ELEGIAC ODE,

ON THE DEATH OF DR. *FRANKLIN.*

(Tune, "*Return europa'd hours.*")

THE fairest flow'rets bring
In all their vernal bloom,
And let the sweets of spring
Adorn great FRANKLIN's tomb.
The patriot's toil is done,
At length his labors cease,
Th' unfading crown is won,
His Sun, descends in peace.

The sons of science grieve,
The patriots heaves a sigh
And scarcely will believe
Th at so much worth can die.
No; deathless is that name
Which ages shall admire;
And Franklin's splendid fame
Shall but with time expire.

While rapid light'nings fly,
While awful thunders roll,
While meteors gild the sky,
And dart from pole to pole.
Mankind shall still admire
When Franklin's name they hear,
* "Who state'd celestial fire,
"And broke the oppressor's spear.

Through ev'ry future age
While hist'ry holds a pen,
She'll rank our virtuous Sage
Amongst the first of men;
And when the counts her font.
Who've earn'd immortal fame,
Shall next to WASHINGTON'S
Record our FRANKLIN's name.

MAY 14. R. D.

* *Eripuit Cœlo fulmen, sceptrumque Tyrannis.*

To the memory of Mrs. ——

SILENT I shed a tributary tear
O'er the cold ashes of a much-lov'd friend,
Whose simple urn, Seraphic Peace shall bear,
And at whose shrine the white rob'd virtue bend.

Ah! who so chaste, so innocent as thee!
Who could in duty's sphere so meekly move?
Or if as fair, from Vanity as free,
So firm in Friendship, and so fond in Love?

Alas! if I can thus her loss deplore,
That I new but half the virtues she possest,
What pang severe His labouring bosom tores,
Who saw her sink, expiring on his breast:

With falling tears, bedew'd her lovely face:
Imprinted kisses on her icy hand—
What time, what absence, can the scene efface,
What magic voice his rising sighs command?

Oft would the suffering angel faintly smile,
When from her bosom pain had forc'da sigh;
And, would with patient Hope his tears beguile,
To check the tears that trembl'd in his eye.

Veil'd are those charms, in everlasting night!
And flown those comforts, he so late possest;
Her spotless soul has wing'd its gentle flight,
By Seraphs wafted to eternal rest.

Philanthropos.—No. 1.

WHEN we cast an attentive eye over the conduct and behaviour of mankind at this day, it immediately impresses the idea that wisdom and reason have left the world, and that the beautiful inhabitant of humanity, the soul, is constantly exposed to the ravages and depredations of folly, vice, and passion. This idea is the exciting cause of the most poignant sensations in the feeling heart—and more especially so, when we reflect that the subjects of these depredations are beings impressed with the image of divinity. Impelled by the impetuous desires of carnality, reason lies dormant, or shrinks with horror from scenes so degrading to her noble empire—and in this state of mental anarchy, passion usurps the inspirial seat, the was formed to serve and revive; and being thus governed by tyranny, not the least chance is given by the fatal usurper to observe or mend our situation, but urged on with rapidity thro' the various scenes of dissipation, we at length complete the contamination of our natures begun by our progenitors. What must be our sensations when we reflect that most of our miseries are of our own production, and that if we could prevail upon ourselves to evolve from this state of mental insensibility, we might surprisingly enhance our felicity? There is none, let them replace the great ruler of humanity on her royal throne, but will find this a fact—tho' it may appear to some that by destroying what their vitiated appetites now call pleasures, we deprive them of happiness—But it is evident from what has been said that this is not the case—and further, by following the dictates of reason, we reduce our actions, pleasures, &c. to their primogenial purity. There is not a son of mortality that is not under an absolute necessity of forming an intimate acquaintance with himself. *KNOW THYSELF* is the first precept of morality, and was so revered by the antients as to be wrote in Gold over the door of the temple of Apollo, in Delphon. Is this precept more necessary to the happiness of a Pagan than a Christian? Certainly, I think not. Although this precept has been repeatedly inculcated, and by much more able pens, yet too much can't be said upon it, nor can it be too often repeated—I shall therefore in my turn make a few observations upon the subject.

