

O D E.

Written by Mr. J. Hodgkinson, and sung on the day set apart by the Citizens of America, to celebrate the peaceable acquisition of Louisiana.

When Superstition held her rod, O'er Europe's sons degraded; Man's life depended on a nod, His ev'ry right invaded! Fair Liberty her exile'd way, Hid from despotic sway; And many a bitter tear she shed Upon her weary way. No settled habitation she For ages e'er could gain; The earth, o'errun with bigotry, To hear her would not deign: Till Enterprise, discovered had A region yet unknown To this she flew with soul full glad, And claim'd it as her own. Columbia she nam'd the land, And vowed they'd ne'er sever; This is the soil for freedom's band, It shall be free for ever. And when occasion call'd her forth, To war against oppression; God call'd a WASHINGTON to earth, To assert her due possession. One dark'ning spot she saw remain, Yielding to foreign force: This she petition'd Jove to gain, To illumine Freedom's course. The Deities assembled soon; They heard the message given; And to decide upon her boon, Was now the cause of Heaven. Mars rose, and this opinion gave: I'll lead them to the field, Columbia's sons are truly brave. Their rights they ne'er will yield. When Peace and Mercy, hand in hand, With Pity at their side, Cried, let not blood imbue the land, Where Virtue shall preside. See Europe, and her slaughtering hosts, Humanity affright! There let Ambition make her boasts: There lead her sons to fight: But let Columbia, great and free, Away with maddening rage; Her rights assert with dignity; If forced—the war then wage. Says Jove, by Styx, I think it best, I hope you will agree, To grant fair Liberty's request— LOUISIANA'S FREE! Peace wad her olive-branch—Truth cried All sanction the decree. May patriot Wisdom still preside, LOUISIANA'S FREE!

SPEECH of Mr. Joseph Alston, jun. in the Legislature of South-Carolina, on the proposed amendment to the Constitution.

(Concluded.)

REJECTING these attempts at reconciling the contradictions I have mentioned, with the intention of those who formed the constitution, shall we be better satisfied with that founded on the compromise between the federative and popular principles, which the present mode of election is said to preserve? No sir—too many better modes of effecting that compromise, had it been desired, present themselves—better modes, in as much as they would have secured to us, with more certainty, the advantages attributed to the compromise; and, at the same time, effectually have saved us from all the inconveniences of the present mode. These contrary provisions of the constitution, then, being thus irreconcilable upon any othorse grounds which have been suggested, or which, in my opinion, may be suggested; they can only, as I before observed, be attributed to the oversight of the convention.—The manifest tendency of the amendment, therefore, instead of overturning, is to preserve your constitution; since, without being thus amended, it is impossible it can be carried into execution, according to the spirit in which it was formed. This is all that is aimed at by amendment; it goes no farther than to render the constitution consistent with itself. A failure of election by the people, it is to be remembered is not confined merely to the case which lately occurred—two persons having an equal number of votes, and those a majority of the whole. It extends also, to the case of no person having a majority of the whole; a case, which, whenever public corruption and private intrigue make greater progress among us, as it is a melancholy truth, they certainly will, and when, in consequence, instead of two parties, many spring up, will happen much more frequently than the other. Here the right of the house of representatives to decide, remains untouched. The amendment, in the other instance merely restrains their right of decision by preventing the occurrence of a case for that decision, and this only, because the occurrence of such a case has been found so absolutely incompatible with the right of election previously given to the people.

Speaking of the failure of election by the people, and election by the House of Representatives, I cannot avoid noticing here one of the many contradictions, into which the zeal of some of the opposers of the designating principle, has lead them. The danger and difficulty, (says the vehement opposer of the amendment, whose speech I just now quoted) which must always attend such an important election, as that of chief magistrate of the United States, was meant to be avoid-

