

ODE TO HEALTH.

ALL happy spring of human joys! Sweetly to every care; Without thee debts are but toys, Honours "T'is but a lie, as air."

When left with thy all cheering power, Mirth's only tale content: How lightly flies the passing hour, When with thee the time is spent.

In vain the fellow-bred is spread, Or the flowing bowl goes round; Such low luxuriance is thy dread, With temperance only thou art found.

The happy rustic void of care, If puff'd up thou art alone, Has sought to hope nor sought to fear, And views with smiling scorn a throne.

Bring then to bless me with thy aid, No greater wealth do I employ: Indistinct near to my life shall fade, But with thee, thou richest store.

PHILADELPHIA, April 20. Extract from letters written by an officer in Gen. Wayne's army, to his friend in this city.

"Fort Wayne, Miami Villages, January 12, 1795.

"My life's story is announced to you the arrival of a flag from the Potowomac, Chippewa, and other tribes, with parcels of peace; the Miami tribe which was first represented by two war chiefs, who informed that they would return with the head men of their nation in a few days, have not yet come in—however, we are not to judge from this that they will not conform to their promise—because yesterday brought us three Indians from the same, though of a distant part of the nation. I cannot inform you what was their business, from the want of an interpreter, but was led to conclude from their flags, that their chiefs are near to us, and will probably make their appearance this day.

"The Shawnee, Delaware, &c. are to immediately under the influence of M'Kee, and to subject to the British posts, and their intentions have been frustrated, and their councils dissipated by those simulators of the war to go a great degree, that it will be some time before they will determine with resolution to break the chain which has so long connected them with Great Britain, and throw themselves upon the United States, for their support and assistance—But from information I got from a Frenchman of extensive influence among them, and who but a few days since left them, I doubt not that they will join with the others in seeking peace."

January 14. "I have just time to inform you that the Miami tribe have come in and are anxious for peace. Part of them leave this tomorrow for head quarters."

Christmas February 19. "Since we left we have been favoured with an embassy from the Shawnee and Delaware, which communicates the whole of the nations lately at war with us—you may therefore ascertain that the voice of war is hushed, and we shall be permitted to reside in the lap of Peace. I cannot give you a base nor the smallest doubt of the sincerity of the Shawnee, because they for it is their interest to bury the hatchet and make their friendship with us. They declare with confidence that the British struggled hard to prevent their coming in."

"The 17th day of June is appointed for the treaty. As yet the Indians entertain a favourable opinion of our hospitality, and wish for peace, and have gone home impressed with sentiments much to our advantage."

EARL STANHOPE'S PROTEST. HOUSE OF LORDS.

TUESDAY Jan. 6 1795. "The order of the day being read, Earl Stanhope moved.

"Resolved, that this country ought not, and will not interfere, in the internal affairs of France; and that it is expedient, explicitly to declare the same."

A debate ensued, and it was moved, that this house do now adjourn, which being objected to, after a further debate the same was refused in the affirmative.

On Friday last the noble Earl offered the following PROTEST.

"Different, 17th. Because the motion made for the house to adjourn, was professedly intended to get rid of the following Resolution, viz. Resolved, &c. &c. &c. &c."

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constitution of the French Republic, or any other independent nation. 3dly, Because the government of Great Britain, (not having been elected by the Citizens of France) can have no more right to give to France a monarchical, aristocratical, or other form of government, whatever, than the crowned heads of Prussia and Russia, had to overturn the constitution of now unhappy Poland.

4thly, Because I highly disapprove and reprobate the doctrine, advanced by ministers in the debate, namely, "That to restore the ancient and hereditary monarchy of France, no expense should be spared." And I reprobate that pernicious and unchristian doctrine the more strongly from its not having been suddenly, hastily, or inconsiderately started; but, from its having been taken up (as it is solemnly declared) upon the utmost deliberation.

5thly, Because I deem it to be an injustice committed by ministers, towards my fellow citizens, to adopt a principal which shall render it necessary for the government of Great Britain to lay further heavy burdens upon the people; and to tax their pockets their throats, their ears, their consciences, and consciences of life, in order to provide a fund, to attempt the accomplishment of such a wicked purpose as aforesaid.

