National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. IX. | WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. | NO. 1361.

FIVE DOLLARS PER ANNUM, | FRIDAY, JUNE 30, 1809 | PAID IN ADVANCE.

THE *National Intelligencer* is conducted by SAMUEL H. SMITH, and JOSEPH GALES, Jun. and printed at the Office of the *former*, to whom subscribers and correspondents are requested to address themselves.

The annual price, payable in advance, is *Five Dollars*.

ADVERTISEMENTS, not exceeding one square in breadth, are inserted the first time at *fifty cents*, and for every subsequent insertion *twenty-five cents*. If inserted less than three times a *Dollar* is charged. If inserted but once a week, an addition of one fourth part is made. Other advertisements charged in the same ratio.

SPEECH

Of the Governor of New Hampshire.

Gentlemen of the Senate, and Gentlemen of the House of Representatives,

In accepting the office to which I have been called by my fellow citizens, I have neither consulted my interest nor inclination: and at no time have I ever indulged the flattering persuasion, that I possess suitable qualifications for the weighty and untried duties before me. The last seven years of my life have been entirely devoted to the office I have just vacated. In that office, congenial with my habits and pursuits, and the duties of which had in some manner became familiar by practice, I began to indulge the hope, if my life should be spared and health restored, that I might realize in some small degree, the wish always nearest my heart, that of being useful to my fellow citizens. But it has always been my belief and I am not sensible that my practice has been at variance with it, that in a government like ours, every citizen is at the disposal of his country. And though no wise man will ever aspire to office, yet no dutiful citizen will feel himself at liberty to decline its labors and its cares. He will consider his fellow citizens as the best judges in what way he can serve them. And it will be his highest ambition to merit their approbation, by a diligent and faithful discharge of duty.

In thus accepting an office, which both choice and prudence would have led me to decline, I know, moreover, that I put at hazard the little reputation it has been my constant endeavor to acquire. In any times, the person called to this station might expect to have his actions misrepresented, and the purity of his motives called in question. For the independent exercise of his functions he may be condemned as arrogating too much to himself. A conciliating temper and obliging disposition, if he should be so fortunate as to possess them, may expose him to the suspicion of sacrificing too much on the altar of popular favor. He can scarce hope to select persons to fill the various offices of government without giving offence to those whose merits shall seem to have been overlooked or neglected. These evils, at all times inseparable from this station, are greatly heightened at this day by the spirit of party: a spirit indeed which exists under all forms of government, but is the greatest in magnitude and the most pernicious in its effects in governments like ours, which emanate wholly from the people. To a person under the baneful influence of this spirit, no act of a rival party can be right, nor any act of his own sect wrong. Profession supplies the place of practice, and soundness of political principle more than atones for unsoundness in every other principle, and even for the grossest errors in conduct. When this spirit prevails as it does at this day, it is easy to please a part of the community and impossible to satisfy the other part. The motives to upright conduct are thus weakened and all distinction between good and bad men—between right and wrong—confounded and destroyed. It would be arrogant indeed to expect in my case a total exemption from an evil which the greatest and best men have experienced. I do not expect it. But I will dwell no longer on the gloomy prospect which these reflections present to the mind. It better becomes me to improve the present occasion in acknowledging the debt of gratitude I owe my fellow citizens for the many honors they have conferred upon me; for their confidence, which has supported me on every occasion; and for the great degree of candor and liberality I have experienced in every situation; and especially in one where I stood in so much need of indulgence. If motives were wanting to draw forth my utmost exertions in the public service, I should find them abundant in these grateful recollections. Whatever may be the measure of confidence and favor vouchsafed me in future, it shall be my earnest endeavor to merit the esteem of all good men.

