

O D E,

ON THE
BIRTH-DAY
OF THE

PRESIDENT OF THE UNITED STATES.

1796.

I.

HENCE! pale envy's sloop profane
Hence! foul faction's slanderous tongue,
Hence! the heart that knows to feign,
Hence! the soul that harbours wrong!
Within these joyous walls be found,
No hand that gives the secret wound,
No breast where rankling vengeance reigns—
No son of malice venture here,
No voice that dares be insincere,
Presume to join our raptur'd strains,

To WASHINGTON the notes we raise,
Let grateful millions join to praise
His deeds of matchless worth:
And swell the loud triumphant lay,
To celebrate the happy day
That gave Columbia's Hero birth.

Chorus—Raise the note of rapture high!
Echo rend you arch above!
Patriots from the spangled sky
Applaud our gratitude and love.

II.

Lo! now, to fancy's eyes
Wide burst you azure skies,
And from their starry thrones sublime,
Columbia's martyr'd Champions bend
To hail their Leader and their Friend,
Foremost immortal Warren's seen
And he who fell among the slain
On Abram's snow-clad plain,
And He of Eutaw, long lamented Green,

And those of ancient days,
The great, the brave, of every clime,
Who freedom's legions led,
The elder Brutus at their head,
And Cincinnatus nobly great,
Who thrice preserved a falling state,
All join Columbia's matchless Son to praise!

For millions, snatch'd from foreign chains,
Demand from Heav'n and earth the strains,
To deeds of noblest worth;
Then swell the loud triumphant lay,
To celebrate the happy day
That gave Columbia's Hero birth.

Chorus—Raise the note of rapture high!
Echo rend you arch above!
Patriots from the spangled sky
Applaud our gratitude and love.

III.

Ah! not to all, the grateful meed
To merit due, their country paid!
Deserted and forlorn
See Scipio bow the exil'd head,
No friend to close his languid eyes,
His big heart bursts,—he falls—he dies—
Amid the gloom of solitude!

The wreaths he pluck'd on Zama's plain
Where Carthage bled at every vein,
By the rude hands of envy torn,
Are blasted,—wither'd—dead—
Such, such was Roman gratitude!

Not so Columbia's Sons behave,
They venerate the great, the brave!
Their Country fav'd on Treason's plain,
Demands from them the grateful strain,
To deeds of daring worth!
Then swell the loud triumphant lay,
To celebrate the happy day
That gave Columbia's Hero birth.

Chorus—Raise the note of rapture high!
Echo rend you arch above!
Patriots from the spangled sky
Applaud our gratitude and love.

IV.

When o'er the western mountain's brow
Sedition reard her impious head,
And Tumult wild his legions led,
Serenely great, the Patriot rose.—
Yet in his breast conflicting throes
Of mercy, pity, check'd the impending blow.

He view'd them with a father's eye,
Dimm'd by thy, tear Humanity!
Reluctant Justice half unscath'd the sword
Scar'd at the awful sight

Sedition shrunk in realms of night,
And Order saw her peaceful reign restor'd.
Her trophies wild ambition brings
To lay them at the thrones of kings,
Or deck the bloodstain'd warrior's brow!

More real praise the victors gain
Returning from the bloodless plain
Than all those crimson wreaths can e'er bestow.

A country sav'd from discord's reign,
And Order's sway restor'd again,
Are deeds of public worth;
Then swell the loud triumphant lay,
To celebrate the happy day
That gave Columbia's Hero birth.

Chorus—Raise the note of rapture high!
Echo rend you arch above!
Patriots from the spangled sky
Applaud our gratitude and love.

V.

O! broad Ontario's distant shore,
The yell of war is heard no more,
No more the hostile banners shed
Dance on the waves beneath;
No more the savage warriors lead
Their painted bands to deeds of death!

No more on Africa's scorching sand
The hapless brethren toil in chains;
Soon, soon they'll hail their native land,
And here in peace forget their pains.
Great Sire of streams from where far north,
Thy Naiads urge their waters forth,
To where old Ganges rears his head,
Columbia's rising fame shall spread;
Respected by a friendly world,
Where'er her banners are unroll'd!

His native land restor'd to peace,
Her sons confirm'd in wealth and ease,
Are deeds of noblest worth!
Then swell the loud triumphant lay,
To celebrate the happy day

That gave Columbia's hero birth.
Chorus—Raise the note of rapture high!
Echo rend you arch above!
Patriots from the spangled sky
Applaud our gratitude and love.

From the FARMER'S WEEKLY MUSEUM.

"Go thy way, eat thy bread with joy, and drink
thy wine with a merry heart."

And where is the fullest mortal, who would re-
fute to obey so pleasant an injunction as this, com-
ing too on the authority of Solomon?

