

GOVERNOR'S MESSAGE.

CONCLUDED.

Many views are taken with respect to the situation of the *sold* unpatented lands. Nearly all agree, that something should be done to avert the unjust and unhappy consequences, which must result in time from continuance of the present arrangement. The amount of debt due for public lands in the Western country, is truly discouraging, and evidently, out measures the ability of the people to discharge it. It cannot be denied but what the government has indulged the purchaser already, by giving time to the advantage of many; but there are thousands who have taken advantage of the tendered credit, who will still be unable to comply with its conditions. The same liberal sentiment, which has once given an extension of credit to land debtors, will surely take delight in a repetition of the good deed, if actual necessity demands it. And I have yet to hear the reason advanced, to justify the United States, acting on the principles of moral honesty, in ever receiving another forfeiture of the lands sold, for want of payment which have been taken possession of by the actual settler. Reasons also less cogent, may be offered why forfeitures should not be exacted of any class of purchasers. The entries of those very lands, which now stand on the relief list, were made at a time when the whole monied concerns of the continent were a splendid delusion. These things took place in the *paper age*, when the country was literally inundated with a fictitious circulating medium, which every state in the Union contributed more or less to put into circulation. Forty odd Banks were incorporated in some states at a single session of their Assembly's; and bank bills were flying through the land, like locusts of olden time. All who wished, could handle enough of them to enter one or more quarter sections of land, not looking for a failure in the paper, or a change of times. The United States, too, contributed their share largely at first, to give credit to this currency, by making it receivable at their land offices. Many thousand quarter sections were entered, with that bank paper, which are now unpaid for. When the Banks failed, the government stopped the receipt of their paper for land and demanded specie or its equivalent. The war also, connected with the Banks, left upon the people a spell, from which they did not recover for years afterwards.

Markets were then good, and prices for the productions of the soil were high. Every thing combined to make the citizen fix a false estimate upon real estate. But the picture is now turned. We have no armies to feed. The great mass of our population have become agriculturalists. Production greatly exceeds consumption. There are no extraordinary armies in Europe to supply. And the staples of our country, *bread* and *meat* are excluded therefrom by prohibitions and restrictions. The inhabitants of the cities of the two Americas, and the manufacturers of the northern, are the principal consumers.—These very land debtors, have also, been the pioneers of a country unimproved by roads and canals, and have been subjected to continuous risks, sacrifices and expenses to convert their labor into money. They have by their prowess forced the savage to bury the tomahawk, and confronted danger and difficulty in all their most distressing forms; and have opened the path which now conducts the steps of the emigrant, in quiet safety, into the Egypt of America. A flourishing and rival neighbor the Mexican Government is also offering her lands to actual settlers, distinguishing not between alien or denizen.—These considerations with many other reasons, which might be urged, ought forever to banish from the councils of our country, the idea of taking the poor man's home, with the labor of his better days, as a forfeiture, for no other crime than that of penury. Congress may at once get rid of this troublesome subject by an effectual display of that magnanimity, which has always characterized that body. In all cases where eighty dollars have been paid as the entrance money of a quarter section, let them order a patent to issue for eighty acres of land. Two payments at this rate, would entitle the holders of a certificate to a quarter section. It does appear forcibly, that the circumstances under which the unpaid for lands were purchased, justice and policy all concur in requiring that much, at least at the hands of the General Government. If you think with me, speak to the Nation on your sentiments on these matters.

The Surveyor General has just completed the survey of the boundary line between this state and the Territory of Michigan, according to an act of the last Congress, to the full extent of our claims. The boundary is fixed ten miles north of the southern extreme of Lake Michigan, giving to Indiana, upwards of fifty miles of territory bordering on it.

A communication which I have in my possession, from Col. Bomford, of the Engineer Department, at Pittsburgh,

shows that this state has received arms and equipments, equal to eighty four muskets more than her returns entitle her. It may here be proper to observe, that, that Department has given me notice that no one but the Executive of the state, is hereafter authorized to draw and receipt for our quota of arms, &c.