The human soul being formed by the divine creator for penetration and study, is in constant action, seeking for knowledge—the different kinds and means of obtaining it, however, are so various and extensive, that we cannot expect an universal acquaintance with the sciences, but must content ourselves with following separately the particular branches and their acquisition. But on the contrary, as I said before, self-knowledge intimately concerns the whole of mankind, as human, rational, and intelligent beings—it is this must govern their actions, regulate their lives, and be the rule by which they judge of themselves, and of mankind in general. It is so indispensably necessary that we form the most intimate acquaintance with our hearts, that the person who neglects ascertaining himself must lie exposed to the greatest possible difficulties; for on this depends his present and future happiness, as well as the peace and good order of society. The man that madly rushes into needless danger is thought either a fanatic or insane, and what must we think of the man who madly shuts his eyes against himself, and marches on blindfold through such a world of dangers—it is like trusting himself on a tempestuous Ocean in a crazy bark.

To know ourselves is the grand business of life, and be that is deficient in this knowledge is deficient in all that is useful—yet where do we find a man but neglects it—where do we find a person but entirely passes by that admirable curiosity *MAN*, in search after something of far less importance—that leave themselves in the image of self-ignorance, to follow a bubble.—Would they but turn their thoughts in upon themselves and view impartially their own weaknesses, we should experience far happier times; for instead of speculating on the frailties of others, they would find sufficient employment in rectifying their own. The human heart exhibits a scene sufficiently copious to employ its own thoughts—it is a wild where weeds and flowers grow promiscuously, which requires our whole care for its cultivation, and greatly misplaced is that time and labour which tends to other views. Turn thy thoughts within thyself O my soul, and view what passes there; the knowledge thou thus acquired will be of more utility than all that passes in the world besides.

It is surprising, in an age where the sciences are cultivated with such assiduity as in the present, that such a material branch should be so generally disregarded—The reason I presume is, this—The different branches of literature, professions, &c. are studied and followed for a livelihood, whilst self-knowledge is considered only a branch of *Morality*, which in our degenerate day is viewed as a trivial matter. But how mistaken are mankind in this supposition; how much happier might they render themselves not only as individuals, but also in their social connections, was they employed in discovering and rectifying their own mistakes and foibles, rather than diving into the world, or the bosoms of others for matter of speculation—and until such time, which I fear is far distant, I say until the period arrives in which more attention is paid to the acquirement of this knowledge, we shall experience all the difficulties and disadvantages which arise from, and are concomitants of *Pride, Envy, and Self-Importance.*

ANECDOTES,

ONE Mr. Coke, an attorney in the Temple, being once romping with his laundress, whose name was Littleton, it happened that they had a fall, and Mr. Coke falling uppermost—Bob Dallas and a gentleman, who chanced then to come in, seeing them in this situation, the gentleman asked the justice what he thought of this sight? Dallas, who knew the parties, replied, "*It was the best edition he had remembered to have seen of* Coke *upon* Littleton."

AN IRISHMAN, whose Sister had just lain in, being asked by a friend, "Has your Sister got a son or a daughter?" answered, "Upon my soul I do not yet know whether I am an Uncle or an Aunt."

Daniel Butler,

Has just received a supply of

GOODS,

Which he is determined to sell for Cash at a small advance from the cost, viz.

Elastick & Forest Cloths,	Royal Rib,
Callico and Chintz,	Jaces,
Irish Linnen,	Fustians,
Florenteen & Lastings,	Fine Cotton Hose.

—*ALSO*—

An Assortment of

HARD WARE,

Consisting of almost every article commonly called for.

A good assortment of

CROCKERY and GLASS WARE,

China Cups and Saucers, &c.

STONE WARE—of all sizes.

7 by 9, and 6 by 8 Window Glass.	Redwood,
Best Hyson Tea.	Logwood,
Loaf Sugar,	Fustick,
Nutmegs,	Allum,
Cloves,	Copperas,
Cinnamon,	Rosin,
Pepper,	Snuff by the bladder or less quantity.
Allspice,	

WANTED,

A large quantity of yard wide TOW CLOTH and BUTTER, and a generous price given.

Massachusetts State Lottery.

THE Managers of the STATE LOTTERY present the Publick with the following

SCHEME

of the THIRD CLASS of said Lottery, which will commence drawing on or before THURSDAY, the 22d of July next in the Representatives Chamber, in Boston. A list of Prizes will be published in the INDEPENDENT CHRONICLE, the Thursday following.

