To SAMUEL J. CABELL-in Congress.

I have often heard of people's being condemned without judge or jury—but I am here you cannot fay this has been your cafe. Your letters have been feen, read and fairly judged of by all America; and even your best friends and meanest relations have condemned them. A court and jury you fay have passed sentence upon them. You, may therefore, fairly be said to have been tried by your peers. After all this, coramon brudence ought to have dictated to you to have committed yourfelf no further : But like one who has fuffered all the difgrace of condemnation, a reprieve has been of no other service to you, than to prepare you the better for the profecution of your favorite practice. We must, therefore, try you again for this new offence of letter borrowing.

I will not, however, make the charge of borrowing this last rag of knowledge from the letter manufactory of Philadelphia, the only charge against you, but will try the thing on its real merits as if it was actually

your own.

The charge then now turns upon a def-cantation on the duty of courts and juries, and their rights to intermeddle with the freedom and independence of your thoughts .-Without a quibble, we may fairly try this last production, before any court and jury, without intermeddling much, with the free dom and independence of your thoughts, if the general conjecture be true, of that independence confishing chiefly in the right of substituting the thoughts and sentiments of others for your own. But as you are the first man in America who has had the honor of objecting to the trial by court and jury, I will leave the freedom and independence of your borrowing the thoughts of others, which is but a mere perfonal thing, to the true enjoyment of those independent considerations, and examine into your objections to the court and jury mentioned in your address, which indeed are of some consequence to the

real liberties of this country.
Unfortunately for some of those who bow down with the most constant and loud professions of love and admiration, to the godfessions of love and admiration, to the god-dess of liberty, they view the lovely medal on but one side only. They are friends to the "liberty and independence of thought" only while that liberty and independence of thought consists in adopting the thoughts of others, and turning them particularly to their use, this appears to be wholly the a-mount of your idea of the liberty and inde-pendence of thought—which you appear to have borrowed, with many other excellent things, from that favorite Republic, which things, from that favorite Republic, which is now rambling all over the world with its destructive armies, and compelling all the nations it can to be free-but upon its own

One of the terms upon which they have compelled some nations to be free, is, that they subscribe to governments similar to their own. One of the excellent traits of their government, I believe at the time when they fet Holland free, and it is pretty much the practice still, was the happy knack which the democrats had of dispensing with the little ceremonies and formalities of courts and juries in the trial of the ariflocrats. Those tribunals, might, perhaps have exercise fome "liberty and independence of thought, as well as the democrats, and thereby have stopped the effusion of so much innocent—such horrid sluices of infant and female

You fir, it is well known, have laboured as far as your feeble efforts could effect it, to prevail on the people of this country to make no relistance—or rather, to join those bloody monsters in case they should invade your country; and you have now fubfcribed your name to another inflammatory addrefs, calculated to render the inflitution of courts and juries unpopular, if it is calculated to do any thing, in order to make way for those noble consequences which flowed from the want of them in France, whose principles you fo much adore, and have thus

attempted to introduce here.

The Judges of the Federal Court you arraign for becoming a band of political preachers (as you are pleafed to call them) and going about with unwarrantable fermons to fupport the government of the United States. This appears to be the substance of the charge against them. Admitting it in its fullest latitude then, to what does the charge amount? The infinuation goes to shew that they have nothing to do with politics. In the name of common fense, what is the judiciary, who are the judges of this country : Are they not a branch of the American go. vernment, bound to support that govern ment, at well as every other branch of it, both by the nature of their relationship with the government and their oath? What is the government they are thus bound to support, what the laws of that government which your adopted address seems to admi is their duty to expound to do justice bet-ween individuals, if they are not a part of the political arrangements of this country? How then are the judges possibly to avoid political discussions, and giving their political opinions between the government and individuals, and yet do their duty ?- Suppose the government, or rather a part of the government, was to attempt to abridge you in any of your rights-For inflance, to impress you as a seaman, or pretend to enlist you as a foldier, to fight against the French, would you not then think that the judiciary should interfere? And what would that interfe rence be, but one of the greatest politica questions that could arise between an individual and a state? Why not then, when the injury is attempted to be reverfed from the individual to the state, suffer the judge to interpose a little political advice?