ed, by diminishing the chances of its frequent recurrence. So two persons are put in a condition to act as President in succession, to prevent both the evils of vacancy and of a recurrence of choice more frequently than once in four years.—Yet, strange it may appear, one of the arguments against the amendment is, that it tends to render a choice, in the first instance, more certain; and consequently, to diminish the chances of that very frequent recurrence of election, so much dreaded by the constitution! An apprehension indeed, is indulged, that if this amendment be adopted, two persons both qualified to act as president, may not be selected for President and Vice-President. A fear is entertained that, by allowing the elector to designate, his obligation to vote for the two ablest men among us, will be lessened. As the constitution now stands, (continues the speech just read) each elector is to write the names of two persons on a piece of paper, called a ballot. Either of the two persons thus voted for, may be the President, and the elector cannot know which; this affords the most powerful inducement to vote for two, both of whom are qualified for the very important office. For it is not only uncertain upon whom the choice will fall, at first, but the one remaining will certainly be President upon any contingency, which shall remove or incapacitate the first. The answer to this, however, has, no doubt, already suggested itself to every man, who has heard the quotation. Were the uncertainty which were to be President, the only inducement with the elector to select two persons, both qualified for that office, this surely could furnish no objection to his being allowed to designate: since the very circumstance of his designating, at the same time that it destroyed the inducement, would destroy also the necessity of his voting for two persons thus qualified. But this uncertainty is not the only inducement; there is another, and an equally strong inducement, in the contingency of the Vice-President being called to act as President. This inducement, however will be as powerful under the amendment as it now is; the President will be equally exposed to accident; the Vice-President will be equally certain of succeeding him. I see no reason, therefore, for supposing that, by adopting this amendment, we shall lessen the necessity on the part of the elector, of being as careful in selecting the persons he votes for as heretofore.

I come now, Mr. Chairman, to the leading argument of gentlemen; the encroachment which, it is said, the amendment will make upon the federative principles of the constitution, and the consequent danger it threatens to the small states. Let us examine this.—As a preliminary observation, I must remark that, however natural a consequence this danger to the small states may seem of an encroachment upon the federative principle in theory, it is practically false. Adopting for a moment, the common error, that the interests of the northern and southern states are different, and supposing all the small states collected at one point, and the large states at the other, the friends of the federative principle might, with reason, dread every encroachment upon it. But there is, fortunately for us, such a happy geographical intermixture of great and small states, that there cannot, by possibility, arise a question, in which the interests of either will be arrayed in opposition to the other. There is not a single small state which is not completely protected by similarity of interests with some neighbouring great state. Thus, New-Hampshire and Rhode-Island are closely connected with Massachusetts—Connecticut and Vermont with New-York—Pennsylvania shelters New-Jersey and Delaware—Maryland is contiguous to Virginia—and North-Carolina is nearly surrounded with small states. Hence, in all questions which have divided us, each party has consisted, indiscriminately, of large and small states. In our elections, particularly, there have been, invariably, as many small states gratified by the result of the popular choice, as were disappointed. This intermixture of large and small states is an important consideration; and, in my opinion, will always prove a check as effectual in preventing any attack by the former upon the latter, as the federative organization of the senate would be to the ultimate success of such an attack. In the senate, the equal influence of the small states is put beyond the reach of hazard; at least it cannot be destroyed but with their own consent, and as it is hardly within the scope of remote possibilities, their own consent should be obtained, that equal influence must be permanent. And while it is so, wherever may be the disposition of the large states, the smaller, forming so decided a majority as they do, can have little to apprehend.

Great stress has been laid upon the facility with which the present amendment will enable the large states to combine and give a succession of Presidents to the union, to the total exclusion of the smaller states. But how has this been shewn? Assertion is the only argument that has been offered; and I confess myself too dull to discover, from my own ingenuity, the mode in which this combination will be facilitated. In all popular elections, the large states will, no doubt, have the advantage. They have the advantage now—they will have the advantage under the amendment—but how the amendment will encrease that advantage, is beyond my comprehension. It has, indeed, been stated, that, by not designating, the small states, in other words, the minority, will always be able to select, at least, from the two persons voted for by the majority; and, thus, it has been triumphantly exclaimed, a single small state may determine the fate of the election!

Yes sir—and has not a single large state, from the indiscriminate manner in which we vote, the same power in thwarting the general will? It has, and greater. There must be a great equality between parties, when a small state can turn the fate of an election—there must be a great inequality, when a large state cannot. Besides, against whom are the large states to direct these combinations? Against the small states? The small states will not be objects of their jealousy. If combinations do arise, it will be combinations of great states—against great states; the small states will not be called in as auxiliaries, and will thus always have it in their power to incline the balance.