If I do not deceive myself, I bring to this office, with incompetent abilities, a mind, not heated with party feelings; not embittered by public or private animosities; not pledged, to pursue any course but what truth and propriety point out; a mind firmly resolved to consider myself while exercising the duties of this office, as the representative of all the people: bound to dispense equal and exact justice to all; resolved to regard the practice, not merely the political sentiments of men; to select for office those and those only who are capable, faithful and attached to the constitution. While acting on these principles, though I dare not ask for your confidence in advance, yet I will hope at least for a suspension of censure till an opportunity is had of surveying the whole ground; of examining and weighing all the circumstances necessary to be considered and weighed in forming a true verdict. If that should ultimately be given in my favor, I shall esteem it the most precious of all human reward, next to the approbation of my own conscience.

As a member of the federal union, this state cannot but feel deeply interested in every thing that concerns the nation at large. I congratulate you, gentlemen, and fellow-citizens, on the favorable prospect of an adjustment of all our differences with one of the belligerents, with whom we have the most important and useful relations. No event can be more auspicious to our country than the restoration of harmony and a free commercial intercourse with G. Britain. I pray heaven that this pleasing event and a sense of justice may produce in the other principal belligerent a disposition to respect our neutral commerce, and our rights as an independent nation. It must be the sincere desire of every true friend to his country to be in peace with all men. It is both our duty and interest to cultivate harmony with all nations, and for that end to observe good faith and justice with strict impartiality to all. At the same time policy dictates, that we place ourselves in an attitude, which will cause our rights to be respected, and that we use the means with which we are favored by the bounty of heaven, in obtaining redress for the injuries we have suffered, and securing ourselves against future aggression. I am persuaded that I need not exhort you, or our fellow citizens at large, to a due measure of confidence in those who administer the federal government, to which is entrusted our great and interesting national concerns. As rulers chosen by the people they may justly claim our respect and confidence. As they and we are citizens of the same community, it is our right and our duty to watch over them, not indeed with an over jealous disposition, but with that candid temper, manly and liberal spirit, which becomes freemen: blind attachment to men, a servile temper which approves of measures with regard to their wisdom or fitness, and which bestows its confidence without a conviction that it is merited, is as contrary to the genius of a republican government, as it is disgraceful to those who possess it.

It is the duty of the supreme executive magistrate to recommend to the consideration of the Legislature such measures as he shall judge necessary and expedient.

The circumstances under which I meet you hardly admit of a full and particular discharge of this duty. But our fellow citizens may safely rely on the patriotism, wisdom and experience of those representing them in the other departments of government, to devise and adopt those measures which shall best promote their honor, peace and happiness. But I cannot forbear calling your attention in a particular manner to the administration of justice, and recommending this most important branch of civil policy to your protecting and fostering care.

Next to the power of religion, a strict, able and impartial administration of justice is the best security of morals. It is indispensable to the peace, happiness and good order of society. It is in vain that the legislative body frame and adopt the wisest and best system of laws, if the interpretation of them be entrusted to incompetent and unskilful hands. No part of our constitution is more just than the declaration in the bill of rights that "it is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws and due administration of justice." But this *declaration* of rights will be attended with no practical advantage to our citizens unless the legislature and the supreme executive give it life and energy by the due exercise of their respective functions. It is not sufficient that these departments abstain from encroachments on the judiciary. Adequate provision must be made by the legislature for its support. Twenty years attendance on courts of justice has taught me something of the importance to the community of an able, upright and independent judiciary, and nearly nine years experience on the bench has given me some knowledge of the perplexities, labor and great responsibility incident to the office of a judge. In the worst constituted judiciary, able and independent judges may happen to be found, but such are not to be expected. Judges will generally bear an exact proportion to the provision made for the office. A long and continual sacrifice of individual interest to the general good ought neither to be expected nor desired. The nature of man must be changed before institutions built on the presumptive truth of such a principle can succeed.

It would be a reproach to our state, of which it is altogether undeserving, to suppose that it wants either the ability to make a suitable establishment for this most important department of government, or materials for such judges as the constitution contemplates. When the office is made as respectable as it ought to be, the emoluments adequate to its arduous duties and high responsibility, then will always be found who will cheerfully devote twenty years of their lives in preparation for the office & the residue in the laborious and faithful discharge of its duties. I would not depreciate the value of a spirit of patriotism which leads to individual sacrifices and sufferings for the public good; but it is unreasonable to expect of any man a life of severe and close application; the sacrifice of that ease and comfort every man expects to find in the bosom of his family; and a total renunciation of all other means of acquiring property, without the expectation of receiving from the public for these sacrifices and services an adequate reward.

