From the BALANCE.

LIBERTY OF THE PRESS.

A CORRECT HISTORY OF

HARRY CROSWELL's TRIAL.

[*Concluded from Thursday's Gazette.*]

Mr. Foote, district attorney, next stood up, and vociferated for the space of one hour. People wondered what the man would be at. With difficulty, however, we discovered, he was speaking *at* Messrs. Van Ness and Van Vechten.

Mr. Spencer then began a reply of some length. He commenced by complimenting the talents and ingenuity of the gentleman who had preceded him; but he declared that he thought Mr. Foote had taken the bull by the horns and held him fast. After he had thus, as we thought, flattered Mr. Foote at the expence of his own understanding, he proceeded to argue the question; and although we do not hesitate to say, that we are diametrically opposed to him on the whole of this subject, still justice demands the concession that he argued it with a good degree of candor, and with great ingenuity. He contended, that the publication had every indication of malice. In the course of his argument upon this point, he referred the jury to the whole complexion of the "Wasp." The counsel for the defendant objected to his reading from any other number of the "Wasp" than that which contained the publication in question. The objection was over-ruled by judge Lewis; and Mr. Spencer proceeded to read several publications from other numbers of the "Wasp," in some of which the name of Thomas Jefferson was neither mentioned nor alluded to. Mr. Spencer argued very largely upon this point, and concluded, that from every view of the subject, it was apparent that the publication was made with a malicious and seditious intent. It is impossible for us to give even a sketch of Mr. Spencer's argument; and, to prevent mistakes, we hereby engage, if Mr. Spencer will furnish a copy of his argument, to give it to the public.

After Mr. Spencer had closed, judge Lewis proceeded to charge the jury—and the following is the amount of his

CHARGE:

He said that it had been contended by the defendant's counsel, that, as it respected libels, it was the peculiar province of the jury to determine the law and the fact—to determine whether the defendant *had been guilty of maliciously publishing a libel or not.* He said, his opinion was directly the reverse. He said, that in all criminal trials it was a general rule that the jury were judges of the law and the fact: But that libels were an exception; and in trials for libels particularly, the jury were not judges of the law. That it was the province of the court to determine whether the defendant was guilty of publishing a malicious libel. He then read to the jury the opinion of lord Mansfield, in the case of the dean of St. Asaph, and charged the jury that the doctrine there laid down, was the law of this state. That it was not the right of the jury to enquire or determine the intent of the defendant—whether he published it with a criminal or innocent design—whether the publication itself was libellous or not. This they had no right to decide. He said, the only questions for their consideration, were, *first*, Was the defendant the publisher of the piece charged in the indictment? and, *secondly*, Are the inuendoes true? And that, if they believed the defendant the publisher, and that the inuendoes were true, whether the publication was true or false—whether libellous or innocent—whether the intent was innocent or malicious—whether, in short, the defendant was criminal or not, they were bound by their oaths and the law to pronounce him guilty. The intent of the publisher, and whether the publication was libellous or not—whether the defendant was criminal or not, were questions which, upon the return of the *Postea*, were to be decided exclusively by the judges of the supreme court; and that, therefore, it was not his duty to give an opinion to them on these points. And accordingly no opinion was given. Many other things were said by judge Lewis; but not material to be here detailed. He made many professions of impartiality, and said that the judges always left party spirit at the foot-stool of the judgment seat.

The jury retired about sun-setting—were out the whole night, and about eight o'clock the next morning, came to the bar with a verdict of GUILTY.

At the last August term the counsel for the defendant made application to the supreme court for a new trial—*First*, on the ground of misdirection by the judge in his charge; and, *second*, on the ground that the truth may be given in evidence; and that, therefore, judge Lewis should have postponed the trial until the next circuit. The question is to be decided in the term of November, at New-York.

JACOB NORRIS

Having got possession of that established Stand, No. 64, Market-street, formerly occupied by Mr. James C. Neilson, has now on hand, and will be constantly supplied with

A choice assortment of Groceries,

For the consumption of private families.

He will also be constantly supplied with a general assortment of GROCERIES, suitable for country merchants, and tavern-keepers; and hopes from attention to business, to obtain a share of public favor.

September 12. d12t

The Subscribers

Having taken Thomas Finley into partnership, the business will in future be conducted under the firm of *Finley, Taylor and Finley*; who will continue, as usual, the Flour, Grocery and Liquor Business, at their store No. 45, north Howard-street. FINLEY & TAYLOR.

