

A CHARGE

To the Grand Jurors of the counties of Allegheny, &c. Published at the request of the Grand Jury of Allegheny county.

(Concluded from yesterday's Gazette.)

But, while it may be admitted, that a competent government has been established for the United States, and for this state; and while it may be admitted, that this state is sufficiently subdivided into inferior districts, it may yet remain a proper subject of inquiry, whether a competent government has been provided for the inferior districts into which this state is subdivided; and whether this is not a subject proper for legislative consideration: And this subject is the more open for discussion, as, if any new provision be proper, no extraordinary convocation of the people, nor any alteration of the constitution is necessary, to effect it; but it may be accomplished by the ordinary exercise of legislative authority.

It may not however be improper, for a moment, to suspend this enquiry, in order just to mention, that there is another division of the state with a view to elections. Several counties sometimes compose one district, for the purpose of choosing one or more senators in the assembly or representatives in congress.

Now, I believe, every county is subdivided into election districts, each composed of one or more townships, or parts of townships, within the bounds of which, all the inhabitants meet at one place, to elect their county, state, or federal officers.

The powers of government are usually divided into three kinds, legislative, judicial, and executive; and I consider it as essential, that, not only the whole territory, but every division or district, into which it is divided, possess, within itself, full authority of the legislative, judicial, and executive kind, under the controul, when any of its regulations or acts have a more extensive tendency, of the superior district or jurisdiction, which may be affected by them.

The authority of the government of the United States, extending over the whole territory of our federate republic, is defined in the constitution of the United States. The authority of the government of Pennsylvania, one of the districts or members of the United States, extending over the whole of this district, is defined in the constitution of this state. I do not take upon me to suggest any improvement in the federal or state government; but proceed to enquire, whether a competent government has been provided for the counties and townships, into which this state is divided and subdivided.

The United States is a corporation. Each state is a corporation. But it has not yet been expressly declared, that every county, and every township, is also a corporation. This I think essential to be done.

The authority resembling the legislative, for the county, is vested chiefly in the county commissioners, who are authorized to impose and apply such sums of money, as are necessary for the public service and benefit of their respective counties. This authority seems to be ample, and I think it proper, that the commissioners have complete legislative authority, to direct the internal taxes and improvements of the county.

Besides their present authority, they ought also to have power, to declare any navigable streams, within their counties, to be public highways, and to prescribe where and how roads shall be made and kept up at the expense of the county. The manner of their exercising this authority may be regulated by law, and, like other authorities, in all proper cases, submitted to the controul of the judiciary.

The commissioners come into office generally unexperienced in their duty, and, not free from prejudices against a right exercise of their authority; and before they have overcome their prejudices, or learnt their duty, their authority expires. Thus the office of commissioners is too often filled, not with intelligence and public spirit, but with ignorance and obduracy; and the improvement and prosperity of the counties are greatly obstructed. This might be remedied, by doubling the time of their appointment, and electing only once in every two years; unless it were thought proper, to double also the number of commissioners, and elect one yearly.

The county judiciary is established by the constitution of the state on a respectable footing. The legislature has not yet thought proper, though they have the example of the courts of the United States, for this purpose, to vest the courts with what is called chancery powers. This is an essential improvement yet necessary, and easily to be effected in the judiciary department. I consider it as another defect in the county judiciary, that their records may, before judgment, be removed out of the county.

All the purposes of uniformity might be effected, by making the supreme court, as to other counties, while it sits in Philadelphia, a court for the decision of points of law only, without any jury process; and by directing, that one or more of the judges of the supreme court, or with the president of the county court, should, at stated terms, and at least once in every year, hold a circuit in each county, for the trial of all cases removed from the county court into this circuit court. Judgments of the county courts might be examined in the circuit court on writs of error; and judgments of the circuit court, in the supreme court, which composed as is now the court of errors and appeals, should be the court of last resort in this state.

The executive officers of the judicial authority are sheriffs, coroners, &c.

The commissioners have power to appoint a clerk. This is an officer essentially necessary to a proper execution of their trust. Their proceedings ought to be accurately recorded, and their books and papers deposited in a safe public office, under the care of their clerk.

A county treasurer is also appointed by the commissioners, for the receipt of all the county and state money. He also ought to have a safe public office, and keep public books. For the collection of public taxes, the system of township officers ought to be applied to.

The system of township government, as the least important, has been the least attended to; and it is from the improvement of it, not only as it concerns the several townships, but as part of the general system, that the chief benefit which I have in view will arise.

