

# THE DEMOCRAT.



2. McDONALD.....Editor.

PLYMOUTH, IND.

Thursday Morning, Sept. 3d, 1857.

## County Officers.

It will be remembered that many doubted the propriety and legality of electing a County Treasurer and Commissioners last fall in consequence of a section of law which was enacted by the Legislature in 1855, which reads as follows:

"Be it enacted by the General Assembly of the State of Indiana, That the terms of office of the following named officers, to-wit: The Sheriff, Treasurer, Coroner, Auditor, Recorder, Clerk Surveyor and County Commissioners, shall commence on the first Monday of the month of November, immediately following the general October elections, and that any of the above named officers to be elected hereafter shall hold their offices until the first Monday of November aforesaid, according to their respective terms."

This act was approved on the third of March, 1855.

A general impression prevailed that the law was unconstitutional—hence all the offices becoming vacant in August last according to the old law, were filled last fall. A case in point has been appealed to the Supreme Court, and the knowing ones about Indianapolis are of the opinion that the Court will decide that the law is constitutional. It is said that the decision is written out, but not filed, and will be made public in November. If the decision sustains the law, the election in this county last fall, for Treasurer and Commissioners is void, that not being the proper time. A case of this kind was decided by Judge Petit a short time since, as will be seen by the following:

WRIGHT, Before Judge Petit.  
MARKEL,  
AT CHAMBERS, vacation.  
The defendant was elected Treasurer of Jasper county in October, 1852, and his term expired August 13, 1854, and he was again elected in October, 1854, and his term expired August 13, 1857, if not prolonged by the set of the 3d of March, 1855, p. 52. The plaintiff was elected to said office October, 1856, was commissioned, gave the necessary bonds and took the proper oath, and demanded the books, papers &c., of the office, which the defendant refused to surrender, on the ground that the above cited continues him in office until the first of November, 1857.

This is the case made by the papers and facts admitted.

Prayer that the defendant be compelled to surrender, &c.

Held, first, That the act above referred to is inoperative and void for uncertainty, it not being ascertainable from its reading whether the Legislature intended to shorten or lengthen the term of office.

Second, That it is not in the power of the Legislature to abridge or extend the term of an office fixed by the Constitution.

Third, That the term of this office is fixed by the Constitution.

Fourth, That the plaintiff is entitled to the relief asked, and it was so ordered. The defendant appealed to the Supreme Court. See Constitution of the State, art. 2, sec. 14, art. 15, sec. 2, Schedule item 8, 7 Ind. R. p. 157. R. S. 1852, vol. 1, p. 499, sec. 1. Same page 263, sec. 1. Same, vol. 2, p. 59, secs. 136-7, and Story's Eq. Jus. p. 763, &c.

We learn from the Miami County Sentinel, that their County Clerk has given notice that a Treasurer, Sheriff, &c., were to be elected this fall. He is a Republican and no doubt believes that the decision of the Supreme Court will sustain the law.—If the law is found to be constitutional, our County Treasurer would hold over under his first commission until November and no person should be elected in October the office would have to be filled by appointment, also the office of Commissioner in second district would be vacant.

We have thrown out these crude ideas for the purpose of calling the attention of the democracy to the subject. Our county convention comes off next Saturday.—The proper course can then be decided on.

If the convention should nominate candidates for Treasurer and Commissioner, and elect them at the October election, the present incumbents would hold the offices unless the law was decided to be void.

Should the democrats not run men for these offices, and the republicans should, as they unquestionably will, and the law should be decided constitutional, the present Treasurer and Commissioner for second district, would have the privilege of stepping out the first of November.

We urge upon the democracy to give this subject that consideration that its importance demands. The republicans are on the look out all the while in order to get some advantage. The safe way, in our judgment, would be, to nominate men for these offices, next Saturday; at least we can see no evil that could possibly result from doing.

Rev. W. S. HARKER informs us that religious services will commence at the M. E. Church Saturday next at 3 o'clock p. m., and continue over Sabbath; and as it is very probable that it will be the last meeting in this place, a general attendance is solicited.

Our friend Lyman Andrews will please accept our thanks for some very nice Meons and Tomatoes, which were demolished with a right good relish; at the same time, our hearts swelling with greatful emotions to the donor, who is one of those that remember the printers.

## ARRIVAL OF THE ATLANTIC.

New York, Aug. 31.

The Collins steamship Atlantic arrived at 6 o'clock Sunday morning, from Liverpool 11:30 a. m. on the 19th inst. She signalled the Persia on the 24th and saw the Fulton off Capo Race on the 26th.—The Asia arrived out at 8 a. m. on the sixteenth.

The news by the arrival is unimportant.

The Directors of the Atlantic Telegraph Co. were to hold a special meeting in London, the day the Atlantic sailed, to consider whether the attempt should be renewed in October or deferred until another summer. The London Star says it is estimated that the outside loss the company will sustain will be about twenty-five thousand pounds.

It is fully expected that at least one half the sunken cable will be recovered. All that is within four hundred fathoms will be up, but that portion in deep sea will in all probability never be recovered.

The proceedings of Parliament were uninteresting. The recent storms and floods had done considerable damage to the crops &c., in various parts of England, but dry weather had prevailed during the days preceding the Atlantic's departure, and it was reported that the effects of the rain would be much alleviated.

The London Times says a merchant recently deceased at Liverpool, is said to have left liabilities reaching £300,000, of which £100,000 are through forged acceptances to bills of exchange. The Liverpool Post pronounces the story a hoax.