However, as this doctrine at first view, seems to
flatter the indulgence of the passions, and there-
fore to proceed with an ill grace from a moral
teacher, let us look narrowly into Solomon's sys-
tem, and endeavor that wisdom may be justified of
her children.

In one of the most interesting and amusing jour-
nals that we find in the bible. Solomon has narra-
ted to us the hopes and fears, which agitated his
busy life. Born a monarch, he could exercise su-
preme power, and a courtier of the muses he ac-
quired the highest wisdom. His city was mag-
nificent, his subjects loyal, commerce wafted him
all that was rare from Sidon, and the decks of
Tarshish ships glittered with the pageantry of its
peacocks. In a situation so favorable to enjoy-
ment, it was natural that he should withhold his
heart from no joy, and that the luxury of the East
should excite him to refine on pleasure. From
his love of letters, his first indulgences were of
course mental. He conned the pithy sayings of
the Orientals, and fatigued his faculties with the
scholastic jargon of many a Rabbi. But soon dis-
covering that he was directing his thoughts through
a trackless maze, that if such abstruse disquisitions
were too eagerly pursued, wisdom would turn in-
to folly, and too much learning make him mad, he
resolved to descend from the pinnacle of specula-
tion, and mix with men in the highway of life.—
We then hear of his agricultural experiments, the
cares of a numerous household, and his public
works. Through the dusty deserts of Palestine, he
probably conveyed distant water to thirsty subjects
and overarched the brook Cedron with numerous
bridges. But the restless Prince, when the labors
of the day were past, and he communed with his
own heart in the inner chamber of the palace
found, in reflexion's sober hour, that this was a
sore travail and vexation of spirit. At length, after
numerous experiments on happiness, he drew a for-
mal comparison between the various situations in
life. After stating the account of human hope
and disappointment, with clerical accuracy, that
Folly has a funeral splendid as that of the wife,
that the goods of fortune are perishable, and tho'
attained by industry may probably descend to an
idler, that the reign of novelty was past, and every
object wore the uniform of sameness, he concludes,
I think philosophically, by arguing against anx-
iety and enjoining a moderate participation of festi-
val joys.

From various passages, interspersed throughout
the volume of our belief, I am persuaded that Chris-
tianity was designed to be a cheerful system. Mis-
erable was the perversion of its precepts by those in
early time, who believed that none could prove
sincere votaries, but the moping and the austere.—
It is wonderful that primitive piety, who must be
supposed to hold the bible constantly in her hand,
should not discern the numerous texts enjoined to
sanctify the moderate use of the good things of
this world. Not to be too anxious, and to rejoice
evermore, are particular precepts of the New Testa-
ment. I hope I shall not be accused of thinking
like certain philosophers of the sect of the Epicu-
reans, when I frankly acknowledge that I can see
no reason to forbid the straitest of our religion,
eating a dinner with sweet herbs instead of the bi-
ter ones of the passover. Should such a feast of
joy provoke thirst, I shall not deem it an infrac-
tion of gospel rules; to indulge him with a little wine.
The vineyards of Engaddi are no more, but those
of France remain, and if a Jewish lawgiver could
"tie his colt to the vine, and dip his mantle in the
blood of the grape," why may not the sober glass be
tinged, and why were grapes given us, unless to be
crushed?

The LAY PREACHER.

LOUISVILLE (GEORGIA)

HOUSE OF REPRESENTATIVES.

January 15.

Resolved, That a committee, consisting of nine
members be appointed to examine and report to
this house respecting the constitutionality and vali-
dity of an act of the last General Assembly, enti-
tled "An act supplementary to an act, entitled
"An act for appropriating a part of the unlocated
territory of this state for the payment of the late
state troops and for other purposes therein men-
tioned; declaring the right of this state to the unap-
propriated territory thereof; for the protection and
support of the frontiers of this state; and for other
purposes;" who shall have power to call for such
papers, papers, and documents, as may be likely to
give information relative thereto; and this house
will provide for the expenses which may be incur-
red by their committee in discharge of this duty.

Resolved, That the petitions, remonstrances, and
presentments, addressed to the late convention, and
the present legislature, on that subject, be referred,
that the house do ballot for the appointment of the
committee. The ballots were taken, and being exa-
mined it appeared that the greatest number of votes
was in favour of Mr. James Jackson, Mr. Few,
Mr. James Jones, Mr. Mitchell, Mr. Rotherford,
Mr. Emanuel, Mr. Frazier, Mr. John Moore, and
Mr. Franklin.

Friday, January 22.

