

# Jonathan Walker to the People

To the Editor of the Bellefonte Patriot.

To the People of the 4th District of Pennsylvania, consisting of the counties of Bedford, Huntingdon, Mifflin, Centre and Clearfield.

Friends & Fellow Citizens,

THE tie which has bound us together, for upwards of twelve years, is broken; but the more intimate tie of affection can never be dissolved. I should be unworthy of that unlimited confidence which you, at all times, placed in me, if I did not feel towards you the most lively gratitude and the most rooted regard. When it is recollected that I have spent amongst you so long a period, in the very maturity of life, without even a distant murmur against my official conduct; when it is considered that, during that whole period, you were constantly engaged in contriving all the methods in your power to increase my means of comfortable subsistence, and lessen the pains of a most arduous circuit; when it is further known that, during the whole time of my labours amongst you, my failings were constantly paliated, my eccentricities cheerfully tolerated, and my very errors concealed or justified; it will not be deemed, by the citizens of my native state, an extraordinary thing that I should feel impelled to address you; to unbosom myself to you; and to express my ardent affections for you, and the deep regret I feel at parting with so many amiable and constant friends. At one time, I had nearly made up my mind, before this, to leave this district. You recollect it. It was some years ago, when the late Governor kindly offered to transfer me from this district, back to the bosom of my old friends at Northumberland. There, you all know, I had spent the very prime of life; and there my old friends, with an unanimity almost unparalleled, had urged my immediate removal. You know the result. Your urgent entreaties, for my stay amongst you, were equally pressing and earnest; and finally proved irresistible. On that occasion, on your engagement to persevere in your exertions to promote my temporal interest, I abandoned a new and equally honorable situation, where my labours would have been diminished nearly one third, and my expenses greatly lessened. I never did regret the step I took; though it was a great sacrifice of interest and ease. You were not in the least to blame: for though you were unsuccessful in your subsequent efforts to realize your objects and gratify my wishes, yet you honestly redeemed the pledge you had given me, and I remained happy in your warmest affections. You will, perhaps, say, under such circumstances, why do you now leave us? The answer is at hand. Though, perhaps, I am one of the youngest men now alive who took a part in the Revolution, yet I feel the irresistible advances of age; and, no doubt, the *earthen beds* of the *then* western wilderness, are now felt in every member of my body. My expenses and labour will be lessened more than one half, and the compensation will readily be increased. I speak from experience. If your united influence heretofore repeatedly failed in attaining this desired object, what prospect was there of future success? Besides, it was not in human nature to resist the united calls of ease and elevation. Wealth, you all know, I never sought. Indeed the effort would have been useless. The trash of this world never can be the possession of a man of my *peculiar turn*. Independence and comfort are all I ever sought for, or shall ever want. I know you will, with me, feel grateful to that great man, who now so ably directs the destinies of this country, that he has sought out the humble president of your district, and given him a comfortable though an highly responsible situation; where the sphere of his usefulness may be greatly enlarged, and his ease promoted.— I fly to the generous and enlightened sons of the west, with some of whose *fathers* I fought in the revolution, to redeem and preserve the very country which they inhabit, from the hostile tread and scalping knife of the savage. If I possess any fair pretensions to the attentions of these people, they will readily discover the just extent of my claims, and treat me with that generous affection and confidence that you have so uniformly extended towards me.— If I should be disappointed in those reasonable expectations, I shall never regret the step I have taken, as I feel a perfect confidence that that *unseen hand* which has cherished me in youth, protected me against the scalping knife of the Indian, and elevated me in society, far above my humble deserts, will still continue to follow me with every reasonable and necessary blessing. You now have my answer: I know you are satisfied.