Amidst the long train of horrid consequences, however, which prediction has attached to this amendment, like the fiery tail of a destructive comet, these combinations are not the most dreadful. The amendment has been seriously declared to be the forerunner of nothing less than a total prostration of every federative feature in the constitution—the prelude to a general consolidation of the union. With the same propriety might it have been declared the forerunner of the prostration of the firmament, or a prelude to a general consolidation of the various parts of the earth. I do not know what extravagant projects the wickedness or ambition of individuals in some states may have conceived, but that such projects may derive the smallest support from the adoption of this amendment, appears to me one of the most extraordinary apprehensions that ever was indulged. There are certain measures, it is true, in the accomplishment of a great design, which, leading naturally, one to the other, are, each, to be as sedulously guarded against as the ultimate object. Thus, the establishment of a permanent military force, tho' of 20,000 troops only, might reasonably alarm us. Twenty thousand troops alone, are not dangerous; but they furnish the means of obtaining an 100,000; 100,000 furnish the means of obtaining any number, and thus a military despotism might be the consequence. Did this amendment facilitate the progress, a single step, towards the evil apprehended, the same reasoning would apply. But is this the fact? No sir—instead of destroying every feature in the mode of electing your executive, and the enemies of state sovereignty will be as far from effecting a consolidation as they now are.

With regard to the federative principle generally, I candidly confess I prefer it. I prefer it, however, not because I suppose there is danger in the admission of the popular principle, so far as we have admitted it—the reasons I have mentioned forbid such an idea. My preference is founded merely upon this great political truth, that, among states as among individuals, the smallest share of power, the smallest right, never should be surrendered, but where unequivocally necessary for the better maintenance of the rights retained.—The surrender of the federative principle, in my opinion, was not thus imperiously necessary; I could have wished, therefore, the constitution had adopted it in full force. There could have been no good reason for supposing that a government, predicated upon complete state equality, organized in the same manner, and invested with the same powers, as the government of the present day, would have been less efficient. This opinion may be rash—a short time past, and it certainly had been deemed heretical. It is worthy of remark, however, that those who have been hitherto accustomed to express the warmest admiration of the federal constitution—those who have derived their chief merit from the unqualified adoration they were inclined to pay it—were the very persons now so zealously opposed to the amendment, because it threatens to encroach upon the federative principle! Why then, let me ask, was not this same zeal for the federative principle displayed in 1788! Where was the guardian genius of the smaller states at the momentous period of considering the constitution? Sunk in too deep a slumber to be aroused! The principle of state equality was abandoned, the constitution was accepted! At length, indeed, it seems that spirit, which never should have slept, has awakened; but awakened, alas! too late, if there be danger in a deviation from the federative principle, to save the smaller states from the effects of their temerity.

I repeat, sir, & prefer the federative principle; and were we, instead of amending a single article, about to form a constitution de novo, no man would be found a more strenuous advocate for it than I should. But having abandoned that principle in the great outlines of our constitution—having consented to its relinquishment, where only the relinquishment could have been attended with danger—I cannot conceive whence this extreme solicitude of gentlemen for its preservation in the more subordinate parts; a solicitude which, in pursuit of an imaginary good, would expose us to dangers, the most real and formidable. As well, it appears to me, might the unnatural mother, whose own negligence had brought death upon her infant, affect to bewail, in strains of loudest lamentation, that the Egyptian art of embalming was no more, and that she could not retain forever, the loathsome mummy of that fair form, which, when adorned with all the graces of health and animation, she was so little anxious to preserve. Or, to illustrate still more clearly the concern of gentlemen, as well, I should rather have said, might the courtesan who had, an hundred times, granted the last favour to her paramour, affect to blush at the accidental exposure of her bosom to his gaze. What! you admit, in the full confidence of security, the popular principle in the legislative branch of your go-

