

INDIANA PALLADIUM.

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FROM THE INDIANAPOLIS GAZETTE.
"Governor Ray and the Constitution."

Much discussion has taken place through the papers and otherwise, on the question, whether Mr. Ray had Constitutional authority to act in the capacity of Governor between the first Monday of August last and the time of his being inaugurated under his late election. Much has been, and may be, said, on both sides and not without plausibility on either.—Considerable stress is laid on the asserted decision of the Legislature, some diversity of opinion as to what that decision, if made at all, was, seems to exist, and each party claims it. It is not with a view of entering into the public discussion of the abstract question (from which I have hitherto refrained,) but to inquire whether the Legislature have, in fact, made a decision or expressed an opinion, on the question, and, if so, what it was, that these remarks are penned.

I premise that my declining discussion of the abstract question, is caused by no fear of not being able to establish the affirmative of the proposition contained in it, but, to avoid prolixity and the unnecessary repetition of arguments already laid before the public and probably fully understood. Although I will acknowledge my mind at first wavered on the subject, a close examination of those parts of the Constitution which bear on it (the 21 article and the 1, 2, 3, 5, 15, 16, 17, 18, 19, & 20th Sections of the 4th article,) removed all doubt, and it would seem to me, that a correct, careful and fair construction and comparison of those clauses, will lead every unprejudiced mind to the same conclusion and conclusively and uncontestedly establish the authority of Mr. Ray.—I premise further, that a decision of the Legislature could have no binding efficacy on the question except in the particular cases in which that body had to act in concert with the Governor, and is entitled to respect only on the score of authority—as the opinion of a respectable and enlightened tribunal. It is a question purely judicial, to be ultimately decided by the courts, and a Legislative decision could not affect it one way or the other.

So far as can be collected from the Journals, the House of Representatives were called upon to act on subjects involving the question, directly or indirectly, seven times: 1. On a resolution offered by Mr. Child, (page 7 of the Journal,) to appoint a Committee to wait on the Acting Governor, &c. which, if adopted, as it was by a large majority, involved a recognition of Mr. R. as Governor, as there was no other Acting Governor.—2. On Mr. Palmer's motion, to amend the resolution, by striking out "Acting Governor," and inserting "The Hon. Milton Stapp," President pro tem. of the Senate," (same page,) which was negatived by a like majority.—3. On 2d resolution offered by Mr. Child, (page 8.)

"That the House of Representatives consider the Hon. Milton Stapp to be the Acting Governor of this state," which was also negatived.—4. On Mr. Beck's resolution, expressly instructing the Committee to wait on James B. Ray, by name, which was adopted by a vote of two to one, ayes 30, noes 15, (page 8.)—5. On Mr. Blair's resolution, which prevailed, when that resolution was laid on the table without taking the vote over again, (page 18.)—6. On the admission of Mr. Lewis, of Franklin (elected vice Gen. N. Noble resigned) to a seat as a member in the House, (page 71.)—Mr. L. was elected under a writ of election issued by Mr. Ray, as Governor during the disputed time—if he had not authority to issue the writ, the election was void; yet Mr. L. was admitted as appears, *non com. 7.* On the proposition to allow Mr. Ray compensation for his services as Governor during the disputed time, which finally prevailed, by ayes and noes, 22 to 16. The proposition came up on the following provision in the appropriation bill, first adopted in the Senate: "That the Auditor be instructed to audit, and the Treasurer to pay James B. Ray for his services from the first Monday in August last to the third day of the present session of the General Assembly the sum of \$352 80, to be paid out of any money appropriated to defray the expenses of the Executive department, for the year 1825," which provision, after some maneuvering on the part of the opposition, and particularly a display of wonderful cunning by the gentleman from Bartholomew, was agreed to in the house by the above vote. See p. 365 and 377.

