The Middlebury People's Press.

In this Paper are published the Public Orders, Resolutions, Laws, Public Treaties, Bankrupt Notices Etc. of the United States, By Authority.

H. BELL, Editor and Proprietor. MIDDLEBURY VT. NOVEMBER 8, 1842. VOL. VII—NO. 27.

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LAWS OF THE UNITED STATES.

Passed at the Second Session of 27th Congress.

[OFFICIAL PUBLICATION.]

[PUBLIC—No. 78.]

AN ACT to provide for the reports of the decisions of the Supreme Court of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reporter who shall, from time to time, be appointed by the Supreme Court, shall be entitled to receive from the Treasury of the United States, as an annual compensation for his services, and for the copies of the annual volumes of the reports he is hereinafter required to deliver to the Secretary of State, the sum of thirteen hundred dollars: *Provided*, That the compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of the said court, made during the time he shall act as such reporter, within six months after the said decisions shall be made: *And provided also*, That he shall deliver to the Secretary of State, in lieu of the eighty copies of the annual reports which by former acts he was required to deliver, one hundred and fifty copies of the said reports, so printed and published, which said copies shall be distributed as follows, to wit: To the President of the United States, the Justices of the supreme court of the United States, the Judges of the district courts, the Attorney General of the United States, the secretary of State, the secretary of the Treasury, the secretary of War, the secretary of the Navy, the Postmaster General, the First and Second Comptrollers of the Treasury, the Solicitor of the Treasury, the First, Second, Third, Fourth, and Fifth Auditors of the Treasury, the Auditor of the General Post office, the Treasurer of the United states, the Register of the Treasury, the Commissioner of the General Office, the Paymaster General, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Judges of the several Territorial Courts of the United states, the Governors of the Territories of the United states, the secretary of the senate, the Clerk of the House of Representatives for the use of the House of Representatives, and to the Commissioners of the Navy, each one copy; to the secretary of the senate, for the use of the standing committees of the senate, ten copies; and to the clerk of the House of Representatives, for the use of the standing committees of the House, twelve copies; and the residue of the said copies shall be deposited in the Library of Congress, to become a part of the said Library: *And provided also*, That the volumes of the decisions of the supreme court shall not be sold by the reporter to the public at large for a greater price than five dollars for each volume.

Sec. 2. And be it further enacted, That in case of the death, resignation, or dismission from office of either of the aforesaid officers, the said copies of the supreme court shall belong to and be delivered up to their respective successors in the said offices.

JOHN WHITE,
Speaker of the House of Representatives.
WILLIE P. MANGUM,
President of the Senate pro tempore.
Approved, Aug. 29, 1842.
JOHN TYLER.

[PUBLIC—No. 79.]

AN ACT making an appropriation for the erection of a Marine hospital at or near Ocracoke, in North Carolina.

Be it enacted by the senate and House of Representatives of the United states of America in Congress assembled, That the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of a site and the erection of a Marine hospital at or near Ocracoke in North Carolina; the site to be selected and the building to be contracted for and erected under the superindence and direction of the secretary of the Treasury; and that he (the secretary of the Treasury,) be directed to report to Congress, at its next session, the progress and condition of the work: *Provided*, That the expense of the land and building shall not exceed that sum.

Approved, August 29, 1842.

[PUBLIC—No. 80.]

AN ACT making appropriations for certain sites for marine hospitals therein mentioned.

Be it enacted by the senate and House of Representatives of the United states of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for sites for marine hospitals, selected and purchased under the act of March third, eighteen hundred and thirty seven entitled "An act to provide for certain harbors, and for the removal of the obstructions in and at the mouths of certain rivers, and for other purposes," viz.:

For a site for a marine hospital at Natchez, in the state of Mississippi, seven thousand dollars.

For a site for a marine hospital at Napoleon, in the state of Arkansas, one thousand dollars.

For the site for a marine hospital at St. Louis, in the state of Missouri, seven thousand four hundred and sixty eight dollars.

For the site for a marine hospital at Paducah, in the state of Kentucky, one thousand dollars.