May 2. 2aw

LONDON, July 30.

Government has received dispatches from the lord lieutenant of Ireland, stating the complete extinction of the rebellion in the metropolis, and the hopes entertained that it would not lead to any dangerous consequences in the provinces. The messenger who brought them arrived yesterday, and left Dublin on Tuesday morning. The accounts which have been given of the insurrection, tho' exaggeated with respect to the force and number of the rebels, and the loss sustained on both sides, do not differ materially on other points. The report of a rising in Belfast is unfounded. It does not appear that any engagement of consequence has taken place in the county of Kildare. Some private letters mention that the rebels had taken possession of Celbridge and Maynorth on Saturday night, but that they withdrew to the hills the following morning, in consequence of the ill success of their associates in the metropolis. Little importance is to be attached to the insurrection in this quarter, as all the mails had arrived safe in Dublin on Tuesday morning.

A cabinet council was held yesterday morning, and a second met last night, when the suspension of the habeas corpus, and the martial law-bills, which received the royal assent, were sent off to Dublin. It is now perfectly understood, that the insurgents have had no connexion whatever with the French government. We have been favored with a copy of the manifesto, as it is called, of the rebels, under the head of, "*The provisional government of the people of Ireland*," and an address to the citizens of Dublin, calling upon them to unite against English oppression. They are both wretched compositions, more calculated to expose the folly and madness of those who acted under their influence, than to convince a single person possessing but a slight portion of intellect and reason. As a specimen of the whole manifesto, we insert a few paragraphs of the commencement.

"You are now called on to shew to the world that you are competent to take your place among nations, that you have a right to claim their recognizance of you, as an independent country, by the only satisfactory proof you can furnish of your capability of maintaining your independence, your wresting it from England with your own hands.

"In the developement of this system, which has been organized within the last eight months, at the close of internal defeat, and without the hope of foreign assistance; which has been conducted with a tranquility, mistaken for obedience; which neither the failure of a similar attempt in England has retarded, nor the renewal of hostilities has accelerated; in the developement of this system you will shew to the people of England, that there is a spirit of perseverance in this country beyond their power to calculate or to repress; you will shew to them, that as long as they think to hold unjust dominion over Ireland, under no change of circumstances can they count on its obedience; under no aspect of affairs can they judge of its intentions; you will shew to them that the question which it now behoves them to take into serious and instant consideration, is not whether they will resist a separation, which it is our fixed determination to effect, but whether or not they will drive us beyond separation; whether they will, by a sanguinary resistance, create a deadly national antipathy between the two countries, or whether they will take the only means still left of driving such a sentiment from our minds, a prompt, manly, and sagacious acquiescence in our just and unalterable determination."

In another part of the manifesto the rebels pledge themselves "to put no man to death in cold blood." Let the assassins reconcile this pledge with the horrible assassination of lord Kilwarden and his nephew! The following is their address to the inhabitants of the capital:—

CITIZENS OF DUBLIN,

"A band of patriots mindful of their oaths, and faithful to their engagements as United Irishmen, have determined to give freedom to their country, and a period to the long career of English oppression.

"In this endeavor they are now successfully engaged, and their efforts are seconded by complete and universal co-operation from the country, every part of which from the extremity of the north to that of the south, pours forth its warriors in support of our hallowed cause. Citizens of Dublin, we require your aid; necessary secrecy has presented to many of you, notice of our plan, but the erection of our national standard, the secret though long *degraded green*, will be found sufficient to call to arms, and rally round it, every man in whose breast exists a spark of patriotism, or sense of duty; avail of your local advantages; in a city, each street becomes a defile, and each house a battery; impede the march of your oppressors, charge them with the arms of the brave, the pike, and from your windows and roofs, hurl stones, bricks, bottles, and all other convenient implements, on the heads of the satellites of your tyrant, the mercenary, the sanguinary soldiery of England.

"Orangemen, add not to the catalogue of your follies and crimes; already have you been duped to the ruin of your country, in the legislative union with its ——; attempt not an opposition which will carry with it your inevitable destruction; return from the paths of delusion, return to the arms of your countrymen, who will receive and hail your repentance.