At present there is no general authority in a township, analogous to that of county commissioners. The care of the roads is committed to supervisors, and the care of the poor to overseers. And for these several purposes, they have severally the authority of imposing, applying, collecting and expending the township taxes.

The judiciary authority is vested in a justice or justices of the peace, acting singly, and in an unsolemn and domestic way.

Constables execute the process and decrees of the township judiciary. But between the time of arresting a defendant, on a warrant for a debt, and the time of hearing before the justice, it is not provided what the constable shall do with his prisoner. Other inconveniences might be mentioned.

Assessors and collectors are employed in proportioning and levying the county taxes.

I would have the township administration new modelled, so as to render it competent to all township purposes, and auxiliary to those of the county, the state, and the union.

Every township ought to be a little state, with its legislative, judiciary, and executive; a corporation, with complete powers for the government of all its internal concerns, under such regulations and controul as may be thought proper. And there ought to be a town-house in each township, at which the different authorities of township administration ought to be exercised. Annexed to this there ought to be a town jail. Around the town-house would naturally grow a small village, which, being under the eye of the township authority, would be better regulated, and more remarkable for decency of manners than country villages, without such superintendance, too often are. There the country manufacturers would naturally be collected, and much improve each other. And much time, now wasted in travelling from one to another would be saved.

The legislative authority of the township ought to be vested in township commissioners, appointed like county commissioners, and like them having full authority to impose and appropriate such sums of money as are necessary for the improvement and benefit of the township. They ought, for example, to have power to declare what roads shall be laid out and maintained at the township expense; to direct the regulation of fences; to provide for the support and employment of the poor, if they shall continue to be a township charge; and, without multiplying instances, to do all things necessary for the public benefit of the township.

It has been proposed to the legislature to employ and maintain the poor at the expense of the county. Several objects, now committed to the care of the townships, might be distributed, according to their magnitude, to the superior districts. There might be hospitals or work-houses for each county, supported by the county; for each state, supported by the state; and for the United States, supported by the United States. There might be roads, supported by the county; roads, supported by the state; and roads, supported by the United States. Other objects of public care might be, in like manner, distributed to the jurisdiction affected by them, in proportion to their importance.

Every man must have had occasion to regret, that the dignity of the judicial branch of government is sometimes not well supported, in the domestic and unsolemn manner in which the township judiciary authority is exercised. For the improvement of it, I would recommend, that though justices may issue warrants or other original process, at their own houses, or as occasion requires, and may there examine any incidental question; yet that the justice, and if there be more than one, the justices, of the township should meet and hold a township court, for trying and determining causes in the town-house, and at stated times or court days. Every warrant or summons, issued for any debt or demand, by any justice in the township, ought to be made returnable at the town-house, on the next court day, and the matter there heard by the justice or justices in the town court.

At the meeting of this court, every justice of the township ought openly to return into court all his domestic official proceedings, relative to convictions, or any other part of his jurisdiction.

When a constable has received from a justice, or from the town court, any process, he will proceed to execute it. When he has arrested a defendant on a warrant for debt, he ought to have authority, like the sheriff, if bail for his appearance at the next town court be not given, to commit him for safe custody to the town jail. Before the sitting of the court on each court-day, the constable should return all his process at the town-house.

A clerk ought to be appointed in each township to receive all the returned process from the constable, and all the domestic proceedings from the justice or justices, enter them in a book, and keep a record of all the proceedings of the town court.

This would prevent many irregularities in the proceedings of justices, from which parties before them now suffer not a little. The same clerk ought also to be a clerk to the township commissioners, and record all their proceedings.

All taxes in the township may be collected by the constable, and paid over to a township treasurer, whose duty it should be to pay over all county taxes to the county treasurer, whose duty it should be to pay over all state taxes to the state treasurer.

The application and expenditure of the money raised for the use of the poor, the roads, &c. may be entrusted with officers appointed for that purpose.

Every county town ought of course to be a borough, and every borough ought to have a separate government, for its internal concerns, on the plan of a township, modelled to its peculiar circumstances.

This township administration might be applied to various useful purposes.

1. The township commissioners and justices sitting together for that purpose, might have power to fix on the place, where a town-house and jail should be built, and direct their building.

2. To them also might be assigned the duty of fixing the number of taverns in the township, and recommending proper persons for licences to keep taverns.