The candour and confidence with which you always treated me, entitle you to a short sketch of the principles which always guided me in the discharge of my official duties amongst you. My first object was to obtain the entire approbation of that Almighty Being who rules the destinies of universal nature, and the consequent approbation of my own conscience. To attain this grand object, the best and most vigorous exertion of all my intellect, in constant

reading, and deep reflection on what I read, was deemed essential. All these aids were considered as means to enable me to arrive at the great result. These, however, were held inefficient, without the divine assistance and the divine blessing on my personal labours. This aid, I trust, was always most fervently sought, in the manner and from the only source from which it could be expected to be obtained. I never considered the power which I possessed as mine, but as devolved on me by Providence, which I was bound by sacred obligations, to exercise in the true spirit of the laws and the constitution. I considered the people, under God, the legitimate source of all legal power; that it was for them alone that terrestrial laws were instituted; and that unless they were administered in their genuine spirit for their benefit, the whole apparatus of courts would be mere mockery and idle pageantry. My second maxim was, that in the administration of the laws, as Judge Blackstone says, "public satisfaction" should be given. It was never expected by me that this desirable object could be obtained by a mean submission to the whims, caprices and prejudices of the multitude, but by a steady exhibition of justice and display of truth to the intelligence and consciences of the mass of the community. The end must never, for a moment, be lost sight of, but the means must be constant and always conciliatory. A third maxim was deemed essential, that the empire of the laws should always be maintained. Passion, prejudice or whim, for a moment, might interrupt her sway; but it was always considered as the indispensable duty of the court, to restore her lost power in the very case in which she had, for a moment, been deposed. The maintenance of this maxim produced despair in the ephemeral fabrications of mischief, and ultimate and entire submission to the empire of the laws. To avoid all "appearances of evil," was another important maxim, in my notion, in the administration of the laws. For this reason it was my invariable practice to avoid all political associations and meetings of every kind and nature. This maxim is considered as important for a Judge, as a Minister of the Gospel. A party and electioneering Judge is the greatest curse that ever fell on a free people. "Public satisfaction" cannot be given, nor public confidence inspired: If he were as pure as the ermine of an apostle, his motives would be often suspected, his motions jealously watched, and his most virtuous intentions constantly thwarted. A pity such an unfortunate judge, and exclaim

"Quanta charybde laboras."

In addressing you, as jurors, it was my constant maxim to address your understanding alone, and never to expect the verdict, if the law appeared to entrench on the principle of justice, unless your judgments could be entirely satisfied. In this I rarely failed.— On the law, my observations were pointed and unequivocal; as this was the only method in which mistake could be corrected, I scorned the idea of shielding my own errors from correction by a dark ambiguous exposition of the law, or by sheltering myself behind your verdict, when the law was violated by my own fault. In the argument of motions for new trials, which, for the honor of the district, were very rare, it was my invariable maxim never to permit the least insinuation to be made against the integrity of your views, as jurors. The counsel were always, in such cases, informed that jurors were an essential, co-ordinate branch of the court, acting under the sanction of an oath, and the high obligations of citizens, and that incorrect motives should not be imputed to them on any occasion. It was my own constant habit to maintain your independence, as jurors, in never exhibiting, by countenance or speech, the slightest dissatisfaction with any verdict, until it came on for a hearing: when a new trial was ordered, if this arose from my own error, I confessed it publicly—if from yours, I attributed it to mistake and the universal fallibility of human nature. Your motives were never suffered to be impeached in the slightest manner, either by myself or others. The same course was uniformly pursued with respect to the acts of the legislature. The impolicy of the law, or the motives of the law-giver, were never suffered, for a moment, to be called in question. The counsel were informed that with the former the courts had nothing to do, and with the latter, the liberty, attempted to be taken, was indecorous, unwarrantable and unconstitutional. That courts were incompetent to decide on the motives of the supreme power, under the constitution; and that the Judge who would permit or countenance it ought to be driven from the bench. In the administration of the criminal law, my course was uniform. No person was ever, in any case, permitted to be punished, through passion, prejudice or mistake. It was always expected that guilt should be fully and satisfactorily established by legal proof. You were always told, as jurors, that the proof must advance in clearness and conclusiveness in exact proportion to the atrocity of the offence charged. The court were indeed the counsel of the prisoner: If the proof of guilt was clear and