For the site of a marine hospital at Pittsburgh, in the state of Pennsylvania, ten thousand two hundred and fifty three dollars.

For the site of a marine hospital at Cleveland, in the state of Ohio, twelve thousand dollars.

Sec. 2. And be it further enacted, That the said several sums of money be paid out of any moneys in the Treasury not otherwise appropriated.

Approved August 29, 1842.

[PUBLIC—No. 81.]

AN ACT to establish and regulate the navy ration.

Be it enacted by the senate and House of Representatives of the United states of America in Congress assembled, That the navy ration shall consist of the following daily allowance of provisions for each person:

One pound of salted pork, with half a pint of peas or beans; or one pound of salted beef, with half a pound of flour, and quarter of a pound of raisins, dried apples, or other dried fruits; or one pound of salt beef, with half a pound of rice, two ounces of butter, and two ounces of cheese, together with fourteen ounces of biscuit, one quarter of an ounce of tea, or ounce of coffee, or one ounce of cocoa; two ounces of sugar, and one gill of spirts; and a weekly allowance of half a pound of pickles or cranberries, half a pint of molasses and half a pint of vinegar.

Sec. 2. And be it further enacted, That fresh meat may be substituted for salt beef or pork, and vegetables or sour crout for the other articles usually issued with the salted meats allowing one and a quarter pounds of fresh meat for one pound of salted beef or pork, and regulating the quantity of vegetables or sour crout so as to equal the value of those articles for which they may be substituted.

Sec. 3. And be it further enacted, That should it be necessary to vary the above described daily allowance, it shall be lawful to substitute one pound of soft bread, or one pound of flour, or half a pound of rice, for fourteen ounces of biscuit; half a pint of wine for a gill of spirits; half a pound of rice for half a pint of beans or peas; half a pint of beans or peas for half a pound of rice.

When it may be deemed expedient by the President of the United states, secretary of the Navy, commander of a fleet or squadron, or of a single ship when not acting under the authority of another officer on foreign service, the articles of butter, cheese, raisins, dried apple, or other dried fruits, pickles, and molasses, may be substituted for each other and and for spirits: *Provided*, The article substituted shall not exceed in value the article for which it may be issued, according to the scale of prices which is or may be established for the same.

Sec. 4. And be it further enacted, That in cases of necessity the daily allowance of provisions may be diminished or varied by the discretion of the senior officer present in command, but payment shall be made to the persons whose allowance shall be thus diminished, according to the scale of prices which is or may be established for the same; but a commander who shall thus make a diminution or variation shall report to his commanding officer, or to the Navy Department, the necessity for the same, and give to the purser written orders specifying particularly the diminution or reduction which is to be made.

Sec. 5. And be it further enacted, That no commissioned officer or midshipman, or any person under twenty one years of age, shall be allowed to draw the spirit part of the daily ration; and all other persons shall be permitted to relinquish that part of their ration, under such restrictions as the President of the United states may authorize; and to every person who, by this section, is prohibited from drawing, or who may relinquish the spirit part of his ration, there shall be paid in lieu thereof, the value of the same in money, according to the prices which are or may be established for the same.

Sec. 6. And be it further enacted, That the provisions of this act shall go into effect in the United states on the first day of the succeeding quarter after it becomes a law, and in vessels abroad on the first day of the succeding quarter after its official receipt; and any acts and parts of acts which may be contrary to, or inconsistent with, the provisions of this act, shall be and are hereby repealed.

Approved, August 29, 1842.

[PUBLIC—No. 82.]

AN ACT authorizing the Secretary of the Navy to contract for the purchase for the United States the right to use Babbit's anti-attrition metal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the secretary of the Navy be, and he hereby is, authorized to contract for the purchase, from the proprietor of the patented interest therein, for the United States, the right to use Babbit's anti attrition metal in the construction of machinery and other work; subject to the ratification of Congress.

Approved, August 29, 1842.

[PUBLIC—No. 83.]