3. Public instruction is a public duty; and the constitution of this state has directed the legislature to provide for the establishment of schools. As various grades of schools are necessary, universities, colleges, academies, and schools commonly so called; the establishment and direction of them may be committed to the administration of the respective territory or district. There may be schools established for the United States, for each state, for each county, and for each township. The township schools may be established by the township commissioners and justices, and taxes for their support, be imposed by the commissioners.

Religion, as a part of public instruction, and an essential support of government, well deserves public attention and authority, to support its ministrations; and public authority might be exerted in this part of public instruction, in the same manner, as in the case of schools.

Public instruction, in these two articles, may, to some, appear more exceptionable, than any other point stated in the system proposed. But I am persuaded, that, in proportion as prejudice is subdued, and the attention fixed to the subject, its importance will manifest itself. What is man without instruction? And how slender is your hold on his mind without religion!

4. An important use might be made of this township administration, in conducting elections, one of the most interesting transactions in the administration of the government.

It has been remarked, that large assemblies are apt to be tumultuous; and, therefore, and for the convenience of the electors, counties have been divided into election districts. But, from the method of conducting elections, many evils arise. There is no uniformity, nor solemnity, nor regularity, nor, sometimes, honesty, in their management. The election officers are often unskilful in that, or any kind of business; and the places where the elections are holden, are altogether unfit for a proper or accurate manner of holding them. So that, as they are now holden, it would be much better, that there were no division of a county into election districts, and that all the electors assemble at the court house, where there would be more means, and, from the habit of solemnity, a greater chance for an accurate and regular election, than at the place of district election. The inconvenience of the places of election, and the want of skill and care in election officers, occasion many errors and frauds in the election. It has even happened, that the election officers have not been sworn, till the election was over; and it is notorious, that they take no pains to enquire, whether those, who offer their votes, are qualified as electors. It ought to be remembered, that election is a part of the administration of the government; and, for a man not qualified as an elector, to exercise this duty, is to usurp sovereign powers. For this reason, the law of Athens punished with death a stranger, or unqualified person, who interfered in the assemblies of the people. And the introduction of a great number of strangers among the citizens of Rome, Monfequien considers as one the causes of the ruin of that republic.

Elections might be, at the same time, convenient, regular, solemn, and simple, if every township or borough were declared a separate election district, and the electors of that district were required to meet at the town house, and give in their votes, under the inspection of the township commissioners and justices, who, or as many of them as should attend, should conduct the election. The township clerk, with an assistant appointed for the purpose, by the attending commissioners and justices, should, under their inspection, enter the names of the voters in a list, call up the votes, and minute all the proceedings of the election. The solemnity of the place and the officers, from the habit of the transaction of important business, would secure a regular and solemn election. The multiplicity of districts would discourage intrigue; the present authority, and the vicinity of the jail, would prevent tumult; and the smallness of the district would enable the electors, in the greatest number, and in one day, to choose all their officers, for the township, the county, the state, and the United States.

To prevent unqualified persons from voting, it ought to be required, that all the citizens in each township qualified to vote, shall, at some township court previous to their offering their votes, have their right to vote examined by the justice or justices, and their names inscribed, by the clerk, in a call of electors, to be kept by him, digested in an alphabetical order; and, that no vote shall be received as any election, from any man, whose name is not inscribed on the election roll of the township. Without this, or a similar regulation, I see no effectual and convenient precaution against unqualified persons intruding themselves into our elections.

When the election is finished and ascertained, the result of it, so far as respects township officers, ought to be recorded by the town clerk; and a copy of it, certified by him, be transmitted to the county court, and to the county commissioners, to be inserted also in their records. So far as it respects officers of the county, the state, and the United States, it would be, as now, transmitted to the county town, and disposed of as the law directs.

Together with the result of the township election, a copy of the minutes of proceedings, as also of the roll of electors, the names of the election officers, the list of voters, the number of votes for each officer and candidate, certified by the town clerk, should also be transmitted to the county town, and after careful examination, deposited in the commissioners office.

Other advantages might be stated, or occur in experience, from the township organization. The principles of this plan might be varied and improved. The county commissioners and judges might have authority to alter the arrangements of the townships, and, from time to time, enlarge or lessen any of them. And it deserves consideration, whether, in each township, there ought not to be a select body of militia, whose peculiar duty it should be, to support the laws,

to any officer of which, together with the proper civil officer, any magistrate might, when he thought proper, direct his warrant.

Thus, on a general model, might be established, in every neighbourhood, a particular government free and energetic, competent to afford instant protection to every peaceable man, and instantly secure for punishment every transgressor. The force of the laws would be more within the view, and nearer the feelings of all. The laws would therefore be more respected; in proportion to the respect for the laws, the government would be useful, stable, and permanent.