vernment—you behold, without fear, four states forming a majority of the whole in the federal house of representatives; and do you tremble at the thoughts of committing the election of your executive to the people? No; you have no objections that the popular principle should prevail in the election of President; it is the appointment of Vice-President only, about which you are thus solicitous. Of Vice-President! A mere spare top-mast, to use the expression of a former member of this house, speaking of your lieutenant governor—a mere jury-mast, to be raised only in case of some storm which may shatter the main-mast. Strange contradictions! Is the senate your shield against the machinations of the large states in the House of Representatives? It forms a still stronger barrier to executive encroachments. Its members are the constitutional centinels on the conduct of the President; without their consent—but why should I proceed in exposing the fallacy of an argument which must be manifest to every man? Before I take leave of this part of the subject, however, let me not withhold the humble tribute of my admiration from the ingenuity and address, with which gentlemen have endeavored to enlist under their banners the two strongest passions of a confederated republic—state jealousy and state pride. I will not trespass upon your patience, by entering into an historical examination of the effects of these passions, but I will submit to those, who are so ready to excite them, whether they have not destroyed, at least, as many states as they have preserved. Perhaps, too, it would not be difficult to shew, that, in this country, more than in any other, every unnecessary appeal to them is carefully to be avoided. So many causes combine to keep alive a spirit of vigilance among the different members of the confederacy, that there can be little apprehension of their ever being lulled into too credulous a security. There is far more danger, on the other hand, of their vigilance degenerating into an accursed jealousy, which at some false alarm, may burst the friendly ties which connect them, and, instead of one powerful and happy confederation, present to the eye of afflicted philanthropy, a variety of petty and invidious rivals.

One more observation and I have done. It is respecting the manner in which the popular and federative elections are, at present, conducted. In the popular election, the electors are appointed so short a time before the day on which they are to vote, that it is impossible they can have the least communication with the candidates or each other. They are moreover to meet in their respective states—to vote all on the same day. Thus managed, a single avenue only is left open to intrigue. I allude to the opportunity given, by the indiscriminate manner in which we now vote, to the person designated by the public voice as Vice-President, to impose himself upon us, by corrupting the electors of his own state, as President. Thus, at the late election, Mr. Burr's influence in New-York was supposed to be gigantic; I believe myself it was uncommonly great; had he, then, been less rigidly respectful of the public wishes than he has shewn himself, and had his influence been great as was supposed, how easy would it have been for him, by corrupting the electors of that state, or even one of them, to have become, by electoral choice, chief magistrate of the union? This, indeed, was possible, without the smallest corruption on his part: there were many persons in New-York who actually, from principle, preferred him to the successful candidate; there may be many in the state, from whence a future Vice-President will be taken, who will prefer him to the candidate for the presidency; and, if we continue to vote as heretofore, it will be equally easy for them to take advantage of the confidence with which other states may vote for the two together, and express their preference by voting for him and dropping the other. Adopt the amendment, however, and this avenue, as well as every other door to intrigue, will be closed forever. Whatever may be the disposition of the candidates to intrigue—whatever their talents—both, like arms in the hands of him who has lost his sight, will be harmless.

Let us now reverse the medal. The people fail to make a choice! Infamy the election is carried to Washington—the electors, instead of being selected ever an immense country, are collected all at one spot, and that spot the fountain head of corruption. Instead of being chosen to float a time before the day of voting, they cannot be even heard of by the candidates—they are known many weeks before hand. Intrigue has full time to spread her fringes—every pulse is felt—every temper ascertained; and the bills are laid according to the appetite of the prey they are designed for. The day of election arrives! They, who are to decide the fate of your country, meet all in one hall, gradually separate into little clubs and juries—infused with all the rage of party zeal, plots are formed—machinations set on foot; and each, emboldened by the presence and address of his neighbor, is prepared for the most nefarious purposes. Sir, the awful fate of unhappy Poland has indelibly impressed upon my mind the evils of diet elections, that I look back, with feelings bordering on horror, to the day which proclaimed an equality of votes and a consequent reference to the House of Representatives. On that day we sowed the seeds of a corruption, which if not timely checked by this amendment, promises a growth that would do honor to the richest soil of Europe! Sowed the seeds of corruption, did I say? On that day the monster sprung into life, like Minerva from the brain of Jupiter, full grown, gigantic in her stature and menacing you or country with ruin! What though the insupportable virtue of the then candidates dissuaded her advances! Her visage was marked—the effect she was calculated to produce, weighed—ambition and intrigue in every corner of your country, were roused into action—a thousand hopes were formed—a thousand projects engendered—which wait but a favorable opportunity to be carried into execution! Would you crush these hopes, these schemes in embryo, adopt the amendment before you! Then, indeed, will the popular election defend the encroachments it has received! Then, indeed, may we say with truth, unless all, or a great proportion of the electors are corrupted, an extreme ratio of depravity not probable in any country, intrigue can have no assistance of success.