



Repository of Genius.

The Wounded Hussar.

ALONE on the banks of the dark-rolling Danube, Fair Adelaide hied when the battle was o'er, O whither, she cry'd, hast thou wander'd my lover, Or where dost thou welter and bleed on the shore? What voice have I heard? 'Twas my Henry that sigh'd, All mournful the halcyon'd, nor wander'd the far, When bleeding and low, on the heath she de- sired, By the light of the moon, her poor wounded Hussar! From his bosom that heav'd, the last torrent was streaming, And pale was his visage, deep mark'd with a scar, And dim was that eye, once expressively beaming, That melted in love, and that kindled in war. How smit was fair Adelaide's heart at the sight! How bitter the wept o'er the victim of war? Hast thou come, my fond love, this last for- rowful night, To cheer the lone heart of thy wounded Hussar? Thou shalt live, she replied, Heaven's mercy relieving, Each anguishing wound shall forbid me to mourn! Ah, no, the last pang in my bosom is heaving, No light of the morn shall to Henry return! Thou charmer of life, ever tender and true! Ye babes of my love that await me afar! His faltering tongue scarce could murmur Adieu, When he sunk in her arms—the poor wounded Hussar!

A TOUCHSTONE

FOR THE Leading Partymen in the United States.

IT is a fair Test of the demerit of the parties in the United States candidly and effectually to ascertain, which of them is most unfriendly to the federal constitution. This unfriendliness may be established by open declarations, inconsistent with the principles of the constitution, and by acts and opinions calculated to bring that Instrument into disrepute. It is hoped that the people will prudently attend to this discus- sion, which so greatly concerns them, and which it is promised shall be dispassionate and fair. The writer of this paper will beget no temper, in his fellow-citizens, but what they may carry with them in- to the Temples of the Almighty. Inflammatory or deceptive politics have never been his study or his practice; and they are peculiarly improper on the present occasion, which is so highly interesting and momentous.

Let us begin in a candid spirit, with the late attempt made, in the Senate of the United States, to de- stroy the constitutional division and separation between the judicia- ry power, and the legislative power, by placing the Chief Justice of the United States (or in his absence the next Judge of the Supreme federal Court) upon a grand commit- tee of the Legislature. James Ross, Esquire, a regular-bred lawyer, a Senator for Pennsylvania (whom Mr. Pickering and all our federal leaders had just supported, as Go- vernor of that state) Mr. Ross, we say, as chairman of a committee of the Senate of the United States, drew and introduced a bill into that body, by which a grand committee of twelve members of the national Legislature, and the Chief Justice or next Judge of the United States, were to decide, without any subse- quent control of the Legislature, upon cases respecting the election of the President and Vice-President. The Electoral votes are to be open- ed and counted (by the constitution) in the presence of the two Houses of Congress, who thus have the pow- er to judge whether those votes be rightly given or not under the con- stitution. This power, this duty, this high trust, the Legislature could not constitutionally delegate even to a grand committee of themselves, yet Mr. Ross's bill formed in a de- liberate concert with the federal leaders in both Houses, went all that length and was supported to the last, by sixteen Senators. But it did not stop here. The bill propo- sitionally and unconstitutionally made the chief Justice of the United States (tho' he is forbidden to be a member of the federal Legislature) a member of this grand committee of the legislature; in the absence of the chief Justice the next Judge of the Supreme court (still a mem- ber of our supreme judicial tribu-

nal) was to sit as an efficient mem- ber of this grand committee of the Legislature: In vain has it been that our excellent constitution has drawn a strong and visible line between the legislative functions and those of the courts of law; in vain is it, that the constitution has com- mitted this great power, duty and trust to the two legislative houses, exclusively of all our other consti- tuted authorities; in vain is it, that the constitution has not assigned this momentous business to the Judges of the courts of law; in vain is it that the constitution has assigned to those Judges wholesome powers of a judicial nature only, and that it has clearly defined those powers, for this bill, supported in the Senate by Mr. Ross of Pennsylvania, Mr. Tracy and Mr. Hillhouse of Con- necticut, Mr. Goodhue and Mr. Dexter of Massachusetts, Mr. Green, Mr. Read, Mr. Loyd, Mr. Wells, Mr. Latimer and Mr. Paine, went to give away those very powers of the legislature to a mere committee of twelve of the legislature and to a Judge of our courts of law. Thus an officer appointed by the President, or any one of the Judges appointed by the President, might have deter- mined whether a President is elect- ed, tho' the electors are forbidden to be officers! A second Judge might decide in favour of a chief Justice, who might be on the return among the candidates for the President's Office, and thus make himself chief Justice. In short, when the lines that so wisely & clearly divide the legisla- tive, the executive and the judiciary powers in our excellent constitu- tion are once overleaped by the tem- porary possessors of our delegated authorities, there is no end to the evils, the crimes and the confusion that will ensue.