AN ACT establishing a court at Charleston, in the Commonwealth of Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter terms of the district court for the western district of Virginia be holden at Charleston, in the county of Kanawha, commencing on the Wednesdays after the second Mondays of April and September of every year, in lieu of the sessions of said district court now directed to be held at Lewisburg, in the county of Greenbriar, which said last mentioned sessions of said court are hereby discontinued.

Approved, August 29, 1842.

[PUBLIC—No. 84.]

AN ACT to provide for the publication of a new edition of the laws and regulations of the Post Office Department, and a perfect list of the post offices in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby authorized and required to cause to be collated and printed in pamphlet form, suitably for distribution, a complete edition, of not less than eighteen thousand copies, of the laws relating to the Post Office Department; together with the regulations established by said Department for the better conduct of tis business; and also a new and complete list of all the post offices in the United states; showing their respective distances from Washington, and from the capitals of the states in which the several offices are situated.

Sec. 2. And be it further enacted, That for the purpose of carrying into effect the provisions of this act, the sum of nine thousand one hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, August 29, 1842.

[PUBLIC—No. 85.]

AN ACT to reorganize the Navy Department of the United states.

Be it enacted by the senate and House of Representatives of the United states of America in Congress assembled, That the act approved February seventh, eighteen hundred and fifteen, entitled "An act to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners," be, and the same is hereby, repealed.

Sec. 2. And be it further enacted, That there shall be attached to the Navy Department the following bureaus, to wit:

1. A bureau of Navy Yards and Docks.
2. A bureau of Construction, Equipment, and Repairs.
3. A bureau of Provisions and Clothing.
4. A bureau of Ordnance and Hydrography.
5. A bureau of Medicine and surgery.

Sec. 3. And be it further enacted, That the President of the United states, by and with the advice and consent of the senate, shall appoint from the captains in the naval service a chief for each of the bureaus of Navy Yards and Docks, and of Ordnance and Hydrography, who shall each receive a salary of three thousand five hundred dollars per annum, in lieu of all other compensation, whatever, in the naval service; and shall, in like manner, appoint a chief of the bureau of Construction, Equipment, Repairs, who shall be a skilful naval constructor, and shall appoint a chief of the bureau of Provisions and Clothing, who shall each receive for his services three thousand dollars per annum: and shall in like manner appoint from the surgeons of the navy a chief of the bureau of Medicine and surgery, who shall receive for his services two thousand five hundred dollars per annum.

Sec. 4. And be it further enacted, That the secretary of the Navy shall appoint the following clerks, to wit;

For the office of secretary of the Navy, a chief clerk, who shall receive for his services two thousand dollars per annum; one registering clerk, who shall receive for his services one thousand four hundred dollars per annum; three recording clerks, who shall receive for their services each one thousand dollars per annum; one principal corresponding clerk, who shall receive for his services one thousand five hundred dollars per annum; and two assistant corresponding clerks, who shall receive for their services each twelve hundred dollars per annum; one warrant clerk, who shall receive for his services twelve hundred dollars per annum; and one miscellaneous clerk, who shall receive for his services eight hundred dollars per annum.

For the bureau of Navy Yards and Docks, one civil engineer, who shall receive for his services two thousand dollars per annum; one draughtsmen, who shall receive for his services one thousand dollars per annum; one chief clerk, who shall receive for his services one thousand four hundred dollars per annum; and two assistant clerks, one of whom shall receive for his services one thousand dollars per annum, and the other shall receive for his services eight hundred dollars per annum.

For the bureau of Construction, Equipment, and Repairs, one assistant constructor and draughtsman, who shall receive for his services the sum of one thousand six hundred dollars per annum; and four clerks, one of whom shall receive for his services fourteen hundred dollars per annum, and the others shall receive for their services one thousand dollars per annum each.

For the bureau of Provisions and Clothing, one chief clerk, who shall receive for his services one thousand four hundred dollars per annum; and two clerks, one of whom shall receive for his services one thousand two hundred dollars per annum, and the other shall receive for his services eight hundred dollars per annum.

