

Indiana Palladium.

EQUALITY OF RIGHTS IS NATURE'S PLAN—AND FOLLOWING NATURE IS THE MARCH OF MAN.—BARLOW.

Volume V.]

LAWRENCEBURGH, INDIANA; SATURDAY, FEBRUARY 7, 1829.

[Number 5.]

BY AUTHORITY.

LAWS OF THE UNITED STATES PASSED AT THE SECOND SESSION OF THE TWENTIETH CONGRESS.

[PUBLIC, No. 2.]

AN ACT restricting the location of certain Land Claims in the Territory of Arkansas; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person entitled to a donation of land by the eighth section of an act, entitled "An act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State to aid in the construction of the Canals authorized by law, and for making donations of land to certain persons in Arkansas Territory," shall be permitted to enter the improvement of any actual settler in the Territory of Arkansas, before the same shall have been offered for sale, unless it be with the consent of such actual settler; and all entries which may be so made shall be considered null and void.

SEC. 2. Be it further enacted, That no person residing south of the Arkansas river, and west of the present Territorial line, shall be entitled to the donation of land given by the eighth section aforesaid, unless said persons shall move east of said line; and, in that case, they shall be entitled to the donations specified in said eighth section of said act, under the restrictions aforesaid.

ANDREW STEVENSON,
Speaker of the House of Representatives
JOHN C. CALHOUN,
Vice-President of the United States,
and President of the Senate.
APPROVED, 6th January, 1829.
JOHN QUINCY ADAMS.

[PUBLIC, No. 3.]

AN ACT to preserve from injury and waste the School Lands in the Territory of Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor and General Assembly of the Territory of Arkansas be, and they are hereby, authorized to make, and carry into effect, such laws and needful regulations as they shall deem most expedient to protect from injury and waste, the sixteenth section in all townships of land in said territory, where surveys have been or may hereafter be made, which sections are reserved for the support of schools in each township, and to provide by law for leasing or renting the same, for any term not exceeding five years, in such manner as to render said school lands most valuable and productive, and shall apply the rents derived therefrom to the support of common schools, in the respective townships, according to the design of the donation, and to no other purpose whatever.

Approved, 6th January, 1829.

[PUBLIC, No. 4.]

AN ACT extending the term within which Merchandise may be exported with the benefit of drawback.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, all goods, wares, and merchandise which are now entitled to drawback, or which may be hereafter imported, may be exported with the benefit of drawback, and without any deduction from the amount of the duty on the same, at any time within three years from the date when the same may have been, or shall be imported: Provided, That all existing laws regulating the exportation of goods, wares, and merchandise, shall have been in other respects complied with.

And provided further, That this act shall not be so construed as to alter in any manner the terms of credit now allowed by law for the duties on goods, wares, or merchandise imported.

Approved: 6th January, 1829.

[PUBLIC, No. 5.]

AN ACT to allow a salary to the Marshall of the District of Connecticut.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred dollars be, and the same hereby is, allowed annually, as a salary to the Marshall of the district of Connecticut.

Approved, 6th January, 1829.

Peace is likely to be established between France and the Dey of Algiers.

INDIANAPOLIS, Jan. 22, 1829.

Messrs. Gregg & Culley:

I herewith forward you a copy of the bill which was presented for the purpose of selling the school lands in the county of Dearborn, and which I hope may be published in your paper. It is the same as the one which passed the House of Representatives. The one introduced into the Senate as a substitute, and which has become the law of the land, will soon be published. The people will then have an opportunity to judge of the relative merits of both plans as proposed by the bills.

The bill, which has become the law, I would not support. It does not, in my opinion, meet the expectations or wishes of the people, nor can it effect the object intended by the donation. The great objection made to the bill presented by the committee, and which passed the house, was that it left the property too much at the control of its real owners, the citizens of the several townships.

Whether the people will consent to elect one overseer, and pay him for doing that which they can much better do themselves, is for them to determine. The subject is before the people, and I earnestly hope will receive all the consideration its importance demands.

I am gentlemen,
your obedient servant,
HORACE BASSETT.

