

WESTERN SUN

EACH CENTURY HAS ITS PECULIAR MODE OF DOING BUSINESS, AND MEN GUIDED MORE BY CUSTOM THAN BY REASON, FOLLOW WITHOUT ENQUIRY, THE MANNERS WHICH ARE PREVALENT IN THEIR OWN TIME.—HUME.

VOL. III.

SATURDAY, MARCH 3, 1810.

NO. 10.

THE WESTERN SUN,

IS printed weekly at Two DOLLARS per annum, paid in advance or an attested NOTE, payable at the end of the year for Two DOLLARS & FIFTY CENTS. No Subscription will be received for a less term than one year—and will not be discontinued until all arrearages are paid.

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OF THE

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Comprising those Acts formerly in force, and as Revised

By MESSRS. JOHN RICE JONES,
AND JOHN JOHNSON,

And passed (after amendments) by the Legislature; and the Original Acts passed at the First Session of the Second General Assembly of the said Territory. Price Three Dollars & Fifty Cents.

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At the Second Session of the Second General Assembly of the Indiana Territory.

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BLANKS,

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AT THIS OFFICE.

WANTED,

A BOY between 14 & 16 years of age as an apprentice to the printing business at this office.

(BY AUTHORITY.)

LAW OF THE U. STATES. Session 1809 & 1810.

AN ACT for the relief of William and Elias Reclor.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the accounting officers of the treasury be authorized to settle the claim of William and Elias Reclor, at a sum not exceeding three dollars per mile for the lines which bound each survey, whether separate or adjoining other claims, for each survey which they have made, or may hereafter make under the authority of the United States, of the private claims in the Kaskaskia district, or Illinois territory, claimed by virtue of French or British grants, legally and fully made and executed, or by virtue of grants issued under the authority of former acts of Congress, by either of the governors of North West (now Ohio) or Indiana territories, and which had already been surveyed by a person authorized to execute such survey.

J. B. VARNUM,

Speaker of the House of Representatives.

GEO. CLINTON,

Vice-President of the United States, and

President of the Senate.

December 28, 1809.

APPROVED,

JAMES MADISON.

FOR THE WESTERN SUN.

*Absit ab imperio qui vocem populi contemnit
Nec fas est rempublicam talibus derigi.*

To JOHN JOHNSON, Esq.

I have been recently informed through a respectable channel that you will be a candidate at the ensuing April election to represent the county of Knox in the Territorial House of Representatives—believing as I do, that it is congenial with the spirit of a republican government, and essential to the rights of man, that the representatives of the people should lend an attentive ear to the voice of their constituents, and faithfully represent their wishes, I shall avail myself of the privilege to investigate your official conduct, and point out the evil tendency of such of your proceedings as I think requisite to lay before the public, to enable them to decide whether you have complied with their requests, or disregarded their instructions.

Permit me, sir, in the first instance, to recal your recollection the last expression of the public will respecting the re-appointment of his Excellency Governor Harrison, the citizens of the Territory, and more particularly your immediate constituents, convinced from ocular demonstration, that his administration had been conducted with equity and moderation, and deeming it of importance to the future prosperity of their beloved country, almost unanimously instructed their representatives in the general assembly to use their utmost exertions to obtain his continuance in an office, the duties of which he had discharged with honor to himself, and with advantage to his country—the petitions in the House of Representatives were referred to a committee of the whole, Mr. John Johnson in the chair, in that station you were compelled to a per-

sonal attendance, which the house conceived you unwilling to give, after having made the usual report as chairman, you then absented yourself, and altho' informed from the speaker, G. W. Johnson, that the final question was about to be put, and your presence required, you refused to return and give your sanction to, or enter your veto against the final passage of the resolutions; such conduct it is believed, was a direct violation of the duties of your office, and is certainly subversive of that confidence the citizens of Knox formerly reposed in you.

A second objection urged against you, is, that prior to your election in the spring of 1809 you pledged yourself to the two political parties then existing in the county, both to oppose and advocate the introduction of slavery into this Territory, if the subject was agitated in that branch of the Legislature in which you had the honor to obtain a seat—the preliminary part of the above information I have received (as will appear from the subjoined certificate) from John McDonald, Esq. a gentleman of veracity, and the strictest sense of honor, who had it from Messrs. Badollet & Ewing, the persons to whom it is said you gave the pledge of opposition—the ulterior part of my information relative to your advocating the introduction of negroes has been derived from a respectable source, and is measurably established by Mr. McDonald's voluntary and candid attestation—not wishing however, to pass a rash or precipitate judgment to the prejudice of any man, I shall leave you to explain, and if my statement is erroneous, it will be no mortification to me to see it corrected—to paint your conduct in its true and proper hue, is my only desire, nor would I pluck a twig of laurel from your brow.