Friends and fellow-citizens, we do not, like some of the federal partymen, raise a cry of Jacobins, &c. but we fairly and calmly appeal to your certain knowledge of your con- stitution, and to your sober under- standings, for a case wherein so dan- gerous an inroad upon the constitu- tion, has been attempted by those branded as anti-federal. Remember how the bill was supported. As you value your future happiness, suffer not party spirit or personal attach- ments to blind your eyes to the vast dangers of this recent and monstrous attempt. Remember that even on the federal side, one member, a law- yer, and a Judge, and a New-Eng- land-man acknowledged, the bill to be unconstitutional and tyrannical. When you read again then, in the much abused letter to Mazzei, that Mr. Jefferson thought, (if the letter be really his) that there are some among you, who would wrest from you, that freedom for which you so long toiled and bled, remember this daring attempt upon the rights of the two houses of your supreme national legislature.

The intentional non execution of the laws is a breach of the constitu- tion on the part of a chief magistrate, as much as a rebellion is to wage war against the constitution on the part of the people. When the federal Senator Wm. Blount was detected in a project so criminal and dangerous, that it produced a formal enquiry by the grand inquest of this nation (the federal House of Representatives) and that inquiry is- sued (after months of investigation) in a regular indictment or impeachment for high crimes and misdemea- nors, to be tried before the Senate; when the want of jurisdiction alone occasioned that trial not to take place in that body, it followed of course that William Blount lay under the most certain and serious notice of the President of the United States. The case was of vast importance. It involved war and peace with a neighbouring power; the expendi- ture of public treasure and the effu- sion of human blood. It involved corruptions of our Senator; and o- ther functionaries by Great Britain. It was real. It was no tale of a Tub, or Tailor's plot. Respect for the House of Representatives, who had with great unanimity, found various charges to be supported by testimo- ny and vouchers, seemed to require the most early and most serious at- tention of the Government to the case. Take this matter, fellow-citizens, home to your prudent minds. Ask yourselves for any good, nay any plausible reason, why the President did not order the Attorney-General to prosecute William Blount in Phi- ladelphia or in Tennessee, where he openly resided, and where none of our federal officers seemed dispo-

sed to make him afraid. His pro- ject was full of offence to common law, for which he might have been tried in any court of common law Jurisdiction; it was violently against the law of Nations, it was violent- ly against our treaty with Spain (one of the supreme laws of the land) and it was against a clear, express and highly penal Act of Congress. When the President in so notorious and clear case, omitted to direct William Blount to be prosecuted either in the federal or state Courts, did he fulfil the obligations of his high & awful oath of office by which he bound himself, in obedience to the Constitution, "to take care that the laws shall be faithfully executed?" Is this the manner in which he re- spects oaths founded on the verity of the Christian Religion? Was there any doubt that the evidences of W. Blount's criminality were suffi- cient to support a prosecution at law, when all the numerous Lawyers in the House of Representatives of both parties thought them sufficient for an impeachment? Did not the con- stitution dictate to the President to take care that the Laws should be faithfully executed? Did the Pre- sident respect its injunctions? Did not M'Clean hang in Canada for such a project against England? It is to be wondered at, that it is sup- posed by many that the influence of England has affected the most im- portant proceedings of the government itself! It is a memorable circum- stance that Chisholm, who was one of Mr. Blount's men, and had his passage to England, paid by Mr. Liston the British minister, wrote to Mr. Pickering from England, had a passport from our minister Mr. King, was even written to by Mr. Pickering, and was found last Win- ter, upon the list of public Agents to trade with those Indians, who were to be led by W. Blount against a peaceful, neighbouring foreign power. Who can blame the writer of the letter to Mazzei, if he per- ceives in such facts, and an hundred others he may know, strong evidence of an anglo-monarchic-aristocratic faction in the United States. What influence prevented as strong a re- commendation of this case by the Senate to the President, as they gave in the case of Duane?