A Bill to authorize the sale of the school lands in the county of Dearborn, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That each and every Congressional township within the county of Dearborn, shall be, and the same are hereby constituted a body politic and corporate, and in their corporate name and capacity, may sue and be sued, plead and be impleaded in any court of competent jurisdiction.

SEC. 2. Be it further enacted, That any five of the freeholders in any township in said county may call a meeting of the inhabitants, by notifying the same in writing, to be posted up in three of the most public places in their township, at least twenty days prior to the time of meeting—the meeting to be held on the section reserved for the support of schools, or as near thereto as a convenient place can be had; and in case a majority of the legal voters of the township should be present, shall proceed to determine by vote whether they will sell the said reserved section or not; which election shall be conducted in the same way as is directed by the law regulating the election of state and county officers. And should a majority of the legal voters present, be in favor of a sale, the clerk of the meeting shall, within ten days, certify the same under oath, to the treasurer of the county.

SEC. 3. The electors of the township shall at such meeting elect three trustees, who shall be freeholders or householders of the township, who shall severally hold their offices for one year, and until their successors shall be elected and qualified, which elections shall be annually on the first Monday in September, but in case no election shall be held on that day, the same may be held on any subsequent day, notified in the manner aforesaid, ten days prior to such elections.

SEC. 4. The trustees so elected shall be denominated the Trustees of Congressional township No. Range No., and be severally sworn to the faithful discharge of the duties by this act enjoined upon them. These shall appoint a township clerk for the time being, who shall be sworn in like manner as the trustees.

SEC. 5. Should a majority of the voters in any township in said county, be in favor of the sale of the reserved section, the trustees shall proceed to sell the same at public auction, to the highest bidder, in such divisions and lots, as will best suit the purchaser, and ensure the best price for said land. The trustees shall fix a minimum price on said land before the sale, which shall in no case be less than one dollar and twenty five cents per acre; and no sale of any of said lands shall be for a less sum than the minimum price aforesaid.

SEC. 6. The trustees shall, before they proceed to sell the land, give public notice thereof at least thirty days previous to such sale, by posting up the same writing in three or more of the most public places in the township, and also by causing the same to be published in some public newspaper, should there be any one in the county, and if not, then at the court house door and such other places within the county as they may deem pro-

per; the sale to be at or as near the premises as convenience will admit, between the hours of ten o'clock A. M. and six o'clock P. M. and may be adjourned from day to day, as the trustees may direct, until the sale shall be completed.

The township clerks shall be clerks of the sales aforesaid, and shall record the same in their respective township books, and also return a true copy thereof to the treasurer of said county within five days from and after, the sale as aforesaid.

SEC. 7. The trustees shall require the interest on the whole amount of the sales, to be paid at the time of the sale, and one fourth of the principal: *Provided*, That it shall be at the option of the purchaser to give bond and security for the said fourth part of the principal, payable in one year, with interest annually—the bond and security to be approved by the trustees—the securities to be at least two freeholders of the county; and in case the said fourth part shall exceed one hundred dollars, in addition to the sureties aforesaid it shall be secured by mortgage on real estate other than the premises sold. The remaining three fourths of the sum to lie on a credit of any length of time to suit the purchaser, his heirs or assigns, with interest annually payable in advance at the commencement of each year; and on failure to pay the interest for the space of six months after it shall have become due, the tract of land on which the interest may be due shall be forfeited to the township, as also the benefit of the contract by which it shall be held; and the township shall have a right forthwith to hold and possess such lands; and all purchasers, their heirs and assigns, after failing to pay the interest due in advance as aforesaid, shall from thenceforth be considered as tenants at will only; and if he or she or they after that time shall commit any unnecessary waste upon the premises occupied, and upon which the interest has not been paid as aforesaid, it shall be the duty of the clerk of the proper township, to commence, in his own name, for the use of the township, an action of trespass, before some justice of the peace in the county where the land lies; and if on trial the clerk shall recover a judgment, such judgment shall justify and authorize him to take immediate possession of the tract of land in question by calling to his assistance if necessary, the posse comitatus, and from that time the township shall of right hold and possess such land: *Provided*, That whenever the trustees of any township may have leased said reserved section under any former act of the Legislature, the lessee shall have the right to hold the land agreeably to such lease, or to surrender the same for sale as aforesaid, at his option; and in all cases when the said lands may have been leased in an illegal form, and the lease thereby void, it shall be at the option of the trustees to confirm said lease, or to pay said lessee for his improvements made thereon.