Due attention has not been paid to making returns to the state Adjutant General's office by militia officers, which has kept our quota of Arms below our real strength. And the last General Assembly, inadvertently repealed the muster at which it was the duty of Company officers to make their returns, which occasions an additional cause of failure for this year. If the Commander in Chief, or the Adjutant General, were authorized to make the Annual return, according to the best information they could acquire, we would, in future, suffer the usual loss of arms.

Though a well organised militia is the strong arm of the National defence, and the shield of our liberty, but little state Legislation has taken place respecting it, under the conviction that Congress is the proper body to build up an effective and general system for its discipline and government. That body has this power expressly given to it by the Constitution, reserving to the states the right of appointing *all* the officers and the authority of training. A sage maxim that uniformity, is the glory of this system, induced this delegation of power to the Federal Legislature. The Secretary of War, in obedience to an act of Congress, has been diligently arranging a system of tactics, predicated upon the public sentiment, and most congenial to our institution, which at extensive correspondence has made quite manifest. The most important feature in this new system is, that which proposes to divide the militia into two classes, *active* and *sedentary*.

Experience has tested the fallacy of requiring the whole body of the militia in the United States, to perform actual services each year. And the two hundred thousand dollars which are annually appropriated for arming and equipping the militia of the states, will never accomplish the design of its expenditure, for the increase of *militia men* far exceeds the number of persons furnished annually. This system proposes to raise a volunteer corps, in each state, in proportion to its population, who are to be armed and equipped completely. By this means but a small number compared to the whole body of the militia, will be enrolled for actual service, and *none* but those who take a pride in serving their country, in arms. The sedentary will be called into service, if required, in times of trouble. Such an arrangement, will leave the *active Militia* without excuse in the performance of their duty, and will enable us to present a line, in the day of battle, which will be as terrible in appearance, as it will be *willing* to handle the instruments of War. As a consequence, the *conscientious*, will be exempt in times of peace from duty, penalties, or equivalents, the active corps being voluntary. This bears no similitude to a standing army, for the soldier is a local citizen, and the officer is appointed by the authority of the states; and no change is affected in the domicil of either. A "Military Captain," can neither command or corrupt it. It is expected that the officers and soldiers in the *active militia* will be paid for the few days they are in service, learning their duty, each year, and provisions furnished them with tents and camp equipage.

The cost of a military establishment, like the above, is thought to be the least expensive of any other. You will no doubt notice the letter of the Secretary of War, on this subject, to be found among the unfinished business of the last session, in a proper manner.

The board of visitors to the Bloomington Seminary, sat there, for the first time, on the first Thursday of the last month. They witnessed, with special satisfaction, the examination of the students, in the various branches of science and literature, to which their attention had been devoted by their able instructors. The proficiency to which many scholars had attained in the Latin and Greek languages, and in the Mathematics, presented both students and professors in the most favorable light. That portion of Seminary lands, which was sold in Monroe and Gibson counties, brought a fair price, producing near thirty thousand dollars. The interest upon this sum together with the amount due the institution from the state, will produce an interest of two thousand dollars for its support. All unite in supposing, that the interest on the fund is now sufficient to justify the institution in taking the rank of a college, and to employ a President and other Professors; leaving a sum to be appropriated, each year, to purchase a library and apparatus. Your body is respectfully requested to give the institution a college charter. When all this shall have been accomplished, but little doubt is entertained, that the youth of Indiana can obtain their education at home, without performing an unnatural journey to another state for it.

Proper regulations will follow, as a matter of course, so as to enable the poor to enjoy its advantages, as well as the rich.

You are again earnestly requested to proportion punishment to crime, more justly than the existing penal code demands. I must suggest the propriety of no one being punished, by imprisonment in the penitentiary, unless the nature of the offence would require a term of service not less than three years. A distinction between grand and petit larceny, especially, should be drawn. With an expectation that something would be done by this General Assembly, in this particular, no permanent contract has been made with a superintendent of the prison, for its future management. This improvement in the criminal code, will enable the Governor to make a contract much more advantageous to the state than he can if it remains in his present state. A committee was authorized, during the past summer to examine the penitentiary, and to inquire into its management, who performed their duty, and transmitted to me their report, which will be laid before you, together with a temporary contract with Colonel Westover.

