INDIANA STATE SENTINEL.

National Democratic Nominations.

FOR PRESIDENT,
FRANKLIN PIERCE, of New Hampshire.
FOR VICE-PRESIDENT,
WILLIAM R. KING, of Alabama.

Democratic Electoral Ticket

STATE AT LARGE,
JOHN PETTIT, of Tippecanoe County.
JAMES H. LANE, of Dearborn County.

DISTRICT ELECTORS,
First—BENJ. R. EDMONSTON, of Dubois County.
Second—JAMES S. ATHON, of Clark County.
Third—JOHN A. HENDRICKS, of Jefferson County.
Fourth—EBENEZER DUMONT, of Dearborn Co.
Fifth—WILLIAM GROSE, of Henry County.
Sixth—WILLIAM J. BROWN, of Marion County.
Seventh—OLIVER P. DAVIS, of Vermillion County.
Eighth—LORENZO C. DOUGHERTY, of Boone Co.
Ninth—SAMUEL A. HALL, of Cass County.
Tenth—REUBEN J. DAWSON, of DeKalb County.
Eleventh—JAMES F. McDOWELL, of Grant County.

FOR CONGRESS,
THOMAS A. HENDRICKS, of Shelby County.

Democratic State Ticket.

FOR GOVERNOR,
JOSEPH A. WRIGHT, of Parke County.
FOR LIEUTENANT-GOVERNOR,
ASHBEL P. WILLARD, of Floyd County.
FOR SECRETARY OF STATE,
NEHEMIAH HAYDEN, of Rush County.
FOR AUDITOR OF STATE,
JOHN P. DUNN, of Perry County.
FOR TREASURER OF STATE,
ELIJAH NEWLAND, of Washington County.
FOR JUDGES OF THE SUPREME COURT,
WILLIAM Z. STUART, of Cass County,
ANDREW DAVISON, of Decatur County,
SAMUEL E. PERKINS, of Marion County,
ADDISON L. ROACHE, of Parke County.
FOR REPORTER OF THE SUPREME COURT,
HORACE E. CARTER, of Montgomery County.
FOR CLERK OF THE SUPREME COURT,
WILLIAM B. BEACH, of Boone County.
FOR SUPERINTENDENT OF PUBLIC INSTRUCTION,
WM C. LARRABEE, of Putnam County.

Democratic Judicial Nominations.

FOR JUDGE CIRCUIT COURT,
WM. W. WICK, of Marion County.
FOR PROSECUTING ATTORNEY,
G. M. OVERSTREET, of Johnson County.

Marion County Democratic Ticket.

For Senator.
PERCY HOSBROOK, of Wayne Township.
For Representatives.
JESSE PRICE, of Decatur Township.
GEORGE P. BUELL, of Center Township.
For Sheriff.
ISAAC W. HUNTER, of Perry Township.
For Treasurer.
JOHN M. TALBOTT, of Center Township.
For Judge of Court of Common Pleas.
LEVI. L. TODD, of Perry Township.
For Prosecuting Attorney, Court of Common Pleas.
JOHN T. MORRISON, of Center Township.
For County Commissioners.
MATTHEW R. HUNTER, of Lawrence Township.
HENRY P. TODD, of Perry Township.
For Coroner.
GEORGE NEWLAND, of Center Township.

Speech of J. R. M. Bryant, of Warren County,

Upon the Amendment proposed by Mr. Holman, of Dearborn to the Common School Bill, in the House of Representatives, May 17, 1852.

