

MR. STOUT.—The agitation of the public mind, which has been produced by a recent circumstance in this state is a strong, and permit me to say, a glorious evidence, of a jealousy with which a free people views a palpable violation of law by a public officer. A just regard to public morals, to the principles upon which republican governments are founded, and to the sacred rights of the people, demand from public functionaries in whom power is delegated, that it should be exercised uprightly and honestly, and with the sole view to the happiness and welfare of the community.—How far the recent act of our governor will correspond with these principles, every one may judge for themselves, from the exposition which I shall endeavor to make, and which so far as I am informed, I believe to be literally correct. The case stands thus.—Some twelve months ago Mr. Blake and Mr. Buckner, were engaged in what is fashionably termed, an "affair of honor," or in other words, a duel. After the affair had ended, both of them were so sensible that they forfeited the right to pursue their professions as lawyers, in this state, that they patiently waited until the legislature should convene, in hopes that that body would relieve them, by repealing or modifying the law which imposed the penalty upon the act they had committed.—The oath prescribed by this law is in substance this—the party before entering on his office swears, that he has not directly or indirectly, been engaged in a duel since the passage of the law on the subject, and further, that he will not be, during the term of his holding his office, &c.—All the officers of the government, both civil and military, are directed previously to their entering on the duties of their office to take this oath, which is made a condition of their holding and exercising their respective offices—and so anxious were the legislature to put a stop to a practice prejudicial to the happiness and good order of society, that they required even lawyers who are the mere ministerial officers of the courts of justice and entirely unconnected with the government further than other citizens, should take this oath likewise, before they be permitted to practice. When the legislature met, messrs. Blake & Buckner, knowing that they were excluded from practising by what they had done, and wishing to pursue their professions in the state petitioned that the law might be repealed, or so modified as to permit them to be re-instated in their former privileges. Their petition was rejected, whether properly or not, is none of my business. Mr. Blake, not satisfied however, with what the legislature had done, brought his case before the supreme court, the highest judicial tribunal of the state, on the ground that the law which he had violated was unconstitutional.—The court after hearing argument, and giving the subject that consideration which was due to a constitutional question, unanimously decided that the law was constitutional, & consequently that they could not afford the desired relief. The governor however, thought proper upon a vacancy in one of the circuits, to appoint Mr. Blake the "resident"; the law against duelling—the refusal of the legislature to repeal or modify it—and the decision of the court that it was constitutional, to the contrary notwithstanding. If the law is constitutional as it regards attorneys, it is equally so as to the *legitimate* officers of the government. The constitution is silent on the subject, except one clause, which is the 1st sect. of the 10th art. the words of which are—"Every person who shall be chosen or appointed to any office of trust or profit, under the authority of this state, shall before entering on the duties of said office, take an oath or affirmation before any person lawfully authorised to administer oaths, to support the constitution of the United States, & the constitution of this state, and also an oath of office." The plain and obvious meaning of this clause is neither more nor less, than when a person is chosen to hold an office under the state, he must *positively* take an oath or affirmation, to support the constitution of the U. States as well as of this state, and the mere oath of office alluded to in the article quoted, is left for the legislature to prescribe, under whatever limitations and restrictions they may think proper, to ensure the faithful discharge of the duties required, and to preserve through their officers the public morals, so far as the obligations of an oath can do so. The decision of the supreme court was on the special, insulated case before them, and in saying that the law was constitutional as it regarded that case, it by no means follows that their opinion would have been different had they to decide on the eligibility of a judge or the governor, if either had violated the law.