"Countrymen of all descriptions let us act with union and concert; all sects, Catholic, Protestant, Presbyterian, are equally and indiscriminately embraced in the benevolence of our object, repress, prevent and discourage excesses, pillage and intoxication; let each man do his duty, and remember that during public agitation, inaction becomes a crime; be no other competition known than that of doing good; remember against whom you fight, your oppressors for six hundred years; *remember their massacres, their tortures, remember* your *murdered friends*, your *burned houses*, your *violated females*; keep in mind your country, to whom we are now giving her high rank among nations, and in the honest terror of feeling, let us all exclaim, that as in the the hour of her *trial* we serve this country, so may God serve us in that which will be last of all!"

This morning we received Paris papers to the 27th instant.

The Moniteur of the preceding day says:—

"His Prussian majesty offered to the king of England to guarantee Hanover, and acquainted him that the only condition which France demanded for that guarantee was, that his Britannic majesty should engage to respect the Prussian flag, and not search the vessels of that nation, except to ascertain that the flag was not fraudulent.

"The king of England replied, that he would not consent to depart, in favor of the Prussian flag, from the principles of neutrality admitted by the code of the English government. In consequence of this answer, his majesty, the king of Prussia, felt that he could not and ought not to interfere in the affairs of Hanover."

The new capitulation of the Hanoverian troops has been executed. Ten thousand men have filed off before the French army and laid down their arms; 3,500 horses have been given up to the French army. The Hanoverians have also delivered up the 60 pieces of artillery which they had carried with them into the country which they occupied.

The Russian squadron, arrived at Warnemundi, is stated to consist of a ship of the line, two frigates, and 8 gun-boats. It has on board two Russian regiments, to be placed at the disposal of the duke of Mecklenburg.

It is stated in letters from Hanover, that an important negociation is carrying on in that city between the French, Prussian, and Danish envoys. It is supposed to relate to the re-opening of the Elbe.

August 1.

Dwyer, the rebel chief, who has so long and under circumstances the most incredible, maintained himself in the county of Wicklow, is said to be the leader of the late disorders in Dublin. It is stated, that it was he who, in his own arms, saved the daughter of lord Kilwarden, and that he cut down two of his own party who murdered the father. He at the same time declaring, that his plans did not embrace private assassination, but were directed to the bold enterprize of seizing the castle.

August 2.

The accounts from France, Flanders and Holland, state, that the greatest activity prevails in all the enemy's ports, in building gun and flat-bottomed boats.—The Hamburg paper of the 27th ult. which was brought by the Hamburg mail last night, has been directed to state, "that the number of workmen employed throughout the republic, in building flat-bottomed vessels and gun-boats, is estimated at 180,000—the boats and vessels for the expedition against England, which will be ready in autumn, will amount to at least four thousand."

A letter from Gibraltar, dated the 4th ult. mentions the capture of the Juno frigate, by a French squadron off Toulon. We doubt the intelligence contained in this letter. Had a frigate been taken so long ago off Toulon, surely the French papers, which we have received to the 27th ult. would have informed us of it.

Reports have of late been very actively circulated in this city, of Moreau having raised a party in Paris, and declared against Bonaparte. There is reason to suppose some plan for carrying off the chief consul is on foot. Letters from the Hague mention, that the French chef d'Escadre Bonadieu, who belonged to the troops which were destined for Louisiana, has been arrested on an accusation of being engaged in a plot against the life of the first consul. He has been conveyed to Brussels, under the guard of an officer and a number of gens d'armes.

A letter from Ratisbon, dated July 25, says—"His majesty, the king of Great-Britain, has formally appealed to the diet of the empire against that violation of the freedom and neutrality of the empire which is committed in the seizure of Hanover by the French."

It is still reported with confidence, and we believe with truth, that the chief consul lately gave a personal insult to the Russian ambassador at Paris, which has irritated the relations between the two countries. There are grounds to hope that Russia is much displeased at the conduct of France in the north of Europe, but unless she comes forward to act, her disposition is nothing.

Accounts from Holland say, orders have been given to complete, with all diligence, the frigates which were some time since begun in the ports of Amsterdam, Rotterdam and Flushing, and to fit them immediately for sea. Thus in a few days the activity of our military marine will be at a point which it has not reached for some time, and the labors will be carried on even in the dock-yards, which have never before been employed in building vessels for the state. The department of the marine has issued circular letters for the purpose of engaging all the builders, carpenters, and caulkers, that can possibly be procured. Before this, it is necessary to observe, the council of marine under the direction of government, had put in commission several ships of the line, frigates, and vessels of a lower rate. It is obvious therefore, that the Batavian government means to act with energy and promptitude, not only to ensure that safety of its own coasts and to repulse every hostile attack, but also to second with all its forces, the great and extended plan of hostility which is forming by the French government, with a view of compelling G. Britain to restore peace on equitable terms to Europe. Peace, in fact, must be the sole object with all reasonable men. We wish for such a peace, as, by replacing the different powers in their natural order, will preserve this part of the globe from total ruin.