MR. SPEAKER:—The amendment of the gentleman from Dearborn (Mr. Holman) strikes at the very foundation of the educational system which has been presented to the House. If the principle be adopted that the congressional township fund cannot be consolidated with the other funds applicable to school purposes, and we are to be confined to the old congressional township arrangement, then all the improvements which we have sought to engraft upon the system fall to the ground—all the remedies which we have devised for the many evils which experience has made manifest must be abandoned—and despairing of being able to do any thing worthy of the age in which we live, and of meeting the wants of the community by which we are surrounded, we must forego any further attempts to build up a system which the experience of the State, after prodigal expenditure and disheartening results, has proven to be the only efficient system. I have, on a former occasion, attempted to show to the House that if the principle contended for be maintained we are incapable of establishing any constitutional system, and at the same time compelled to violate the constitution itself. That instrument declares that we shall provide a general and uniform system of common schools, and at the same time prohibits any special enactment in relation thereto; and we are told by gentlemen, who contend for this amendment, that we have not the power to adopt the only system which can be made general and uniform; and if their position be correct, we are in a worse condition than we were before the adoption of this constitution, which was intended to improve it. It is well known to this house that there are counties in the State which have no congressional townships, and if we have no power to adopt a system which is not based upon congressional township organizations, such system cannot embrace them, and consequently the only system which gentlemen contend we have the power to adopt is directly in violation of the constitution, because it cannot, for the reason already stated, be made general and uniform. The whole difficulty grows out of the interpretation, which is given to the act of Congress of 1816, to enable the people of the Indiana Territory to form a State Government, and of the act of Congress of March 26, 1804. The gentleman from Dearborn, (Mr. Holman), and the gentleman from Monroe, (Mr. Buskirk), base their arguments entirely upon them. They suppose, moreover, that their position is fortified by the decision of our Supreme Court, and by the very explicit act of Congress of 24th May, 1828.

The act of 1804 is an act entitled, "an act making provision for the disposal of the public lands in the Indiana Territory, and for other purposes." The 5th section of that act provides "that all the lands aforesaid, not excepted by virtue of the preceding section, shall, with the exception of the section 'number sixteen,' which shall be reserved in each township for the support of schools within the same; with the exception also of an entire township, in each of the three above described tracts of country or districts, to be located by the Secretary of the Treasury for the use of a seminary of learning; and with the exception also of the Salt Springs and lands reserved for the use of the same, as hereinafter directed, be offered for sale to the highest bidder," &c., &c. The gentleman from Monroe says there is some doubt whether this act of Congress is a grant. I think there can be no doubt on the subject, as it is destitute of all the essential features of a grant. I can form no idea of a grant where no grantee is indicated to whom the property passes, or in whom the right is vested. A grant operates as a conveyance, and passes the right of the grantor to the person specified, and without the specification of some one capable of holding to his own use, or as trustee, there can be no such thing as a grant. The gentleman speaks of it as "a reservation to the particular use of particular persons." Who are the "particular persons"? and where are they mentioned in the act? Will he inform us? I can see nothing in this act but a simple withholding of the land from sale. It may serve further to show what the intentions of Congress were at that time in regard to these lands; but there is nothing in the act which transfers the title to these lands, or which limits and controls the future action of Congress in relation to the disposition of them to any purpose whatsoever. The jurisdiction and discretion of Congress over the whole subject was in no sense whatever limited, diminished, or restricted. The gentleman would be very unwilling to admit that the reservation of a township of land for a seminary of learning in the same act was a grant. The controversy now pending in the highest judicial tribunal in the Union, in relation to the funds of our State University, and which the gentleman thinks a most unrighteous attempt, to wrest the funds of that Institution from it, could be very easily decided against the University, if his construction of the act of 1804 is to be tolerated. The reservation of the 16th section is not more complete than that of the townships for the use of seminaries of learning. It is true, the particular land was designated in the one case, and in the other was to be selected by the Secretary of the Treasury; but this would make no difference in the result if this was a grant—the land designated in the act would vest immediately, and the other as soon as it was designated by the Secretary's selection—the only difference would be in point of time. If this was a grant, what a solemn farce was played off between the Congress of the United States and the Convention of the people of the Territory of Indiana twelve years afterwards, when Congress, by the act of 1816, proposed to grant these very same lands, *upon certain terms and conditions*, which terms and conditions were accepted by the Convention, and *a full equivalent given* for the grant. The gentleman has, moreover, lost sight of the act of Congress of 3d March, 1805, supplementary to the act of 1804, the seventh section of which supplementary act speaks of these same lands as having been reserved "*for the future disposition of Congress.*" What has become of the gentleman's grant? The Supreme Court of the State, in discussing the University case, and in reference to this act of 1804, says: "The sections numbered sixteen in each township, are declared to be reserved *for the support of schools within the same;* but no one has ever supposed that the reservation of a section in each township, though accompanied by the express declaration that it was to be for the use of schools in the township in which it is situated, was intended to give the inhabitants of the townships, respectively, the exclusive right to appropriate the reserved sections to the support of such schools as they should think proper." This was before the delivery of the gentleman's speech; and if the Court is correct in its opinion, he is entitled to precedence, as being the first to entertain such a supposition. I am not disposed to detract from the gentleman's acknowledged ability, but he has undertaken what is beyond his power; he is trying again the labor of Sisyphus, and with the same prospect of success. I cannot conceive why he insists so strongly upon the act of 1828. If the act of 1804 was a grant what was left to be granted by the act of 1816? If the act of 1816 was a grant, (and it undoubtedly was,) what was left to be granted by the act of 1828? And now let us examine this act of 1816. I propose to do so candidly and fairly, and in this respect have the advantage, most decidedly, of the gentleman from Monroe. He tells us that the interests of his constituents are affected to an amount exceeding twenty thousand dollars. The Bible informs us that it is very hard for a rich man to enter into the kingdom of heaven, and when self-interest interposes between the vision and the object, it is very difficult to discern truth. I represent a constituency who desire no selfish advantage, who are the steadfast friends of popular education, and who are in favor of a system of public education that will be worthy of the age in which we live, and the great responsibilities that rest upon us. The act of 19th April, 1816, was entitled, "an act to enable the people of the Indiana Territory to form a Constitution and State Government, and for the admission of such State into the Union on equal footing with the original States." That act contained five distinct propositions to the Convention of the Territory of Indiana, *for their free acceptance or rejection;* which, *if accepted by the Convention, shall be obligatory upon the United States.*