SEC. 8. The several township clerks in the county of Dearborn shall before they enter upon the duties of their office, give bond and security in the sum of four thousand dollars by two or more responsible freeholders, conditioned for the faithful performance of the duties by this act required; which bond shall be made payable to the trustees of the proper township, and be a lien upon the real estate of the obligors, and have the like force and effect of judgments rendered by the circuit court. The clerks shall keep a fair record of all the township meetings, of the proceedings, acts and orders of the trustees in a book to be furnished by the township for that purpose; and all notes, bonds, and mortgages taken for any monies due the township, shall be in the name of the township clerks and their successors, by the direction and order of trustees; and all certificates of the purchasers of the lands aforesaid, shall be signed by the clerk specifying therein that it is by the order of the proper township.

SEC. 9. The trustees shall within thirty days after their election aforesaid, or as soon thereafter as may be, divide their respective townships into proper school districts in numerical order, which shall not be less than four (unless it be a fractional township), and may from time to time alter and change such districts, whenever the interest and convenience of the citizens shall require it. They shall in the month of September cause an enumeration to be made of all the persons within the township, between the ages of four and twenty-one years, and cause the same to be recorded in the township book, particularly specifying the number in each district separately—and

and the township clerk shall within twenty days after the enumeration shall have been so made, deliver a true copy thereof to the treasurer of said county, which shall be sworn to by such clerk.

SEC. 10. The electors of the several districts may meet in their respective districts at any time after the division of the townships as aforesaid, on the application of three or more freeholders being residents of the district, which application shall be made in writing, and posted up in three of the most public places in the district, particularly specifying the time and place of such meeting.—The electors of the districts, shall when met agreeable to such notice, proceed to elect three trustees and one clerk; which election shall be conducted in the same manner as is by law for the election of township and county officers. They may determine by vote the site for a school house, its form, and the materials with which it shall be built—whether they will have a school, and for what length of time. The trustees and clerk shall hold their office for one year, and until their successors shall be chosen and qualified, and shall severally take an oath faithfully to perform the duties by this act enjoined upon them. The several school districts after being organized in manner aforesaid, shall be constituted bodies corporate and politic, and have and possess all the rights and privileges of a corporation, in like manner with the townships aforesaid. The district clerk shall keep a fair record of all proceedings, acts and orders of the trustees, and shall annually in the month of September, take an enumeration of all the persons within his district, between the ages of four, and twenty-one years, and record the same in a book to be kept for that purpose, furnished at the expense of the district, and likewise deliver a certified copy thereof to the clerk of the township who shall record the same in the record book of the township. The trustees shall have the superintendence of all the concerns of the districts, in erecting school houses as by law directed; to employ teachers, and dismiss them if necessary.

SEC. 11. The clerks of the several townships aforesaid shall pay to the treasurer of said county, all monies which have been paid to them as part of the principal arising from the sale of such land, within five days after the receipt thereof, together with all the interest paid in advance as aforesaid, and annually thereafter, or as often as monies shall come to their hands within ten days after the receipt thereof, unless the full amount of the annually occurring interest shall be expended for the support of schools within the townships. And should the expenses of the schools be less than the interest as aforesaid, the surplus only of such interest shall be paid to the county treasurer. The clerk shall, so often as the bonds become due for the aforesaid fourth part of the principal, proceed to collect the same, or have them renewed, as the trustees shall direct, with like security as required in the first instance.

