HARRY CROSWELL'S TRIAL.

On the 11th of July. P. M. Mr. Attorney-General Spencer, requested the court to proceed to the total of Harry Croswell, upon the indictment. Croswell's coursel insisted that, inalinuch is they had been forced so take upon themselves the burden of preparing the causes for trial, and to bring them down on the circuit, they had a right to elect which should be first tried. But Judge Lewis deciding in sayour of Mr. Spencer, the trial which he had moved was ordered to proceed. The counsel for the defendant then submitted to the court the toslowing affidavit:—

Cotumbia County, ss. Harry Crofwell, the defendant in the above cause, being duty sworn, de poseth and fuith, that James Thompson Callender of the flate of Virginia, is a material witness for this defendant, without the benefit of whose testimony, a he is advised by his counsel and werily believes, b cannot safely proceed to trial; that this deponent ex-pells to be able to prove, by the said James Thomp-fon Gallender, the truth of the charge set forth in the indifferent exainst this deponent, so far forth as this— That the said James Thompson Callender was the curiter of a certain pamphlet, called the . Profped before us," and that be caused the same to be printed and published; That Thomas Jefferson, Esquire, president of the United States, well knowing the contents of faid publication, called the "Prospect before Thompson Callender, the two several sums of fifty dollars, one of which was paid prior to the publication of the suid pamphlet, for the purpose of aiding and affishing him, the said James Thompson Callen der, in the publication of the faid pamphlet; and the other fubfequent to the publication thereof, as a reward, thereby Shewing his, the faid Thomas Jefferfon's approbation thereof. - And this deponent fur-ther faith, that in the faid publication, called " Prof. ped before us," George Washington, Esquire, late president of the United States, deceased, is charged, in effell, with the feveral crimes in the indiament aforefaid mentioned; and that John Adoms, Efquire, late reflicient of the United States, is therein expressly declared to be " a heary headed incendiary." -And this deponent fays, it has been rubally out of bis power to procure the voluntary attendance of the faid James Thompfon Gallender at this court ; tho' he had, at the last vert o general flions of the peace in this county, & fin e until within a fine days paft, good reafon to believe that he would attend as a wit nof at this court. And this deponent alfo faith, that be exhells to be able to procure the voluntary attend ance of the faid James Thompson Callender, at the next circuit court, to be held in and for this county; and that he will bring with him, two letters from the faid Thom is I fl ton, to the faid James Thompson Gallender, wherein he expresses his approbation of a certain publication, then about to be printed by the faid James Thampfon Callender, which publication, the deponent expeds to be able to prove by the faid James Thompson Callender, was the Prof. ped before us;" unlefs the faid court flould grant a commission to examine the faid James Thompson Callenders upon an application which this deponent interes at the next term to make for that purp

Sworn, the rith July, 1803.
W. Wilson, Commissioner

Upon this efficient, the constel for Mr. Croswell moved for a pullponement of the trial until the next circuit.

his Jimes Scott Smith, of New York, in a thort, but very forcible and ingenious argument. flated the grounds and enforced the propriety of the application. We regret that it is not in our power to give this address to the public. He dwelt principally upon the great difference in the frame and fpirit of the English govern ment from our own. The one a republic - he other a monarchy. In the one, the chief ma giftrate can do no eurong is himlest the fovereign .- Ir the other, the people are fivereign, and the chief magificate is directly responsible to them to all his conduct. In the one, there. fore, it mi hi be proper to probiou ib- giving of the truth in evidered, while, in the o her, it would be the height of ablord ty, and in the very tech of the confliction; and, as he con tended that the propriety of this application depended on the legality of giving the truth in evidence, he had no soubt a postponiment would be granted.

Judge Lawis then intimated that the propricty of this pollponement depended upon the admillibility of the evidence mentioned in the affident. The evidence there described, was evidence, be faid, of the routh of the charge for which the defendant was indicted. And be underliged the law to be settled, that the truth could not be given in evidence to the judy as a justification.