The states governments are not only essential parts of our political system, but they are entitled by an express and special stipulation in the federal constitution, to the effectual defence and faithful maintenance of the General government in their re- publican form.—"The United States, says the national constitution, will guarantee to every state in the Union a Republican form of govern- ment." Mr. Adams has told the world, in effect, however, that this guarantee may be interpreted to mean any thing; for in his answer to the artillery &c. of Bennington, Vermont, in 1798, he says "republican government may be inter- preted to mean any thing." Is it pos- sible for us to find, in all the extra- vagancies of the warm spirits on ei- ther side in this country, an expres- sion more seriously derogatory to the respectability and obligations of the federal constitution, more hostile to its force and efficacy, or more justly and reasonably alarming to the state Governments? And yet with this justly offensive language within our knowledge and recorded in the pub- lic prints, men have been turned out of office, deprived of private business and employment, and mark- ed upon "black lists," who refused to sign approbatory addresses. Do not these things prove a serious hos- tility to the constitution of the U. States to exist, among some leading man at least, in the federal party or connection? It is really a matter of curiosity and alarm to observe how differently Mr. Adams views republic- an government, when speaking of the English constitution; and in reference to our affairs. He extols the British constitution, in number- less forms and passages, throughout his three volumes; and among other compliments, he says that "the British constitution is, in the strictest sense, a republic." How is it that to make nothing of the most impor- tant clause of our constitution, he says a "republican government may be interpreted to mean any thing," throwing every thing loose, and frittering away the solemn constitu- tional guarantee of the state forms of government, to which he had sworn; by his belief in Christianity; and yet he talks, in reference to the English government, of their being in a strict sense of the word, a republic.

Can a man be deemed an unfaithful citizen, who knowing this, should doubt whether Mr. Adams is an in- telligent, firm and serious friend to the republican constitution of the United States? Is there any con- siderable man of party, who has pressed himself so indecorously, or so as to induce greater doubts of his fidelity as a citizen? Men of decou- rum, faithful friends of our constitu- tion, forgive this necessary freedom. These doubts are not of our own raising, they are of Mr. Adams's own production.

It is very important that the re- publican form of government should be faithfully preserved to the States, for if they were to become heredi- tary governments, they would forth- with impart the hereditary quality to the Senate of the U. States, which is made up of the representatives of those State governments, and not of representatives of the people. If our governments were to become hereditary in the executive, and in one legislative house, and if the other house were to be chosen (as to a majority) by three or four thou- sand electors, in proportion to the British Commons, then we should, according to Mr. Adams's creed and favourite example, be in the strictest sense, a Republic still! If the good people of America consider men as criminal, ill-designing and sediti- ous, who undauntedly notice such things in leading federalists, and who think they see in such facts, sad and alarming evidences that there is a want of sincere attachment to our federal constitution, things must have arrived at a melancholy pass indeed. We cannot believe that this is the case. It is hoped that the people will confide for themselves these real proofs of dan- gerous views and doctrines on the present occasion.