6thly, Because the proposed Resolution, above stated, was intended by me as a "salutary pledge," that the government of this nation would not interfere in the internal affairs of France: but the refusal of the house to give such a pledge, tends to that the door to peace, and consequently tends to ensure the ruin of this manufacturing, commercial, and once happy country; particularly considering the increased, and rapidly increasing strength of the army of the French Republic, and especially the prospect there is, of their having the navies of Holland and Spain under their immediate influence.

7thly, Because the public funds, the paper currency, and the public and private credit of this country, will probably be an equal to stand against the tremendous shock to which the Ministers will now expose them.

8thly, Because I think that, frankness, honesty, and the principles of justice, are always in the end the best Policy. And I believe it to be true in regard to nations (as well as to particular individuals) that, "whatever is not just, cannot be wise, or likely to be ultimately prosperous."

9thly, Because I lament the more, that the house should refuse to disclaim the interfering in the internal constitution of France, in as much as, by the new constitution of the French Republic one and indivisible, adopted by the present National Convention, on the 23rd day of June in the year 1793, and under the title "Of the Relation of the French Republic with foreign nations," and by the article 17th and 18th of that constitution, it is declared and enacted that,

"The French people, is the friend and naturally ally of every free nation. It does not interfere with the government of other nations. It does not prefer that other nations should interfere with its own."

So frank, so fair, and so explicit a declaration on their part, did, in my opinion, entitle them to a better species of return.

10thly, Because I conceive that a true Republican form of government, being firmly established in France, is much more favourable to the liberties of the people of Great Britain, than the tyrannical, aristocratical, and hereditary monarchy of France; or than any other monarchy they could there establish: yet, even if I were of a direct opposite way of thinking, I would not be guilty of the gross injustice of attempting to force a monarchy upon them contrary to their inclination.

11thly, Because I think that no war ought to be continued, that can by a proper line of moderation be avoided; and the more especially with respect to the French Republic, who are the true Republican enemies of the British Republic. Republican courage, have made victory the almost constant order of the day."

12thly, Because the continuance of such a bloody contest without necessity, appears to be a prophane tempting of Divine Providence, in whose benign & Almighty hands, the fate of battles, and of empires, is placed.

13thly, Because I wish to wash my hands intirely of the innocent blood that may be shed in this war; France of all the carnage which may be done; and of all the devastation (such as Great Britain itself) which may ensue.

reflections in La Vedette, or any other department to the French Republic; and the Resolution I moved was well calculated for that purpose.—And

15thly, Because the maxim of "Do not to others that which you would not wish done to yourself," is an unerring rule, founded upon the clear principle of Justice, that is to say, of Equality of Rights.—It is upon this strong and solid ground that I make my stand. And all public men, in order to merit the confidence of the British People, must first determine to act with frankness and unfeigned good faith, and justice towards the French Republic.

Having upon this most important and momentous subject, frequendy stood alone, and having also been, upon this last occasion, totally unsupported in the Division, if I should therefore cease at present; to attend this House, (where I have been placed by the mere accident of birth) such of my fellow citizens as are Friends to Freedom, and who may chance to read this my solemn Protest, will find that I have not changed any of my principles; for my principles never can be changed. And those fellow citizens will also find, that I hereby pledge myself to my Country, that I shall continue what I ever have been, a zealous and unshaken Friend to Peace, to Liberty, and to Liberty, political, civil, and religious: and that I am determined to die (as I have lived) a firm and steady supporter of the unalienable Rights, and of the happiness of all Mankind.

STANHOPE.

LAW OF THE UNITED STATES. An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the act now in force for whole purchases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the state or states, most convenient to the place of danger, or of scene of action, as he may judge necessary to execute the laws of the Union, suppress insurrections, and repel invasions; and to call forth such number of the militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection.

Sec. 2. And be it further enacted, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of the militia to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

Sec. 3. Provided always, and be it further enacted, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes, within a limited time.

Sec. 4. And be it further enacted, That the militia employed in the service of the United States, shall be subject to the laws of the United States: And that no officer, non commissioned officer, or private of the militia shall be compelled to serve more than three months, after their arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able bodied man of the same rank in the battalion to which he belongs.

Sec. 5. And be it further enacted, That every officer non commissioned officer, or private of the militia, who shall fail to obey the orders of the President before recited, shall be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia.

Sec. 6. And be it further enacted, That the militia of every state, shall be subject to the laws of the United States, in any of the cases before recited, that shall not exceed one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia.

