

GOVERNOR'S MESSAGE. CONCLUDED.

Tariff.—Relative to the tariff of 1828, it will become my duty to lay before you, *preambles and resolutions* of the States of Virginia, Georgia, and South Carolina. These States are protesting against the present tariff, with a gravity and an earnestness, that entitle the documents which they have placed in our hands, to an attentive perusal, and their contents to the most respectful consideration. At the approaching session of Congress, a revision of the tariff is expected. It is conceded that the present tariff gave satisfaction, neither to its friends nor its enemies. Hence the probability of it again being made this winter, the subject of animated debate. Interested as we are, in having a high duty imposed upon every article imported into the country, which the genius, industry and ability of our citizens can manufacture or extract from the bowels of the earth, by labour, or that the soil will produce, the present opportunity of expressing your sentiments to your Congressmen, will doubtless be seized upon with an ardor becoming the special occasion. It is the least of my fears, that any opinion you shall express, will look to the aggrandizement of any one section of the confederacy at the expense of another. The three great contending interests of Agriculture, Commerce, and Manufactures, should meet each other on the open field of compromise, and there sacrifice sectional prejudices and jealousies, on the altar of the Divine commandment, “do unto others as you would that they should do unto you,” and so settle down upon a new American System which shall do equal justice to all. Let “Greek meet Greek” with the above authority added to the modern maxim, “we cannot buy unless we can sell,” and the hydra which threatens a dismemberment of the greatest monument of genius and patriotism, of the last half century, must sicken and die under the stroke of its influence.

National internal improvement.—You will be presented with resolutions of the States of Virginia, Georgia and South Carolina, denouncing internal improvements by the General Government, as an infraction of the Federal constitution. Too many successive heavy majorities of Congress, have sustained their right to improve the interior of the country as well as the Atlantic coast—there is too much justice in distributing equal proportions of the common treasure, to all parts of the country, and the constitution is too explicit in more than one of its provisions delegating expressly the authority to act, for any serious effort to be successfully made at this day, to check the progress of a system, bearing in its train, blessings co-extensive with our national boundaries. But though we may consider ourselves secure, in the continued exercise of this power—of so much consequence in the prosecution of works of public and private utility, and for the purposes of defence and commerce—yet a vigilance commensurate with the great interests at stake, may lead you prudently to make a renewed expression of your approbation of the principle. The preservation of the treasury in nearly its present flourishing state, and the maintenance of this power in the United States, as far as the constitution, in its limited specifications will permit, constitute our hope for prosecuting many of those mediums of intercourse, which have been marked out in the States as such valuable auxiliaries to our prosperity. If the treasury shall be considerably impaired by a revenue tariff only, instead of a tariff of protection, the improvement of the interior, by the loss of its very soul and alimento, must suffer a tremendous check.

Domain.—The wishes of this state on the propriety of a cession from congress of the unappropriated lands within the state, have been solemnly expressed and forwarded to the proper authorities. Nothing has yet been effected; and perhaps nothing will be, until the national debt is discharged. When that event transpires, a principal cause for not yeilding the lands to the states, will have been removed. It is not so very clear, whether even a general cession to the states, would be preferable to a sale and an equitable distribution of the proceeds among the states where the lands lie, or if grants could be obtained, from time to time, to aid them in building up seminaries of learning, endowing colleges, improving the navigation of rivers and for making roads, canals and railroads. Application to congress for portions of the public lands as we want them for special purposes, may be supported by all of the reasons which could apply to a request for a general session on demand of right, and would be made with equal modesty and consequent prospects of success: without raising the vexatious question of title. However much we may think we are entitled to the lands in question, however anxious we may be to get them and however strong our claim; yet, it must be evident to all, that it must be prosecuted under the most discouraging circumstances, whilst our delegation in congress do not all act in concert with us, refusing

to obey the instructions of the legislature on the subject, and virtually declaring independence of the same.

Hospital in Tennessee.—I have it also in charge to lay before you, a resolution of state of Tennessee inviting a co-operation of all the states, west of the Allegheny Mountains, in the erection of a hospital at Memphis in said state. As many of our citizens may become objects of its charity, it is but reasonable that we should divide the burden of this institution, if the location should be approved of by you.