The attention of former legislatures, has been called to the propriety of improving the navigation of the two White Rivers. The number of boats which have descended these streams in safety loaded for New Orleans, leaves no doubt as to the propriety of paying particular attention to them, as very valuable auxiliaries to the southern trader. A few hundred dollars annually appropriated for the purpose of cutting out sawyers, and removing some piles of drift, would very soon make their navigation for descending boats, in common rises of water, as safe as any one could desire or expect. The White River countries are beginning to produce a considerable surplus for exportation; which make it necessary that they should not be overlooked whilst we are improving the navigation in other parts.

The permanent location of the National Road, has been completed this season, as far westward as the line dividing Indiana from Illinois. We shall look to the completion of this road with much anxiety, until it is finished. It has already occasioned the germs of town, and farms are opening near it, upon the faith that no circumstance will occur to discontinue its progress. The passage of the bill before Congress, to remove the timber, as a preparatory step is not less wise than politic.

The fate of a memorial to Congress of the last General Assembly, to sell the school sections, is not yet determined. As it is most probable that we shall not hear from it in time to act at this session, nothing will be said illustrative of that system of education, which appears to be dictated by the best experience, and supported by the strongest reasons; whenever this subject becomes a topic of legislation, however, I hope the voice of history and the tested theories of other governments will be noted; and that particular reference may be had to the improvement of the *head* and *body*.

At the expiration of about two years, it will be necessary either to republish the present revised code, or one on an improved plan. The demand for those on hand is great, and the number of new counties organizing, and the increase of officers, will in that time, take the form that remain. Anticipating the necessity which must arise, it is my intention to present to a future Legislature a code of laws, both civil and criminal for its consideration. In taking this step, the responsibility and cost will be on me. If, upon examination, it is believed to be an improvement upon our present volume, after undergoing the ordeal of legislation and consequently the strictest scrutiny, it will become law. No liberal suspicion can be entertained that my object is dictation, when it is remembered that the Constitution gives this power to the Governor. He can either recommend the passage of a single law, or the adoption of an entire code. Whilst attempting to execute a work of this magnitude, I would be regardless of my own reputation, the greater honor of the state, and the still greater interest of the governed, were I not to avail myself of the advice of the first talents in the state. The greatest imperfection of the existing revised code is, that it contains but little, compared to the multiplicity of useful provisions which might be incorporated in a book of its kind. Codification, commensurate with all the multifarious concerns of mankind, in which is to be found a remedy for every wrong, with a practical mode prescribed for seeking redress, so as at once to dispense with the common law, cannot be expected. But whilst this administration is made, I must be allowed my opinion, that principles of law enough might be selected, simplified, and written in a statute book, to enable the people generally, to form a tolerable correct idea of that system of jurisprudence which controls their actions. And if the code contains wholesome provisions, it need not be asked whether they were original or borrowed from the beautiful maxims of the common law, the civil law, the Napoleon or the Livingston codes, than the last of which will none other contribute more abundantly to swell its pages with its sage precepts. This code does immortal honor to the distinguished luminary who penned it, and may, with proper modifications, be adopted by any state. Should we succeed in getting a code as replete with matter as this one is, the common law of England, and the British statutes made in aid of it, which have been declared in force in this state, may be abandoned as *obligatory*, in most cases, and made use of only as authority. Or, as it is not contended that a single effort can reduce all the unwritten to written laws, so as to em-

brace every possible case, or that the mind of any finite creature, can grasp at enough for the infinitude of human acts, the common law

might be continued in force in all cases not within the perview of the code. The advantages such a code will afford, will be, to enable the governed to know what the law is, and to have it in their power to acquire that knowledge without much trouble or expense. This is not now the case, nor will it ever be, so long as several thousand books of reports and elementary treatises must be read, to arrive at a full knowledge of the laws. A code may contain principles so epitomized, that a single sentence would give that information, relative to the common transactions of the world, which the labor of a week in books, would not so clearly establish.