Mr. Van Vechten and Mr. Williams, however, differing in opinion from his honour, were suffered to proceed in the arguments. As we have only looks fix tohes of their arguments, we cannot give them with a chrace; but we believe the tenor of their address was nearly as tollows.

After a front introduction, in which they regretted the embarrathing fit nation in which they
were placed, by the premature intimation which
ludge Lowis had given of his opinion, and that
rd that they had no doubt that if conviction
fhould be forced in his honor's mind, in the
course of the argument, his honor would not be
fitate to express it, and consequently abandon
his present sentiment, they contended that the
tlipulation into which the defendant was forced
to enter, at the last sessions, was no bar to the
present application. First, because the slipula-

fecond, because, it it had been made a tule of court, its only effect would be, to compel the defendant not to interpole any unnecessary de lay. But, that the court never did, nor ever would permit a flipulation of this kind, to force the defendant to trial at all events. They next contended, that, as the offence charged was a mildemennor only, the Supreme Court might and would grant a commission for the examina tion of loreign witnesses. Or, if that could not be done, the court would con pel the Attorney General (inalmuch as he had feen fit to profe cute an offence against the Fed. Gov. in a State court, a court of limited jurisdiction, whose process, he must have well known, could not reach the necessary witnesses) to consent to the iffuing of a commission. But, they faid that thele were subordinate confiderations. They admitted that his honor Judge Lewis had place ed the felicet on its true grounds :- Could the tellimony mentioned in the affidavit, if prefent, be given to the jury? Or, in general terms, can the truth of a publication for which any man is indicted, be by him given in evidence to the jury as a justification ? As there had been no ne ghet on the part of Mr. Crofwell-as the Hipu lation could not weigh one feather against the application as it would be the height of injudice. and perfecution to force a man to a trial, upon the event of which once and imprisonment might follow, without giving him reasonable time to procure all evidence admillible and material to his defence; and as his bonor Judge Lewis had placed the propriety of the present motion on the competency or incompetency of the evidence mentioned in the affidavit, they concluded that, if that evidence (which was evidence of the truth of the publication for which Mr. C. was indicied) could be given to the jury, then the post ponment of the trial would of course be granted. If that evidence could not be admitted-if the truth was no juffification, and could not be giv. en in evidence, then it would be refused. Indiscussing this part of the subject, they faid they fhould not take into confideration the law on private libels. One species of private libels, to wit, those which published the personal or men tal defects merely of private individuals, which those individuals, could neither remedy nor pre vent, it was certainly proper to punish; and perhaps, in such case, the truth ought to be no juttification. But, they faid, it was unocceffe ry to discuss the subject; for this was evident ly a public libe - 1 bel on Thomas J ff ifon, as prefident of the United States ; not on Thomas Jefferson, fimply, as a citizen of Virginia. Up. on the very face of the indictment this was apparent. The indistancet charge that Harry Crotwell, " wickedly and feditiously intending and defigning to detract from Thomas Jefferfor, prefitent of the United States; and to reprefent him as unworthy of the confidence, respect and attachment of the people," &c .- and to alienate and withdraw from the faid Thomas Jefferfore Esquire, prefident as aforefaid, the obedience, fide. lity and alegiance of the chizens of the tate of New York, and alie of the faid United States ; & wickedly and feditionfly to diffurb the peace and tranquility, as well of the people of the state of New York, as of the United States,' &c .. The offence charged, therefore, is a wicked and le ditions delign and intent to Fineate & withdraw from Mr. I fferion the allegiance, obedience and fidelity of the people. But the people owe no " alleg ance, obed once, or fidelity" to T Jefferson, as I. Jefferson or merely as a carreen of Virginia. It is the prefident of the U. S. to whom allegiance is due. It is obvious, therefore, that the offence, as charged is an offence against the government of the United States which is attacked in the person of its highest of feer. Befides, a libel on any private citizen of any other flate, could not be prefectled in a court of this flate, unless the person libelled, was at the time relident here; fir it has no tenden. ey to a breach of the peace here, which tended cy is the very ground of this profecution. The offence, therefore, mentioned in the indie ment, erifee merely from the relation in which the people of this fire fland to the prefitent of the U. states; and confequently, is what the law de nominates a public libel, or a libel on the gov.