For the bureau of Ordnance and Hydrography, one draughtsman, who shall receive for his services one thousand dollars per annum; and three clerks, one of whom shall receive for his services twelve hundred dollars per annum, and the others shall receive for their services one thousand dollars per annum each.

For the bureau of Medicine and Surgery, two clerks, one of whom shall receive for his services twelve hundred dollars per annum, and the other shall receive for his services eight hundred dollars per annum; and one assistant surgeon, who shall receive for his services not less than the highest pay of his grade in the service.

Sec. 5. And be it further enacted, That the secretary of the Navy shall assign and distribute among the said bureaus such of the duties of the Navy Department as he shall judge to be expedient and proper; and all the duties of the said bureaus shall be performed under the authority of the secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such.

Sec. 6. And be it further enacted, That there shall be allowed to each bureau a messenger, who shall receive for his services a compensation not exceeding seven hundred dollars per annum.

Sec. 7. And be it further enacted, That the chief of each bureau hereby established shall be authorized to frank all communications from his bureau; and all communications to his bureau, on the business thereof, shall be free of postage.

Sec. 8. And be it further enacted, That the books, records, and papers now belonging to the office of Navy Commissioners shall be distributed among the bureaus, according to the nature of their duties respectively: and the Secretary of the Navy is hereby authorized to provide for each bureau such books of record and accounts, and such stationery, as may be found necessary; for which purpose the sum of three thousand five hundred dollars is hereby appropriated, payable out of any moneys in the Treasury not otherwise appropriated.

Sec. 9. And be it further enacted, That the unexpended balance of the appropriation for clerks in the office of the Secretary of the Navy, and the unexpected balance of the appropriation for the Commissioners of the Navy, their secretary and clerks, together with such additional sum as may be necessary to carry this law in effect, be, and the same are hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Sec. 10. And be it further enacted, That the secretary of the Navy shall, if the same can be done without detriment to the public service, appoint, with their consent, officers of the navy, not above the grade of lieutenants, to perform the duties of any clerkship created by this act, (except as herein otherwise provided,) who shall receive each for their services not more than nine hundred dollars per annum, including their regular pay and rations; but the appointment of any of the officers or clerkships in this act shall in no manner whatever interfere with his grade in the service.

Sec. 11. And be it further enacted, That acts or parts of acts authorizing the President of the United States, or the secretary of the proper Department, under his direction to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department to be applied to another branch of expenditure in the same Department, be, and the same are hereby, so far as relates to the Department of the Navy, repealed.

Approved, August 31, 1842.

[PUBLIC—No. 86.]

AN ACT to limit the sale of the public stock, and to authorize the issue of Treasury notes, in lieu thereof, to a certain amount.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no stock authorized to be issued for a loan, by the act entitled "An act authorizing a loan not exceeding the sum of twelve millions of dollars," approved July twenty first, eighteen hundred and forty one, and the act amendatory of the same, entitled "An act for the extension of the loan of eighteen hundred and forty one, and for an addition of five millions of dollars thereto, and for allowing interest on Treasury notes due," approved April fifteenth, eighteen hundred and forty two, shall hereafter be sold below par; and in case the same cannot be sold at or above par, and the exigencies of the public service shall require the same, then and in that case the Secretary of the Treasury shall be, and hereby is, authorized to issue Treasury notes in lieu of so much thereof as cannot be thus negociated, to an amount not exceeding six millions of dollars.

Sec. 2. And be it further enacted, That the Treasury notes authorized to be issued by virtue of this act shall not be issued after the time limited by said last mentioned act, being the fifteenth day of April, eighteen hundred and forty three, for making said loan, and they shall be issued under the provisions and limitations contained in the act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October, eighteen hundred and thirty seven, and as modified by the act entitled "An act additional to the act on the subject of Treasury notes," approved March thirty first, eighteen hundred and forty, *Provided*, That the notes authorized to be issued by virtue of this act may, when redeemed within the time above prescribed for issuing the same, provided that not more than six millions in amount shall be outstanding at any one time under the authority of this act.