You (or rather the person who writes for you) seems to admit, that if you had done any thing criminal, the judge was right .-That is admitting, I suppose, that a judge, though he be a sederal judge, has a right to

give it in charge to a jury, as their duty, to | the arifforarie or democratic exertions of its against the overnment confineaball and you | Bekmen. I do not place them among We 185 present all felonies, such as treaton, murder, and all other capital offences, but, that every thing that falls below the dignity of any other punishment, but a bare prefent-ment of a jury, is not cognizable in that way. You should have remembered, in the fruit place, that you were not the proper judge of the degree of your own guilt. And in the second place, it is a fact, well known to every one who has ever been a juryman in any part of America, that there are certain offences which cannot be punished in any other way, but by the centure of " naked prefentment." Adm tring it to be the right of a judge then, to enter into a history of the rife and progress of juries, which certainly cannot be told over too often to the real lovers of liberty, and to enter into an explanation of their duty in the prefentment of actual offences against the laws, which are certainly a political grievance, I fee not how your letters, which had been condemned as a political petty-larceny by every hangman in the state, were possibly to

But, fir, admitting every thing that is faid in that paper against the judge to be right, though in fact he had said nothing about you, your letters, or any one elfe, in his charge, how is what is there faid of the jury, to be reconciled to that love which you pretend to have for the " freedom and in-

dependence of thought."

The jury by whom that prefentment was made, was composed of the free and independent citizens of Virginia, who were as much entitled to think and act for themselves as any other citizens of America—the members of Congress themselves even not excepted, Unless it can be proved, then, that the jury was packed (which you dare not affert) hey are no more chargeable with having acted wrong, for having exercised their "freedom and independence of thought," than you yourfelf were entitled to prefer four own " freedom and independence of hought," to the borrowing of the genius of a Madison in the composition of the let-hey presented. And whoever is acquaint ed with the jury, and will look over the pannel, as you have invited them, will as clearly fee, that there was no more of the influence of an Iredell in the preferment, than there was the genius of a Madisou in the letters. Here then you and the jury ftand upon exactly even ground with respect to the "freedom and independence of thought," which is the mighty and impor-tant burthen of this last political ditty.

But how do you stand in this last attempt,

with respect to the actual means of securing the liberties and independence of your country?—Juries, although I believe we are indebted to that wretched place, Great-Britain, for their institution (and this is one of the reasons, perhaps, why you have the exercise of their power so much) have ever been considered the great palladium of A-merican, as well as British liberty. Which do you really think would be best, then, for the people to join you in your "INDIG-NATION" to awe those useful institutions from the exercise of their " freedom and in-dependence of thought," or suffer them to go on without reproach, as they think neceffary and right, to expose the follies of a few little letter-writing politicians in Con-

It might indeed be a valuable thing to those gentlemen who have no other mean of supporting their popularity, to establish the doctrine of their conduct's being held facred and above inquiry, while in Congress. But after an attempt to defroy that which juries, to make way for that kind of facredness in the representative branch of the government, what would the people have to expect? Could they be surprised to see that branch attempt to erect itself into any thing, which the same love of popularity, that suggested the first attempt might invite them to in a more promifing degree? It is to the prefervation of the independence of the judiciary, I had always thought, that we were to look for the salvation of liberty. While you are flanding as a centinel, then, over the "freedom and independence of the valuable thoughts" of Messrs. Claiborne, Clopton, New, and yourfelf, I shall stand as an humleadvocate for the RIGHTS of JURIES, and a constant exposer of the many follies and improprieties which such writers are endeavoring to impose on the people in their

