

To General W. Johnston Esq.

SIR,

You will admit that every citizen has the right of enquiring into the conduct of those who fill the public Offices of the Government. In a government of representation and of laws, it is one of the most salutary means of preserving to Officers uprightness and integrity of conduct, and to the individuals composing the community, their rights and privileges. In this address, sir, I beg to be understood as disclaiming all personal imputations. It is not of your talents as a Lawyer, your eloquence as a speaker, or your virtues as a man, that I shall speak. No sir; it is into your conduct as a member of the House of Representatives I shall enquire. I shall state the case; but draw no inferences from it to your prejudice; except a want of Judgment—let your constituents who know you make their own deductions. "To err is human," but if it shall appear that in a plain case, the law arising on it explicit; in which neither Sophistry nor ingenuity can alter the obvious import of terms, you have given a palpably erroneous vote, it will be a consideration with your fellow-citizens whether they will ever elect you again to any public Office of trust. In the late Election for the County of Randolph, Mr. Rice Jones was returned as the member elect. Urged by my constituents, and knowing that the election was not legally and honestly conducted I determined to bring it before the House of Representatives; and one of the causes assigned was that the justice of the peace, acting as judge of the election in the township of Springfield, was not previous to entering on his duty sworn as the law directs. The Law is positive, "that the said deputy Sheriff and Justice of the peace, or freeholder as the case may be, shall before they commence the election take an oath before some Judge or Justice of the peace, faithfully and impartially to perform their duties." It was proved and conceded by you, in your argument in the House of Representatives, that Paul Herdson, who acted as Judge of the election in the township of Springfield; had not taken the necessary oath of Office;—and yet you concluded that this omission did not vitiate the election. Recollect, sir, that you were a member of the Legislature when this law passed; and that by this law you solemnly call on the Judges of an election to take an oath, which, by your vote you as solemnly declare they need not do, to legalize the election. It appears however, that after the election the justice made oath that he had acted as conscientiously as tho' he had been sworn agreeably to law; and this, it seems, you considered as sufficient; and consequently valid against the rejection of the returns from Springfield township. I will not swell this address by enumerating the other points on which the election of Mr. Jones was contested. It is by this point alone I will test the correctness of your vote on that occasion. The case is simple, as 'tis concise, and within the reach of the most ordinary conception. The law is positive, that before the Justice acts as Judge of the election, he shall take an oath &c. neither Sophistry, equivocation, nor construction can evade it; neither can the oath of Justice Herdson (tho' a man of strict integrity) taken after the election, supply the omission. The law puts every Officer's conscience to the test; and it would be a perversion of law, of language and of common sense to suppose, that after the law requires certain qualification in an Officer holding, as it were, the rights of the people in his hand, he should, notwithstanding, proceed to execute the duties of his Office in the face of that law which gave him existence. Sir you are a lawyer, and have the reputation of being a man of some reading; but I challenge you to produce a single case, in a contested election, or as to construction of Statutes, from any Book of law, that will support you in your vote on this occasion. No Sir, the law of the land and the common sense of the world are against you, and your name stands recorded on the Journals of the House. As you are an attorney I will state a few cases, which must be familiar to you, and which will throw some light on this question. Suppose you were appointed to a seat on the bench of the General Court, were to receive your commission as such, and to hold a Court without previously taking the oath of Office &c. which the law requires. Do you conscientiously believe, as a man, much less as a lawyer,