MONTREAL, August 8.

We ere forry again to aunonnee to our readers the delleration made during the faft week in this tiry by that devouring element, fire ; on Mon day murning laft. little after one o'clock, the house of Mr. Langly, the batter, was presived to be on fire, and notwithstanding very great exertions were made to prevent the co flagration fore ding, that house, with his neighbour's Dr Selby, were entirely confuned. The former heing absent from home, the greatest part of bis effects were burnt. The following day about 6 o'clock. A. M. a fire broke out in Mr. Lo gan's flable, supposed to have been caused from tome sparks that might have sodged ther from the fire the preceding day; it being fortuna ely in the day time, and shiftance ready, the build ing being pulled down and every combut the removed by the uncommon executions of every in dividual, the fire was extinguished without extending any farther, although much damage was of cafioned by the fudder removal of effects, &c. Agitated as the public mind narmally was, the slaim of fire again the lucceeding day did not ferve to appeare it. On Wednesday morning about 10 o'clock another fire was discovered in a house accupied by Mr. Hagar, which com-municated to the house of Mr. Breckenridge, and although the house adjoining was led down, the flames very foon caught the flore of Mr. Dunlop, which although confidered fire-picof, was, with its contents, entirely, with the o-

fecond, because, it it had been made a sule of court; and, fecond, because, it it had been made a sule of court, its only effect would be, to compel the defendant not to interpose any unnecessary de lay. But, that the court never did, nor ever would permit a stipulation of this kind, to force the defendant to trial at all events. They next contended, that, as the offence charged was a misdemeanor only, the Supreme Court might and would grant a commission for the examination of loreign witnesses. Or, if that could not be done, the sourt would con pel the Attorney General (inasmuch as he had seen fit to prose cute an offence against the Fed. Gov. in a State the foundation of the court was a state to a serie of the induced to askes.—Mr. Duniop's loss to a very great amount. The hespital, Mr. Stanfield's and Mr. Lesebvec's houses were on fire several times, but by the very wonderful exertions of every denomination of persons, they were saved—the loss to various individuals must have been very considerable. It was by exer tion only, that the whole so were to on fire the whole so were on fire mercilesses to a very great amount. The hespital, Mr. Stanfield's and Mr. Lesebvec's houses were on fire severy denomination of persons, they were saved—the loss to various individuals must have been very considerable. It was by exer tion only, that the whole so were continued to trial at all events.—They next to not the were saved—the loss to various individuals must have been very considerable. It was by exer tion only, that the whole so were some feveral times, but by the very wonderful exertions of every denomination of persons, they were saved—the loss to various individuals must have been very considerable. It was by exer tion only, that the whole so were saved—the loss to various individuals must have been very considerable. It was by exer tion only, that the whole so were saved—the loss to various individuals must have been very considerable. It was by exer tion only, that the whole so were saved—the were saved—the have

Since the above was prepared for prefs, we lament that we have occasion to inform our readers. that shout 8 o'clock yellerday afternoon, another here boke out opposite to the Recollet Barracks, in an out-house, which, with several others, and two dwelling houses were consumed—several other dwellings and out houses were pulled down and effectually prevented the extensive configuration, which from the peculiar fination of the place where the fire was first discovered, and its vicinity to the powder magazine, gave every reason to apprehead.

From the N. Y. SPECTATOR.

The rights of Cats - Aye, and why pot the rights of case. You, Mr. Editor, and your brethren, may be to much occupied by the buf tle of politics, and the quarrels of importing physicians, and the disciples of Dr Septon, that you have little terfure to litten to the mewings of these defenceles animals - Yet brutes have rights-'iis true, they have been difregarded and infringed. The prese ded republicans of this city, not long ago, unfeelingly abridged the liberties of dugs, and the panie threek inhabitants are now flying from their dwellings; &. regardle Is of the claims of their domettic animals upon their pity, leave them to all the horrors of defination and famine. But while I have a band and that hand holds a pen, which pen has ink (gentous of oratory parcon my plagrarium).

