

deed was the inseparable concomitant of guilt, and of any offence in a moral right, her conscience entirely acquitted her. She did not appear there personally from any feeling of presumption, but from her inability to procure counsel. That inability was occasioned by a debt due to her brother, which the plaintiff refused to pay, and her own disinclination to encroach on the comforts of a widowed parent.—She might be indiscreet, but she was not conscious of criminality. It was the first time she had entered a court of justice, and no person could entertain a deeper sense than herself of the excellence of that enlightened system of jurisprudence which was established in this country. The prosecutor would, however, derive his chief advantage from her ignorance of the law, for she could only take the plain and simple ground of denying the falsehood and malice charged in the indictment. With the permission of the court she would now read a passage from Ellenborough's address to the jury on the trial of William Cobbett.—(Here the Lady read an extract from the reported speech of the chief justice, touching the license of discussing the character and conduct of men in public office.) The main point on which she rested her defence was, that Mr. Gurney was a public officer, and that she and every other subject, were entitled to examine his conduct in that capacity. She was fully prepared to prove the truth of every statement contained in the published letter.

Mr. Justice Burrough—That the law of the land does not allow you to do.

The defendant proceeded, expressing a hope that she might at least be allowed to prove that the publication in question was no libel. The jury she trusted, would not be induced by any legal sophistry, to sanction a principle equally adverse to religion and to morals—that truth could be a libel. It was the doctrine not of the law, but of the abettors of tyranny, ever vigilant to enslave mankind. Vengeance, not the vindication of character, was the unworthy and unmanly motive of the prosecutor. Had he been actuated by a better feeling, he would have brought his action, in which as a lawyer he must have known, that evidence might be produced with regard to every fact stated in the publication. He had, however, adopted the cowardly resource of indicting a female for an act tending to a breach of peace, he himself having, not long since, been sentenced to six month's imprisonment in the court of King's Bench, for a positive breach of the peace in horse-whipping the Solicitor-General. The statement which she had sent to the editor of the *West Briton* referred wholly to the official and public conduct of the prosecutor; and with great submission to the court, she apprehended that the conduct of every person in a public station was open to public examination. This position, as she had before stated, she had the authority of Lord Ellenborough in maintaining.

Mr. Justice Burrough—Lord Ellenborough never could talk such nonsense or assert that a man in a judicial office may be charged with bribery and corruption by any person who thinks proper to publish such a statement to the world. I am sorry to see you transgressing the law at every step, from a false notion of moral right. Many gentlemen at this Bar would have been happy to assist you, and would, I am sure, have advised a very different sort of defence.

Miss Tucker continued, and begged leave to read the clause of the act of the 52d of George the Third, by which the jury, in a cause of libel, are empowered to give a verdict on the whole matter and on the general issue of guilty or not guilty.

Mr. Justice Burrough—This act was never construed to enable a defendant upon an indictment, to justify by proving the truth of the libel.

Miss Tucker proceeded and remarked that the essence of the indictment, consisted in the evil tendency of the publication. This tendency she was prepared to show was good, and would contend that resentment might exist without malice. The celebrated Mr. Locke had quoted an expression from St. Paul to this effect—"Be ye angry, but sin not." If the law of libel really was what she had heard it interpreted to be a new system of ethics ought to be prefixed to it. No lawyer or legislator could intend to punish where there was no malicious motive or intentional provocation. The falsehood and malignity were all on the other side; and she hoped no legal sophistry would induce the jury to convict her of an offence where her object was meritorious.

Mr. Justice Burrough, in summing up, expressed his opinion, that the matter was clearly libellous. He read the libel and said, that the jury could not hesitate a moment in pronouncing it to be a libel. It attacked the character of a person in a judicial situation, with the crime of bribery and corruption, and if those charges had any foundation, there could be no doubt that redress could have been obtained in a proper manner. The Jury would read over the libel, and would give such a verdict as they thought fit, but he could not help again expressing his decided opinion that the matter was clearly libellous.

The paper being handed to the jury, they desired to retire, and in about half an hour returned a verdict—not Guilty.

It is a little remarkable, that the lady, who stated herself never to have been in a court of justice before, even as a spectator, went through the business without the slightest hesitation, and even without a blush. The effect of her address was apparent by her acquittal, after a very strong charge from the judge. Miss Tucker appeared about 35 years of age; she is in possession of a powerful piercing countenance, though not particularly marked, and is certainly not much overwhelmed with her sex's softness.