The citizens of this section of the Territory having uniformly entertained the idea that your politics were republican, I shall take the liberty of relating a circumstance that I am credibly informed occurred during your rout in the eastern counties for electioneering or other purposes, subsequent to your becoming a candidate for Delegate to Congress, while in the county of Clark you met with James Dill, Esq. of Dearborn a gentleman of respectability, though an avowed federalist, correctly concluding that he (Dill) possessed considerable influence in his own neighborhood, and previously informed of his political creed, you solicited his support, and the more effectually to secure his interest, you assured him, that your political sentiments were in unison with his—how a gentleman can be a republican at home, and a federalist abroad, is an enigma that cannot be solved with facility by persons of circumscribed abilities like myself, though I acknowledge it may be perfectly comprehensible to men of refined understandings, who are initiated into the mysteries of political trimming.

PHOCION.

P. S. Mr. J. Johnson's ardent and pointed opposition to the abolition of the interior courts, is, as it ought to be, with many of his fellow citizens, an insurmountable objection to his participating in the councils of the Territory—the subject of abolishing the county courts shall be resumed at the proper time, and addressed to the proper persons, let it suffice at present to observe, that the scarcity of specie, and the accumulated weight of taxation under which the yeomanry of Indiana are doomed to struggle in consequence of a division of the Territory, calls upon them in a voice

that should not be rejected, to practice economy, to act as freemen, and declare in the majesty of their strength, that such, and such only, shall represent them, who will regard their interests, and contend for their prosperity.

P.

Being in Mr. Badollet's office a short time after the election in April, 1809, the conversation turned upon the constitutionality of our voting, and I asked Mr. Badollet why he voted for John Johnson, who was so great an advocate for slavery, he replied, that out of three evils, he had chosen the best. I then observed to him, that I thought he had made choice of the worst, for he was more in favor of slavery, than any of the other candidates.—Mr. Ewing and Mr. Badollet then said, that John Johnson, before the election, had pledged himself to them, that if he was elected, to oppose slavery, if brot on the carpet—at which I was surprised, knowing that but a short time before, he had violently advocated the measure of introducing slavery in this territory.

JOHN McDONALD.

To JAMES JOHNSON, Esq.

Presiding Judge of the Court of Common Pleas of Knox county.

DEAR SIR,

I HAVE but just been informed, that on Saturday last, you gave it as your judgment, that by my having accepted of the appointment of a justice of the peace of this county, I had thrown myself out of court, that is to say, that I could not nor should not appear as an attorney at the bar of the court of which you are presiding judge.—Permit me to observe to you, my dear sir, that legal writers lay it down as a correct principle in law and common justice, that it is the duty of a good judge to bear patiently and decide maturely; how comes it then, that you have prematurely and without my being heard in my defence, consigned me to the forte prius of interdiction? ought you not, on the contrary, to have examined the law, and heard the arguments which might, nay, no doubt would, and probably will be made pro and con?—But as you have thus publicly and precipitately determined my case, I feel it a duty incumbent on me to address you publicly, and (in the most perfect good humor and in amity) to attempt my own justification and your improvement.

The 6th section of the law of the Territory regulating the admission and practice of attorneys &c. provides, that "no justice of the peace shall practice as an attorney," concedo! But let us advert to the reason of the law, and you as a judge of law, ought to know that this is legally proper; in doing of this we must agree upon one previous point, which is, that the above section was brought into the revised code by the compilers, or in other words copyists, from the acts of assembly of 1799; this taken as granted, you will likewise recollect, that by the statute laws of the Territory, from the year 1793 until 1805, our courts were organized in such a manner that justices of the peace sat on the bench and decided causes both civil and criminal (to a certain extent) as judges of the courts of common pleas and quarter sessions; it was then therefore highly improper and illegal for a justice of the peace to act in the double capacity of attorney and judge, thence the reason, thence the necessity of the law; you must also agree, that by the act of 1805, organizing denovo the inter-