I will endeavour to leften the miferies of the le li e species.

Were I disposed to induse in philosophical everies, I might enlarge upon the doctrine of focial compact, the equal and individual rights of man and his fellow animals, &c. &c. &c.

I might, were I so inclined, retailable ideas of my old master the celebrated philosopher of the human race. Anacharsis Cloots, on the computed half of so civil policy. Mine is an ample theme, and affords a noble field for declaration. But as our citizens mult be addressed by more solutional argument than the cant of phil sophy, or the shouthest of rhetoric, let them resent that the animals which are shut up in their houses, or left to starve in the streets, although their cries are neglected, will foon make a forcible appeal to the noses of their neighbours.

A writer in the Littiffed Montor, under this gas use of Ad unit, after having described, in a series of well written as ays, the means which Mr. Jefferson employed to obtain, and the manner in which he has since exercised, the power with which he is at present vested, concludes his last number as follows:—

"THESE events remind me of the fabulous hidory of the tyrant of Samos, where it is reorded, " That Lyfus made great pretenfin to philanthropy; he leigned an in bounded love for the people; he excited jealoufies among them by the meanest practices, often employing the vilel flanderers, Phidas and Lucon, to blacken the reputation of Datis, the then chief magistrate of the illand who had been feleded by the peo ple, for his wildom, and the meritorious fervices which he had rendered to the republic; and as is commonly the cafe, a majorny of the people were deceived . Datis was rejected, and Lyfi as was chosen chief magilfrate. ... His govern ment was weakeand winit. Agathocles, the tyrant of Sicily, looking on this es a lavourable time, threatened Samos with an invalion. Lyfias, intend of preparing to defend his country against the violence of the tyrant, prevailed up on the affembly of Samos to intruit to his hands a prodictions for of public money, for the pur pole of purchaling an ignominious peace. As Lyfras was in the opinion of a majority of the affembly, moft immaculate, molt ben wolent ; nay, fome of them ranked him among their Gods, and paid divine honors to him; they readily complied with his request.' Attend, my country men, to the fequel. "Teis fame Lyffas felt no obligation of confcience upon him, for hedespited the Gods of his country. He employed his money so epiculted to his brands, for the furpose of corrupting all the unprincipled of his ful jests, and having brought over many to his views by bribery, he leized a favourable opportunity, and by the aid of those whom he had corrupted, he intiversed the liberties of the nation, and rendered himfelf an absolute despot. He atterwards reigned a bloody impious syrant, burning the temples of the Gods, and putting to torture and death, all men whose virtue be dreaded." Thus was dettroyed by the balenels and folly of democracy, the only happy, the Sourithing republic of Samos. Those that have

THE DESTEROTION OF LIVES BY THE FRENCH REVO-

ears to hear, let them hear."

Prechame, a zealous revolutionist and jacohin, who, as he was no inconsiderable sector in the horrid cruelties of the French revolution, can no wife he suspected of exaggerating those bloody scenes, has in a late publication stated, that the victims of the revolution in fix years, & about four months, that is from June 1789, 'to October 1795, amounted to the number of two millions twenty-nine thousand fix hundred and fix: that twelve hundred and fixty five womes and children were thrown into the sea at Toulon; that nine hundred theusand perished in La Vendee; fitteen thousand of whom were women and

twenty two thousand were children; that thirty two thousand were adjudged to death at Nantea, by Carrier, among whom, five hundred children were shot to death, and listeen hundred were drowned; and two hundred and fixty four men were shoe to death, and sive hundred were drowned; and that a hundred and twenty four thousand unlites, including women and children; and fixty thousand blacks and people of colour of each sex and all ages, were destroyed at St. Domingo

France, during several years of the revolution, resembled an immense volcano, that disgorges its lavas upon the adjacent territories. Her armies poured over and laid waste the neighboring countries of Holland. Flanders, Germany, Switzerland and Italy; marking their progress with havoc and producing unutterable misery, wherever they bended their course. But the immense destruction of lives and property abroad is not included in the aforementioned computation of Predhome. He mentions only those who perished in the revolution, within the territories of France and her dependencies; and makes the amount almost equal to half the number of the inhabitants of the United States.

