

jury by itself, but put it into his pouch, and when that was full, he then made war. Thank Heaven, we have provided a more peaceable and rational mode of redress." * * * * "This practice of judge Marshall, of travelling out of his case to prescribe what the law would be in a mootcase not before the court, is very irregular and very censurable."

In a letter to the present postmaster-general, dated July 2, 1822, Mr. Jefferson uses the subjoined language in reference to the usurpations of the supreme court:

"We already see the power, installed for life, responsible to no authority, (for impeachment is not even scare-crow.)

ADVANCING WITH A NOISELESS AND STEADY PACE TO THE GREAT OBJECT OF CONSOLIDATION. The

FOUNDATIONS are already DEEPLY LAID BY THEIR DECISIONS, for the ANNIHILATION OF CONSTITUTIONAL STATE RIGHTS, and the removal of every check, every counterpoise, to the INSULPHING POWER, of which themselves to make a sovereign part. If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is INEVITABLE. Before the canker is become invertebrate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. Let the future appointments of judges be for four or six years, and renewable by the president and senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point, by copying England, where certainly it is a good thing to have the judges independent of the KING. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses.—That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism in a republic, of the first order of absurdity and inconsistency."

In a letter to Thomas Ritchie, Esq dated December 25, 1820, Mr. Jefferson, after condemning the latitudinous doctrines successively advocated in congress, and their unwise dissipation and waste of the public contributions, he remarks:

"But it is not from this branch of government [Congress] we have most to fear. Taxes and short elections will keep them right. The judiciary of the United States is the subtle corps of *sappers and miners* constantly working under ground to undermine the foundations of our confederated fabric. They are constraining our constitution from a coordination of a general and *special government* to a general and *supreme one alone*. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, "boni iudicis est ampliare jurisdictionem." * * * Having found from experience that impeachment is an impracticable thing, a mere scare-crow, they consider themselves secure for life; they skulk from responsibility to public opinion, the only remaining hold on them, under a practice first introduced by lord Mansfield. An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with silent acquiescence of lazy or timid associates, by a crafty chief judge, who *sophisticates* the law to his mind, by the turn of his own reasoning."

In a letter to governor Giles, dated Dec. 26, 1825, Mr. Jefferson says:

"I see as you do, and with the deepest affliction, the *rapid strides* with which the federal branch of our government is advancing towards the *USURPATION* of all the rights reserved to the states, and the *consolidation* in itself of all powers, foreign and domestic; and that too, by *constructions* which, if legitimate, leave no limits to their power—Take together the decisions of the federal court, the doctrines of the president, (Adams,) and the misconstructions of the constitutional compact acted on by the legislature of the federal branch, and it is but too evident, that the three ruling branches of that department are in combination to strip their colleagues, the state authorities, of the powers reserved to them, and to exercise themselves all functions, foreign and domestic."

In order to resist these usurpations Mr. Jefferson declares in the same letter that "the States should be *watchful* to note every material usurpation on their rights; to denounce them as they occur, in the most peremptory terms; to protest against them as wrongs to which our present submission shall be considered, not as acknowledgments or precedents of right, but as a temporary yielding to the lesser evil, until their accumulation shall outweigh that of separation." In resisting the implied usurpation in the case of *Tassels*, Georgia only acted as Mr. Jefferson had declared each State ought to act under similar circumstances. She denounced the act in the most pointed and peremptory terms and stood up boldly in defence of the federal constitution, and in support of an important reserved right. We therefore pronounce her conduct not only justifiable,

but highly praiseworthy. It evinces the most unbending patriotism, and a degree of unyielding and unabated devotion to the original principles of the constitution, that must command the admiration of every republican in the Union.

We shall, for the present, make but one more quotation from Mr. Jefferson. In a letter to John Holmes, of Maine, he deprecates the attempt made in Congress to inhabit the State of Missouri from tolerating slavery within her limits. Speaking of the right of a State "to regulate the condition of the different descriptions of composing a State," Mr. J. uses this emphatic language:

"This certainly is the exclusive right of every State, which nothing in the constitution has taken from them and given to the General Government."

Georgia has only asserted her right to regulate the condition of the different descriptions of men, white and red, within her limits. "This," Mr. Jefferson says, "certainly is the exclusive right of every State." So we think, and so the republicans of this nation will decide, maugre the clamor of the Monocrats and the advocates of consolidation.

With Mr. Jefferson, we believe the Supreme Court to have constantly usurping powers and encroaching upon rights which belong exclusively to the States; and the period has arrived when it becomes the duty of every patriot to raise his voice, and, if necessary, his arm, to arrest the career of the sappers and miners;—to put a final stop to the business of adding to the mass of federal powers, by judicial decisions based on wilful misconstructions of the constitution.