Hospital in Kentucky.—I shall lay before you another resolution with a report, asking aid to sustain a hospital at Smithfield in Kentucky, erected by that state. This state could have no objection to a power given by congress to Kentucky, to collect a toll or tax on the commerce of the Ohio river, when the same should land at Smithfield, if her finances should not be in a condition to assist otherwise.

School Sections.—It will be perceived that a committee of the last congress, reported in favour of authorising a relinquishment to the United States, of the school section sixteen, in any congressional township, when of a limited value, and the selection of any other lands within the district for the use of the inhabitants of such townships. Some of the state authorities, should be directed to select these lands for the townships which may deem it desirable to avail of the privilege, if a law should pass on this subject. This is of sufficient interest to call for a memorial from you on the subject, as there are many school sections in the state, of little or no value.

Indiana College.—It is supposed that this institution will commence its first session, with about fifty scholars, under the charge of the Rev. Mr. Wylie, its president. Additional sales of college lands, are called for to create a fund for the purchase of a library and the necessary apparatus for the professorships.

The plan of sales recommended for the disposition of the canal and road grants of land, would, if applied to those lands, create a handsome fund annually for the gradual increase of a library and other essential college appendages. If any abuses have existed in the institution, they should be promptly exposed; and if on the other hand, its professors have been unrighteously assailed, it will be your pleasing task, to forthwith announce their innocence that confidence in the college may be more fully confirmed.

State Census.—The legislature will feel themselves bound to provide for taking the state census, required by the constitution to be taken every fifth year. The ordinary mode of taking the strength of the state may suffice; but, it is believed, that more accuracy would attend the discharge of the important duty, if your law required the appointment of an intelligent individual in each township in the state. By this simple process, we shall get our whole strength. And as the Marshall of the state, will take the census also next season, in order to determine our federal representation, this plan might be made to render him much assistance. It might serve to correct his own report, generally under the real number of his district. The present strength of the state is thought to be about three hundred and sixty thousand, and if the taking of the census, should be deferred until next fall, so as to avail of the ensuing season's increase natural, and by emigration we shall confidently look for 400,000 souls to be numbered. When this shall be contrasted with the one hundred and forty seven thousand which was our number in 1820, it will shew an increase in ten years, scarcely to be accredited. By the year 1840, Indiana will be ranked in the first class of states. The Empire is rolling westward, and soon the tide will flow far beyond us, and so onward, until the check which the Pacific ocean shall give it, will throw back upon us a redundant population.

Civil Code.—The task of preparing a civil code of laws for the state has been commenced, but owing to a press of private and official business, the labors of a single individual, have not yet been able to place the work in as great a state of forwardness as might be wished. Without an amanuensis, or assistant, it is believed that the code will be completed before the present executive retires from his office. With one, its progress might be greatly accelerated. The necessity of some additional system of laws will soon be felt. And a code, which shall furnish the community with law, to enable the people to transact their ordinary affairs, without the expense, trouble, or necessity of taking the lawyer's counsel, is one of the reforms loudly called for, in our civil policy. But a legislature of disinterested members will be essential to success. This the people can give.

Jurisdiction.—The trial and acquittal of William Rothwell in Perry county in this state, at the late March term of the Circuit Court, on a charge of murder committed on the Ohio river, & the points raised and sustained in the case, must point out the necessity of a declaratory statute on the subject of the concurrent jurisdiction of the states through whose territory this river runs, for the more certain service of process & punishment

of offences committed on its waters. It appears that an offender of the highest grade, has been discharged on the ground that this state, by any laws that are in force, has no jurisdiction over offences committed on the Ohio river.—However clear it may appear upon examination of authority, that we may take a concurrent jurisdiction on this stream, with the adjoining state of Kentucky, our state laws, defining county boundaries, by a vagueness of expression & the location of county lines, in some instances along the meanders of the river, together with the judicial decision, may with propriety, render our right to take cognizance on it, sufficiently doubtful, to require further legislation. Your right to clothe the authorities of the state with this necessary jurisdiction, will appear in an unquestionable shape, by a reference to the last sentence in the 4th article of the Ordinance of Congress, of July 13, 1787, declaring all streams running into the land at Smithfield, if her finances should not be in a condition to assist otherwise.