With the legislature then it rests to determine what shall be the character of our judiciary. The constitution requires and enjoins that it should be as perfect as the laws of humanity will admit. Will our citizens be content with one less perfect, because they can have it for a less price? On this subject will they be satisfied to be outdone by our sister states? It is in vain that the Executive possess the power of appointment. It is but the power of inviting to a seat on the bench those whose learning, ability and integrity qualify them for the employment: But will such obey the call, if the provision for the office is deemed inadequate? To me it would be a source of great regret to find this office or this department of government subject to the revolution of political parties, or at all affected by party feelings. All parties are bound to unite in a subject, involving in it every thing dear to all. If the time should ever arrive when our courts of justice shall be swayed by popular prejudices, when our judges shall know no other rule of judgment but the humor of the times, it will be falsely said that men are *tried* for their lives and fortunes; they will live by chance, and enjoy what they have as the wind blows, and with the same certainty. As far as depends on me, you may rest assured that no considerations of that nature will have the smallest influence in such appointments. I trust you gentlemen will excuse my earnestness on this subject. I feel its importance. It lies near my heart. I urge my sentiments with the greater freedom, because I cannot, I shall not, receive the smallest benefit from the best judicial establishment, except in common with my fellow citizens. I can have no other inducement for what I recommend than a full conviction of its utility and indispensable necessity to the honor and wellbeing of the state. I am not conscious of a wish more sincere, than that of seeing the place I now leave on the bench filled by a person every way better qualified for this station than I could pretend to be.

I think it my duty to call the attention of the legislature to the act of last session, determining who shall be legal voters in the town meetings, &c. It has been doubted whether some of the provisions of this act are not repugnant to the constitution. Others seem objectionable as requiring formalities which may be found difficult in the observance, and not attended with any corresponding degree of utility. It is also feared that those whose business it is to carry into execution some of its provisions, will find no little difficulty in ascertaining their true sense. It should always be an object with legislators to attain as much uniformity in their regulations as possible, & to make the meaning as clear & intelligible as the nature of language will permit. This holds peculiarly true in laws regulating the right of suffrage.

I would also invite your attention to a resolve passed at the same session, respecting judges and sheriffs, who shall hold their respective offices after having attained the age of seventy years. Perhaps this is the most favorable time to revise the subject, as there are no persons at present on whom this provision, however modified, can operate. The resolve in question seems to give the governor, "with the advice of the council," at least by implication, the power of determining when a judge or sheriff shall hold his office beyond the period limited by the Constitution.—This is giving them the power to try a matter of fact without a jury, and a matter too in which certain individuals have a direct interest. I know that some reputable persons have entertained doubts whether this matter is not of a judicial nature, and therefore proper to be confided to the established judicial tribunal. But whatever opinion may be entertained on this subject; and even supposing the legislature in their wisdom should be pleased to determine that all judges & sheriffs should be liable to be deprived of their offices on the determination of the governor with the advice of the council on a matter of fact which experience shews to be oftentimes of difficult solution, still it is apprehended that few will be disposed to maintain, that this determination should be made till the person affected by it has had a reasonable opportunity of being heard with his allegations and proof. It is at least possible that the evidence laid before the governor and council may be exhibited by one who has an interest, or who may suppose he has an interest, in the question to be decided. He must therefore possess an unusual portion of candor if he furnishes evidence except on *one* side. Who is to exhibit the evidence on the other side? Or are we to take it for granted that there is but one side to this question? It certainly shortens trials, and simplifies judicial proceedings, to hear only one side. But it is contrary to the law of nature and reason, as well as to the principles of justice, on which all municipal laws should be founded. The resolve in question indeed requires notice to be given to the person supposed to be disqualified on account of age; but not before a determination is made. He is to be notified that satisfactory evidence *has been* produced. No opportunity is given for counter testimony, and I understand such has been the practice on this resolution. The notice under these circumstances seems to be an useless ceremony. For the person to whom it is to be given may be presumed to have at least as satisfactory evidence of his own age as any that may have been before the governor and council.