For the Court, we trust we feel all becoming respect—for the Judges, precisely that degree of reverence which a free man should feel toward any other equal number of men. We are therefore prepared to approve their course, so far as it may comport with the principles of justice and the letter and spirit of the constitution—no farther. This subject will be resumed.

Louisville Pub. Adv.

AN ACT to regulate the mode of doing county business in the several counties in this state.

SEC 1 Be it enacted by the General Assembly of Indiana, That there shall be and hereby is organized in each county in this state, a board of commissioners for transacting county business, to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the several counties respectively on the first Monday in August next, as general elections are conducted.

Provided, however, In voting for commissioners the ticket shall always show

which is voted for, for first, second or third district, and should there be two or more candidates in any one district, the person having the highest number of votes shall be elected for such district.

SEC 2. At the first election in pursuance of this act, the person having the highest number of votes shall serve three years, the person having the next highest number of votes shall serve two years and the person having the next highest number of votes shall serve one year; and thereafter annually one commissioner shall be elected who shall serve three years, and each commissioner elected according to the provisions of this act, shall continue in office until his successor is elected and qualified; but if two or more persons shall have an equal number of votes as above, their grade shall be determined by lot by the clerk, in the presence and under the direction of the returning officers.

SEC 3. Each person elected as a commissioner, shall, on receiving a certificate of his election, take the oath or affirmation required by the constitution of this state, before some person legally authorized to administer the same;—which oath or affirmation, being certified on the back of such certificate, under the hand and seal of the person administering the same, shall be sufficient authority for such person to take his seat with, and act as a member of the board, during the time for which he was elected.

SEC 4. The commissioners thus elected and qualified, shall be considered a body corporate and politic, by and under the name and style of the board of commissioners of the county of —, and as such, by and under such name and style, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered to, in any court either of law or equity, and do and transact all business on behalf of their respective counties, that may be assigned them from time to time by law; and in all cases where their respective counties may have been injured, or may hereafter be injured, in their goods, chattels, lands, tenements, rights, credits, effects, or contracts; such commissioners shall and may, by and under their corporate name and style, without setting out their individual names, bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury, in the same way or manner that private individuals might or could do, and may in like way and manner, by and under their corporate name and style, be sued, by any person or persons having any manner of claims against such county.

SEC 5. The board of commissioners shall meet at the courthouse, in each and every county, for the purpose aforesaid,

or at the usual place of holding the circuit court in such county, on the first Mondays in January, March, May, September, and November, in each and every year, and may sit three days at each term, if the business of the county shall require it: *Provided however,* If the circuit court shall meet on any of the before mentioned days, the commissioners shall meet on the Monday preceding.

SEC 6. The clerk of the circuit court shall, by virtue of his office, attend the meetings of the board of commissioners, and keep a record of their proceedings, and do such other business as he shall be required by law to do; and the sheriff of the county shall also, by himself or deputy, attend said board and execute their orders.

SEC 7. Where money has been advanced by any clerk, or any other county officer, for the use and benefit of this county, pursuant to the requisitions of law, the board doing county business shall order such money, so advanced, to be first paid; and where there is any judgment or judgments against any county in this state, the board may in their discretion, order when and in what manner such judgment or judgments shall be discharged, not inconsistent with the constitution of the United States, any law to the contrary notwithstanding. And when any county shall owe the commissioners for locating any seat of justice therein, such claims shall be preferred to any other against said county; and the collectors shall receive the said orders for commissioners' wages, and shall pay the same out of the first monies that shall come into his hands, after such orders shall be presented to him, and the said order accepted shall be a sufficient voucher in the hands of such collector for any claims the county may have against him to their full amount.

SEC 8. When two only of the members shall be present at the meeting of the board, and a division shall take place on any question, it shall be continued until the next meeting before it shall be finally determined. When any vacancy shall happen in the office of commissioner, the circuit court of the county, or the two associate judges in vacation, shall appoint a suitable person or persons to fill such vacancy until the next annual election of commissioners, when such vacancy shall be filled by an election by the electors of the county.

SEC 9. It shall be the duty of the board of commissioners at their May session, in each year, to receive and inspect the lister's books, and levy a county tax according to law, and cause their clerk to make out a duplicate for collection accordingly.

SEC 10. The commissioners of each county respectively, shall have and use a common seal, for the purpose of sealing their proceedings; and copies of the same, when signed and sealed by the said commissioners, and attested by their clerk, shall be good evidence of such proceedings, on the trial of any cause, in any of the courts of this state. The commissioners aforesaid, at their session in November, or when the circuit term prevents their meeting in November, then at their first meeting thereafter, in every year, shall make a fair and accurate statement of the receipts and expenditures of the preceding year, and have the same set up at the courthouse door, and at two other public places in their county respectively, and published in some newspaper in their county, if there be any; and if the said commissioners, or either of them, after accepting their appointment, shall neglect or refuse to do his or their duty in office, he or they so offending, shall, on conviction by indictment before the circuit court of the proper county, be fined in any sum not exceeding one hundred dollars.