SEC. 12. The county treasurer shall keep a record of all the returns made to him by the several township clerks within said county, in a proper book to be kept for that purpose, and furnished at the expense of the county; and also upon an account current with each of the townships, particularly specifying what sums may have been received for interest, and what for principal, separately. He shall loan all the money received as principal on a credit of five years with interest, annually paid in advance, the same to be secured by three or more freeholders, as sureties: *Provided*, That the citizens of the township to whom the money is due, shall in all cases have the preference over any other person. Bonds to be taken for all such loans payable to the county treasurer; on which bonds suit may be had and maintained on failure to pay the interest when due: *Provided*, That all monies loaned for the term of three years or more, and exceeding one hundred dollars, shall be further secured, in addition to the sureties aforesaid, by mortgage on real estate, and also loan the interest which may be paid to him as aforesaid on a credit of one year with interest annually, secured in manner aforesaid, whenever the same shall not be required for the support of schools within the township to which the said interest shall be due.

SEC. 13. The county treasurer shall pay annually on the first Mondays of May and September to the clerks of the several townships, all the monies due them agreeably to the provision of this act,

on their producing the order of the trustees or a majority of them, of the proper townships, shall give bond and security in the same manner he is now required by law to do, and subject to the same liabilities, in the penal sum of twenty thousand dollars, conditioned for the faithful execution of the duties by this act required. He shall devise the proper form of the certificate to be given by the township clerks, to the purchasers of the lands aforesaid; which certificates shall specify the land sold, the price thereof and the amount paid at the sale, or secured as aforesaid. He shall record all such certificates when presented by the purchaser, and as often as payments shall be made thereon, endorse the same on the back thereof and return said certificate to the rightful owner. All transfers of certificates shall be acknowledged before some person who is by law authorized to take acknowledgments of deeds, and records by the treasurer, for which he shall receive from the person presenting the same, twelve and one half cents; and for all other services, he shall be paid out of the county treasury of said county twelve and one half cents for every one hundred words recorded agreeably to the requirements of this act.

SEC. 14. That whenever full payment shall be made for any tract of land, sold as aforesaid, the clerks shall execute and deliver by the order of the trustees of the proper township, a deed in fee simple to the original purchaser, his heirs or assigns; which deed shall be acknowledged and recorded in like manner as other deeds, and have the same force and effect.

SEC. 15. Be it further enacted, That the township trustees shall divide the money belonging to the township, among the several districts within their townships, agreeably to the enumeration of all the persons in each district respectively, taken and recorded, as in this act directed, and pay the same to the several district clerks to whom it may be due, on their producing the order of the trustees of the proper districts; and also satisfactory evidence that there has been a school kept in such district for at least three months in the same year, such money may have become due: *Provided*, That no part of the school fund by this act created shall be in any manner appropriated by any township, or school district except for the payment of teachers, unless the sum shall be sufficient to support a school in each of the districts within the township to which the same may be due; for the term of six months in each year.

SEC. 16. Whenever the trustees of any township in said county, heretofore elected, may have leased the said reserved section, agreeably to the laws now in force; such trustees, shall on demand deliver to the clerk of said township, appointed and qualified as in this act directed, all the papers, bonds, notes or obligations, or money in their hand, or in possession of their clerk, which may be due, or be in any manner connected with the interest of the township, under the penalty of five hundred dollars, to be recovered by action of debt, before any court of competent jurisdiction, in the name of the clerk of the township to which the papers, bonds, notes or obligations may belong or the money be due; and on the receipt of such bonds, notes, obligations or other securities for the payment of monies or rents due the township, the clerk shall have the power, and is hereby authorized, to sue for and collect the same, for the use of the proper township; which money so received and collected as aforesaid, shall be appropriated by the trustees of the proper township in the same manner, and by the same rules and regulations, as is in this act directed for such part of the school fund as is yearly applicable for the support of schools.

This act to, take effect and be in force from and after its publication in the Indiana Palladium, a public news paper printed and published in Lawrenceburgh in said county of Dearborn.

Niagara Falls—a crash.—The Lockport Journal of the 1st instant says, that, on the Sunday evening previously, a surface of the rock, supposed to be the size of half an acre, forming the bed of the river, broke loose and was precipitated into the immense chasm below. The informant of the Journal describes the part fallen as having been within the Horse Shoe, at that point representing the Toe Cork. the crash was heard for several miles around, and the effects in the immediate vicinity resembled the shock of an earthquake.