Sec. 7. And be it further enacted, That the militia of every state, shall be subject to the laws of the United States, in any of the cases before recited, that shall not exceed one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia.

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for a term not exceeding twelve months, at the discretion of the said court: And such non-commissioned officers and private shall be liable to be imprisoned, by the said court, for a failure of payment of the fines adjudged against them, for one calendar month, for every five dollars of such fine.

Sec. 9. And be it further enacted, That courts-martial for the trial of militia shall be composed of militia officers only.

Sec. 10. And be it further enacted, That all officers to be appointed, as aforesaid, shall be appointed by the presiding officer of the court-martial, before whom the case shall be tried, and who shall be sworn, and who shall record the said sentence, and who shall be kept for that purpose. The said marshal or his deputy shall forthwith proceed to levy the said fines with costs, by distress and sales of the goods and chattels of the delinquent; which distress in the manner of proceeding, with respect to the sale of the goods restrained, shall be regulated by the laws of the state in which the case shall be, in other cases of distress, there shall be no objection to seize in private shall be no objection to seize in private, non-commissioned officers or private shall be no objection to seize in private, non-commissioned officers or private shall be no objection to seize in private.

Sec. 11. And be it further enacted, That the militia of every state, shall be subject to the laws of the United States, in any of the cases before recited, that shall not exceed one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia.

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FROM THE WESTERN STAR.

THE COUNTRY LAWYER.—No. 5.

IN the bill providing for a circuit Court of Common Pleas, it was provided, that the Court should "consist of three Justices learned in the law." The worthy member from Cerehal, in his speech upon the subject, observed, that by this expression we were to understand "three learned Lawyers"; this he did not like: it would seem to have Law-ers made Judges in the Court of Common Pleas.

Let us enquire if Justice will not be confuted, that in every country, law becomes a science, in proportion to the liberties and privileges enjoyed by the great body of the people.

In a country where the will of the Despot is the supreme law, as in Russia, or in another Despotism, the law is comprised in a small compass. The subject having no rights to secure, has no laws to defend them: but in countries where the will of government is to establish a fair equality of rights, to provide for the security of life, liberty, and property; and to secure to every citizen as great a portion of happiness as is consistent with the well being of the Community of which he is a member; the code becomes complex, and it requires labour, study, memory, discernment and judgment, to comprehend it.

In a government like that of Massachusetts, where the citizen has rights and privileges to secure, in which he is interested from his cradle to his grave, the relations in which one man may stand to another, in as innumerable as the variety of his transactions. Laws are therefore to be provided to secure to every one his rights.—The variation of the seasons; the extremes of heat and cold; the billings of fit weather, and the inconveniences of tems and tempests, or every returning incal, remind him of these rights. The security of property to defend us from want in old age, and to enable us to provide for the support of an infant offspring; the security of liberty lawfully to employ our industry for these important purposes, and to be free of every tax, or other thing, which the comfort attending it, are objects of Legislation and Jurisprudence in a limited government. But under a despotism, where the Tyrant has a power to dispose of property, life and liberty, at his will and pleasure, we hear of no Legislatures, or well established Courts of Justice.

This Commonwealth being divided into counties, towns, districts, parishes, and societies, and certain bodies of men being incorporated for the purposes of managing and carrying on particular, great and important concerns, and we having become great agricultural, commercial, and manufacturing people—the despotism in our Courts of Justice, ascending and setting the various rights of our citizens depending on the laws of the land, have become walled and almost infinitely varied. Let us consider the rights of an individual as he is infant in the arms of his parent; view him in his various relations and transactions from thence until he is a husband to his coffin and "covered with the dust as they relate to his will and pleasure, after he is removed to the regions of the dead, respecting the disposition of property descended to him from his ancestors, or acquired by his own skillful or laborious industry; count up his rights as an infant, as apprentice, a master, a husband, a partner, a son, as one who employs others to labor for him at hire, or as one who is a hiring himself; examine the relation of his actions may have to the rights of his fellow citizens, as they relate to the security of liberty, life and his common view him as he is an inhabitant of a town, or as one of the members of a legislative or a senator in the General Court, or as a magistrate in the executive part of government, intrusted with a civil and criminal jurisdiction; and will it not become a matter of astonishment, that a man, at this enlightened period, should dare to object, in a public debate, to the establishment of a Court of justice, on a plan which would have a tendency to place on its benches men, respectable not only for their integrity and uprightness, but for their knowledge and experience in the laws, by which these almost infinitely varied actions and relations, are regulated, secured and settled?