The mail steamer for India, would sail on the 19th of August and would take out £1,250,000 sterling in silver.

The Fete Napoleon on the 15th of August passed off well, although the out-door arrangements were marred by the wet weather.

It is believed that France will demand of England the extradition of Ledru Rollin, and it is stated that he is about to come to the U. S.

The Paris correspondent mentions the departure from Paris to Marseilles of Gen. D'Orge, and predicts that he would be at the head of the Insurgents of Delhi before November. It was he who stirred up the last Burgess war. The Paris correspondent of the London Times says: The French Government contemplated sending a naval and military expedition to Cochin China, to support a demand for satisfaction for an insult offered to the French Representative, by the Emperor. He also says it is proposed to form a maritime and mercantile post in the Bay of Touraine in Cochin China.

## ARRIVAL OF THE AMERICA.

Halifax, August 26.—The royal mail steamship America, Captain Laing, from Liverpool, Saturday, 15th inst., arrived this morning.

The Secretary of War has organized an expedition for the exploration and survey of the river Colorado. The command has been assigned to J. C. Ives, of the corps of Topographical Engineers, with directions to traverse the entire unexplored region.

The Herald of Wednesday says:—

The position of the Ohio Life and Trust Company remains unaltered. The Sheriff is in possession of all the books, papers, and other traps of the concern, waiting the course of law.

A list of certain creditors who have commenced proceedings in our courts will be found under an appropriate heading in another part of this day's paper. Some of our shrewdest stock brokers had the sagacity to sell the stock of the Ohio Life and Trust Company largely short, commencing full two months since.

The Herald gives the following of bank failures:—

Among the bank failures reported, the following, we believe are given upon good authority:

Rhode Island Central Bank, East Greenwich.

Tiverton Bank, Tiverton, Rhode Island.

Farmers' Bank, Wickford.

Warren Bank, Pennsylvania.

Bank of Kanawha' Virginia.

Hancock Bank, Maine.

A Bank in Hartford.

Buffalo, Aug. 31.

The Hollister Bank closed its doors this morning. There has been heavy run on some other city banks, but it has resulted in no damage to them as yet. The excitement had been intense during the forenoon but is now almost entirely subsided.

The Toronto (Canada) Leader has been informed that, near the village of Wellington, in the county of Prince Edward, there have been taken in almost incredible number of white-fish. A few days ago, one seine, at a haul, brought in over 4,000—enough to make over 250 barrels; value at least \$1,500 if the curing be done perfectly.

TURKEY.—The various ambassadors at Constantinople are still awaiting instructions from their Governments.

Rev. W. S. HARKER informs us that religious services will commence at the M. E. Church Saturday next at 3 o'clock p. m., and continue over Sabbath; and as it is very probable that it will be the last meeting in this place, a general attendance is solicited.

Dates from Rio had been received to the 15th of July. Coffee is still active and further advanced. Sugar had also advanced.

The Indian news was considered favorable.

The East India Company had raised the rate of bills owing to the extensive floods reported in the interior.

INDIA.—The Punjab is quiet. The barracks at Carampore were closely besieged by the insurgents and reinforcements were marching to their relief.

The whole of Oude had risen, but was kept in subjection by General Lawrence.

Cuttac was more tranquil. A portion of the Chinese troops had reached there.

The Times' correspondent says the new outbreaks are less serious than the first one.

AMERICAN NOMINATION.—Philadelphia, Aug. 18.—Hon. David Paul Brown, of this city, was nominated by the Americans to-day for Judge of the court of Common Pleas.

The Post Master General has recently decided that if Post Masters do not give publishers of newspapers notice when their papers remain in the Post Office without being taken out by the subscribers within five weeks, that they are liable for the pay.

Cleveland, Aug. 27.

In the Emancipation Convention to-day, a series of resolution was introduced, the principal of which makes the General Government agent for the people in emancipation paying each State abolishing \$150 for each slave, and further that each State should pay the slave holders \$75 for each slave emancipated—the latter sum to be raised by land tax, and the former on Government bonds. The resolutions are still under discussion by Burritt, Gerrit Smith and others.

Utica, Aug. 27.

The sheriff this morning levied on the Ontario Bank for \$12,260, under an execution in favor of H. A. Johnson & Co., of New York. The suit was brought on certificates of deposit held by them, which the President refused to pay. The bank, in its answer, submitted an affidavit showing a meritorious defense and asking for a stay of proceedings. A stay is now asked for and Judge Bacon will probably grant it.

Buffalo, Aug. 27.

The passenger steamers of the Michigan Southern R. R. line have been attacked for \$160,000.

WASHINGTON, Aug. 27.

General Scott has been busy all day with Gen. Jessup, in making out a programme for the movement of troops for Utah. They finally decided that the expedition to Utah shall proceed. It is not decided yet whether Gen. Harney or Col. Johnson will command the expedition. Gov. Walker is very anxious to retain Gen. Harney in Kansas. A messenger will be despatched to the French Government to inquire about sending a naval and military expedition to Cochin China, to support a demand for satisfaction for an insult offered to the French Representative, by the Emperor. He also says it is proposed to form a maritime and mercantile post in the Bay of Touraine in Cochin China.

Gov. Cummings is now at Fort Leavenworth waiting for the other appointees to arrive.

The following are to be a Board to decide upon models and plans for the sloops of war: Com. Stewart, Capt. Pendegast, Com. Harsten, Naval Constructors—Grice, Lenthal and Hart, Chief Engineers—James, Archibald and Sewall. They meet next Monday.

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