Whether this system shall be adopted, or not, it lies not with us to determine; but it is a proper subject for the serious consideration of us all. And it is peculiarly our duty, at this time, in our several stations, to promote respect and obedience to the laws, and so to promote the efficacy and happiness of our government. And for this end, let us proceed to enquire, whether, how, and by whom, any public law has been violated, within the jurisdiction of the court.

The article signed a "Country Subscriber" published in Friday's gazette of the United States, occasioned some remarks in "Porcupine's Gazette" of Saturday, of which the following is an extract.

"[Previous to making any remark on this letter, it is necessary to lay before the reader the offensive paragraph, as it stands in my gazette.]

ANECDOTE

From the N. Y. Daily Advertiser.

When Franklin was on his mission to France previous to the alliance, he put up one night at an inn near the frontiers. Gibbon, the celebrated historian, happening to be in the same house, Franklin sent his compliments, requesting the pleasure of spending the evening with Dr. Gibbon. In answer he received a card, importing, that "notwithstanding Dr. Gibbon's regard for the character of Dr. Franklin, as a man and a philosopher, he could not reconcile it with his duty to his king, to have any conversation with a revolted subject!" Franklin in reply wrote a note, declaring, that "though Dr. Gibbon's principles had compelled him to withhold the pleasure of his conversation, Dr. F. still had such a respect for the character of Dr. G. as a gentleman and an historian, that when in the course of his writing the history of the decline and fall of empires, the decline and fall of the British empire should come to be his subject, as he expected it soon would, Dr. F. would be happy to furnish him with ample materials which were in his possession."

Upon this I made the following remarks: "Whether this anecdote record a truth or not, I shall not pretend to say; but it must be confessed that the expressions imputed to the two personages were strictly in character. In Gibbon we see the faithful subject, and the man of candour and honour; in Franklin, the treacherous and malicious "old ZANGA of Boston."

Now for the letter of Mr. Fenno's COUNTRY SUBSCRIBER.—He hints at other passages in my gazette, "calculated to degrade the American character, &c." besides the one he has noticed; but, as I cannot even guess at these, I shall be excused for confining myself, on the present occasion, to the particular instance which he has cited.

He objects to my "reviving animosities which all good men desire to bury in oblivion." How unjust this charge is must be perceived at once by every one who casts his eye over the above. The anecdote was not of my selection; it was published in a New-York paper, and republished in all those of this city. The publication of it at this time was a sort of dung-hill cock triumph over Great-Britain, and could be intended for no other purposes than that of "reviving animosities."

The observations on this spiteful paragraph are such as were naturally called for: the reprobation of the malicious old hypocrite, who is represented as the hero of the anecdote; and they do not contain the least reflection on the American character or the principles of the revolution.

Old Franklin is held up to the admiration of the people, for having wantonly, and maliciously predicted that the empire of Britain would soon fall to the ground; and because I call him an old ZANGA for this prediction, I am charged with degrading the American character; as if every American were admitted to be of the same disposition, and to entertain the same vengeful sentiments, as this remorseless old devil. Nay, Mr. Fenno's correspondent carries the thing still farther, and observes, that the observation on Franklin necessarily applies itself to Messrs. Washington, Adams, Jay, and Hamilton. But, if this curious logician expects to be believed here, he must first prove each of these gentlemen to have uttered sentiments equally insulting, vindictive, and sanguinary, with those of Franklin; a thing, I believe, which it would be very difficult for him to do. However, this I have nothing to do with. When I am convinced that either of them, not content with obtaining the independence of the Colonies, was so savage enough to bug himself in the hope that the parent state would perish in the conflict, I will call him a ZANGA. Nor shall I be afraid, in so doing, of exposing myself to the charge of inconsistency. I have thought highly, and I have spoken highly of these gentlemen, but, did any one ever suppose that I applauded them merely as revolutionists? Much less as bitter, inexorable, and brutal enemies to Great-Britain.

Red Port Wine. Just arrived, by the brig Iris, capt. Rhodés, from Oporto. Red Port Wine in pipes, hhd's and quarter casks 60 cwt. Cork for sale by Philips, Cramond, & Co. No 21.

The Medical Lectures In the University of Pennsylvania, are postponed until the last Monday in November next. October 14. 224W4.

FOREIGN INTELLIGENCE.

PARIS, August 24.