fact, the reverse of this proposition may fairly be deduced from the premises; for their having said it was constitutional in one case, impresses an almost irresistible conviction upon the mind, that it was their opinion it would be deemed so in every case where a question was made of its constitutionality. The reason why the legislature has passed a law, imposing such severe penalties and restrictions upon duelling, is the same I presume as has induced several of the other states to do it: it is to put an end to a practice not only immoral in itself, and highly injurious in its consequences to society, but is perhaps productive of more individual distress than any other. Every expedient had hitherto been tried to arrest this evil; and at last the efficacious one has been fallen on, and which has been adopted by this state, to require the total abandonment of the practice, as the only means for individuals to obtain civil, military or political distinction.—Passion and false honor have in most instances yielded to ambition, and an evil is nearly remedied, which for centuries has produced such misery and distress, by this simple, but happy expedient.—The constitution has wisely given to the different branches of the government, distinct, separate and independent powers. It has made it the duty of the legislature to pass laws, of the judiciary to expound their meaning, and of the executive to see that they are carried into effect. After a law is passed it is not competent in any of the constituted authorities to declare it unconstitutional except the judiciary. The governor cannot because in the language of the lawyers he is estopped from gainsaying his own act, he having given his assent to it when it was passed. If then a law is in force, declaring that a violation of its provisions operates as an exclusion to holding any office whatever in the state, can the governor appoint the person thus disqualified to an office, without a palpable violation of his own oath of office, and of the law itself? No man in our country is above the law, and God forbid they ever should be. And must not the man think himself above law, and every moral obligation which should bind the consciences of men, who is intrusted with power, and will deliberately & wilfully disregard a law, that is made his bounden and sacred duty to protect and enforce, when necessary? What has become of the good old fashioned sentiments of pure, sacred and uncorrupt liberty? Are they so soon leaving our infant state, after thinking we had so well guarded them by our constitution? Are we tamely to suffer our rulers to violate laws at their pleasure, to answer their own views, and punish our citizens for trivial accidental and frequently immaterial infractions on them? As for the qualifications of Judge Blake to discharge the duties of his office, it is not my object to investigate them. He may, as far as I know, be as competent as any that would accept it. But if he were as learned and profound a Judge, as the Chief Justice of the U. States, I should object to his being appointed under the circumstances in which he was. This case does not without ample cause, excite the alarms of the people; for once establish the principle, that an officer, whether he be high or low, can at his pleasure, violate a law with impunity, then farewell to those golden dreams of public happiness which liberty, protected by laws, promised to insure—the *last* rights and liberties of the people will be sacrificed at the shrine of ambitious usurpation: But, Mr. Stout, is there no remedy? Yes—I think there is! That genius of liberty which inspired our fathers to achieve self-government, to sacrifice every thing else to obtain the estimable boon—that genius will yet come with healing on his wings, and point out the remedy for the evil we complain of.

SIDNEY.

MR. PRINTER,

LIKE many others I came to this country poor, but with an ardent wish to better my condition, I was obliged to resort to hard labour for a subsistence. Out of my earnings I had laid up sufficient to have entered a handsome quarter of land upon which I had cast a favorable eye, and which I thought would have made me comfortable the remainder of my days.

I was informed that there was a great distinction to be drawn between *money*, & *land office money*. Requesting information from a respectable neighbor he put into my hands a certain list of Banks, the notes of which he told me the receiver of public money was instructed by the secretary of the treasury to receive—that was all I wanted—I went from neighbor to neighbor exchanging my notes for land office money, from one I received three dollars, from another two, and from a third one; at length I found I had no

other paper but the bank of Kentucky and its branches, bank of Cincinnati and Miami exporting company. My heart beat for joy, when I found I had so far accomplished my purposes; for now "said I to myself" that neat little quarter of land for which I have resisted so many gratifications and for which I have toiled so hard shall be mine!

Some of the inhabitants of Vincennes will recollect seeing a poor traveller enter their Village almost exhausted with the heat of the weather. Arriving in the evening I sought refreshment & repose, but before day light next morning I left my bed and waited with the utmost impatience for the opening of the office; at length I was enabled to make my application and after being politely instructed by the Register in what manner to proceed, confidently ascended the steps of the receiver's office, exhibited my roll of bank notes, and silently waited till my receipt could be made out. Mr. Printer you can—no, you cannot imagine my surprise and dismay when the papers were returned me, and I was informed that they took no such money in that office; what! said I, taking out the list which my honest neighbor had given me, were you not instructed by the secretary of the treasury to receive the notes of the banks included in this list? Sir, said he, we have received fresh instructions not to take any notes under the denomination of five dollars.—In the anguish of my heart I could have cursed the Secretary, and execrated all the officers concerned in that Department—but, Mr. Printer, I said nothing—my heart was too full—I retired pale and dejected; have returned to the country and began to re-exchange my paper which I shall perhaps be able to accomplish in a few days, and then, if the land is not entered, and the secretary of the treasury has not changed his mind I may be able to obtain a farm in this country.

Mr. Printer, my neighbors say you are a man of good information, and they seem to think there must be some mistake in the orders and counter-orders; it appears to them rather ridiculous, therefore they desire me to ask you, whether the secretary of the treasury did give directions to the receiver of public money to receive the notes of banks included in a list published in your paper some months since.—Whether the secretary has given orders since, say a few weeks back not to receive notes of the above banks under the denomination of five dollars—your answer will direct me in my future communications upon this subject.

A LABORER.

MR. STOUT.—I have been accustomed too long to the unfounded and malicious abuse of certain corrupt & designing men, to be moved from a sure ground by all the infamous denunciations they can utter—as men I fear them not—as knaves and imposters I despise them; and the man who would judge me by what such wretches say, I care not for his judgment. It is by their actions I judge them, and for myself, I ask no other test. In fact, what I was all may easily be informed; what I am, all may easily know; and what I occasionally say, all who hear it, can judge—therefore I cannot stoop to defend myself in a public cause.