unquestionable, the facts were summed up, and the law stated, as applied to such facts, without the least insinuation of guilt on the part of the court, and the decision of both, as is the law of this land, left freely to your consideration. It is known to you all, that I never entrenched on your unquestionable rights on this subject; and that I never exhibited a tyrannous appetite for blood, or made an hypocritical appeal to the laws of Heaven to excite your passions, rouse your prejudices and entrap your judgments. If, on the other hand, any reasonable doubt remained, as to the guilt of the panel, on the exhibition of the testimony, it was my uniform practice to mention that doubt and the causes of it, and, if the matter struck you as it did me, to ask you for an acquittal. In this appeal to your humanity and understanding I was never unsuccessful. In all cases of convictions, the punishments were inflicted in a spirit of justice and uniformity under the law, tempered with mildness and mercy. Whether, from this plan of administering the criminal code, or from the progress of light and religion, or the combined efficacy of both, I will not pretend to say, there has arisen a great change in the frequency of crimes in your district. It is a fact, incontrovertible, that offences have greatly diminished in the district, within the last twelve years, though the population has considerably increased; that the crime of capital murder has not occurred, during my presidency; and that the crimes of biting and gouging have totally disappeared. The right of personal liberty was always considered by me as the most sacred in the catalogue of inalienable rights: the preservation of it was always cherished with ardent zeal, and the wanton violation of it, associated with the horrors of the inquisition, punished with indignant severity. The will of the people, as expressed in the constitution, and the will of the nation, as expressed in the legislative code, in subordination to the law of the people in the constitution, was my sole guide in all adjudications on statute or constitutional law. Whenever the will of the supreme power in the state was clearly ascertained, a prompt and cheerful obedience was rendered to the will of the nation, however repugnant the law might be to my individual notions of justice or policy. It was my constant habit to maintain, amongst you, a pure, exemplary and christian deportment; not only from a conviction of the correctness of the course, but from a sense of duty and the importance of the consideration that the public officers should teach by example as well as precept. Though I was always aware of the difficulty of preserving my equipoise against the subtle insinuation of imperceptible party influence, in times of party fermentation and public excitement, yet I am not sensible that I ever carried a party feeling, or was influenced by a party motive: I know the weakness of human nature, and always dreaded the secret operations of my own passions. It was well known to me that in popular governments where the influence of the passions is almost irresistible, the fluctuations of party constant, and the contests for predominance violent, that it is almost impossible to form an entirely impartial opinion; to guard against the secret influences of internal operations and external circumstances; to fortify the mind against the assaults of prejudice, the imperceptible windings of passion, and the melancholy imperfections of human nature: These difficulties are greatly increased in party struggles for power; yet there is still safety: The sentinel, *conscience*, must be placed over the fortress of the laws, and the strength of the Most High called in: With such a defence, the upright Judge will maintain his stand, or, guiltless, sink with the ruins of the nation. Indeed, in extreme cases, when a Judge has no alternative left but the abandonment of conscience, or the obloquy of the world, he justly merits, as well the contempt of mankind, as the indignation of Heaven, who can hesitate which alternative to choose.

In the above sketch you will find a few of the maxims on which I endeavoured to act, and the means I tried to pursue, to obtain one end of courts, "public satisfaction." How far I have succeeded I, with humble confidence, leave to your decision. On one point I feel certain: My conscience bears testimony to the truth of the fact, that I neither felt a party impulse or sentiment on the bench, nor ever, intentionally, did injustice to any man.

