

JUDGE Ashe, in his reply to the letter addressed to him by some other gentlemen of the Bar and myself on account of his letter to the Assembly, wherein the whole profession of the law were, as I thought, very unjustly aspersed, having been pleased to impure to my signature a motive I hold in the utmost disdain (that of making a sacrifice of his reputation) I beg leave shortly to state my motive for joining in the letter to him, notwithstanding the conversation he speaks of at Warrenton. It is true Judge Ashe did speak to me much to the effect as stated in his letter (though I do not recollect he mentioned Mr. Johnston) and I received his explanation with as much politeness as it was offered, but I never could suppose Judge Ashe would think such a private explanation to me was sufficient to do away in the opinion of the whole public a stigma, which, as it was universal in its expression, might have been made so, by many at least, in its application, especially as it is known how many mean minds there are always ready to catch at any piece of malignity, and who would receive with great eagerness a flatter from such high authority. It would be natural to conclude, that if any distinction ought to have been made, a Judge of great experience in life, and who had been so long either in the practice of the law, or in the habit of administering justice, would not have failed to make them. I was therefore from the first of opinion, that a public explanation was necessary, though as I wished in so new a case to consult with my friends who were equally concerned with me to defeat such calumnious imputations on the Bar in general, I did not intimate any such opinion to the Judge, not being at that time prepared to point out a mode I could recommend, and I was not selfish enough to think merely of my own case when a number of respectable characters, with whom I am willing at all times either to stand or fall, stood exactly in the same situation with me.

I for my part cannot see, when Judge Ashe himself admits his expressions comprehended more than he meant, what harm there is in requiring him to say how much he did really mean, and to report so much at least. His founding such heavy charges on bare suspicion, unaccompanied with any proof, is not reconcilable to my notions of justice, or of that propriety of conduct which is due even from men in the most retired situations, to say nothing of that of a Judge. Nor do I by any means admit, that a lawyer may continually harass the court with trifling debates, absent himself from business, when his presence is necessary, for scandalous purposes of his own, and purchase an extravagant fee by a base sale of his honor and conscience in using deceitful language to delude his client, without being guilty of more than an indecorum not judicially inquirable into, and punishable by the court. In proportion to the importance of any trust is the danger of abuse, and ought to be the security of the public against it. The lawyers enjoy their privilege upon the tenure of their good behaviour. Many acts of negligence, or one act of moral turpitude in their profession, would in my opinion amount to a disqualification in office, upon which no reliance of their privilege is in point of course. It is necessary at all times to adapt the proof to the nature of the crime it is to detect. Where position proof can be had, that may be re-

quired. Where it cannot, circumstances must be admitted. Nor do I believe there is a lawyer of any eminence in the state, who either thinks he can practise with impunity the acts of baseness stated by Judge Ashe, or deems his situation unsafe or dishonorable because he must ultimately rely for his protection on the tenure by which every thing is happily held in this country, the verdict of an impartial jury.

Judge Ashe represents the charge as to extravagant fees unquestionably founded, because laws have been recently made to remedy the abuse. If he will condescend to consult his memory, or refer to the proceedings of the Assembly, he will find that laws have been long made to remedy that abuse, that it is a complaint of ancient standing, and submitted as well when the Bar received a lecture from his presence, as since he has been exalted from it. The truth is, I suppose there always have been, and probably there always will be, some lawyers deserving of censure on this account, but that the charge is true of the profession in general I do not believe. Judge Ashe however is very generous in providing means for our exculpation, no less than by the ingenious method of publishing a list of our suits and fees since the revolution. This is a very excellent specimen of justice in a free country, to prefer a complaint, and then tell the person accused, Sir, I cannot prove you guilty, but you shall be deemed so unless you show yourself to be innocent. However, I am willing to chide with the Judge in the method of administering justice in his new tribunal, and I do hereby solemnly assure him, that if he will employ an amanuensis, and be at the expense of the publication, he shall have the liberty of transcribing all my account-books in my possession, and depositing a copy if he pleases in every Clerk's office in the state, or making what other use of them he thinks proper.