For after all that has been faid about the court and jury's " overawing the freedom of thought," can there possibly be a more aarming attempt, than for the members of the legislature to call up the terror of the people, to overawe the courts and juries in their favor?— Really, fir, this last attempt, which cannot be repeated too often, or shewn in too many different shapes, if possible, exceeds the first, in which you endeavored to prevail on the people to join the French against themselves. But, fortunately, both attempts are equally abfurd; and the execution nothing more than a ridicule of the defign. Whenever I look into one of your tters as a mere matter of curiofity, as I feldom do for any thing elfe, I feel an almost irrefistable inclination to laugh. But when I turn my reflections from that fource of merriment, to the district you represent, I feel an involuntary propenfity to weep. For f it be true, that there is a delign to increase the powers of the union, whether it be by

* I have complied with your request in looking over the names of the grand jury, who you infinuate were all foreigners but a few-I know them all, I think ; except two Thefe may be foreigners for ought I know.—The rest are native Americans, and I will venture to fay as valuable citizens as yourfelf, though not members of Congress; and if you will be at the trouble of looking over their names again, yourfelf, I think you nay expect to hear from fome of them in a different way, than through the newspapers, for your dark and false infinuations against

members, what (alas!) must be the chance of that diffrict for its due mare in the diffri bution of those powers?-For Heaven fake then, if you have no delicacy and tender-nels for yourfelf, have fome finall compaffion for the poor unfortunate diffrict you reprefent, at least; and write no more for

The people fend you to Congress, as I have once told you before, fir, to do their business; and not to employ all your time in writing letters. They wish to hear from you, as other diffricts do from their reprefentatives, in the exercise of your duty. through the debates, and not through the through the debates, and not through the channel of those badly-letter-composed common-place-party sayings, which they get in all the newspapers, at least a week, before they do through those ponderous bales from your letter copartnery. It would answer the valuable end of shewing them what was really the "free and independent thoughts" of their own representative—and would furnish the means of a more fair and just ap preciation of those real thoughts which I promise you shall never be neglected, by your friend and real constituent,

TIMOTHY TICKLE.

P. S. I will not be fo wanting in candon lowever, as to conceal from you, that, notwithstanding your many errors and partyviolence, there are two or three in this part of the world who think with you; nor will I be fo ungenerous as to keep from you the " free and independent opinions" of one of those friends, which you are entitled to, in aid of some others which have already been published in your favor. It is a letter picced up in the road, supposed to have been dropped by the post on its way to you. I have directed the printer to publish it in all its valuable originality of "freedom of thought," false grammar and bad spelling; as it would be wrong, you know, to inter-fere with your friends liberty and right to difgrace themselves, I have only subjoined a few notes of my own by way of explanation. The very first line of the letter shews the relationship which your correspondent claims.

to coufin fammy caball by the post boy.

dear coufin,

i take up my pen to inform you that your last pisse has come to hand. you don't think how the risticats that you tokt so much about grind at the presentement of the gu-ree against you. but for my part it made me right mad. thr court and some of the guree you no ar men of larning. and I hate our men of larning. and they dont like us you may depend upon it coufin caball .but i like you for that reson. for a reprefentive ot to be a representive you no. he ot to represent what he is intended to reprefent. and how wood a man of larning be a good representation of a magouetee of rour *colleges. what beter cood be expected then from a court where there was a gudge upon the bench and a gudge in the guree room. every body must no that they wood be shore to go rong and contrary law. i dont like that same siddral court at tail. you no. it was them that made your good old f—in—law pay a large old british det which ruined him, and them dets you no ot not to be paid, what didyou and we poor millisse men interference of the company of th riends and deerest relashons are to be ruinned at last to pay these old brittish mar-chunts accours. i o one myself and i never will pa it as long as i can get fuch good fel-lows as you and fome of your supporters to and gurees. in short i think all our courts and gurees have too much power, they ot not to be suffered to think as thay plafe. cant you get a law paced in congress that if thay think and act contrary to law that all thay think and act country to him with they doo flanl go for nothing, it think with the aff fiftance of my coufin jiles and some of the rest of our french functionarries + you might have it done, and then you might right and fay what you please you no. and the guree wuld have no right to think about it. but ant it strange that you congress men will let one of the gudges from ireland come over here and act as a gudge and a preacher too both at once. i suppose if this same ireland gudge or gudge ireland gudges of the law all the weke and then preaches about religion of fundays as you ade he must be pade for both, and i realy hink as one of your friends noes who has ritten in the papers about it and fays he has been treeted very hospitally in vurginnee. that our good bacun and collards that he ats fo much off when he rides here fo fur pon one off his long towers gust to present your litters which he fays is to do fo much good in this country against his is pay anuf or his emty irish guts. this was a good hit n your friend dont you think it was to tell nim how he was treeted in your country where he had treeted you so il. and therefore that he did not desirve any better than to be told off it. igad i think he was up with him for his presentment, wont he now upon the hole. that is to fay, by the by, as i has nerde fome of your common fox fay, who fay a word and then give you another of the tame fort to explane it you no. it is true what you have faid in your last fine pife. vetelefit, to wit, that no moral truth can be more true that that politikal truth that is true, or fomething like that tantemount there four every thing that you have fade nust be twice true. etcetteree and so fourth. forgot to tell you that I alias morris and tempore the taylor are determined to be your enemies at the next lection, and i raly beleve from what i have heard thay will do you a grate deal off herm. i advise you therefore when you right again only right to your friends, and tel um to clear away your litters off ove thare hobs and jams after thay have red um for feer fome more of these larned men may come in and after-