But to return to the subject on which I set out. In this address I have no motive on earth but the gratification of my own feelings, in expressing the deep sense I entertain of your goodness towards me; in detailing some of the maxims of my judicial conduct; presenting an apology for my leaving you; and bespeaking your kind remembrance of me. Though we shall be separated as to place, we shall not, I trust, be separated in heart. I shall often call to mind the exhilarating scenes of the circuit, where the incessant labours of the court were constantly cheered by your smiles, and lightened by your approbation; where an enlightened, contented and happy people inspired their Judge with vigour and confidence in the development of truth,

and the application of its results. Through you, I return my sincere thanks to my brethren of the bench. I have never been insensible of the important services they have been constantly rendering me, as well as you. We have indeed been brethren. The most constant harmony has uniformly prevailed amongst us. They are my witnesses that I always treated them as brothers; that I always sought and profited by their opinions and advice; that I never arrogated to myself the sole powers of the court; but, on the contrary, constantly consulted them on every point, as my legal fellows and equals. But I should be wanting in one of my greatest virtues, if indeed I possess any, if I should not thus publicly profess my profound gratitude to them for that sincere respect, that uniform deference, and that kind and brotherly affection, which they always evinced to me. Though they and I are parted, yet we shall not be divided. They shall ever possess my best wishes and kindest remembrance.

To my friends and the people generally of Northumberland, Columbia, Union and Lycoming, through you, I return my warm and sincere thanks. I have neither forgotten their kind wishes towards me, nor their exertions to restore me again to the bosom of my old friends, nor their kind efforts to promote my ease and comfort, by a permanent resettlement amongst them. They well knew how congenial this arrangement was with the feelings of my heart, but imperious duty arrested the insinuations of inclination and attachment, and has now perpetuated a painful separation. But before I remove to the west, I shall revisit these kind and steady friends of my youth; recall, on the spot, the scenes of earthly life, and bid them all a most affectionate farewell.

Before I conclude this address, permit me to make a few remarks, intended particularly for the people of this district.— Mr. Charles Huston has been appointed my successor. He is known to be a man of plain manners, integrity, learning, sound understanding, deep legal research and natural eloquence. You have been most fortunate indeed! You cannot too highly prize or be too thankful for such an immense acquisition. You will be happy in my successor, and I most heartily rejoice at it, on your account. The affectionate manner in which you always treated me is calculated to inspire the most unqualified confidence. You will not disappoint the just expectations of the public. Give my successor your entire and undivided confidence. He is known to me to be highly worthy of it. It is a rare matter, in any district, to obtain a judge possessing such an assemblage of the very best qualities for the station. If, at any future period, you should be disposed to draw a parallel between your judge and his predecessor, I shall rejoice, on your account, to hear that the comparison shall always be in favor of my successor. It will make you more happy and will not injure your old friend.

To conclude this address, permit me to say, in the greatest sincerity, that I wish you all happiness in this world, and a greater than this world can give. I shall visit you once more before I remove to the west, and shake you all most cordially by the hand: and, then, with the most permanent and sincere affection I shall leave you to the holy keeping of that Infinite Being, without whose fiat even a "sparrow cannot fall to the ground," and trust, that I shall again meet you all in a better world, through our common Lord and Saviour.

I am obliged to send this address to the press without correction. You will pardon its errors and imperfections. I have spent a part of two days in writing it. I am so much engaged in preparing for my new situation, that I have not time, either to correct or copy it.

With sentiments of the most sincere regard, and kindest remembrance, I hasten to a conclusion, and bid you all an affectionate farewell.

JONATHAN H. WALKER.

Bedford, July 24, 1818.

Sea Serpent again and Brood.

Boston, July 25.—We yesterday received a letter from a correspondent at Gloucester, dated on Thursday, which says:

"The Great Serpent has again appeared in our harbor. She is accompanied by three young ones, and they make a great destruction among the bait. The fish exhibit the utmost terror at their approach; and as the serpents pass along, seizing and devouring their food, the fish spring above the water to escape their enemies, but in vain, for the Serpents rapidly pass and re-pass, devouring as they go. A Mr. Sergeant, of this place, had a fair view of one this day. She passed under his boat, and he says the head and protuberance on her back resemble the drawing and engraving of capt. Beach. Capt. B. Webber, who saw the large Serpent, and the three smaller ones, yesterday, from the shore, judged the large one to be 100 feet in length, and the smaller ones to be about fifty feet."