SEC 11. And it is hereby made the duty of the present boards doing the business of the several counties of this state, to meet together at the usual places of holding general township elections, on the first Monday in April next; and annually on the first Monday in April thereafter, for the purpose of electing as many constables in such township as there are justices of the peace within the same, and shall at the same time elect one inspector of elections for each township; two fence viewers, two overseers of the poor, and as many supervisors of highways as there are now or may hereafter be allotted to the respective townships by the proper board of commissioners; and in all cases of failure on the part of the qualified voters, to elect any such township officers, it shall be the duty of the board of commissioners at the next session after the time such election should have been held, to appoint such officers to remain in office until the time for the next election. Nothing in this act shall be construed as to affect or repeal the laws now in force, regulating the manner of doing township business, in the counties of Dearborn and Switzerland, except as to the election of township supervisor.

SEC 12. That all the duties heretofore required of the boards doing county business, in the several counties in this state, and not included or otherwise directed in this act, be and the same is hereby made the duty of said commissioners, to do and perform in the same manner as though it were named in this act.

SEC 13. The commissioners so elected and qualified, shall each receive two dollars per day, for each and every day that they may necessarily be employed in transacting the county business; and said board of commissioners when organized shall possess the powers and authority heretofore given to the county board of justices.

SEC 14. All suits, pleas, plaints, prosecutions, and proceedings, which may be pending in any court to be tried for or against any board of justices, previous

to the taking effect of this act, shall be prosecuted to final judgment and execution in the same name and manner, as the same might have been done, had this law not been passed; and all contracts either written or verbal made by such board of justices, previous to the taking effect of this act, shall remain valid in law and equity, and suit may be thereupon brought, in the same way and manner, as the same might have been, had this act not been passed, with this difference, that the corporate name of the board of commissioners shall be used instead of the name of the board of justices.

SEC 15. It shall be the duty of the clerks of the several boards doing county business, to keep fair books, wherein shall be kept the accounts of the county, to attest all orders issued by the board for the payment of money, and enter the same in numerical order, in a book to be kept for that purpose; and shall copy into their said books the reports of the treasurer of the receipts and disbursements of their respective counties, and whenever the duplicate shall be put into the hands of the collector, it shall be the duty of said clerks, to send a statement of the sum wherewith such collector stands charged, to the county treasurer.

SEC 16. When any person has an attested county order in his own name, of a larger amount than his county tax, and is desirous to appropriate a part of such order to the payment of such tax, he is hereby authorized to apply to the clerk of the board doing county business, whose duty it shall be to give the holder of such order, and in exchange therefor, two or more attested county orders, making together the same amount with the original order, which shall be therupon cancelled; and such clerk shall insert in every such order, that the same with others, were so given in exchange to — for such original order, together with the number and amount of such original order; one of which orders shall be for the amount of his tax, and shall appear on its face to be intended for the payment thereof.

SEC 17. Whenever any person shall exhibit any claim against any county, for services rendered, for which the fund arising from the sale of lots, or otherwise, at the county seat, is specially appropriated, and those funds have been fully expended, it shall be the duty of the board doing county business to give such claimant an order on the county treasury, for such as may be due to such claimant, to be paid out of any monies not otherwise appropriated.

SEC 18. Every collector of county taxes is hereby required to receive any regularly attested county order, made by the board doing county business, when the same may be tendered to him by any person in payment of such person's tax due such county.

SEC 19. No collector or other person doing county business, shall, either directly or indirectly, purchase or receive in payment, exchange or in any way whatever, any demand against his county, or any county order for a claim allowed by the board doing county business, at any time during the period for which he may be elected, for a less amount than that expressed on the face of such order or demands against the county;—and every person elected, or appointed to do county business, shall, before entering on the duties of his office, take an oath not to violate the provisions of this section; and any collector or other person doing county business, offending against the provisions of this section, on conviction thereof upon indictment or presentment, shall be fined for every such offence in any sum not exceeding five hundred dollars.

SEC 20. That the qualified voters residing within the several townships, of the several counties of this state, shall meet together at the usual places of holding general township elections, on the first Monday in April next; and annually on the first Monday in April thereafter, for the purpose of electing as many constables in such township as there are justices of the peace within the same, and shall at the same time elect one inspector of elections for each township; two fence viewers, two overseers of the poor, and as many supervisors of highways as there are now or may hereafter be allotted to the respective townships by the proper board of commissioners; and in all cases of failure on the part of the qualified voters, to elect any such township officers, it shall be the duty of the board of commissioners at the next session after the time such election should have been held, to appoint such officers to remain in office until the time for the next election. Nothing in this act shall be construed as to affect or repeal the laws now in force, regulating the manner of doing township business, in the counties of Dearborn and Switzerland, except as to the election of township supervisor.