August 5.

It was stated, some days since, that the first consul had grossly insulted M. Marcoff, the Russian ambassador at Paris; it is now said that M. Marcoff heard, with the utmost coolness, the invective uttered with indescribable volubility by the first consul, and which was accompanied with such frantic gesticulations of rage and anger, that in one of his flourishes, his cane absolutely came in *contact* with the person of the ambassador, though evidently without being intended. When he had finished, M. Marcoff replied with great firmness and deliberation, "Sir, this language you would not have held, but from the consideration of my master being at such a distance, that you conceive yourself out of reach—But know, sir, that he has both the power and the will to overwhelm you, and to set France free."

The subscription at Lloyd's for the relief of those who may suffer in their country's cause, is not less than 150,000l. The governors of the bank of England, and the East-India company, have each subscribed 5000l.

We have reason to believe that the emperor of Russia becomes more and more dissatisfied with the ambitious views of France. Lately at Berlin, the French minister presumed to ask the Russian, in a tone of petulance, what the reason was of so many Russian troops being marched into Pomerania. The Russian ambassador replied, that that was a question not to be answered when asked in such a way, and if it was repeated, he would feel it his duty to state it to his court, and recommend as a measure of necessary precaution the march of double the number of troops to the same quarter.

There is a report from Lisbon, in some private letters, that general Lannes, the French ambassador in Portugal, had complained of being insulted in the streets, which he ascribed to the English. If it be true that Lannes has made such a complaint, in all probability it is with a view of imposing upon the Portuguese government some terms inconsistent with its dignity, and injurious to this country.

York County Meeting.

The most numerous and respectable meeting of the county of York, ever known, was held on Thursday last, when an address was agreed to unanimously, to be presented to the king, assuring his majesty of the firm support of the county of York, in the present crisis. The address was moved by Mr. Frank, and seconded in an admirable speech by Mr. Fawkes, in which he condemned the tyrannical attempt of the chief consul to destroy the liberty of the press in this country. Mr. Lascelles made an able speech, in which he depicted the cruelties of the French and the chief consul. Mr. Tickell execrated those who would not come forward in defence of their country. Mr. Wilberforce argued to shew the great probability that invasion would take place, and the danger of not being prepared for it. Lord Mulgrave congratulated the meeting on itt spirit and unanimity in a speech full of sound sentiments. Mr. Stanhope spoke in a stile of such plain good old English, that we must give the following extract from the report of his speech in the York Herald where the whole proceedings are ably given: "We, by this address, publicly and solemnly, before God and our country, pledge our fortunes, persons, and lives in the defence of our sovereign, and all the blessings of our glorious constitution.—There is not a man that hears me, I am persuaded, who is not prompt and eager to redeem that pledge; there is not, there cannot be, a man here who would leave undefended our good, tried, and brave old king in the hour of danger. No, sir, we need now no warning voice; no string of eloquence; no thoughts that heat, and words that burn, are necessary to raise a host of hardy men, when the king, the parliament, and the country are in distress. Call out the Yorkshire men, "Come forth to battle,"—our answer will be, one and all, "We are ready—shew us the enemy—lead on." Sir, that enemy is not far off; a very numerous, well appointed, ably commanded army, to whom is promised the plunder of England, are now hovering round, & part of them in daily sight of the promised land. They view it like as many famished wolves cruel as death and hungry as the grave, panting for an opportunity, at any risk to come into our sheepfold; but, and if they should, is it not our business, our first duty, to have such a guard of old English mastiffs, of the old breed, as shall make them quickly repent of their temerity? The chief consul of France tells us, that we are but a nation of shopkeepers; let us shopkeepers then melt our weights in our scales, and return him the compliment in bullets. Sir, we may have a firm reliance on the exertions of as gallant a fleet as ever sailed; but that fleet cannot perform impossibilities; it cannot be in two places at once; it cannot conquer the winds and subdue the storms: though our old tars can do much they cannot do every thing; and it would be unsafe and dastardly to lie skulking behind them. With the blessing of God, and a good cause, we can do wonders; but if we depend upon our naval prowess only, we have much to fear. No, sir, England will never be perfectly safe, until she can defend herself, as well by land as by sea; until she can defy the haughty foe; if there was even a bridge between Calais and Dover, and that bridge in possession of the enemy, still she can say, in the language of a good English boxing match, "a fair field and no favor."