Mr. James Jackson, from the committee to whom
was referred the consideration of the constitution-
ality and validity of a certain act of the last session
of the Legislature passed at Augusta on the

day of January, 1795, and divers petitions prefer-
red to the late convention, and to the present Le-
gislation, touching the act for appropriating a part
of the western territory of this state, made a report,
which being read was agreed to by the house, and
is as follows, to wit:

The committee to whom the consideration of
the constitutionality and validity of a certain act of
the last session of the legislature, passed at Augusta,
on the 7th day of January 1795, entitled "An act
for appropriating a part of the unlocated territory
of this state for the payment of the late state troops,
&c" as well the various petitions and remonstrances
of the good people of this state against the said
act, presented to the late convention and present le-
gislation, were referred, report, that they had the
same under their serious consideration and lament
that they are compelled to declare, that the fraud,
corruption and collusion by which the said act was
obtained, and the unconstitutionality of the same
evinces the utmost depravity in the majority of the
last legislature. It appears to your committee that
private interest has been alone consulted; that the
rights of posterity were bartered by the said act;
that by it the equal moulds of rights were broken
down, and the principles of aristocracy established
in their stead.

The committee, whilst they thus with shame and
confusion, acknowledge that such a legislature in-
trusted with the rights of their constituents, did ex-
ist in Georgia, cannot however forbear to congratu-
late the present legislature and the community at
large, that there are sufficient grounds as well with
respect to the unconstitutionality of the act, as from
the testimony before the committee of the fraud
practised to obtain it to pronounce that the same is
a nullity of itself and not binding or obligatory on
the people of this state; and they flatter themselves
that a declaration to the purport by a legislative
act, will check that rapacious and avaricious spirit
of speculation which has in this state, overleaped
all decent bounds, and which if it were to continue,
would totally annihilate morality and good faith
from among the citizens of this state.

The committee, for this purpose, beg leave to
report "an act for declaring the said usurped act,
void, and for expunging the same from the face of
the public records;" and they also herewith re-
port, in part of testimony before them, fifteen affi-
davits taken on the subject of the fraud practised
to obtain it.

Extract from the minutes.

JAS. M. SIMMONS, Clk. H. R.

NEW-YORK, February 18.

In a former paper we gave the arguments of the
Justices Hobart and Benson, in this we give the
other side of the question.

State of New-York, Supreme Court.

Arguments of Mr. Justice Lewis, in the case of
the people, against Josiah Stiles and Isaac
Storr Hutchinson.

Josiah Stiles and Isaac Storr Hutchinson, the
prisoners at the bar, stand severally convicted of
uttering and publishing as true, certain false, for-
ged, and counterfeited promissory notes, for pay-
ment of money, in the sum of those of the
President, Directors and Company of the Bank of
the United States, knowing them to be false, &c,
and whether the judgment consequent on such con-
viction, shall be arrested, is now the question for
the decision of this court—and surely a more im-
portant and interesting one cannot be conceived,
contemplating it either as involving the powers
of this tribunal, or affecting the dearest interests of
two unfortunate fellow citizens.—Hence several
arguments have been deemed necessary as new points
have arisen, and a considerable period of time has
been devoted to a strict examination of the subject
under all its various aspects.

In support of the motion in behalf of the prison-
ers, two points have been principally relied on.

1st. That this is not an offence within the
act of the Legislature of this state, for preventing
and punishing forgery and counterfeiting. And,
2d. That it is not an offence within the juris-
diction of this court.

The first was grounded principally on the terms
of the notes forged, which were made payable to
the order of Thomas Russell, of Boston, but was
apparently abandoned on the last argument, upon
the principle that the custom of merchants admits
of no distinction between a bill made payable to the
order of such an one, or, to such an one or order.
Resting the relinquishment on this alone, I should
still think it worth enquiry, how far such custom
ought to be regarded in the construction of an act
so highly penal, were it not that a recurrence to
the act itself, renders such enquiry useless, it thence
appearing, that the offence as charged, falls not
only within its spirit and intention, but also
within its precise terms; which are general, com-
prehending every species of promissory note, for
payment of Money, without qualification of any
kind.

The second, and perhaps more important point
is, that which relates to the jurisdiction of this court.
That it once had jurisdiction is not denied; but it
is contended that it hath lost it by force of the 2d.
section of the 3d article of the constitution of the
general government, in conjunction with the 11th
section of the act of Congress establishing its judi-
cial courts.

Judicial power is an essential of government.—
The first section of the article mentioned, recog-
nizes that of the United States, and vests it in cer-
tain courts. The second section limits, in my con-
ception, its operation to objects of certain and
precise descriptions. Its terms are, the judicial power
shall extend to all cases in law and equity arising
under this constitution, the laws of the United States
and treaties made &c. and those of the act referred
to, give exclusive cognizance to the circuit courts,
of all crimes and offences, cognizable under the au-
thority of the United States, except where other-
wise provided, &c.

It must be admitted that there is no act of con-
gress, nor any article in the constitution of the na-
tional government, expressly constituting the fact,
of which the prisoners stand convicted, a crime: we
are therefore to consider it independent of any
positive institution, and on the ground taken last

counsel in support of the motion, viz. as an offence
by implication at common law against the act in
incorporating the bank of the United States. The
reasoning is.