that you would be authorized so to do?—would it not be as to the suits brought and tried before, you *coram non judge*? Or rather would it be any court at all? and would your taking an oath after adjournment that you had acted as tho' you were sworn, legalize your proceedings? Again—Suppose one of a Jury, by inadvertence of a Clerk, should not be sworn; and it were not discovered till after verdict given; would you not move for a new trial and would not the Court tho' the Juryman should depose that he had acted to the best of his understanding, & tho' the verdict were in fact given according to evidence and the very right of the case) grant a new trial—Sir, you fill an important and respectable appointment from the people—it is one upon which their lives, liberties, and property depend—you need not therefore be surprised if your conduct as a Representative be closely scrutinized. It is a right the people enjoy and it is a claim which they never will relinquish in a free Government. It is at the Bar of public opinion that you have to account for your conduct; and in this case you cannot, as some of the gentlemen who voted with you, plead ignorance of the laws of your country. Sir your vote in the contested election, just stated, exhibits a monster in law and politics, which, if countenanced by the people will sap the very foundation of society. The non obstante, of the British Monarchs was not more completely subversive of the laws of England than your vote is of the laws of this Territory. In it are the seeds of destruction to the first principles of a free government a disrespect for the laws:—If the law on elections is a bad one, repeal it; but do not become the first violator of that law by which you have bound yourself and your fellow citizens?—Speak out sir, let us understand you: Say at once, that the legislature only intended to blind the ignorant with an idea that Officers must act under the solemnity of an oath. The Election law expressly states, that the assistant Justice, shall before the Election is commenced take an oath &c. and yet you say that it is unnecessary; or at least that an oath taken sometime after is sufficient—this, sir, is not a case of expediency, or of construction arising from the ambiguous meaning of the law—you cannot shelter yourself under this cover. It is true, when Statutes are ambiguous, a difference of opinion in their construction often exists among the greatest and best of Judges; but here, sir, nothing is left to construction—'tis positive; and the injunction of the law cannot be evaded, but by a power superior to it—a power which you have exercised contrary to your own rules prescribed by the Statute. Sir, you are placed in a situation, that your example may produce some effect. If the Legislator sport with the laws; may not the Judge, the Sheriff and every Officer and individual in the community?—your example will teach men to take the laws into their own hands—in fact there will be no law. The sooner you adjourn the better—we want no more of your laws if they are trampled upon—yes, sir, adjourn and save the people the expense of your wages—Sir, we will take you in your own way—for argument sake) If you persist in holding your seat as a Representative, we will pay you no wages—the law says the auditor shall settle your accounts and the Treasurer pay your due on the Auditor's drafts—but considering the emptiness of the Treasury they will deserve the execration of every poor man if they do it hereafter—you may save yourself the trouble of reiterating your tax-law—the people will not pay; and they will quote you, a Lawyer and a member of the Legislature, as an example of the little respect that is due to the laws of the country & who will contradict the assertion you will have the candor to acknowledge, sir, that in this view of the subject, I have not indulged in exaggeration—it was my determination that the public should know the event of a contest, which I considered as decided before I appeared on the floor of your house—Messrs. Biggs & Messenger voted with you; but for the present I will leave them to their constituents, and their own reflections—you and they will, however, please to bear in mind, that you have assumed to yourselves the exercise of a right which was claimed by James the second; and for which, among other acts not less violent and

unconstitutional, he was denounced a traitor and driven from his throne: But sir, there is one other point to which I must draw your attention before I close this subject.—Did I not understand you to have asserted in your argument that my remedy in case of a contested election was not by appeal to the house but that I must prosecute the Sheriff for not having done his duty—could you have been serious?—or did you with a ground of retreat?—I hope not—you must remember that it is not the duty of the Sheriff to see the justice qualified; for when he has notified him that he is chosen to preside over the election, it is the duty of the Justice to enquire into the requisitions of the law.—But was it possible, sir, you really believed this doctrine?—by this the member returned would always retain his seat; and you need not have troubled the people with a law about the manner of contesting elections.—No, Sir, as well might I institute a suit against you for the vote which you gave in the house of Representatives on this question.

R. ROBINSON.

October 8th, 1808.

FOR THE WESTERN SUN.

MR. STOUR.

The lash of keen but judicious satire has long been considered as the most effectual means of punishing vice where it is incorrigible or of reforming it where it is susceptible of reformation—but let it not be supposed that it was my intention to write a mock heroic on the guilty subject of the following Essay—to repress the intemperate fallies of impertinence and to awaken, if possible the blush of shame in a cheek where it has long ceased to glow, was my leading object; but if these lines, the hasty product of a Rhyming moment, merely assist to laugh away a lifeless hour, I shall be perfectly satisfied.