I offer these suggestions for the consideration of the legislature. It will not be imagined from any thing I have thought it my duty to say on this subject, that the exercise of either of the offices alluded to after the constitutional period, is not highly improper. Indeed I am not aware of any objection to a law which shall subject the party so holding to an adequate penalty.

My worthy predecessor, not having furnished me with any public papers; and not having had an opportunity of examining the files in the Secretary's office, I must reserve for special communication such matters as may occur before the close of the session.

I cannot conclude this my first official act, without earnestly recommending to you to cherish the interests of literature and the sciences, and all seminaries and public schools—to encourage private and public institutions for the promotion of agriculture and manufactures—in all your laws and regulations to maintain a constant adherence to the sacred rules of justice—to countenance and promote the principles of humanity, honesty and good faith among the people.

In a government constituted like ours, laws, to have salutary effect, must be founded on the pure and immutable principles of religion and morality, which all acknowledge. The smiles of Heaven cannot be expected on a nation which disregards those pure and unerring principles. Institutions, which have a tendency to promote the increase and growth of pure religion and sound morality, it is the duty of the legislature to foster and encourage.

It only remains that we resort in humble supplications to that ALMIGHTY BEING who presides in the councils of nations, and who rules over the affairs of men, that he would cause party spirit speedily to give place to union & brotherly affection—That he would enable every one of us to execute with success the trust committed to his charge—that every measure of the government may be stamped with wisdom and virtue—and that our fellow-citizens may realise the benign influence of good laws faithfully administered under a free government, and we the felicity, the short time that we may remain in office, of promoting the honor of the state, the prosperity and happiness of the people.

JEREMIAH SMITH.

Concord, 14th June, 1809.

PREMIUMS

Proposed by the Pennsylvania Society for the improvement of the breed of cattle.

1. To the person or persons who shall introduce into the state of Pennsylvania, and keep for public use, a bull (color red, brown, or brindle) of the north Devon, Sussex, Teeswater, Alderney, or of any other foreign milk breed, which shall prove more valuable than the common breed of this country—*one hundred dollars.*

2. To the person who shall import and keep for public use, a bull either of the Hereford, North Devon, or of any other breed, which shall be found to seed to the most advantage—*one hundred dollars.*

3. To the person who shall originate from our native stock or from any other in the country, a breed of cattle, the cows of which shall prove more valuable for milk, than the common cows of the country—*one hundred dollars.*

4. To the person who by selection and admixture shall originate a breed of neat cattle, from our native stock, or other stock, which will come to maturity more speedily than our common cattle; yield the greatest weight of flesh off a given quantity of land: fatten in the shortest time, have least offal, and shall also abound most in the more valuable parts—*one hundred dollars.*

5. To the person who shall introduce and keep for hire in the counties of Philadelphia or Delaware, a full bred ram of the new Leicester breed, (so highly valuable for a disposition to fatten speedily.)—*fifty dollars.*

6. To the person who shall make the best set of experiments, to determine the comparative merit of the various breeds of cows in this country, who shall most clearly state and shew their general qualities or properties, particularly their easiness to keep and of fattening—*fifty dollars.*

7. To the person who shall by selection and admixture, originate a breed of sheep from our native stock, which shall fatten most speedily, and produce the most and finest wool—*one hundred dollars.*

8. To the person who shall originate a breed of cattle, which as workers prove superior to all others, for speed of gait, easiness of keep, and fattening—*one hundred dollars.*

9. To the person who shall raise and feed ox, steer or cow, whose weight of neat beef, shall be at least 1500lbs. and have 300lbs. of rough tallow—*one hundred dollars.*