

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 aliment, 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 yielding 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 railways. 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 a 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 show 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 Mississippi and St. Lawrence, common highways, &c., and more so, by the eleventh section of an Act of Virginia, erecting Kentucky into an independent state, 18th of December, 1789, by which a concurrent jurisdiction is expressly given to the states that possess the opposite shore of the Ohio river, 1st Vol. Stat. Ky. p. 19.—R. C. Ind p. 29. To settle the question with respect to the Wabash, you will have to act upon more questionable authority. You will also discover that many counties in the state are bounded by other rivers, which are also common highways, and without some special legislation the clashing claims of counties to jurisdiction, may become the subject of litigation. What is required, is a law, making that certain which is doubtful.

Asylums, &c.—Among that duties which the Constitution expressly enjoins on the Legislature, is that of making provision for the poor, who may have legitimate claims on the aid and beneficence of society. For this purpose, the Constitution requires, that farms or asylums shall be provided for them, so that they may find employment and comfort, and "lose, by their usefulness, the degrading sense of dependence." It is for you to judge whether circumstances will permit at present the adoption of a measure of the kind. It is also incumbent on the Legislature to countenance and encourage the principles of humanity, industry and morality. As the Constitution has proposed few specific modes in which this praiseworthy injunction is to be carried into effect, resolutions, recommending the general practice of the private, public, and social virtues, would not, perhaps, be unappropriate. The philanthropic exertions of the present day, seem not to have confined their career to the amelioration of our own society. A long list of societies have been formed, and are forming in our country, bearing some popular or fascinating appellative motto or inscription, all intended to make pecuniary drafts on the purse of the American citizen, to minister to the real or imaginary distresses of a foreign population, in many instances, to the callous neglect of our own. Such laudable efforts would be heightened in general esteem, if they aimed in the first instance, at the amelioration of the unhappy circumstances of the little army of objects of charity, in our own great family, before the misguided spirit of benevolence shall succeed in waiting our munificence and the fruits of our toil, across the seas, in search of a theatre of unthankful and unwelcome exertion. Let the philanthropist but look at home for opportunities to display his pious benevolence, and his eye will recognize many a friendless, moneyless, orphan child, whose soul only waits to be kindled into flame upon education's heavenly altar, that he may leave his rags and wretchedness behind him, and wielding the sword of the hero, or the pen of the statesman, by the force of moral precept in the pulpit, or of eloquence at the bar or in the senate, rise to the noblest summit of fame, and become a pillar of support to his country—but without some aid, "is doomed to die unseen." Much might be effected by the millions of dollars which must leave our country, never to return, in a crusade after foreign displays of liberality, towards spreading the lights of science, and the unctions of a well-aimed charity, to be appreciated, in all enduring time throughout America, if applied in that way. There are thousands of patriotic, grey-haired fathers and matrons, (besides those who are pensioners for bleeding in the defence of the liberties we enjoy) and their descendants, who assisted in rearing up and sustaining our beloved institutions, who are eating the bread of poverty, and sipping the cup of ingratitude, whose claims to preference, before the Greek or the African, or any other nation that contribute nothing to our support, are solemn and commanding. Whilst our own unfortunate poor are sold to the lowest bidder in the public streets, many of whom have seen days that possessed them with the means and rank far above their purchasers, now compelled to feed upon the crumbs of a scanty meal, and to experience after a life well spent, just as their sun is setting, their worst days, and even the degradation of mastery, and the separation of

kindred ties—and whilst thousands of families are without the word of truth—and tens of thousands of youths who must soon take the reigns of this mighty republic into their hands, are fast rising to maturity, without sufficient intelligence for the stupendous business of self-government—we are admonished by every thing sacred, and dear, to look first to the deranged concerns of home. Whatever society, or association, or measure, is calculated to preserve the union of the states—to destroy sectional jealousies—preserve national tranquility—maintain the public liberty and honor—and to encourage industry, economy, morality, religion, learning, humanity, temperance, and equality among the people—or whatever is purely intended to amancipate and colonize the slave voluntarily—to diffuse intelligence—to improve the country—educate the youth, and circulate the Bible,—if pursued from honest conviction of duty, and not from political and clerical considerations—are among the important means of promoting the prosperity, power, and happiness of the nation. But whatever may have an indirect tendency to aggrandize a few at the sacrifice of the many, or lead to a political or religious aristocracy—to the ascendancy of any one society or class of people over another,—or to sanction the designs, misrepresentation, or dictation of self-created bodies, never approved by the people, and unknown to the constitution and laws of the country, subverting and, virtually, mending those instruments, by a part, which of right belong to a whole—should be compelled to take its rank next in dignity to the most daring, unhallowed treason. Before we approve of unauthorized cabals and institutions, got up for designing and splanetic purposes, let us profit by the advice of the Father of his country, "That all combinations and associations, under whatever plausible character, with a real design to DIRECT, CONTROL, COUNTERACT, or AWE the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, [the unity of government] and of fatal tendency."

Real Estate.—Justice to our own citizens, and public policy, are again beginning to urge their claims to a law which will place execution defendants in this state, upon an equality with those in the state where the contract was made, in relation to the disposal of the fee simple of real estate. If there is any thing that would justify a law, other than one prospective in its operation, it would be the hardships which some valuable citizens of Indiana are subject to, in being compelled to witness a sacrifice of their homes, without any thing like a just compensation therefor, whilst they may have claims suspended under the more prudent valuation laws of other states, which would afford ample relief, if they could be obtained. Almost as well regulated governments, place some kind of valuable restriction upon the transfer of real estate by the operation of law, whilst some will not permit it at all.—There would be strict justice, however, in enacting that the remedies of the place where contracts are to be executed or are made, should govern in this respect.