The presumption that no code can be suddenly made to comprehend all the cases which may occur in a community, as far advanced in civilization as ours, is no argument why we should not commence the work of self-government in reality, and go as far as we can, leaving the balance for posterity to do. As long as one country tamely submits to be governed by the laws and customs of another, it is not entirely free. Half a century has passed away since the declaration of our independence, and British laws still govern us. The earlier we commence shaking off this disreputable stigma upon the intelligence and capability of our countrymen, the sooner we shall be prepared to resort to the common law of England, as a body of philosophy, and hang it up only as a lamp in the land; and to resolve that no system however grand and beautiful in all its symmetry and parts, which must remain a mystery to the multitude, and as inaccessible to it as the laws of Caligula, shall be the rule by which the conduct of *all* shall be squared. I shall hope that gentlemen of the bar will not suppose, that this attempt to promulgate the laws of the land, will be aimed at their useful profession, or condemn its practicability, until they see the book.

The sales and entries of lots in the town of Indianapolis, authorized by an act of the last session, from May last up to this time, amount to twelve thousand three hundred and seventy four dollars.

The treasury is not in as good a condition as it was last year, on account of the reduction of taxes, which was authorized by the last session. The assessments of the past year, will not exceed thirty-three thousand dollars, of which it is not probable that more than twenty-seven thousand will be paid into the treasury, the balance being required for commission, delinquencies, mileage and advertising.

An old balance in the treasury of \$19,284, as reported to me by the treasurer on the 31st of Dec. last, added to the sum of \$27,000, supposed to arrive at the treasury of this year's revenue, will make the sum of \$46,284 for the service of the current year, except the amount paid out since the said 31st of Dec. last, which the treasurer has not reported to me. The ordinary expense of the present political year, ought not to exceed twenty seven thousand dollars. In addition to the above, it may be expected that something will be realized from old delinquent lists. Our state debt is extinguished, except what is due the road and canal and seminary funds, which are payable at the pleasure of the state; the amount of which appeared in my last regular communication.

The existing revenue law will produce means enough for the common purposes of government in future. The polls are rapidly increasing, and a large additional quantity of land will be added, this year, to the old source of revenue.

I shall be at all times at my post, ready to co-operate with you, in any measure tending to preserve the Union of the states; public and private prosperity; the just and constitutional powers of the people; the powers of the several departments of the government free from encroachment; civil *liberty* and *equality*, with their original qualifications; the rights of private property, and the sanctity of individual contracts; the exercise of all the legitimate powers delegated to the central and national legislature at Washington; the unshaken rights of the states; a proper respect for the acts of those in authority, always tempered by the public sentiment—peace; the unqualified toleration of religious and political sentiment, without proscription and the elements of that greatness to which our beloved country is destined, by the Ruler of the Universe, in her majestic march, to arrive at.

JAMES B. RAY.

Collector's Notice.

HAVING been appointed Collector of Taxes for Dearborn county for the year 1827, and received the Duplicate, together with a receipt commanding me to collect the same, I hereby give notice that I am prepared to receive the amount charged to each individual, as also arrears due me for former years I have been collector. No further indulgence need be expected by delinquents, as I am determined to collect as the law prescribes. I will pass through the county immediately for the purpose of collecting, at which time I hope to receive the little sums due, so as to save further trouble.

Those indebted to me for fees, notes, or accounts will do well to pay the same immediately, as I will place them in the hands of proper officers for collection. I also wish to close the business of the Indiana Spectator, and to receive the amount due me on subscriptions taken to the Palladium for settlement. Having heretofore so often requested payment by advertisement, to little effect, I have concluded that it is unnecessary to warn any more—I must and will resort to the authority given me by law for the recovery of my debts.

Postponed Sale.

Notice is hereby given, that I will on the 1st Monday in January next, after disposing of the personal property of delinquents, as charged in the duplicate, (where the same does not satisfy the demand,) offer for sale all the land wherein the taxes are not paid previous to that time, by their Number of Township, Range, Section, Quarter Section, or parts thereof—also all town lots, or fractions, charged as aforesaid, and commence sale said from day to day until all of the same for sale.