Here then are seven instances in which the question came before the house. In six out of the seven, they, as I understand them, expressly recognised Mr. Ray as the Governor, in one only did they even seem to doubt, and, though a certain class have laid great stress on this, I shall presently shew that it shewed no evidence of a change of opinion, and scarcely of doubt. The first resolution recognised the *Acting Governor*, and there was none but Ray. It was universally conceded that either Ray or Stapp was the *acting* governor the first three days of the session, and the house twice refused to acknowledge Stapp. In the fourth instance (on Beck's resolution) they most expressly and unequivocally recognised Ray. In the fifth (Lewis's admission) they did so, virtually, tho' not so directly. In the seventh (the vote for pay) the recognition was equally express and unequivocal as in the fourth.—True, the language, "services as governor" is not used—the malcontents wished a different phraseology, and they were indited; but it was well understood, that it was for his services as governor, as if that language had been used—it was "for his services from the first Monday in August until the third day of the session," and was to be paid "out of the fund appropriated to the executive department, for 1825."

The senate were called on to act on the question, twice: 1. On the adoption of a resolution (similar to the first resolution of Mr. Child,) which, to avoid an unpleasant and unprofitable discussion, was laid on the table by mutual consent of both parties. [I have the authority of a respectable member of that body for this.] 2. On the question of paying Mr. Ray for his services as governor, which was decided in his favor by a still greater majority than in the house.

Both branches of the legislature, therefore, I insist, have decided, or rather, expressed an opinion in favor of Ray. They, especially, would not have voted him pay, had they considered him an usurper—would not have voted him pay for unconstitutional services.

Much stress is laid on the vote of the house to reconsider their vote instructing the committee to wait on him, by name—from this a change of opinion on their part is argued. I do not consider the argument conclusive. A vote to reconsider does not necessarily imply a change of opinion—it is frequently done, to give minority an opportunity of expressing their views—to give members who were absent at the first vote, the privilege of voting or debating—to give time to obtain further light on the subject, &c. A motion to reconsider has always, necessarily, to come from one of the majority, and it is not considered liberal in the majority to refuse the motion when requested by the minority. When a motion to reconsider prevails, the question properly recurs on the original proposition, and the vote is to be taken over again—and it is not until it is taken over again, that the first decision is either reversed or confirmed. Nor is the laying of a question on the table conclusive. This is done, because the house is not, at the moment prepared for decision—to give time for deliberation.

ation—to obtain information, &c. The resolution in this case, was not again called up and acted upon, for reasons well known—because it would have been an idle waste of time and caused an unnecessary excitement of feeling, as the governor was to be, and was, sworn in the next day, under his new election. The vote to reconsider and the laying of the resolution on the table, therefore, I contend, prove nothing.

What, then, becomes of all the vain boasting of the Governor's enemies—their letters and circulars to their dear friends at home—and their newspaper paragraphs (some of them from *absent* editors, &c.) that both houses had decided against Ray, that his acts were consequently unconstitutional and void, that he would receive no pay, &c.? This brief history of the case is sufficient to give to the winds' whole volumes of such idle assertions, reasonings and conjectures. What could have been the object of such a course on the part of the g's enemies? None other, surely, than to preserve a colorable consistency for previous opposition and premature opinions—to throw dust into the eyes of the public, and involve the case in clouds and darkness—to mislead those classes to whom the Journals are not accessible, or who do not take the trouble to read them, by palpable misrepresentations of the Legislative opinion, and to shelter themselves, after being driven from the field of fair argument, behind the rampart of pretended opinions of the Legislature, may hap, to aid them in their attempts to PREJUDGE the administration, and blight the prospects of the Governor in advance!—Is this fair, magnanimous, or just? Gov. Ray has been elevated, by a handsome majority of the unbought suffrages of his *felicitous*, to preside over their interests, and they should and will give him fair trial, whatever a factious junta, or disappointed office-hunter, here and there, may say to the contrary.

Let his enemies go on in their laudable course—let every detraction and misrepresentation be their companions—let them gather every fruit and flower in their delectable paths they journey—and then, when public opinion shall have stamped their conduct with the marked reprobation it deserves, let them sit down and weep, in silence and in shame, over the well earned emblems of their moral and political profligacy.

The substance of these remarks was prepared for the press some time since, but reasons, not necessary to be made public, have prevented their being handed in for publication until now. Editors throughout the state, on both sides of the question, are respectfully requested to give them an insertion.

A READER.

FOREIGN NEWS.