There is nothing more important in the whole scheme of civil soci- ety, than to devise a system of de- fence against attacks from foreign powers, which will not subject the nation to domestic dangers. It is believed, that to faithful govern- ments nothing is more easy. His- tory has informed us of vast, num- erous and never-failing dangers from REGULAR HIRED ARMIES. They have dethroned Kings, anni- hilated Republics, expelled Legis- latures, over-awed Elections, ban- nished Public Functionaries, broken Constitutions, destroyed Morals, and sold Empires to the highest bidders, at the point of the sword. Our Constitution, therefore, con- templates them with consummate prudence. America had received, in the course of her short history, the most solemn warnings against regular hired troops, from her own experience. The history of the wrongs of mankind, and a know- ledge of her own dangers and suf- ferings, equally admonished Amer- ica to beware of armies. But her country was menaced, was in dan- ger, it must be defended. With five millions of people, America had a million of men able to bear arms. A foreigner, knowing of this grand constitutional mean of defence, would at once suppose, that the President, as constitutional Commander in Chief of the Public Force, had laboured night and day to prepare the militia for the much- talked-of invasion by the French. But has he once animated them by his presence on days of muster? Has a single order of the President been issued to the Secretary of War desiring him to enquire into the state of the militia, at the awful con- juncture, and make report thereof to the President? Did any order issue requiring the Secretary of War to do a single thing to increase the respectability, discipline, efficiency, confidence or comfort of the mil- itia, in a day of trial so terrible, and said to be so rapidly approaching, that 40 or 50,000 regular troops (horse, foot, artillery and engineers) were authorized to be raised without delay? Was a single circular letter written to the Governors of the States by the President, or by the Secretaries of War or State, re- questing them, in their places, to take care that the militia be trained, disciplined, appointed, and in all respects prepared to repel the ap- prehended invasion? Has the Pre- sident recommended the militia to legislative care? We know not of one such act, one such order, one such letter, or one such communi- cation. Mr. Adams, before his in- stallation, promised attention to the militia. "A well regulated militia is necessary to the security of a

free State," says the fourth Amend- ment of the Constitution. If so, in ordinary times, if so generally, much more so when invasion was said to be probable, when the world is in arms, and when a vast and dan- gerous regular force was placed in the discretion of the President to raise. But we are yet to be in- formed of any single act of the Pre- sident, which appears to prove that he was determined to balance the army by the militia, or to use the militia for our chief defence. He is fond of checks and balances in civil affairs, and he must know that they are more necessary for the mil- itary, the civil power never having been able to maintain itself against a large regular hired army. Mr. A. also knows, that, in other countries, the Executive Power has always preferred to put its hired troops into its own scale, which has invariably caused the conjoined weight of the Sceptre, the Sword and the War- rary, to preponderate.

Has the President used the mil- itia on real occasions as far as he could? When President Wash- ington suppressed the excise Insur- rection, he did, with militia only, what never was done in Britain or Ireland with their whole standing army. Washington used not one re- gular Battalion. When the Insur- rection of Fries in Northampton occurred, President Adams used not one battalion of militia. He collect- ed regular troops, provisional army, segregated corps, made a militia Battalion into a regular Brigade, to command the expedition, and did not call out one battalion of militia foot upon the occasion. When the House of Re- presentatives, of their own motion, had prepared a bill to enable the President, to call out a respectable body of militia, even to repel the French, the Senate introduced a clause "to enable the President not to use any of the militia of the State, between the Potowmac and St. Croix, from Maryland to Main inclusive." On receiving this amend- ment (or alteration rather) the Representatives rejected it at once and sent the bill immediately back to the Senate, expecting, that it would be passed, or as usual con- ferred upon. But threatened with danger of French invasion, as it was said we then were, the senate proposed no conference, no com- promise, but postponed this bill for the militia defence, till a follow- ing session, tho' they granted regular hired infantry, horse and artillery, without the militia balance, in greater numbers than were ever before confided to this government. The Senators appeared to wish the dis- use of the militia.

The constitution, as we have observed before, wishes the disuse of a standing army, and contem- plates regular hired troops with caution, prudence and apprehen- sion, whenever it mentions them. It views standing armies as inadmissi- ble, armies at best as an evil, and contemplates the militia with an invariable and unbending con- fidence. The republicans love and would cherish the militia. Let the people; those who have a right to judge, determine between the two parties; whether the body of the republicans and their most able and influential members have not man- ifested more attachment to this al- most important part of the constitution, than some at least of the leading and influential men in the federal party. Let them determine whether excessive outrages have not been committed by military men, and let them point out the punish- ment, or restraint or orders for punishment and restraint which the President or federal administration or federal Generals have issued in consequence. Let them de- termine whether in these respects he has taken care that the laws were faith- fully executed.

Let men, who value that order, which grows by the favour of heav- en, out of a constitution legiti- mately adopted and faithfully exe- cuted, consider well what has been said. Let them apply to both sets of men this fair TOUCHSTONE, which might be immensely enlarg- ed, and let them then determine, among which party are to be found the most doubtful friends, the most probable enemies of our excel- lent and unequalled Constitution.— Let them say whether Jefferson and Burr are less faithful than Adams and Pickering.

WASHINGTON.