

to consult him about it in the smallest degree. It is impossible that the Governor can expect any such thing from the citizens; then who, and what is this Colonel that assumes such airs? He must certainly be military mad, and if we remain longer in his corps we shall catch the infection, for it is truly a very contagious disorder.

The defendants having thus described the beginning and progress of the Militia business, which has led to this prosecution, submit to your consideration, if they, (or whoever else may have been the authors) have not had too much provocation to write this laughable, ludicrous, Hudibrastic piece, which touches a little on the follies of the prosecutor.

If writing, or printing and publishing any thing that may tend to provoke a citizen to rage and anger, and exciting discontent, and divisions among the citizens be criminal, certainly Mr. Caldwell is highly criminal for issuing such cruel unjustifiable orders and sentences, which were neither necessary nor useful, and altogether illegal and contrary to the Ordinance; you perceive that though the defendants were extremely insulted and injured, they did not follow his example by a mischievous, or calumniating publication; if he has sustained any wrong in his person, property, or good name, he has his remedy against the authors whoever they are in the Civil Court, where he should have sought it, and not have prosecuted for a libel, which, even § Lord Mansfield acknowledges, is justifiable and not criminal, if provocation be given; and of that you have had very ample proof.

This is a very important question to the community at large, to every individual in it, to the future generation and inhabitants, as well as to the present. It does not concern the prosecutor and the defendants only; for if its influence did not extend beyond them, it would matter very little what would be the punishment, or the fate of the defendants, or the prosecutor.

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§ The case was Rex versus Woodfall, prosecuted for a libel on a letter signed Junius