Great Britain and Ireland. The laboring classes in England are distressed beyond precedent. It may be believed that several hundred thousand persons have been thrown out of employment, and many were in want of bread! Great exertions were making to relieve them, but the aggregate help needed was far beyond the means of supply, unless, indeed, very sparingly. The silk manufactures seem to have been almost all crushed—by "free trade." Many of the woollen weavers were literally starving, though the supply of bread stuff is uncommonly large, and the prices moderate. The military are frequently used to keep down the people. The manufacturing districts in Ireland are suffering as much as those of England. "Every weaver in Kilkenny" is said to be idle.

The London Sun, of the evening of the 9th March, remarks—"In the house of commons last night, a general feeling was expressed, that the assistance already afforded by the bank of England had produced symptoms of reviving confidence. Opinion—on which confidence is mainly founded, may indeed be excited by the expectation of a salutary relief by the advances from the bank, but we have no idea that they have yet been of any sufficient extent, and magnitude, to produce effecting extirpation of the merchant or the manufacturer. It appears by what fell from Mr. Huskisson, that the application from Manchester, came under the consideration of the bank directors on Friday—those from Glasgow on Saturday, and from Leeds and other places, at the beginning of the present week. Relief, it seems, has not, so far as is yet known, been required either by any eminent merchants, speculators or bankers. Master manufacturers, holding unsaleable stocks, yet desirous of still giving employment to the manufacturing population, have been the individuals to whom relief has principally been afforded. Certainly, no class of the community has stronger claims on the country for assistance."

The silk question has been fully discussed in the house of commons, and the new regulations introduced by Mr. Huskisson sustained. Mr. H's speech is said to have been very able, and completely triumphant!

The London Gazette of the 25th February, announced no fewer than sixty new bankruptcies, and four declarations of insolvency.

France. The silk manufacture is exceedingly prosperous. The "free trade," act of Great Britain, which has ruined her own manufacturers though it protects them with a duty of *thirty per cent.* has given much life and activity to those of France.

It appears that there have been numerous arrests in Paris. The affair is but casually mentioned: but is said that the number of prisoners is so great, that the Conciergerie and prison de la Force, are quite filled, and 130 have been removed to the Bicetre.

Spain is filled with insurrectionary principles.—Much disturbance has taken place in various provinces; but in general, the royal forces had succeeded in pretty speedily quelling them. All persons taken prisoners were shot. The end, however, is not yet.

Sir Frederick Lamb, the British minister at Madrid, after having for some months remained quiet spectator of events, has recently exercised an active influence on the proceedings of the Spanish cabinet. He has strongly urged the acknowledgment of South American independence, and it was rumored that such an acknowledgment was on the eve of being published. The Spanish cabinet is said to be influenced by the dread of a patriot fleet on their coasts. The arguments of the British minister have likewise been greatly enforced by apprehensions for the safety of Cuba, Porto Rico, the Canaries, and the Philippine Islands. The Spanish ministry, however, are anxious to obtain some countervailing pecuniary sacrifices from the South American governments.

Official notice has been given that Algerine corsairs attack all Spanish vessels.

Russia. Extract of a private letter from St. Petersburg, February 14. A report of the commission charged with the investigation of the conspiracy at St. Petersburg, was on the 9th of that month laid before the emperor alone, by general Dielitsch. To this report was annexed a list of the conspirators, pointing out also the greater or less degree of their guilt. The emperor appeared extremely depressed on that day. The mildness of his character recoiled at the measures of extreme severity which the circumstances require. On the 18th, however, his majesty called an extraordinary council of his ministers, and communicated to them the report in question. The council was unanimously of the opinion, that the safety of the state demanded prompt justice, and exemplary punishment of the conspirators, especially of those who were taken with arms in their hands.

One account mentions that it is expected 400 officers will be executed!

[It is strongly reported that this conspiracy has existed for a long time, since 1815, under different names; and that it had been resolved to assassinate the late emperor, which was prevented by his sudden death. The whole plot is said to have been discovered. Alexander, Constantine and Nicholas were to have been assassinated on the same day, by different parties of the band, six for each, as Paul, their father, was killed; and one of the reputed assassins of the latter, Michael Orloff, was at the head of the whole affair. The papers relating to it, were found in the possession of the princess Troubetskoi, at St. Petersburg, who was arrested. A republic was to have been proclaimed, and Orloff was to have been the chief of it.

Much speculation exists about the journey of the duke of Wellington to St. Petersburg—and because that, in the king of England's speech, the affairs of Russia were not at all alluded to.