Sec. 3. And be it further enacted, That nothing in the act contained, entitled an act authorizing the loan above referred to, and an act amendatory of the same, shall be so construed as to authorize the issue of certificates of stock, for debts now due or to become due by the United States, for any other purpose than a bona fide loan to the Government according to the original intention of that law, and that no certificate for any loan shall be issued for a less sum than one hundred dollars.

Approved, August 31, 1842.

Gen. Joseph Desha, ex Governor of Kentucky, died at his residence, in Georgetown, Ky., on Wednesday, the 13th inst. His remains were interred next day with military and masonic honors.

SONG—"I SAW HER ONCE."

BY RICHARD H. DANA.

I saw her once; and still I see
That placid eye and thoughtful brow;
That voice! it spoke but once to me—
That quiet voice is with me now.

Where'er I go my soul is blest;
She meets me there, a cheering light;
And when I sink away to rest
She murmers near—good night! good night!

Our earthly forms are far apart;
But can her spirit be so nigh
Nor I a home within her heart?
And love but dream her fond reply?

Oh, no! the form that I behold—
No shaping this of memory!
Her self, her self is here ensoul'd!
—I saw her once; and still I see.

ADDRESS OF THE COUNCIL OF CENSORS.

To the Freemen of the State of Vermont:

The Council of Censors, chosen on the last Wednesday of March, 1841, pursuant to the forty third section of the constitution of the state, about to close their official labors, present to the public the result of their deliberations in relation to the various subjects which have occupied their attention during the past year.

Among other things, it is made the duty of the Council to inquire whether the constitution has been preserved inviolate, in every part, during the last septenary; whether the legislative and executive branches have performed their duty as guardians of the people, or assumed to themselves or exercised other or greater powers than they are entitled to by the constitution; whether the public taxes have been justly laid and collected in all parts of the state; in what manner the public money has been disposed of, and whether the laws have been duly executed; and they are empowered, also, to propose alteration and amendments of the constitution, and to call a convention to consider such alterations & amendments as the Council may deem it expedient to propose.

We have examined the various laws upon the statute book, and believe that, with few exceptions, they have been enacted with a due regard to the provisions and limitations contained in the constitution. Duty, however, constrained us to call the attention of the legislature to that portion of the militia law which related to the government of the militia when not in actual service, and to pronounce that part of it, which empowered the officers of militia to impose and enforce the collection of fines and penalties by law-martial, and without the right of trial by jury, to be in contravention of the seventeenth section of the first chapter of the constitution. That section declares that "no person in this state can, in any case, be subjected to law-martial, or to any penalties or pains by virtue of that law, except those employed in the army and the militia in actual service." Believing that the law, authorizing the imposition of fines by courts-martial for military neglect and offences, at ordinary militia trainings, was directly in violation of the above recited article of the constitution, we respectfully recommend to the legislature its repeal or modification, and we are gratified to find that the last legislature has so far amended this law as to repeal the objectionable parts and to give the accused a trial before the ordinary civil tribunals.

The Council have directed their earnest consideration to the tenure of office now given to the state senators. On viewing the department of legislation, and the purpose of each branch in its action, as a law-making power, we are struck with the impropriety presented by the relative periods for which the delegates to the several branches are respectively appointed. With the present mode of election and limitation of their services, it is but little better than giving the whole legislative power to a single body of men. They are all elected by the people at the same time, and for the same period. They go into office on the same day, and their public services terminate at the end of the year. As the members of the House of Representatives come from every town in the state, and are elected for one session only, it cannot, from the very nature of the case, be otherwise than that there should be, in many of them, a want of experience in legislation. In so numerous a body there will always be a liability to high excitement, and, as a consequence, to inconsiderate legislation. And, whenever an improper excitement, of a political cast, arises or exists amongst the people, it will be communicated to, and carried out by, the legislators in their official transactions.

The object of a Senate is to establish a more experienced, deliberative, and independent body than the House. Such a body, in the process of law-making, experience has shown to be absolutely necessary. But, as senators and members of the House are now elected for the same term of time, and as the senate are a less numerous body, and dependent, in some measure, for a re-election, upon the representatives of their respective counties, who may be presumed to exercise an influence over their elections, it is believed that they cannot possess the independence requisite to a proper revision of the proceedings of the House of Representatives.