(Balance,

North-Carolina.

TREASURY OFFICE, August 15, 1802. HE prompt and punctual manner in which the Sheriffs and other Revenue Officers of the State aforefaid, have latterly fettled their Account , and paid into the Treasury the Taxes and other public dues, would-feem to authorize a belief, that it is not necessary to call the attention of those Gentlemen to this indispensable duty for the current year .- It is hoped, that each and every of them who have heretofore faithfully accounted, will fultain the reputation they have established, and again & ally fettle and close their accounts respectively by the first day of October next; according to Law. Those who are at prefent unfortunately in errear, and fuch as shall place themselves in the like fituation for the prefent year, (if any fuch there shall unhappily be) will remember; that the Law makes it the duty of the Treasurer to enter up Judgments against each and every of them, without delay - Should it continue or become necessary, all whom it may concern will take notice, that this duty, however unpleasant the task it enjoins, will be strictly performed at the Superior Court for the District of Hillborough commencing on the 6th day of October next. JOHN HAYWOOD, Public Treasurer.

To DISTILLERS.

THE Patentee of a "new invention" in the confiruction of Stills which is found to possess greater advantages than any thing hither to made use of in that line, has impowered the subscriber in dispose of Rights, within the simils of the State of North Carolina. Application for single Stills, (or as many Stills as a man may wish to work) may be made to the different Coppersmiths in the State afgresaid, who are duly authorized to dispose of the same, And for Counties, Dustricts, or the State, to

And for Counties, Diffricts, or the State, to the subscriber at Snow-Creek Iron Works. JOHN BISHOP.

Stokes County, July 26 1803.

NOTICE IS HEREBY GIVEN,

Executors to the last Will and Testament of Doctor Thomas Mitchell, lare of Franklin county, deceased, and as they are determined to set le up the Estate within the time prescribed by Law, and to pay over what may be in their hands, they carnestly request those indebted to the Estate to make payment without delay. Those to whom the Estate is indebted are requested to bring forward their claims properly authenticated to the end they may be paid; such as fail to do so within the time prescribed by Law will not be paid.

On Thursday the 15th day of September next, at the late dwelling House of the Deceafed, will be sold on six months credit, the purchalers giving hond with approved security, his perishable Zhate, Medicine and Shop ater. sile.

J. Hunt. John Foster. } Ex'rs.

Franklin e tunty, Au- } gus 12, 1803.

Forty Dollars Reward.

for tale—upon hearing that the was to be fold, the immediately eloped, or was feduced away by time white perfor: the latter is not improbable, as there are tome circumstances to induce such a belief; and if such is the fact, it is probable that the has been carried some distance and fold; but if she went off voluntarily it is likely that the has either endeavored to make her way to Martin county, where, I am informed, she was formerly owned by a Mr. Ross, or to the neighborhood of Edenton, where I understood she has some children living. From the heavy baggage which she carried away. I am induced to believe that she had the aid of some person, probably some negro fellow.

Her true name is CHLOS, she has the appearance of being about firty-five years of age, is very black, of a liquat shape, with large white eyes, thick lips; wide mouth and very sew teeth in her head; she has the marks of much whipping on her back. Any person who will deliver said pegro to me, in the city of Raleigh, tree from any further charge, shall receive the above reward; or for any useful information, whereby, I may regain the possession of her, I will reward the person affording such information according to the circumstances.

H. POFTER.

to the circumftances.
Raleigh, Sept. 2, 1803.