1st. That the right given to issue notes is against
the rule of the common law.

2d. That a statute introducing a new law, im-
plies a negative of every thing not within its per-
view.

3d. That the permission to issue notes is there-
fore an implied prohibition to all, other than those
to whom it is granted—and,

4th. That the violation of a prohibition statute
annexing no penalty, is punishable of common law,
as a contempt against the statu e.

The founders of these principles I shall not con-
trovert. Admitting them just, the following ques-
tions result from their applications to the cases un-
der consideration.

1st. Have the judicial courts of the United States
cognizance of offences at common law.

2d. Are the above principles well applied in the
present instance? And.

3d. Is the jurisdiction of the judicial courts of the
United States, if any they have, in the cases
under consideration exclusive or concurrent.

If the judicial courts of the general government
have jurisdiction of offences at common law, and
that therefore it is a part of the law, then does the
common law from a part of its criminal code, and
its adoption must be found in the constitution from
whence all its powers are derived. That no expli-
cit declaration to this effect is there to be found,
will readily be admitted; and that it is not infer-
able from a just and fair construction of any part
of that instrument, I think undeniable. The only
article looking to the point, is the one above cit-
ed: and why this should have greater reference to
the law of England, than to that of any other
country, has not been to my mind satisfactorily
explained. It is true the common law of England
did, before the revolution of 1776, form a part
of our municipal code—but that event unquestion-
ably separated us from that country, its constitu-
tion and laws—new governments and laws were
formed, and that the common law of England is
at this day a part of the law of this state, is owing
to an express provision to be found in the 35th
article of its Constitution.

[To be continued.]

STOCKS.

Six per Cent.	17/10 to 18
Three per Cent.	10/4 5
Deferred Six per Cent.	13/7 to 8
BANK United States.	30 pr. Cent.
— Pennsylvania.	30
— North America.	46
INSURANCE COMPANY North America	1 3/4 dolls. or 37 p. c.
— Pennsylvania.	8
EXCHANGE, at 60 days.	156 to 158 per cent.

NEW THEATRE.

On TUESDAY EVENING, February 23,

Will be acted,

A TRAGEDY, (never performed here) called

Z A R R A.

Osman, Mr. Moreton,
Luisignan, Mr. Whitlock,
Nerstan, Mr. Marshall,
Chatillon, Mr. Green,
Orasmin, Mr. Bette,
Melidor, Mr. Darley, jun.
Zara, Mrs. Whitlock,
Selima, Mrs. Harvey.

To which will be added,

A MUSICAL FARCE, called

THE AGREEABLE SURPRISE.

Sir Felix Friendly, Mr. Francis,
Compton, Mr. Darley,
Eugene, Mr. Darley, jun.
Chicauc, Mr. Warren,
John, Master Warren,
Thomas, Mr. Green,
Farmer Stump, Miss Solomon,
Cuddea, Mr. Blythe,
Lingo, Mr. Bates,
Laura, Mrs. Marshall,
Mrs. Cheshire, Miss Willems,
Cowlip, Mrs. Shaw,
Fringe, Mrs. Rowson.

The Public are respectfully informed, that the
Doors of the Theatre will open at a quarter after FIVE
o'clock, and the Curtain rise precisely at a quarter after
SIX—until further notice.

BOX. One Dollar—PIT, Three-Fourths of a Dollar—
and GALLERY, Half a Dollar.

Places for the Boxes to be taken of Mr. WELLS, at the
Front of the Theatre.

TICKETS to be had at H. and P. RICE'S Book-Store,
No. 50, Market-Street; and at the Office adjoining the The-
atre.

No money or tickets to be returned; nor any person, on
any account whatsoever, admitted behind the scenes.

Ladies and Gentlemen are requested to send their servants
to keep places a quarter before five o'clock, and order them
as soon as the company is seated, to withdraw; as they can-
not, on any account, be permitted to remain.

VIVAT REPUBLICA.

Wanted to Charter,

A VESSEL,

Of 150 to 200 tons burthen; to load
at Wilmington, North-Carolina, for
a Port in England. Apply to
HENRY PHILIPS,
No. 118, Spruce-street.

FOR SALE, BY
MORDECAI LEWIS,

At his Store, No. 25, Great Dock-street.
A few boxes Bandanoes of the first quality;
1 bale Humbugs;
12 do. Bastas;
4 do. Coffas;
3 do. Book Muffins;
10 do. Russia Sheetings;
2 do. Ravens Duck;
1 Cafe Diaper;
A quantity of Roll Brimstone;
A parcel of Grindstones.

Feb. 23. 41. 3AW111

Commodious Stores to Let,
adjoining the Compting-House of the Subscribers. For
terms apply to ANDREWS & MEREDITH.