JOHN SPENCER, Collector, for Dearborn county.

AMOS LANE,

ATTORNEY AND COUNSELLOR AT LAW,
INFORMS the public that he will constantly attend the Terms of the Supreme Court; the District Court of the United States, at Indianapolis; the Franklin, Dearborn, Switzerland, and Ripley Circuit Courts; and any other Court in the state, on special application. That in future his undivided and persevering attention and talents, will be devoted to his profession.—And may, at all times, be consulted at his office, in Lawrenceburg, next door to Mr. Hunt's Hotel, or at Court.

July 25, 1827.

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N. G. HOWARD,

COUNSELLOR AT LAW,

Lawrenceburg, Indiana, will faithfully attend to professional business intrusted to his care. He will attend the courts in the 3d circuit, also the Supreme and U. States courts at Indianapolis. Office on High Street, opposite the Clerk's office.

Feb. 25, 1826.

8-1f.

20 Dollars Reward.

RESCONDED from the service of the subscriber, on the evening of the 10th inst.—Indented Apprentices to the *coopering* business, named Joseph and William Meeker, twin brothers. The above reward will be paid for the return of said apprentices, or Ten Dollars for either of them, and reasonable charges paid. All persons are hereby forbid employing or harboring them, as I am determined to use all legal means to obtain the balance of service due from them, or an equivalent. I expect they have made their way to Indiana state, perhaps somewhere on the waters of Hogan Creek, ten or fifteen miles from Aurora, as their mother and relatives live in that neighbourhood.—Information of them from any of my *fellows* craft will be thankfully received, and reciprocated if circumstances should present the case.

WILLIAM SCHILLINGER.

Cincinnati Nov. 14, 1827. 46-3w.

ADMINISTRATOR'S NOTICE.

PUBLIC notice is hereby given, that I have taken out letters of administration on the estate of James H. Graves deceased, and have sold the notes and accounts of the deceased in the hands of Thomas Palmer Esq. in Lawrenceburg, where persons indebted will do well to call and settle within one month from this date; the said estate it is believed, will be amply solvent.

CATHARINE GRAYES Adm'r. November 9, 1827. 47-3w.

Valuable Property for Sale.

THE subscriber offers for sale 160 acres of land, situated about three miles from Hartford, between the waters of Hogan and Laugher creeks, 70 of which are cleared and under cultivation, and the balance well timbered. On the premises are a good dwelling house, barn, out houses, two bearing orchards, meadows, and three never failing springs.

ALSO—The well known tavern stand in the town of Hartford, now occupied by Davis Walker, Esq., to which is attached three lots of ground, a good stable, and an excellent well watered.

ALSO—The eligible store house, occupied by J. & A. P. Andrew, nearly opposite the above said tavern stand, to which is attached an excellent garden lot.

ALSO—The premises on which the subscriber resides, situated in Hartford, consisting of one large two story frame house, well calculated for a store and tavern, an elegant and spacious stable, part stone, four lots of ground, and two never failing springs.

The above described property will be sold low for cash, if application be made previous to the 1st of February next; after which time it will be for rent. For terms apply to the subscriber living in Hartford, Ia.

JOHN LEVINGTON.

October 6 1827.

W.M. HARRINGTON,

Boot & Shoe Maker,

WISHES to inform the citizens of the state of Indiana, Kentucky, and Ohio, that he carries on the above business at his old stand, first door above Jesse Hunt's Hotel, on High street. He has on hand a general assortment of work:—

Women's Morocco, prunella, and calf-skin shoes; Men's coarse and fine boots and shoes.

All of which are executed as well as any in the Eastern or Western cities, and of good materials. Attention will be paid to all orders in his line of business.

JOURNEYMAN WANTED;

To whom Cincinnati wages will be given Lawrenceburg, July 12, 1827. 2-1f.

INDIANA PALLADIUM,

PRINTED AND PUBLISHED

BY