6000 Tickets, at THREE DOLLARS each.

Prizes.		Dollars.		Dollars.
1	of	1000	is	1000
1	of	500	is	500
1	of	300	is	300
2	of	200	are	200
15	of	100	are	1500
20	of	50	are	1000
25	of	40	are	1000
30	of	30	are	900
40	of	20	are	800
50	of	10	are	500
60	of	8	are	480
100	of	6	are	600
1725	of	4	are	6900
2070	Prizes,			15880
3930	Blanks.		Deduction,	2000
			Premiums,	120
6000	Tickets,			18000

PREMIUMS,

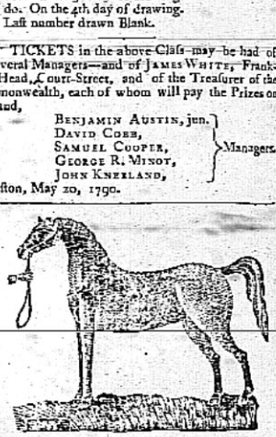
Dollars.

30 To the first Number drawn Blank.
20 do. On the 2nd day of drawing.
20 do. On the 3d day of drawing.
20 do. On the 4th day of drawing.
30 Last number drawn Blank.

☞ TICKETS in the above Class may be had of the several Managers—and of JAMES WHITE, Franklin's Head, Court-Street, and of the Treasurer of the Commonwealth, each of whom will pay the Prizes on Demand,

BENJAMIN AUSTIN, jun.
DAVID COBB,
SAMUEL COOPER,
GEORGE R. MINOT,
JOHN KNEELAND,
} Managers.

Boston, May 20, 1790.



WILL be kept for covering at the Stable of William Moore, YOUNG SCRIP, OLD VIRGINIA, and the famous Bull JACK-ASS. The Horses will cover at 6/ the season, or 4/6. the single leap. Four pounds in Cash will be given for each Mule a 15 months old, without any charge for the use of the Jack.

Greenfield, May 15, 1790.

THE *LARK.*

THAT beautiful and elegant English HORSE, formerly owned by General Tupper,

WILL COVER

at the Stable of the Subscriber, upon the most reasonable terms.

The credit of the LARK, for a fire, is equal, both for strength, beauty and activity to any Horse in the county.——Constant attendance, and every favour gratefully acknowledged.

ASAHEL POMEROY.

Northampton, May 25, 1790.

WANTED,

A LIKELY active LAD, about ten years of age, as an apprentice to the Saddling business. Enquire of

ELIEL GILBERT.

Greenfield, May 29th, 1790.

LAND,

In the State of Vermont, for sale.

Enquire of the PRINTER.

Vol. IV.] THE [Number 198

HAMPSHIRE GAZETTE

WEDNESDAY, JUNE 16, 1790.

PRINTED BY NORTHAMPTON, (MASSACHUSETTS) Published by WILLIAM BUTLER.

THE CHARGE OF CHIEF JUSTICE JAY, TO THE *GRAND JURIES,* ON THE EASTERN CIRCUIT.

WHETHER any people can long govern themselves in an equal, uniform and orderly manner, is a question which the advocates for free governments, justly consider as being exceedingly important to the cause of liberty. This question, like others, whose solution depends on facts, can only be determined by experience: It is a question on which many think some room for doubt, still remain. Men have had few fair opportunities of making the experiment; and this is one reason why less progress had been made in the science of government, than in almost any other. The far greater number of the constitutions and governments, of which we are informed have originated in force, or in hatred; having been either imposed by improper exertions of power, or introduced by the arts of designing individuals, whose apparent zeal for liberty, and the public good, enabled them to take advantage of the credulity and misplaced confidence of their fellow-citizens.

Providence has been pleased to bless the people of this country, with more perfect opportunities of choosing, and more effectual means of establishing their own government, than any other nation has hitherto enjoyed; and for the use we may make of these opportunities, and of these means, we shall be highly responsible to that Providence, as well as to mankind in general, and to our own posterity in particular.—Our deliberations and proceedings, being unawed and uninfluenced by power or corruption, domestic or foreign, are perfectly free—our citizens generally and greatly enlightened—and our country is so extensive, that the personal influence of popular individuals can rarely embrace large portions of it.—Their respective conveniences and defects in practice, and the subsequent alterations made in some of them, have operated as useful experiments, and conspired to promote our advancement in this interesting science. It is pleasing to observe, that the present national government, already affords advantages, which the preceeding one proved too feeble and ill-constructed to produce. How far it may be still distant from the degree of perfection to which it may possibly be carried, time only can decide. It is a consolation to reflect, that the good sense of the people will be enabled, by experience, to discover and correct its imperfections, especially while they continue to retain a proper confidence in themselves and avoid those jealousies and distractions, which, often springing from the worst designs, frequently frustrate the best measures.