The following curious Letter has been published on the death of the Duke of Orleans, the Abbe Fauchet, and some Girondines, signed by Lothringer:

"Thaun, in the Department of the Upper Rhine, July 21, 1797.

"I this moment, Sir, leave a prison where I have been confined for having retracted the oath of 1791, and for having made such recantation of it as was sufficient, according to the Constitutional Schisma, to have seduced all the world. On my return home I found a letter from you dated on the 25th April last, which the fear of doing me an injury had prevented from being sent to me in the prisons of Epinal. I hasten to reply to it.

"With respect to the Duke of Orleans, you may inform the Duches and his very respectable and pious spouse, and who deserved a more happy husband, that I received a letter from Fouquier Tinville, formerly the public accuser of the infamous Revolutionary Tribunal, directing me to administer the last offices of our religion to the Duke of Orleans. Arrived at the prison of the Conciergerie, I found him disposed to confess very fully, but a drunken man, whose name I do not know, and who was condemned to suffer with them, for having, I believe, thrown bread into the common sewer, prevented his doing so by the horrid blasphemies which in his drunkenness and his despair he poured forth against religion and its servants. It was in vain that the guards attempted to silence him till at length by great Providence, the drunken man fell asleep just as the Executioners had arrived.

"The Duke of Orleans asked me if I was the German Priest whom the wife of the keeper of his prison had mentioned to him, and whether I entertained good religious principles. I told him that having been seduced by the Bishop of Lydda, I had taken the oath; that I had long repented of it, and that I had never for a moment changed my religious principles, and that I was only waiting for a favourable opportunity to retract the oath. The Duke then knelt down before me, and asked me if he had yet time enough left to make a general confession. I told him that he had, and that no one had a right to interrupt him; on which he made a general confession of the whole of his life. After having confessed, he asked me with a penitence really supernatural, whether I believed that God would receive him into the number of the elect; I proved to him by passages and examples from the Holy scriptures, that his noble repentance, his heroic resolution, his faith in the infinite mercy of God, and his resignation to death would infallibly save him. "Yes," said he, "I die innocent of the crime of which I am accused; may God forgive my Judges as I forgive them. I have indeed deserved death in order to expiate my sins. I have contributed to the death of an innocent person, and thus has been my bane; but he was too good not to forgive me; God will join us both with St. Louis." I am not able to express how much I was edified by his noble resignation, his affliction and his supernatural desire to suffer every thing in this and the other world for the expiation of his sins, of which he talked for a second and final absolution at the foot of the scaffold.—Of these particulars you may confidently assure the Duches.

"With respect to the bishop of Lydda, I have nothing to add, except that he told me at the commencement of the *foi disant* civil constitution of the clergy, but also the doctrines which he preached in his club, called the Iron Mouth, respecting the Agrarian law, the Franklin oath, &c. and that he professed the Roman Catholic and Apostolical religion. This circumstance occasioned murmurs among the guards who were present, who told me aloud that I should be guillotined as well as him. The Abbe Fauchet, after having made his confession, heard himself that of Sillery.

"Of the twenty-one deputies, there were seven who made their confessions to me, viz. Duparet, Gaudin, Fauchet, Beauvais, Le Hardi and Vagier; I do not recollect the name of the seventh.

"Brisot, whom I knew, did not make any confession, but I remember that the others having asked him whether he believed in an eternal life in the other world, and in a state of reward, he answered, "yes." Signed, "LOTHRINGER."

Letter from gen. Heche, commander in chief of the army of the Sambre and Meuse, to the Executive Directory.

"Wetzlaer, 29 Thermidor, (Aug. 6) fifth year.

"You have been called on, citizen directors, by a message of the council of five hundred, to bring before the tribunals the persons who signed the orders given to the troops for their march into the interior.—For once M. Willot has spoken my wishes both to the national representation and to you.

"Allow me, therefore, to request of you to point out the tribunal to which I am to apply, to obtain at length the justice to which I am entitled. It is time that the French nation should be made acquainted with the atrocity of the accusations repeatedly brought forward against me, by men who, being my personal enemies, ought at least to make their friends, or rather patrons, speak out in a cause which is personal to them.

"It is time that the inhabitants of Paris, more especially, should know what is understood by the marking out of limits for the military; and should have an explanation given to them how 9 or 12,000 men (I will suppose a greater number) can blockade a city which, at the first beat of a drum, or the sound of a bell, if the latter be preferred, could arm 150,000 of its inhabitants for the defence of its property and its laws.