Any person, who shall attentively consider the various rights which, as citizens of this Commonwealth, we have secured to us by our constitution, and by the laws of our country, will never complain that our code of laws, unlike that of the Prussian Tyrant, is larger than a spelling book: but on the other hand, will be abundant and person humbly and gratefully to render thanks to Almighty God, that the exceptions of our ancestors, and our own struggles, under the families of his benighted forefathers, have secured to us these invaluable rights, and the laws by which they are defined and rendered safe.

There is no position more true, either in the natural, moral, or civil world than this, that "men gather not grapes of thorns, nor figs of thistles." We find that mankind universally give a preference to him who is endowed with the greatest talents in his own profession. The ablest Divines, the most learned and eloquent Lawyers, and the illustrious Physicians, in every country command the greatest price for their respective services. We therefore see a man found, who in his father's house, where his life or the safety of his property was at stake, would not, if his means were equal to it, in every instance, where he wasted the aid of his fellow men, apply to him who, he believed, would be able to afford him the assistance he needed.—In every profession in life, not only in those of Law, Physick and Divinity, but in the sciences of Mechanics and in the art of Husbandry, we find some men that are endowed with talents superior to others. It should be remembered, however, that in our country, as well as to every other, the greatest part of the community have enough to do to become thoroughly acquainted with that kind of business by which they procure a decent support for themselves and families; few are able to become eminent in more than a single trade, and still fewer have any spare time to devote to the pursuits of science, or the study of law.

The Almighty has implanted in the breast of almost every man a principle by which he is enabled to judge of right and wrong, of good and evil; but all men have not equally a faculty of weighing, judging, and determining on human actions. In the scale of being, the gradations from Omniscience to complete ignorance, are perhaps not always properly attended to. Indeed, in the scale of animal life, we hardly in the discern know where to stop, and it is more difficult for us to distinguish between the animal and vegetable world, than many are aware of. Is not the difference as largely to be made out between the intellectual and the brutal world? I much doubt whether any man could safely mark with his finger the exact point of distinction. It is enough for my purpose to observe, that the difference among men in point of natural and acquired talents, is so striking, that I shall not be accounted extravagant when I say that the present Chief Justice of our Supreme Judicial Court is, in point of all those qualifications which go to the making up an able, experienced, learned Judge, (except as to integrity, virtue and honesty, in which I would not be thought to suppose a single Judge of our Courts of Common Pleas deficient) as much superior to the Chief Justice of one of the Courts of Common Pleas in the three Western Counties, as the latter is superior to the most unlettered individual in the Commonwealth. Perhaps, however, a proportion of this difference may arise from the one having made the (study of jurisprudence the study of an indolent life, yet I beg it cannot be objected to him that he is the less perfect as a Judge in proportion to his being "learned as a Lawyer."

If it is unsafe to commit the exposition of the laws, in a Circuit Court of Common Pleas, to "men learned in the law," why is it not equally unsafe to trust it in the hands of a Court of justice, on a

plan which would have a tendency to place on its benches men, respectable not only for their integrity and uprightness, but for their knowledge and experience in the laws, by which these almost infinitely varied actions and relations, are regulated, secured and settled?

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Supreme Judicial Court? There was a time when a Colting, Sergeant, a Sewall, a Dana and a Sumner, composed the Supreme Judicial Court of this Commonwealth, when it was thought that questions which might affect the life, liberty and interest of its citizens, were safely committed to a jurisdiction composed of "learned Lawyers"; but since that period, however, and God knows we have occasion to tremble for the consequences, in one of the States a principle seems to be getting ground, that men learned in the laws of their country, are not the only proper persons to be made Judges even in the last resort.

HAGUE, Feb. 6. The Provisionary council has made known that all municipal officers are exempt from their oath to the ancient form of government. The said council has signified its wish that every inhabitant should without loss of time, voluntarily deliver to the municipality two or more affidavits. A member of the council will attend in the consistory chamber of the great church to receive these free offers.

Citizen Paulus is chosen president of the representatives of the people of Holland, and all foreign ministers are to transact business with him. Yesterday evening M. Vander Spiegel, as also the basis of the Hague, M. P. Lezevel, were put under arrest as state prisoners, and lodged in the castle of the court.