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To the above the sum of \$1,500, added to the estimated assessments of

the said counties, of 1000 70—make, altogether,

\$8,000 00. Delinquencies, commission, mileage, &c. will probably amount to 650—

which, deducted from the \$8,600 00, will leave

for the Treasury, \$1,500 00, including the

1041 88 of the same already paid.

To the above the sum of \$1,500, added to the balance in the

Treasury on the 1st of December and the means

for the current year amount to \$2,625. Through

full settlements by all the collectors of this

year's revenue, may not be made, the deficit will

hardly exceed the collections from old delin-

quencies. When it is remembered, that a part

of the items, of what is denominated debt, are

payable at the pleasure of the state, it may be

seen, that the available means for the service,

can be enlarged. The ordinary expenses of the

government this year, need not exceed those of

the last—say \$26,000. Whilst it is due to col-

lectors of the last year's revenue, to acknowl-

edge the promptitude with which they have

paid the revenue of that year into the Treasury,

it is believed, that the assessments of this year

will fall short of what ought to be reported to the

treasury.

The present revenue, law, with such amend-

ments as will require all taxable lands in the

state, to contribute to swell the Treasury, by do-

ing away assessments of land, and making col-

lectors act, in collecting land taxes, upon plots

from land offices, considering the unusual emi-

gration to the state this year, and the increase

of sources of taxation—ought to return to the

Treasury, next season, assessments, nearer to

fifty thousand dollars.—The above is

an exhibit of the Treasury on the 1st of Decem-

ber, instant.

Three per cent Fund.—The whole amount of

the three per cent fund, which has been re-

ceived by the different agents of this state, from

the United States, is \$15,067 49. The agent of

state has also received from the agent of the

state Treasury, (canal fund) 2500. The amount

appropriated since the 100,000, in 1822, is \$1,

50, all of which have been expended. If this

legislature shall appropriate any more of this

money, until it shall further accumulate, the

complexity which has grown out of former legis-

lation upon the subject, and the difficulty attend-

ant upon the distribution of the fund under it,

will suggest the necessity of making an entire

arrangement, and division of the fund in

future.

Upon the subjects which I have enumerated,

and all others which your superior wisdom shall

point out, I will cheerfully co-operate with you,

by day or by night, to subserve the great and

substantial welfare of our mutually beloved

country, that we may, by joint exertion, call

forth from the constituent, the thrilling plaud-

“WELL DONE.”

Dec. 8. 1829. JAMES B. RAY.

TAKEN UP

ON the 26th of November 1829, by Dennis Riley of Lawrenceburg township, A DARK BAY HORSE, with some white hairs in the fore-head left hind foot white, a small white spot on the thigh, supposed to be about 11 years old, no other marks or brands perceptible.—Appraised at \$27 50, by William V. Cheek and Nathaniel Ford, December, 10th, 1828.

Certified, THOMAS PALMER, J. P.

50-3w*

Probate Court of Dearborn County, November Term, 1829.

In the matter of the estate of **Byon Loder** deceased, **On Petition**

estate of **Byon Loder** deceased, **For Sale**.

Now, at the November Term of the Probate court of Dearborn county, in the state of Indiana, comes John McPike, administrator of the estate of **Byon Loder** deceased, and files his schedule and petition, verified on oath, shewing amongst other things, that the estate of the intestate is largely indebted, to wit; in the sum of \$800 dollars, or thereabouts justly due and owing; that there are no personal effects in his possession or knowledge belonging to said estate, where with to pay the same; and that the said **Byon Loder** died seized of real estate, to wit; the North west quarter of section 13, town 5, Range 2; and part of the South west quarter of the same section, to wit; 79 acres of land in the latter tract, lying and being in the county of Dearborn; and that he is not aware of the place of residence of the legal heirs of the said **Byon Loder**, if any have. Public notice is therefore hereby given, to the heirs of the said **Byon Loder**, and others concerned, that they be and appear at the Probate court of Dearborn county & state of Indiana, to be held at the court house on the first Monday in January next, then and there to show, or can say, why the lands aforesaid, or so much thereof as will pay the just debts of said deceased, shall not be sold for the payment of the same. By order of the hon. George H. Dunn, Probate Judge of Dearborn county.

JAMES DILL, Clerk.