Russia has lost another distinguished individual. The celebrated general Rostopchin died at Moscow lately.

When the procession, with the body of the late emperor, was near Tula, the workmen, [slaves they must have been] in the manufactory of arms, waited on their knees to receive it, and then drew the hearse eight versts, or more than four miles, when they were relieved by merchants and citizens of the place, who drew it to the cathedral, &c.

Greece. The rumors from this country so much contradict one another, that it is, perhaps, best to let them, generally, pass for the present. On the whole, however, they are very favorable to the cause of liberty and right.

Ibrahim Pacha is said to have lost 2000 men in his attempt on Acra. Cocolotroni had carried Tripoliza by storm. The fight and slaughter was dreadful. The castle was burnt down, with all the Egyptians and negroes from Darfour in it, in retaliation of cruelties they committed. Thirty six Christian officers were taken, and spared by the Greeks for the present—they were to be marched from village to village, to be exhibited as scoundrels. Mislonghi held out gallantly. The Egyptians lately lost 18 vessels of war, captured or destroyed by the Greeks. Col. Fabvier is of great service to the patriots. It was through him, chiefly, that Tripoliza was taken and 2500 of the enemy destroyed. Ibrahim was severely pressed, and had lost nearly every strong hold that he held in the Morea.

It was thought that he has not more than 10,000 men at his disposal.

Later accounts say that Mislonghi had been provisioned by the Greek fleet—that a great naval victory had been obtained, in which Miaulis and Canaris succeeded in burning 15 Turkish vessels, among them three of their largest ships—and that 2,000 men had left Hydra for Negropont, where a general insurrection against the Turks had broken out.

Colombia. The fleet fitted out at Cartagena was proceeding but slowly. The new frigate built at New York, had arrived, and was much approved of. Some privateers are busy off the coasts of Spain, and of Cuba, making many captures.

Mexico is represented as being very quiet and prosperous; and great respect is paid to the laws. It seems that troops have been assembled in Yucatan for the purpose of making a descent upon Cuba, when Colombia should act simultaneously, and the congress should sanction the measure.

Brazil. The governments of Rome, Austria, Sweden, Denmark, and France, have officially recognized the independence of Brazil.

Buenos Ayres is closely blockaded by a Brazilian squadron. Some papers belonging to this matter are unavoidably postponed.

Peru. The castles of Callao have been surrendered by gen. Rodil, and the war in Peru is wholly at an end. The particulars of the capitulation has not yet reached us; but the royal force was reduced to 500 men. The Colombian troops were about to return home. This news is official. Rodil was to embark for Europe, at an early day. He surrendered on the 23d January.

Bolivar has given up his authority in Upper Peru, and returned to Lima. The temporary command was vested in general Sucre.

Canada. The difference between Britain and Canada, on the right of appropriating the provincial revenue, came under consideration in the parliament of Lower Canada, by special assignment, & under a call of the house, on the 21st ult. The session continued from 10 o'clock, A. M. on that day, till 5 o'clock in the morning of the following day—when the house decided against the claims of the British ministry, 37 to 4. The house, when all are present, consists of 50 members. One seat is vacant, 3 members are absent from Canada, and one is sick. The galleries, wardrobe-room and passages, were full to overflowing a part of the time. The attorney general spoke three hours on the part of the minority. An address was voted to the king. Thus Canada takes her stand. Some other colonies complain that Britain fixes the salaries of the custom house officers, and requires the provinces to pay them.

Many menacing rumors were spread of the dangers which would result from thus persevering in asserting their right of control over the 14th Geo. 3d.—all these menaces were despised, and justly by the house. The British ministry, we prophecy, will act with magnanimous justice.

The Quebec Mercury hints at some dreadful consequences, if the house does not yield—are we to have military execution? is our constitution to be annulled? be it so—no consequence can be worse than that of yielding—let us see our condition openly and without a mask—we will be only the nearer a remedy.

[Mont. Spec.

Later foreign news.

Many more commercial and banking houses had failed in England, and the great merchants and bankers in Germany, Prussia, the Netherlands, &c. were giving way, and for enormous amounts. The like, perhaps, was never heard of before. But the ruin in England appears to be checked by the powerful exertions of the government and of the bank. The revenue is doing well, and the minister shews a flourishing state of the finances; which, by our own experience, we very well know, may shew a distressed and improverished people.

