

The words of the constitution, have a wonderful legal precision, which one would have supposed, would have precluded even a Jesuit from cavilling:—"Congress shall have power to provide for calling out the militia to REPEL invasion."

The invasion must actually exist, and the militia, can only be kept in service, so long as is necessary to REPEL it. The moment it is repelled, the commanders in chief of each state, have a right instantly to recall them. It seems as if there was, (and there most undoubtedly was) an uncommon jealousy, as to the power of the federal government, over this natural, and only constitutional bulwark, of the several states, and of the people.

Lest the militia should be ordered out, prematurely, or in case of war, generally, it was provided, that they should only be called out during foreign wars, in case of "invasion"—and lest, when once in the service of the United States, they should be continued during the war, or longer than the great, and sudden exigency required, it was provided, that they should only be obliged to "repel" invasion.

The moment the invader was repulsed, the militia had performed all that the constitution required of them, and might, and ought, to be recalled by the governours of the several states—otherwise, these restrictive words have no meaning, and the constitution, might as well have given the whole command to the United States, without any limitation.

If, therefore, Gov. STANFORD, had trusted to Mr. MADISON's word, (a trust, which since his proclamation about the repeal of the Berlin decrees, we confess, would be an extraordinary one,) and had ordered out the militia, it would have been his duty, as soon as he found, that the danger, had so far vanished, that the commander in chief of the United States army, and all the regular troops, had removed from the maritime frontiers, and had actually entered, or were threatening, the territories of Great-Britain, instantly to have recalled the drafted militia of Massachusetts. As the guardian of the rights of the people of this state, he is bound to see that their lives, their fortunes, and their rights, are not exposed to greater dangers, than the constitution requires.

As soon, therefore, as all appearance of invasion was at an end (if there ever was any,) he ought to have recalled the militia.

We are aware, that the congress of 1795, did give a liberal construction to the constitution, and did authorize the president, to order out the militia in case of "imminent danger of invasion."

If this means any thing more, than the actual advance of a competent military force of the enemy, towards our maritime, or internal frontiers, with apparent intent, to invade them, the congress of 1795, were mistaken, and assumed a power, which does not belong to the national government.

But even this argument, will not avail Mr. Madison; for grant that the congress of 1795, were right, and that the words of the constitution, were "imminent danger of invasion," still it is notorious, that no such danger has existed.

What part of the United States, has been threatened with, or in