wards git on the gurees, but above all .-

flick to your fentry box as you have promif-

shall ever have the vate and interest of your sincers friend and near relation.

fimon fimple. notty binny. give my kind love and farvis to coulin jiles. unkle clabura. bruher clapton. daddy new. curnul fparker. and all my friends and good fellows. granny diner who danced with you fo much at the laft lection and got you so many votes thanks you for your last kind and loving piste. no more at present. but all is well and hop? this will find you in same citeation. f. s.

* Simon here means constituents I suppofe. But his own word will do full as

† I suppose Simon means by this a word which I observe Mr. Giles has just received from the French mint, which coins a great many delightful words as well as principles for this country's coxcombs, apes and pe-

‡ He takes alias and mores for Elias Mor-ris, some constituent of his cousin's, I suppofe. And no wonder that poor Simon should be run into fuch an error by his coufin's learning, when we are told that one of his ablest advocates on being asked the meaning of O tempora! O mores! after paufing a little and confidering that much was faid in that letter of speculators, bankrupts, &c. and resecting at the same time on the lowness of certain notes, that it was an advice to be temperate in Morris's notes. In short it is impossible to number the various translations and uses that have been made of these celebrated words, or to measure the demand that these letters have been in, and still are. The Duke of Cumberland's loveletters never were in higher demand, nor more deservedly.

[Notty binny, as Simon fays-I have taken the liberty of marking fome of Si-mons words to be printed in italics. Indeed fome of his friends names, as he has spelt them, deferve to be written in letters of T. T.

From the Farmer's Weekly Mufeum. "When will the new moon be gone that we may fell corn, and the Sabbath that we may fe forth wheat."

In the diffipated civies of London and Edin-burgh, the abuse of Sunday has been a common theme of reproach among those weekly guardi-ans of the public virtue, the periodical essaying. Johnson, and Hawksworth heard the turbulence of a riot and the roar of intoxication, from the of a riot and the roar of intoxication, from the falcons and taverns of the capital; but their confidence in the innocence, or the piety of the villagers, precluded even the faint inquiry, whether holy days were profaned by ruftics. Moraiifts might repair to the hamlet on week days, and remark vice and folly; but on the Sabbath, the young and the old, the careless and the regular, would be found no where, but in a church

Though the catholic spirit of the age of reafon indulges the latitudinarian with an immunity
from Sabbath formalities, still it might be imagined there could be found, both in town and
country, men, who if they did not kneel at the
altar, would sit decently and seriously at the
fire side. Libertines might be averfe to hear a
fermon, or make a response, yet not wish a Sunday away, that they might set forth wheat, the
bottle, or card table.