Wise and virtuous men, have thought and reasoned very differently, respecting government; but in this, they have at length very unanimously agreed, viz.—That its powers should be divided into three distinct, independent departments; the Executive, Legislative and Judicial. But how to constitute and balance them, in such a manner as best to guard against abuse and usurpation, and preserve the Constitution from encroachments, are points on which there continues to be a great diversity of opinions, and on which we have all, as yet much to learn. The Constitution of the United States has accordingly instituted these three departments; and much pains have been taken so to form and define them, as that they may operate as checks one on the other, and keep each within its proper limits: It being universally agreed, to be of the last importance to a free people, that they who are vested with Executive, Legislative, and Judicial powers, should rest satisfied with their respective portions of power—and neither encroach on the provinces of each other, nor suffer themselves, nor the others to intermeddle with the rights reserved by the Constitution, to the people.

If then, so much depends on our rightly improving the before mentioned opportunities; if the most discerning and enlightened minds may be mistaken relative to THEORIES, unconfirmed by PRACTICE; if on such difficult questions, men may differ in opinion, and yet be patriots—and if the merits of our opinions can only be ascertained by experience—let us patiently abide the trial, and unite our endeavours to render it a free and impartial one.

These remarks may not appear very pertinent to the present occasion—and yet it will be readily admitted, that occasions of promoting good will and good temper, and the promulgation of useful truths among our fellow-citizens, should not be omitted. These motives urge me further to observe, that a variety of local and other circumstances, rendered the formation of the Judicial department particularly difficult.

We had become a nation—as such we were responsible to others for the observance of the *Laws of Nations*; and as our national concerns were to be regulated by *National Laws*—National Tribunals became necessary for the interpretation and execution of them both. No tribunals of the like kind and extent had heretofore existed in this country; from such therefore, no light of experience, nor facilities of usage and habit were to be derived. Our jurisprudence varied in almost every State, & was accommodated to local, not general convenience—to partial, not national policy. This convenience and this policy were nevertheless to be regarded, and tenderly treated. A judicial controul general and final, was indispensable—the manner of establishing it, with powers neither too extensive nor too limited; rendering it properly independent, & yet properly amenable, involved questions of no little intricacy. The expediency of carrying justice as it were to every man's door, was obvious; but how to do it in an expedient manner was far from being apparent. To provide against discord between national and state jurisdictions, to render them auxiliary instead of hostile, to each other; and so to connect both as to leave each sufficiently independent, and yet sufficiently combined, was, and will be arduous.

Institutions formed under such circumstances, should therefore be received with candor, and tried with temper and prudence. It was under these embarrassing circumstances, that the articles in the Constitution on this subject, as well as the act of Congress for establishing the Judicial Courts of the United States, were made and passed.

Under the authority of that act, this Court now sits—its jurisdiction is two-fold, *civil* and *criminal*: To the excise of the *latter*, you, Gentlemen, are necessary, and for that purpose are now convened.

The most perfect Constitutions—the best governments and the wisest laws, are vain, unless well administered and well obeyed. Virtuous citizens will observe them from a sense of duty; but those of an opposite description, can be restrained only by fear of disgrace & punishment. Such being the state of things, it is essential to the welfare of society, and to the protection of each member of it, in the peaceable enjoyments of his rights, that offenders be punished.

The end of punishment, however, is not to expiate for offences; but by the terror of example, to deter men from the commission of them. To render these examples useful, police, as well as morality, require not only that punishment be proportionate to guilt, but that all proceedings against persons accused or suspected, should be accompanied by the reflection, *that they may be innocent.* Hence, therefore, it is proper that dispassionate and careful enquiry should precede those rigours, which justice exacts, and which should always be tempered with as much humanity and benevolence as the nature of such cases may admit. Warm, partial and precipitate professions, and cruel and abominable executions, such as racks, embowelling, drawing, quartering, burning and the like, are no less impolitic than inhuman. They infuse into the public mind, disgust at the barbarous severity of government, and fill it with pity, and partiality for the sufferers. On the contrary, when offenders are prosecuted with temper & decency; when they are convicted, after impartial trials, and punished in a manner becoming the dignity of public justice to prescribe, the feelings and sentiments of men, will be on the side of government: and however disposed they may, and ought to be, to regard suffering offenders with compassion; yet that compassion will never be unmixed with a due degree of indignation.