"Shut, Shut the door, Good John, fatigued I said"
"Tie up the knocker, say I'm sick, I'm dead"
Keep out the rabble odious to the sight,
Humpty & Snipe the meddling saucy Wight,
And all the train that revel round the Knight,
The blanket knight! and those who take their fame,
From candles, a chairs and things of nauseous name—
Let all, condemn'd to Tartarus profound,
Wander where Ghosts of *o* Deeds lie strewn'd around.—
But chiefly Snipe, the far fam'd Doctor Snipe—
Skill'd in the handling of a cl. fl. r. pipe;
In vending Nostrums and quack pills expert,
A meagre squeaking thing with a pistols girt;
Who boasts of honor, and for truth would die,
And loves it best of all things but a lie,
Who vainly proud of prowess not his own
Became a *fl* quire and talk'd in squeaking tone,
Of battles, Duels, Stiges and all that,
Kettles and kettle-drums and such like chat—
Till half impatient, quite indignant grown,
I with'd him plung'd in Niger or the Rhone.
Yet this pert coxcomb, frontless, gaunt and sp r,
Tho' soft by nature, dares for war prepare;
"A pebble for his truncheon leads the van"
His lefty helmet is a clove stool pan,
And as he struts with feppish air along
He wields his *d* Cow-hide and he hums his song;
Scard' at his voice, the wolves and wild cats fly,
And the young Ravens fl. ken creak & die;
Quackery exults, and shuddering pale discale
Usurps the plains and makes the life-blood freeze—
Vile scents declare the urine Doctor near
With boys tumultuous shouting in his rear,—
This—this is Snipe—so void of brains and merit,
Dull as a bear and meagre as a spirit—
Conceited witless profligate, and froward,
In words a Bully, but in deed, a coward.

Let him Good John, where fiends and furies reign,
With kindred shades traverse the stygian plain;
Where Ghosts innumerable thwart their darksome way
And cause the quacks that drove them from the day;
While Pluto's pale eyed priests, with dreadful spell,
Prepare the rites that shake the realms of Hell.

R. JONES.

* Of paper secreting memory.
† alas—a second.

Note—*a* The story of the chairs and eke the story of the candle, embellished by the renowned adventure of the blanket, shall ere long be given to the public in ludicrous herical numbers—that is—provided the Muse is provoked to sing.

Note—*b* owing to the unpardonable negligence of the Kaskaskia commissioners most of the Title Deeds in their office are in danger of being lost, many of them it is feared are already past recovery.

Note—*c* Snipe once observed to a lady (parting his coat behind in order to display a concealed pistol) "Madam no man shall call my courage in question; I can see behind and before"—He should rather have said "Madam I am prepared to be a secret cowardly assassin."

Note—*d* See the piece written by Bachus and published above the signature of *Dunlap*.—In a few months an accurate likeness of this identical cow-hide will be exhibited for public inspection, elegantly tinged with the crimson fluid of Snipe's posteriors.

Note—*e* Menard I am informed has reported among the french inhabitants that by the pale-eyed priests of Pluto" was meant the clergy of the Catholic church, but trust me honest Peter there is some difference between the priests of Heaven and the priests of the pagan King of Hell—alias—the Devil.

"Ferdinand Mendez Pinto was but a type of thee, thou liar of the first magnitude." *Congreve*.

The Public are respectfully informed that the Queries proposed in Dunlap's last infamous publication will be answered to the entire satisfaction of every liberal mind by my valued friend Mr. William Morrison, known and respected throughout the Territory for his probity and honor, and whose word would be received before an equitable tribunal sooner than the oath, ten times repeated, of the trifling author of the Queries. Should it be found necessary hereafter to notice any of the ostensible productions of the same wretched pen, the answer shall be addressed to the real author and not to the signer.

Contrary to what I expected there is reason to believe that this affair will at last rest on the difference of credit due to the *ipse dixit* of the respective seconds—and I am content that it should—for Good God! what a difference between the men; Haft thou ever seen cousin Jonathan, the figure of a Monkey by the side of a statue of Alexander the Great? if so then by the rule of proportion thou mayest form some notion of their relative moral and physical excellence—for as a monkey is to Alexander the Great—so is Jimmy the Doctor to William Morrison.

R. JONES.

Notice—*I* am authorized to declare that a young Physician of integrity and talents who will commence the practice of medicine in Kaskaskia and its neighborhood shall meet with liberal encouragement and if single, will be boarded *gratis* in a family of the first respectability.

R. JONES.

PROCLAMATION

Of the Spanish Ladies at Alicante.

The government has as yet offended the fair sex—and many there are among us who cannot contain them.—Are we not useful for anything in the present occurrences? Would they refuse our employing ourselves in the labors suited to our sex? Our honor is called in question, and we require entire satisfaction. How can you repair our wrongs. Employ us immediately in those decent occupations which can elevate, give assistance, and support our brave warriors.