This however experience proves a wais im-Though the catholic spirit of the age of rea-

This, however, experience proves a vain imagination. The feventh day is observed by multitudes, neither as a feason of worship nor rest. The country and the city are alike negligent. On Sunday, the husbandman often examines his crops, the merchant computes his interest, the rake urges his freest, and the attornees deave his ake urges his fleed, and the attorneey draws his

This impatience of a day, facred to quiet and piety, is an odd trait in the character of those, who are faluted with the title of rational Man is such an indolent, we are not surprised that he declines the exercises of Sunday, but that he oaths its rest. Of many loungers whom I precision, the yawns on every Sunday and Monday, through the year. I find that the aggregate lassitude of the former to the latter is as

The watch is fretfully consulted and its owner queruloufly asks, why tarry its wheels, why loes the dial point fo tardily indicate the twi-

does the dial point fo tardily indicate the twilight hour?

Although the custom of going to church is
ancient, honorable, and from social and political, as well as moral and religious reasons, laudable; yet, as my liberal scheme never excludes
from the pale of charity, him, who prefers retired to oftentatious devotions, I am definous of
convincing the loiterer at home on the Sabbath,
that there is no reason for abolishing, or abbreviating that tranqual day. It is better to go up,
with the Ifraelites, to the temple; but still a domestic Sunday may be useful and pious, if correstly improved; and if we do not absurdly,
wish it away. The apossle prescribes "milk for
babes." The moralist good naturedly allows some squeamish ones the indulgence of a
vitiated devotional tasse, and suggests a pleasant
and practicable regimen.

It must, however, be preremptorily required,
that no immoral querist ask when the Sabbath
will be gone that he may sell core, set forth
wheat; or attend to any low and secular cares.

wheat, or attend to any low and fecular cares. If he flay from church, let him not grieve the Sunday. If he will not fing with the organ, let

Sunday. If he will not fing with the organ, let him not play on the violin.

That Sunday may delectably pass, it is not necessary that coeks should fight, bowls be quasfeed, or bargains be made. The seventh day is like a hermit, who not only utters the erison, and numbers beads, but loves the "studious nook," and the lonely scene. Nothing militating, therefore, with order and peace should be tolerated. The jovial cry may be raised, and "quirps and cranks" uttered at the "time to laugh," but the grave and composed style-suits the solviety of the Sabbath.

Left the gayer department of my readers should think I envelope the christian day in suneral weeds and tragic pall, I will strive to convince, by my conclusion, that Pleasure and Plesty, like the Hermia and Helena of the poet, may "sing one song, both in one key."

The man, who has toiled, or ided six days, may, on the morning of a seventh, choose a retired walk, avoiding the high way, and offence to the weaker brother. I will not be so puritanical or unsaffionable, as to him that the vista of this walk should be a fane, or a chapel. The

this walk should be a fane, or a chapel. The contemplation of the sublime and beautiful of nature, vivisied "by the regent of the world," will naturally excite in a good mind, the pro-per emotion. Of extaly or of rant there is no need. The homage of the heart is better than the naial twang of a whole conventicle.

The forencen may be devoted to popular the flick to your fentry box as you have promif-ed, and continue to hallow and make all the fart nor turn pale. I do not place them in the racket you can and and as you fay you will tutelage of the dozing Gill, or the myflical

fler divines or on a Saybrook platform. Privi-leged with the company of Atterbury, bishop Watfon and Laurence Sterne, they may confidr themselves not only in a learned and ingenious, but a polite circle. I shall not be called a four presbyter, by those whom I advise, if I see led for their Sunday acquaintance, gentlemen as well as christians.

A dinner with some liberal clergymen, the admirer of herbs, will prove a better resection than a portain feast.

The afternoon will passwithout much tedium, if employed among a well ordered family, and rational irrends. At intervals, ferious poetry will yield a high delight. The gofpel fonnets of Erskine are not recommended, but the moral Young, and the enthusialtic Gray.

At the close of such a day, the observer of it will not repine that Religion and the Laws results, once a week so permit the foreigness of the such as results, once a week so permit the foreigness of the such as results.

fule, once a week, to permit the lowing of wheat, or the sale of corn. He will rejoice in this tabernacle of rest, and though delighting, at proper periods, in business and the agitations of life, will not forfike the waters of that Sabbath of Saleam which flow losts. of Siloam which flow foft y.