We are happy, that the genius of our laws is mild, and we have abundant reason to rejoice, in possessing one of the best institutions that ever was devised, for bringing offenders to justice, without endangering the peace and security of the innocent, I mean that of Grand-Juries. Greatly does it tend to promote order and good government, that in every District, there should frequently be assembled a number of the most discreet and respectable citizens in it, who on their oaths are bound to enquire into, and present all offences committed against the laws in such District—and greatly does it tend to the quiet and safety of good and peaceful citizens, that no man can be put in jeopardy for imputed crimes, without such previous inquiry and presentment. The extent of your District, Gentlemen, which is commensurate with the State, necessarily extends your duty throughout every county in it, and demands proportionable diligence in your enquiries, and circumspection in your presentments.

The objects of your enquiry, are all offences committed against the laws of the United States in this District, or, on the high seas by persons now in the District. You will recollect that the laws of nations make part of the laws of this, and of every other civilized nation. They consist of those rules for regulating the conduct of nations towards each other, which, resulting from right reason, receive their obligation from that principle, and from general assent and practice. To this head also belong, those rules or laws which by agreement become established between particular nations, & of this kind are treaties, conventions, and the like compacts. As in private life, a fair and legal contract between two men, cannot be annulled or altered by either, without the consent of the other, so neither, can treaties between nations. States and Legislatures may repeal their regulating statutes but they cannot repeal their *bargains.* Hence it is, that treaties fairly made and concluded, are perfectly obligatory, and ought to be punctually observed. We are now a nation, and it equally becomes us to perform our duties, as to assert our rights.

The penal statutes of the United States are few, and principally respect the revenue. This right ordering and management of this important business, is very essential to the credit, character and prosperity of our country. On the citizens at large, is placed the burthen of providing for the public exigencies: Whoever therefore fraudulently withdraws his shoulder from that common burthen, necessarily leaves his portion of the weight to be born by the others, and thereby does injustice, not only to the government, but to them.

Direct your attention also to the conduct of the national officers—and let not any corruptions, frauds, extortions, or criminal negligence, with which you may find any of them justly chargeable, pass unnoticed. In a word, Gentlemen! Your province, and your duty extend (as has been before observed) to the enquiry and presentment of all offences of every kind, committed against the United States in this District, or on the high seas by persons in it. If in the performance of your duty, you should meet with difficulties, the Court will be ready to afford you proper assistance.

It cannot be too strongly impressed on the minds of us all, how greatly our individual prosperity depends on our national prosperity; and how greatly our national prosperity depends on a well organized, vigorous government, ruling by wise and equal laws, faithfully executed—nor is such a government unfriendly to liberty—to that liberty which is really inestimable. On the contrary, nothing but a strong government of laws, irresistably bearing down arbitrary power and licentiousness, can defend it against those two formidable enemies. Let it be remembered, that civil liberty consists, not in a right to every man to do just what he pleases—but it consists in equal right to all the citizens to have, enjoy, and to do in peace, security, and without molestation, whatever the equal and constitutional laws of the country admit to be consistent with the public good. It is the duty and the interest, therefore, of all good citizens, in their several stations, to support the laws and government, which thus protect their rights and liberties. I am persuaded, Gentlemen, That you will chearfully perform the task now assigned you; and I forbear, by additional remarks, to detain you longer from it.

[*To the foregoing Charge, the following REPLY was made by the* Grand-Jury *for the Massachusetts District.*]

MAY IT PLEASE YOUR HONOURS,

THE very excellent charge given to the Grand Jury of this District, by his Honour the Chief Judge of the Federal Court, demands our thanks, and particular attention: And that it may be more influential, & impress the minds of our fellow citizens at large, we beg leave to ask a copy of it for the press.

Your Honours may be assured, we shall in our several departments, when distributed, exert our influence to promote peace, good order, and a strict regard to the laws of the United States, agreeably to the constitution so lately adopted; and we trust the judicial department will ever be filled, as it now is, with gentlemen of the first characters for learning integrity and ability.

We wish your Honours the divine presence in all your circuits, and that you may be continually guarded by a good providence.

BENJAMIN AUSTIN, Foreman.

May 4, 1790.

THE *LARK.*

THAT beautiful and elegant English HORSE, formerly owned by General Tupper,

WILL COVER

at the Stable of the Subscriber, upon the most reasonable terms.

The credit of the LARK, for a fire, is equal, both for strength, beauty and activity to any Horse in the county.——Constant attendance, and every favour gratefully acknowledged.

ASAHEL POMEROY.

Northampton, May 25, 1790.