be annexed to France, or to the Italian republic. We recollect that private accounts from Paris some months ago, mentioned that the chief consul was not satisfied with the conduct of his Etrurian majesty.

PRIVATE CORRESPONDENCE.

PARIS, January 1.

The important question, "Whether Bonaparte shall be proclaimed emperor of the Gauls," has undergone a final discussion in the Conservative senate. It was very warmly debated, and Lanjuinais again opposed it with so much force, that the matter was at one time in a state of indecision. It is now to be submitted to the legislative body, the session of which is to commence immediately, and no doubt whatever is entertained of their *silent* affirmative.

GREENOCK, January 21.

The Porte has received the melancholy news that the Turkish army in Egypt, which was under the command of the pacha of Cairo, has been entirely defeated by the beys. The accounts which the government and the English ambassador, lord