THE LAY PREACHER.

NORFOLK, July 6.
Vice Confulthip of Virgina.
Norfolk, June 30th, 1797.
The Vice-Conlul of the French Republic, to
the Mayor of Norfolk

I received the honour of your letter of the 29th inft. I embrace the opportunity that now presents itself to develope my opinion, and to testify my gratitude to you and the court, for the ready attention you have afforded to the object of my reclamation: may it be permitted me to affure you that no one defires more than myfelf to see a union exist between the French and the inhabitants of this town. On the first aggression of which Commodore Barney narrowly ef-(of which Commodore Barney narrowly el-caped being the victim) a fevere order was iffued on board the frigates to prevent any feamen from leaving the flips, except thole who were necessary for the fervice, although our laws permit in port the tenth part of the crews to be daily on shore—thus they were punished for having been insulted—this was a facrifice they voluntarily made to the public tranquility, although they knew that there is not a code on earth that inflicts on the innocent, punishments incurred by the culpable. I need not recall to your remembrance the discreetness and moderation that have diffinguished the French crews during their stay in this port. Your predecef-for has done justice to them in his letter to the commander. If, notwithstanding for much prudence and precaution, they have been exposed to new aggressions, arguments will not then invalidate facts. I have established my. demands on a chain (feries) of infults that the French have experienced. Is it true, that the officers and failors in the service of the Republic have been insulted and one affaulted? Is it true, that they have not hitherto received any other fatisfaction than affurances that these excesses should not be renewed by the individuals who committed them? When these excesses are repeating in an arlarming manner, and that the aggreffors experience only the flight inconvenience of furnishing a fecurity, (always ready to be found, for their future conduct,) in agreeing with the magistrates, that their laws of police are obstacles to their zeal; it remains, at the fame time certain, that as long as the guilty are not punished, justice has not been executed; that is, that no punishment has been inflicted, and not that justice was not granted, as your translator (from whom the true meaning of my expressions escaped) understood it. To do justice on an individual, fignifies in our language,

I should not have entered into this grammatical explanation if I was not jealous (defirous) not to leave any doubt with the court of the motives that animate me (I am ani-

With respect to the dispute arisen between in American and a French officer, permit me to observe, that it is not here an individual dispute that does not require the interposition of the magistrates. A combat in the high ways, an affembly (a crewd) of people, in which a French officer was affailed by his first adversary, and many other persons, and in danger of his life, are not events that can be remedied by an addition to the laws of politenels, but that can be prevented by reinforceing the laws of individual fecurity. Mr. Saunder's conduct is aggravated by another crime; Has he not broke open the doors of a Frenchman's house (Mr. Blondel) in pursuiz of his antagonist.

I have made my complaint and I again request you to have regard to it. Farther, Sir, my duty with the magistrates is to be the defender of oppressed Frenchmen.

I declare to you, that no one feels with more warmth than I do, the smallest insults offered to any Frenchman whatever ; and it s because I desire with so much ardour to preferve the harmony that ought to exift between the two nations, that I repelled with more firmness the attacks of individuals, whose too declared hatred endeavours to rend afunder the ties that I would wish to fee drawn closer beween France and the United States.

If the warmth of my denunciations against repeated aggrestions can prevent a fingle one for the future, or hife a fingle subject of comlaint between a Frenchman and an American, I shall belive that I rander equalfervice to your country and my own.

I repose at present on the vengeauce of the laws and on the equity of the judges, for te-paration of the attek committed by feveral of he inhabitanta united, in open day, and in the fireet, on a Frenel officer in uniform, and without arms, and whatever may be the judgment obtained I shall esteem myself too happy, if it is the last of the king I shall have ccasion to folicit. Receive, Sir, and please to present to the court, the assurance of my respect.

(Signed)

DUHAIL:

I have the honor to inform you, that every attention has been paid to the contents of your letter of yesterday—we consider the