Gambling.—The demoralizing and dishonest practice of gambling for any thing valuable, ought to be assailed, by more searching and efficient laws than any which are in force.—There is no offence in our penal code, which is more frequently committed; and no violation of law which escapes with such general license and impunity. This class of offenders take shelter, in nearly all cases, under the principle of law which excuses one from being his own assassin. Though it might be unsafe to interrupt this settled diabolical, yet, the gaming fraternity may be compelled, each to testify against his fellow, and in this manner arrive at justice. Considerable penalties, to be divided among common informers, may tend to bring much of this secret iniquity to light, so ruinous both to the aged and the young.

Habitual Drunkenness.—The rights of moral and infant innocence may be protected against the ravages of habitual intemperance, in most instances, by placing the estate of the husband or father, into the provisional possession of guardians; whilst the offender will be mortified and punished by the legal deprivation of using his substance at pleasure. And a forfeiture of privileges, until reformation reaches him, may, with every propriety, be attached to the notorious habitual drunkard, who has succeeded by a continued course of dissipation, in burying his moral sense of obligation, his intellect, and his further usefulness, in the bowl.

Titles.—Other titles than those which are necessary to express the official character of office—such as *Excellency, Honorability, Esquire, &c.* calculated to draw a contra-distinguishing line of demarkation between the officer and citizen of equal worth, is thought to be a remaining badge of foreign distinction, which may be dispensed with, without any injury to the cause of simple republicanism. If a man confers honor on his office, title is a useless appendage;—if it is necessary to do him honor, it is worse than a baroque.

State Finances.—On the 1st of December, 1829, the cash remaining in the Treasury, appears to have been \$727 29, which is chargeable with the following items: Judiciary, \$1225—Probate Judges, supposed, \$1000—Circuit Prosecutors, \$175—Specific allowance, \$563—Outstanding warrants, \$362 05—Conscientious fines, \$542 52—and Indianapolis fund, 2726—making in all, \$5393 57; which deducted from the said balance, leaves in the Treasury a net balance of \$1829 on said day. The above specified items constitute the state debt. The assessments for the present year except from the counties of Al-

len, Dubois, and Scott, amount to \$6897 50, which added to the estimated assessments of said counties, of 1005 70—make, altogether, \$8,000 00. Delinquencies, commission, mileage, &c. will probably amount to \$500— which, deducted from the \$8,600 00, will leave for the Treasury, \$1,500 00, including the 1041 33 of the same already paid.

To the above \$1,500, add the balance in the Treasury on the 1st of December, and the means for the current year amount to \$2,633. I thought full settlements by all the collectors of this year's revenue, may not be made, the deficit will hardly exceed the collections from old delinquencies. 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 \$6,000. Whilst it is due to collectors of the last year's revenue, to acknowledge the promptitude with which they have paid the revenue of that year into the Treasury, it is believed, that the assessments of this year fall short of what ought to be reported to the treasury.

The present revenue law, with such amendments as will require all taxable lands in the state, to contribute to swell the Treasury, by doing away assessments of land, and making collectors act, in collecting land taxes, upon plats from land officers, considering the unusual migration to the state this year, and the increase of sources of taxation—ought to return to the Treasury, next season, assessments, nearer to fifty than forty thousand dollars.—The above is an exhibit of the Treasury on the 1st of December, instant.

Three per cent Fund.—The whole amount of the three per cent fund, which has been received by the different agents of this state, from the United States, is 105,067 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 5,300, 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 legislation upon the subject, and the diffi culty attendant upon the distribution of the fund under it, will suggest the necessity of making an entire re-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 plaudits, "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 forehead, 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. Check and Nathaniel Ford, December, 10th, 1829. Certified, THOMAS PALMER, J. P. 50—3w*

Probate Court of Dearborn County, November Term, 1829.

In the matter of the real estate of Byron Loder dec'd } ON PETITION FOR SALE.

Now, at the November Term of the Probate court of Dearborn county, in the state of Indiana, comes John M. Pike, administrator of the estate of Byron 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 Byron Loder died seized of real estate, to wit: the North west quarter of section 13, town 3, Range 2, and part of the 8th 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 Byron Loder, if any he have. Public notice is therefore hereby given, to the heirs of the said Byron Loder, and to all others concerned that they be and appear at the Probate court of Dearborn county & state of Indiana, to be holden at the court house on the first Monday in January next, then and there to show, if any thing they have 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, Clk. Nov. 1829.

Fair Notice!!

ALL persons indebted for Medicines, are hereby notified that unless their accounts are settled on or before the first day of January next, they will be put into the hands of a Justice of the peace for collection, without regard to persons, or the amount of their accounts, whether it be ten dollars, or only six and one-fourth cents. After that time those who call for medicines must bring the cash, as no further credit will be given. A neglect to comply with the above notice will certainly be attended with cost. M. E. FERRIS.

Dec. 1st 1829. 48—1f

Library Election!

THE members of the Lawrenceburg Library Company, are hereby notified that the annual election will be held at the Library room (printing office) on the first Monday in January next, 3 o'clock P. M. to elect directors for the year 1830. D. V. CULLEY, Librarian.

Dec. 12, 1829.

NOTICE.

ALL persons indebted to Test and Dunn, are hereby requested to settle the same immediately. Those desirous of paying in PORK, will do well to call and make contracts accordingly. TEST & DUNN.

Nov. 26, 1829. 47

Blank Deeds, Mortgages, for sale at this Office.