DUBLIN, July 28.

"Cornet Cole, of the 12th dragoons, fell a victim on Saturday night to the fury of the rebels. The barrier gates are every where erecting, and the Castle is strengthened by works, so that it is safe from any attempt. Several regiments have marched in from the north, so that we have now here a very fine garrison. It is said that Dr. M'Nevin and counsellor Emmett are now in Dublin, and a vigilant search is making for them. It was supposed that O'Connor was also here, but that I believe is not the case. Some Frenchmen have been apprehended by major Sirr, upon suspicion of being spies. Major Sirr's vigilance and exertions are beyond all praise. Many thousand pikes have been seized in different parts of this city. They are a tremendous weapon, which nothing but fire-arms can withstand. On Tuesday I saw a most superb regimental coat seized—it was entirely of green cloth, richly ornamented with gold lace, and I am clear it is of French manufacture. It was intended for a general officer; a hat seized with it was likewise very handsome. The pikes in general are not of such good manufacture as those used in the late rebellion, they consisted merely of a simple spike at the end of a long pole, twelve or fourteen feet in length; but some of them are almost too good to be of Irish manufacture, they are evidently French.

"In a Coal-yard near the Coal quay, another large parcel of pikes was found; these and the furniture of the house were burned. Two cart-loads of powder were found in another place; and on Monday night a party of yeomanry knocked at the door of a public-house which they suspected. The woman of the house asserted she was alone; on searching up stairs, however, two men were found hid in a closet, who, with 660 guineas, likewise discovered, were safely disposed of. A young man was taken prisoner to the Castle, who, it was said, was the rebel leader on the night of the 23d. He was meanly dressed.

"The number of rebels killed on Saturday night cannot be known, as the bodies were carried off by women. About 60 or 70 were taken prisoners, and a number of women. One of the murderers of lord Kilwarden has been discovered. The Martial law and the insurrection act are put in force, but no example has yet been made, upon a question whether they can try the prisoners by Martial law, as it was not proclaimed at the time the crime was committed. A Mr. Russel, a man of a respectable way of business, and a counseller Holmes, have been taken up this day. All the accounts by the mail coaches of this day state the country to be quiet."

July 30.

We understand that the whole of the plan for insurrection, of which the affair of Saturday night was the commencement, has been developed. A general levy of ten men from every parish in Ireland had been agreed upon by the rebels; these were to form a body of 38,000 men, who were to make their way to Dublin, as privately as possible in small bodies, where they were to be supplied with arms, and then to rise *en masse*. Heaven has happily defeated the bloody designs of those infidels, and no doubt its vengeance will pursue the contrivers of this horrid plot.

Bryan O'Rourke, a rebel, who was wounded on Saturday night last, was yesterday committed to the new gaol. This miscreant, who, we suppose, was a chief among the rebels, was not long since whipped through this city for receiving stolen wines. Rourke was apprehended in his bed, by lieutenant Magrath, and others of the Stephen's-Green Cavalry. The wretch, since he was wounded, we hear, was attended by two surgeons, who, it must be allowed, are *honorable* men, for the *secrecy* they observed on the occasion.

Many persons continue to be taken up here, and yesterday morning, at 4 o'clock, the Stephen's-Green, and other corps, were under arms, by previous instruction, and proceeded to different quarters of the city to search for arms; there was not a house in the city, exempted from search. Counsellor Holmes, and Mr. E. Hay, who had been arrested, have been since released. Murphy, a feather merchant, in Thomas-street, the same with whom lord Edward Fitzgerald had been concealed on the eve of the late rebellion, has been taken up, and in his house was found a white uniform.

It certainly would appear that our government have information of the leaders, and are taking every measure necessary to their arrest. The habaes corpus act was suspended this day by proclamation, and orders given to all magistrates, &c. in the usual form, not to suffer any person to quit the kingdom without a passport from government, &c.

In the search for arms this morning, several rebel uniform caps or hats were discovered in a potatoe field near Kilmainham; a howitzer of the rebels was found in the neighborhood of Fleet-street.

The greatest and most assuring unanimity and spirit prevails among all the respectable inhabitants of this city, in the great object of repelling and putting down insurrection. This day there was a meeting of the merchants of the metropolis, to concert and enter into resolutions about the defence of the harbour.