In order to secure this important object, the Council of Censors have recommended an amendment of the constitution, by giving to the senators an official term of three years, and so classifying them as to have one third go out of office at the expiration of each year. We consider this the more necessary, inasmuch as the executive department has no other power over the enactments of law, in his duty of revision, than to return them to the body in which they originated, with his objections, after which, notwithstanding these objections, they may become the law of the land by a vote of a majority, only, of each house.

The Senate ought to possess a degree of permanency and stability of office, in order to prevent the necessity of the intervention of the executive veto, a power always viewed by the people with jealously, and its exercise generally marked with disapprobation. By giving to the senators a term of three years, you place them beyond the influence of the sudden excitements of the day and yet leave them sufficiently responsible to their consituents. It is believed that in selecting candidates for that office for the term of three years, more care will be taken to secure men worthy of the trust, than when the selection is made to fill the office but for the term of one year.

By a division of the Senate into three classes, which a portion only will go out each year, there will remain a majority of old members, by whose experience the new ones will be greatly benefitted, and the whole together will form a salutary check upon the more numerous branch of the legislature. Besides, the Senator for three years will find a greater obligation resting upon himself to become acquainted with the duties of his station, than if he were appointed but for a single session of four or five weeks. As his services and attainments will be known and appreciated by his constituents, so will he be stimulated by a laudable ambition to qualify himself for a faithful and honorable discharge of the important duties assigned him. Thus will the conservative power of the Senate be made to operate upon the government, and thus will that degree of stability in the laws be preserved, so highly necessary in securing the liberty and prosperity of the people.

The Council have also had in consideration the Judical system of the state. They have much to admire in the organization of this system. The plan of combining the supreme with the county courts for the trial of issues of fact, so far as to associate a judge of the supreme court with the judges of the court, has proved by experience to fulfil every purpose which its most ardent advocates could have anticipated. The great improvements which the adoption of this system has introduced in the administration of justice must be apparent to all who will compare it with the system by which it was preceded. But this Council believe that the time has arrived when an advantage might be obtained by giving to the judges of the supreme court a greater degree of independence. This should be done by enlarging the tenure of their office.

As this is a subject fixed by the constitution, and cannot, like the organization of courts, come under the control of legislative enactment, it, necessarily devolves upon us to recommend such an improvement. On the best reflection we can give the subject connected with the present improvements of the age, we cannot do our duty to the state, without, at this time, recommending an amendment of the constitution so as to give to the judges an office to be held by them seven years from the date of their respective elections. This proposition has been brought into favor with the Council by considerations, some of which they will mention.

In no state in the union, with the exception of Vermont and Rhode Island, are the judges of the highest court elected annually.

The appointment being made by the joint ballot of the two houses of our legislature, it becomes highly necessary to place the supreme judges beyond the encroachments of that body. We cannot expect an impartial and secure administration of the laws, without conferring upon the judges an independence which can never be realized under appointments annually made by the legislature.

The judicial power should be separated so far from the legislative and executive, as that neither should exercise the duties appertaining to the other. Each should be independent of the other.—Neither should encroach upon the other; and, as the judicial is a weaker body, it should, in the exercise of its functions, be rendered as independent of the other as circumstances will admit.

It is an attribute of the supreme judicial tribunals to judge of the constitutionality of all laws passed by the legislature, when properly brought in review before them. They are always to regard the constitution as the fundamental law of the land, and superior to any legislative enactment. Consequently, if the law is not warranted by, or is repugnant to, the provisions of the constitution, as is sometimes the case, the judges are bound to pronounce it inoperative and void. Can it be expected that judges, dependent every year upon the legislature of their appointment, will possess the necessary firmness to judge over the heads of that body, and declare their enactments void? The observation of every one, who has attended to this subject, proves that the contrary effect is the result.

This Council, then, are fully of the opinion that, to secure talent, experience, fidelity and independence, the tenure of the office of the judges should be enlarged.