When I wrote the piece in your last, I was well aware of the few unprincipled men who might take umbrage—for truth they hate—it is the physic that destroys their poison. Yet I had no expectation of discovering their false and depraved advocate, publicly resorting to the most base and unmanly calumnies for a momentary defence; and I cannot now refrain giving him the lie direct, to the declarations that I am a renegade from my country—an enemy to its liberty—the eulogist of its oppressors. I not only pronounce this to be false, but I assert that the man who would apply such language to another for uttering his unbiased and uninfluenced opinions, must be himself a VILLAIN.

When the director of a press attempts to impose himself upon the people as free, & both he and his press are bound in fetters, or like the nominal editor of the *Centinel friends* to print a newspaper for the benefit and information of the people, yet is clearly discovered to be only intent upon base party schemes, and manifests a perfect willingness to sacrifice the character, freedom, interests and laws of the people amongst whom he resides, it surely is time to expose his nefarious endeavors, lest a portion of the people be unwarily imposed upon. This exposition I have commenced, and it shall be continued. If the author of the unfounded abuse, and shameful defamation published in last evening's *Centinel*, be almost a stranger here, as I believe, he had better prepare himself with authority, and be certain of his man, for it may be considered, and truly too, ra-

ther soon for an emigrant of but a few months residence to become the furtherer of infamous party schemes, however much he may have mingled in party elsewhere.

Next week all I have heretofore said shall be clearly elucidated—I will then leave my fellow citizens to judge whether Jennings's *Centinel*, and its present abettors, are, or are not totally unworthy of any reliance, and whether its editors can merit ought but the scorn and derision of a free and virtuous people.

I cannot occupy more of your valuable paper now, but in conclusion will declare myself responsible for all I have wrote, or shall write—and that I will in due time let the people judge the individual to whom my present remarks apply.

BRUTUS.

POPULATION OF ILLINOIS.
The *Kaskaskia (Ill.) Intelligencer* of Aug. 5, says "We have been informed by the committee appointed to examine the returns made to the secretary of state, that the actual population returned, (with the addition which has been made since the 1st of June) amounts to 40,258."

MILLEDGEVILLE July 1.

A gentleman who passed through the Creek Nation since the general meeting of the Indians at Fort Mitchell, on the 7th ult. informs us that the Agent has succeeded in making amicable arrangements with them, for the destruction of the Chehaw village. We also learn, that during the council, the Indians agreed to abolish some of their savage customs and constitute others less barbarous.—It is said the Indians conducted themselves with much propriety during the whole meeting. [Reflector.]

CASTINGS.

JOHN Mc GIFFIN

PRESPECTFULLY informs his friends and the public in general, that he has just received, in addition to his former stock, a large quantity of

CASTINGS,

comprising a general assortment of HOLLOW WARE,

also a few sets of

MILL IRONS,

All of which he offers low for cash.

Vincennes, July 23, 1812.

ALL those indebted to the late firms of *Harlow & Trimble*, and *John Mc Giffin & Co.* are requested to call and settle with John Mc Giffin before the 15th of August, all unsettled accounts after that date will be put into the hands of a proper Officer for collection.

J. Mc G

34-tf

HAT MANUFACTORY.

THE subscriber respectfully informs his friends and the publick in general that he continues to carry on the

HATTING BUSINESS, in all its various branches at his shop on MAIN STREET, in Vincennes, where he has on hand and will at all times keep an extensive assortment of

Fashionable Hats,

which he will warrant shall not in point of elegance and durability, be excelled by any in the United States. His prices shall also be as low as Hats of the same quality can be procured elsewhere.—He returns his thanks to his old customers for former favors, and pledges himself that no efforts on his part shall be wanting to merit a continuance of their patronage.

RICH'D. P. PRICE.

Orders from a distance thankfully received and promptly attended to

January 30th, 1812.

6-tf

EN TERTAINMENT,

Francis Cunningham.

HAS opened a House of Entertainment, at the corner of MARKET & FIFTH STREETS, in the house lately occupied by Joshua Bond, where he hopes by attention to business, to receive a portion of public patronage—he assures them that no exertion on his part shall be wanting to merit it.

43-tf Vincennes, Sept. 26, 1812.

HARBIN H. MOORE,

ATTORNEY AT LAW,

WILL in future practice in the counties of Clark, Washington, Jackson, Orange, and Harrison; and at Vincennes. (Major Floyd having been appointed judge of the middle circuit; their partnership is of course dissolved.)—He will also practice in the Federal and Supreme courts of this state. Those wishing to consult him will call at his Office in Corydon.

Oct. 18, 1812.