Notwithstanding the provocation we received, I should have been very sorry if we had been capable of writing any illiberal language. There is only one part of our letter which the Judge particularly pronounced as exceptionable in this respect. If he had had a copy of his letter, he might have found what we alluded to, was that part wherein he takes pains to show that a Judge is not accountable for an error in judgment, and that there is no reproach in a man's acknowledging any mistake he had committed. It would have been no discredit to Judge Ashe, had he pursued upon the present occasion the many excellent examples which would have justified him in such a step, if in so plain a point of authority was of any consequence in support of justice. By such a conducting would have saved the necessity of a declaration that can be pleasing to no man of feeling, and I can truly say has been very painful to myself, but I trust it will appear, that as we were driven into a defence by an unprovoked attack, so our method of conducting it has been consistent with the character every man of honor would wish to maintain.

JAS. IREDELL.

Newbern, Nov. 26, 1787.

To our Readers.

The following curious Epistle, wrote by an old Spy, was accidentally fell into our hands.

"YES, my friend, I have been wavering, and in doubt, under what banners to enrol myself in the present contest between Federalists and Antife-

deralists, a small share of philosophy has buoyed me up to a neutral eminence, from whence I can contemplate the clashings of my fellow mortals below, and exult in my indifference as to what may happen One Hundred Years hence; at the same time I love America, and can clearly foresee that she will rise to a summit that will shake old Europe to its very centre, in spite of all their little arts to check our progress, the will of fate is in our favour, and her decrees are irrevocable; the hand of nature has laid off America upon a more copious scale than Europe; their Lakes in comparison to ours, are mere Ponds, Rivers, Brooks; Mountains, young Hills, and Trees reduced to Bushes. When it is considered that these immense regions are already overspread by English descendants, inheriting all their ancient enthusiasm for Liberty, and entreprizing almost to a fault, what may not be expected from such a people, in such a country, and doubling every fifteen or twenty years? I have now measured the ground of five States, from every mouth issues Constitution! Constitution! the enthusiasm of some of its pillars is such, that they fancy in their dreams that they see the finger of God himself writing it at large on the surface of the Heavens, that this and other worlds may read it and admire it at their leisure, the opposition, on the contrary, views it drawn up in letters of fire, blood, and disputation, through a black cloud, pregnant with horrors, and ready to burst on the cursed heads of its inventors. Heavens, what a contrast! To descend a little, I must now return to my examination, and have examined with attention, every piece on the subject that has come within my reach; and in fact, I am nearly converted to a warm Federalist. The time reasonings of a Hamilton, a Wilson, a Williamson and others, seem to bear down the lame arguments of their opposers. I have probed both sides to the bottom, and find the secret spring which actuates each to be this—the Federalist is stimulated by patriotism, and a clear conviction that the honor, welfare, glory and happiness of this country is now upon a poize.—The Antifederalist carries in his front, a thin veil of patriotism, but in probing his heart, I found vile, sordid self views—weakness, and mean jealousy stalking at large, and poor Patriotism hardly discernable with a microscope in one corner. Under these circumstances, you need not be surprized should you hear that I am beating up for volunteers in the cause of the federalists. In these Northern States they have returned the distinction of Whig and Tory, or Washingtonians and Shayites, to distinguish the opposite parties; I am very sorry for this, because I would rather with the Shayites might be converted by arguments instead of being at last obliged to yield to the blessings which will probably flow from the Washingtonian faith.

Adieu.

FOREIGN INTELLIGENCE.

L O N D O N, September 19.

A Great number of letters from Holland were received by the merchants in the city on Monday last, in all of which the critical situation of the Dutch was mentioned, with assurance that the Hollanders would not be able to cope with the Pruss-