SEC 21. The above named township officers shall possess the same qualifications, and perform the same duties, as are required of such officers by the laws now in force; the said township elections to be held and conducted in the same manner that general and township elections are now held and conducted, and the constables shall give such bond and security, for the performance of their duty, as is now required by law.

SEC 22. That the board of commissioners shall, so soon as may be after the first election held under the provisions of this act, divide the several townships

within their respective counties into as many highway districts as they may deem necessary; which districts shall be designated and numbered in numerical order, and recorded by the Clerk of the board of commissioners. Where any vacancy shall happen in any of the township officers, the said board of commissioners shall, at their next session, appoint a suitable person or persons to fill such vacancy until the next annual election for township officers, when such vacancy shall be filled by an election of the electors of the township.

SEC 23. It shall be the duty of the said inspectors of elections in each township, within three days after such election, to make out and deliver to the clerk of the circuit court, a list of the several township officers, whose duty it shall be to make out certificates of the election of the person or persons elected, and the Sheriff of said county shall deliver the same to the township officers so elected.

SEC 24. The circuit courts in counties where court houses shall not have been erected, shall be held for the time being, at the place designated by law or selected by the court; and the boards of commissioners in such counties, shall with all convenient speed proceed to the completion of a court house, jail, and other public buildings for the same, and keep the same in repair.

SEC 25. The board of commissioners, in their respective counties, at their first meeting after the passage of this act, or some subsequent meeting, shall appoint some fit person as trustee of the public seminary of their respective counties, who, on acceptance of such appointment, shall take an oath of office faithfully to discharge the duties of his said office according to law, and also give bond payable to the state of Indiana, with two sufficient securities, in the penal sum of double the amount as near as may be, of the funds of the county seminary, conditioned for the faithful performance of the duties of his office, and for paying over all monies, and delivering over all books, bonds, and papers, that may be in his hands as trustee, to his successor in office, when his term of service shall have expired agreeably to law; which bond shall be filed in the office of the clerk of the proper county, and shall not be void on one recovery, but may be put in suit from time to time, as often as occasion may require: *Provided however,* That this act shall in no way be construed so as to interfere with or repeal any existing laws, respecting the county seminary of Switzerland county, or any other county, for which special laws relative to county seminaries have heretofore been enacted.

SEC 26. The board of commissioners shall annually allow the clerk and sheriff of their county, such compensation for their extra services, as they may deem reasonable, not exceeding seventy dollars each; which annual allowance shall be considered a full compensation for all extra services, rendered the board of commissioners the circuit court of such country, and the county in any manner whatever.

SEC 27. The board of county commissioners in each and every county, shall cause a pound to be erected at or near the several court houses, with a good and sufficient fence, gate, lock and key, where estray horses, mules, and asses may be kept, on the first day of the terms of the circuit courts; and the said board shall also appoint some fit person who shall take charge of said pound, and keep the same in repair, and whose duty it shall also be to attend at the said pound, on the several court days, during the time such estrays are directed to continue there, with the key of the same; and the said board shall make such reasonable allowance for the erecting and keeping said pound as to them shall seem proper, to be paid out of the county treasury; and any person being appointed and undertaking the charge of said pound, and failing to discharge his duties agreeably to the directions herein expressed, shall forfeit and pay to the person injured, the sum of eight dollars for every such offence, with costs, recoverable before any justice of the peace of the county where such offence shall have been committed.

SEC 28. From all decisions of the several boards of commissioners, there shall be an appeal to the circuit court, by any person or persons aggrieved; and the person or persons appealing shall take the same within thirty days after such decision, by giving bond with security, to the acceptance of the clerk of such board, conditioned for the faithful prosecution of such appeal and the payment of costs already accrued, and which may hereafter accrue, if the same shall be adjudged by the said circuit court, to be paid by such appellant; and the clerk shall docket such appeal, with the cases pending in the circuit, within twenty days after the taking of such appeal.

ISAAC HOWK,
Speaker of the House of Representatives
MILTON STAPP,
President of the Senate,
Approved January 19, 1831.
J. BROWN RAY.

NOTICE.

ALL those indebted to the subscribers by note or book account, are earnestly requested to call and pay the same on or before the 20th of March.

ROSE & HARPERS.
Vincennes. Jan 29, 1831. 51-ff
A few pounds of Wool wanted.