There have been some very warm debates in the French chamber of deputies relative to the affairs of St. Domingo; but the people of France are quiet and seem to be prosperous.

Strong bands of constitutionalists have appeared in several parts of Spain. Another revolution is apparently looked for. The curate Merino is in arms against the government.

Russia is quiet—12 or 13,000 persons are said to have been implicated in the late conspiracy, some of them of the first rank. It is stated that the emperor will speedily reduce his army.

The Greeks have evidently been very successful—the Egyptians and Turks, by land and sea, have been severely mauled by them. Important particulars may be expected.

Buenos Ayres is closely blockaded by the Brazilian admiral Lobo. Mr. Forbes, our charge des affaires, has had a correspondence with him which shall be given hereafter.

Sir Walter Scott has made oath only that he is the *proprietor*, and not the *author*, of the *Waverly novels*.

It was stated by the last arrival, that the New Orleans revenue cutter was towing in a piratical vessel. This report originated in the following occurrence as related in the New Orleans Mer. Adv. of the 14th.

"The schooner *Eagle*, of New York, loaded at Havana, some time last month, with goods for inhabitants of Merida and Ciel; the former the capital and the latter a seaport of Yucatan. The *Eagle*, having arrived on the coast on the 1st of March, was fired on by a Mexican gun boat, called the *Tampico*. She was then boarded by a lieutenant of the Mexican navy, who declared the *Eagle* to be a good prize, inasmuch as she had violated the revenue laws prohibiting the introduction of goods from Spanish ports, &c. Four of the crew of the *Eagle* were taken out, and a Mexican prize master and 11 men put on board, with orders to take her into Campeachy. On the third inst. the capt. of the *Eagle* took advantage of the prize master and some of his men being below, to disarm the two centinels on deck and regain possession of his vessel.—In doing this, a corporal of the Mexican marines, was shot through the thigh. On the 11th inst. the *Eagle* arrived off the Balize, and all the Mexicans but the wounded man, were put on board the Louisiana revenue cutter.—N. Y. Mer. Adv.

RAFTS OF RED RIVER.

Natchitoches, March 13.—Capt. Birch and Lieut. Lee, with a detachment of men from Cantonment Jesup, who, by order of Government, have been up Red River examining the great Raft returned a few days ago, after an absence, on that duty, of about two months. We have conversed with these scientific and very intelligent gentlemen, on the subject of their excursion, the object of which we understand to have been, to ascertain the practicability of opening a Steamboat navigation through the Raft; and we understand from them that they found in one hundred miles in the serpentine bed of Old River, about one hundred and eighty distinct Rafts or junks of timber, from a few to three or four hundred yards in length. To break or remove them, so that steam boats could pass, would be a work of very great labor and expense; and, if effected, the timber let loose would form new obstructions below. They found the banks of the river exceedingly rich, but covered with such quantities of cane, vines, and briars, that it is impossible for a man to get through it without cutting a passage; of which a man could cut but a few yards in a day. After examining the old bed of the river as well as they could, they crossed over an island, hauling their light skiffs to the Bayou Pierre, or Western branch or division of the river, which they found very different; from which a canal of less than half a mile, through a level alluvial soil, would open a communication into lake Scioto. They entered this lake with their skiffs, and spent several days in examining it. This lake is about 100 miles long, and five or six broad; it has a channel in it, in which they found ten feet water, and the high water mark at least fifteen feet above the then surface. The lake stretches along with an indented shore nearly parallel with the river; there is a communication between the lake and the river already about twenty-five miles above the head of the Raft, and one might easily be opened many miles higher up. They found in descending the Bayou Pierre Branch which unites with the old bed again, about six miles above Natchitoches, very little obstruction; the principal of which is a few cypress stumps standing in the passage, which can easily be removed at low water; which, being done, and a passage cut into lake Scioto, there would be nothing at high water to prevent steam boats from ascending Red river, more than one thousand miles above Natchitoches, or even into New Mexico, through an extraordinary rich fertile country and a mild and salubrious climate. It is believed that the Bayou Pierre passage is more than one hundred miles shorter than by the other branch of the river.

Courier.