All goods, vessels, merchandizes, effects, and debts, belonging to the government at war with the republic, as well as those belonging to the French emigrants, priests and religious societies, emigrants of the conquered countries between the Rhine and the Sea, are seized, and ordered to be confiscated for the use of the Republic.

All those indebted to the above mentioned persons, shall give in a declaration in writing, to the magistrates of their jurisdiction within eight days. It is also prohibited to export any bill of exchange drawn by any persons belonging to any nation at war with the republic.

On Wednesday the Tree of Liberty was planted here, in the outer court, to the great joy of the people. AMSTERDAM, Feb. 8. The Assembly of the provincial Deputies of the people of Holland, have published the following DECLARATION, OF THE RIGHTS OF MAN AND OF A CITIZEN.

Liberty, Equality, Fraternity. "The Provisional Representatives of the people of Holland, believing that they owe to their fellow citizens a solemn declaration of the principles upon which their proceedings and actions depend, to all those to whom these precepts shall come, or who shall hear them read, health, they make known—

That we are perfectly convinced that the power which has been confided to us respects only on the free choice of our fellow-citizens, and that it is from this choice we have received it; that no supreme power resides in us; but that the proper power resides in the people, and this in proportion as the people can confer the exercise of it on their representatives; but we never alienate it from themselves; that we are assured that the evils which this day are so heavy on this country and the other provinces, owe principally their origin to the perverse ideas that have been presented to the people by artifice and violence, and that therefore it is required on the part of the representatives of the people who desire to be faithful to their duty, to lay down certain and evident principles, and to fix them as the rules of their conduct; that though we thought the final settlement of these principles ought to be the first work of a national convocation of the representatives of all the people, named to decree and fix a form of government, we nevertheless owe to the confidence which our fellow-citizens have placed in us, to make public and solemn recognition of

the rights of man, and of a citizen, in declaring as, we recognize and declare by these precepts— That all men are born with equal rights, and these natural rights cannot be alienated. That these rights are equality, liberty, security, property, and resistance to oppression. That liberty is the faculty which belongs to every man to do that which does not injure the rights of others. That every person may publish his sentiments freely, either by means of the press or in any other manner. That every man has a right to serve God, in whatever manner he may choose without any compulsion directly or indirectly. That safety consists in a certainty of not being disturbed in the exercise of rights, and in the peaceable possession of property lawfully acquired. That every one has a right of suffrage in the legislative assembly of the whole society, either personally or by representation, in the choice of which he has concurred.

That the end of all civil society is to secure to all men the quiet enjoyment of their natural rights. That natural liberty is to do every thing that does not injure the rights of others, and that it never can be impeded unless the immediate exigence of society absolutely demands it. And that such exigence can only be established by the people, or their representatives. That consequently, no person whatever can be forced to give up or sacrifice any of his private property, to the community at large, unless by an express regulation of the people, or by their representatives, and after a previous indemnification. That the law is the free and solemn expression of the general will, that is equal for all, whether it rewards or punishes. That no person can be accused, arrested, or put in prison, but according to the formalities of the law previously established. That whenever it is found necessary to make any one a prisoner, he must not be treated more rigorously than is absolutely necessary to secure his person. That all men being equal, all are eligible to all posts or employments, without any other motive of preference, than those of virtue and of capacities. That each one has the right to concern in requiring from each faculty of public administration, an account and justification of his conduct. That there never can be laid the smallest restriction on the right of each citizen, to represent that which is in his interest to those in whom the public authority is entrusted. That the sovereignty resides in the entire people, and that therefore no portion of the people can arrogate it to themselves. That the people have at all times a right to change their form of government, to correct it, or to choose another. That such are the principles upon which we have believed it to be our duty to found our actions and our proceeding; and that being desirous of applying them to the order of things which had heretofore taken place, we forthwith discovered that the form of government which was confirmed in 1757, by means of the invasion of the Prussian army, and consequently by force only, was in every respect contrary thereto. That the persons heretofore composed the assembly of the five Dutch states of West Frisia, were never elected by their fellow-citizens to be their representatives, and that therefore this government could not subsist, as being absolutely contrary to the rights of man and of a citizen; that we are to recently perceived that all hereditary dignities, such as hereditary nobility, captain general, and admiral of his well, and of the Equestrian order, as well as hereditary nobility, are repugnant to the rights of man, and they ought to be held and declared abolished, as they

the rights of man, and of