The court was exceedingly crowded, the whole of the trial exciting a considerable degree of interest.

From the *Boston Daily Advertiser*, of Sept. 7.

MR. JOSEPH LANCASTER.

The trustees of the Albany Lancaster School society, on learning the arrival of this gentleman in our city, appointed a committee of their body to wait on him, and to desire the honor of a visit to the school under their care. Mr. Lancaster very readily complied with this request; and on Friday, at 3 P. M. attended at the school house, and was received by the trustees, who were there assembled.

An address was presented to Mr. Lancaster by the vice president Simeon De Wit, Esq. (the president being absent from the city) in the following words:

SIR—The trustees of the Albany Lancaster School Society avail themselves of your unexpected appearance in this quarter of the world, to shew you a young, but flourishing full blooming scion from that tree which you have planted, which is rapidly spreading its branches over every region, and imparting its blessed fruit to every nation.

You, sir, have devised, matured, and brought into universal practice, a system of instruction, by which the knowledge of letters, and the rudiments of science, morality and religion can, with comparatively little effort & expense, be communicated to millions of juvenile minds, which by the ordinary established means, could not have become partakers of such invaluable benefits.

Accept, sir, of this tribute of respect, which is tendered to you as one of those rare benefactors of mankind, whose services merit such peculiar public acknowledgments as cannot be withheld without incurring a justly deserved imputation of public ingratitude.

[To which Mr. Lancaster made the following reply:]

To Simeon De Wit, vice president, and the trustees of the Albany Lancaster School Society.

Gentlemen,

You have conferred upon me a pleasure of the highest intellectual nature; for the favor of which, I desire to present you with the thanks of a mind delighted and gratified on seeing, in your patriotic exertion this institution, another convincing proof of that approaching happy day, when knowledge shall diffuse its genial radiance over the human race as extensively as the dew drops which cover the earth, or as the light which visits us from the glorious luminary of heaven.

To be a stranger to the usefulness which has resulted from a sincere endeavor to serve the cause of education, would be unnatural and impossible. The happy effects which you have so forcibly described, are too clearly before my view to be unknown or unnoticed by me. In this case I hope my motive will not be mistaken, if my heart responses to your feeling address and ho-

norables welcome; for surely, my benevolent friends, this is a day in which those that sow the seed and those that reap the harvest may rejoice together.

Gentlemen—among the mercies wherewith it has pleased Providence to bless my life, scene like the present have often been my experience. However, I am sensible that it is not in the power of man to do more than righteously occupy their time, and wisely apply our talents, so as to answer the end of our being; that we may be ready, when called upon, *higher* to peace and happiness without end and without alloy, to enter the mansions of eternal glory, where those who have loved our Heavenly Father's little ones here may join their loud hosannas to that glorious redeemer, who as their early and everlasting friend is alone worthy of all the praise.

As an individual, simply endeavoring to discharge my duty I claim no merit; sensible the man, the creature of the passing day, has little wherein to glory or whereof to boast.—Yet I accept your congratulations, for rejoice with you in the happy enlightening results of a system which it had pleased Providence to bless my labors in bringing into public service. In the course of my exertions I have visited many "a young and full blooming scion" from the tree which I planted. At a first visit I found it blooming; on my second, no single tree, as I expected, but a set in numbers—a young plantation, a forest of beauty. Much increasing prosperity yours! Just arrived in a new country where I had hardly time to feel my feet, or know my friends, what a gratifying and honorable reception is this! deeply feel it, and am happy possessing that sensibility of mind which justly appreciates the probation of the wise and good which is stimulated to exert by countenances and kindness to yours—endearing in the object which it relates—and enhance as it is, by the manner of shining and urbanity, which will long live in my grateful recollection.

Your country is one on which many bright prospects and blessings attend. May those societies which education can yield its stability, peace and happiness grow with its growth, strengthen with its strength—excite its boundaries, and add to its meridian splendor, by hastening the period when not one ignorant man shall be found in all borders; when the sons of your nation shall rise up as olive branches around your tables, and glorify ALL your children.

For your zeal in the cause of education in this city, accept my thanks and best wishes. May the progress of knowledge in your state, and the cause of knowledge over the world, advance like the church in and scripture—fair as the morning clear as the sun—and to the power of ignorance, that parent crime, terrible as an army with