Yet it may happen that the judge may prove himself to be incompetent, or of a temperament unsuitable for so high a trust, and still not subject himself to impeachment,—a mode of trial extremely delicate, one which would be resorted to with great reluctance. The Council have, therefore, recommended the principle of removal by resolution, on a vote of two thirds of each of the houses of the Legislature. It is believed that this will give a sufficient power over that judge who proves to the people, by his official conduct that he is unworthy of their confidence.

The subject of altering the time for holding *freemen's meeting*, and the sessions of the Legislature, has been brought to our notice by the urgent solicitations of individuals from various parts of the state. The time for holding freemen's meeting is alledged to be too early in the season, espicially for the accommodation of the farmer, as it most generally arrives before he has completed his harvest, and the early day of election not unfrequently prevents a full attendance of the freemen at the polls.

As a remedy for these inconveniences, we have seen fit to propose to the people, for their consideration, the second Tuesday of October for the holding of freemen's meeting, and the first Thursday of January following for the convening of the Legislature, giving to that body the power to appoint, by law, a different day, for the meeting of the Legislature, if deemed advisable.—Whether this is called for, is a question for your consideration and decision.

The manner of appointment of the officers of the county has been urged upon the Council from various parts of the state. Strong objections are made to the present mode of electing these local officers by the Legislature. The candidates cannot be supposed to be personally known to but few of that body. Consequently, imposition and intrigue have too frequently had more to do than merit in the appointment of these officers.—The Council, therefore, have thought it advisable to give these appointments directly to the people, who will be best acquainted with the qualifications of those who are to serve them, and will be better enabled to select, and as well inclined to appoint the best men to office, as the body whose duty it now is to make these appointments.

As, in a free government, all the appointments to office, as well as all laws, proceed directly or indirectly from the people, it cannot well be denied that, as far as is practible, these powers should be retained by them. The Council, therefore recommended that the election of sheriff and high bailiff be given to the freemen of the county. These are executive officers of the county, clothed, in the execution of their duties, with the power to control, not only the property, but the persons of individuals. Their authority is confined to and pervades the county, and their appointment ought, therefore, not to be taken from the people of the county.

In regard to the appointment of justices of the peace, by the freemen of their respective towns, although the office is for the county, yet, as their services are mostly confined to the town in which they reside; and inasmuch as in the one case, they will be personally known to every elector, and in the other (if elected by the county) will be known to but few, it is the opinion the Council that the whole public interest will be better subserved by giving the appointment of the justices of the peace to the freemen of the town in which they reside, than in any other way.

We have, therefore, proposed an amendment of the constitution giving the appointment of this officer directly to the freemen of the town; and we have likewise recommended that the number of justices, to be appointed for each town, be somewhat in proportion to the number of inhabitants of each town—no one town being allowed more than twelve.

We have proposed an amendment to the tenth section of the second chapter of the constitution, altering the manner of making returns of votes given for Governor, Lieutenant Governor, and Treasurer, authorizing the several presiding officers over the several freemen's meetings in this state to forward a certificate of the number of votes given, without transmitting the ballots themselves.

Under the present mode, considerable inconvenience has been experienced, while it is not known that any benefit has been derived. The certificate of the officer alone has been all the evidence required by the canvassing committee when ascertaining the number of votes cast for the respective candidates.

The subject of abolishing the Council of Censors, and giving the power to propose amendments of the constitution to one or both branches of the Legislature, has been presented to the deliberate consideration of this Council. It has been urged that it would be an important saving of expense to the state, and that the other duties of the Council, as now prescribed, have, by the progress of improvement in the legislative and judicial departments of the government, become unimportant and useless. But after a full discussion of this subject we have not judged it expedient to recommend the abolishing of that body. We have reason to apprehend that if the power to propose amendments of the constitution were exercised by one or both of the Legislature, there could be no saving of expense, considering the time that would thus be occupied by those bodies;—that party politics would too often mix with the discussions, and influence the decisions in relation to the proposals of amendment.

The Council have seen fit to place before you, for your consideration and decision, one other proposal of amendment to the constitution. This relates