These propositions included the following: "That the section numbered sixteen, in every township, and when such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township for the use of schools;" and the act concludes with a proviso "that the five foregoing propositions herein offered, are the conditions that the Convention of the said State shall provide by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of December next, (1816), shall be and remain exempt from any tax, laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatsoever, for the term of five years, from and after the day of sale." The Convention did so accept the propositions, and passed the ordinance stipulated for in the act of Congress. What was the effect of this act of Congress of 1816, thus accepted by the Convention? The gentleman from Dearborn contends that the words contained in the act, "there shall be granted," did not make a grant, but were merely a stipulation, contract, or promise, that such grant should be made by subsequent legislation, and that the act of 1828 did make the grant, in performance of this contract or promise. The gentleman from Monroe contends that the act would operate as a grant, but the inhabitants of the townships not being in existence, the title remained in the United States, until it was divested by the act of 1828. They both, therefore, come to the conclusion that it is to the act of 1828 we must look for title to these lands. I insist, on the other hand, that the act of 1816, taken in connection with the action of the Convention, made a valid and perfect grant—that the grant was to the State of Indiana, and not to the inhabitants of the several townships—that the grant was to the use of schools generally, and not to particular schools in particular townships—and further, that the act of Congress of 24th May, 1828, was unnecessary, superfluous, and void in itself, and herein lies the whole controversy. The act of 1816 contained a proposition which, when accepted by the Convention, was to be obligatory upon the United States. The proposition, "there shall be granted," is sufficient to constitute a grant, when accepted, as I shall proceed, from the decisions of the Courts, to show, and I refer first to the case of Longlois v. Coffin, in error to the Howard Circuit Court, (Smith's Indiana Reports, page 378) This was a case arising under the treaty of 1837 between the United States and the Miami Nation of Indians.

The treaty provided that, "*There shall be granted* to each of the persons named in the schedule hereunto annexed, and to their heirs and assigns, by patent from the President of the United States, the lands therein named."

The schedule provided, "To Peter Longlois one half section of land," &c., &c. In that case the Supreme Court held that, as the treaty prescribed the mode by which the grant was to be made, viz., by patent from the President of the United States, the treaty did not of itself convey the title, but that if the treaty had not designated the manner and form in which the land should be vested in the Indian, the treaty itself would have been sufficiently operative as a grant. The Supreme Court based its decision in part upon the case of Doe ex dem. R. Godfrey v. Beardsley, to be found in the second volume McLean's Reports, page 412.

This was an action of ejectment, brought for the recovery of certain lands alleged to have been granted to Pierre Moran, a Pottawattamie Chief, by the treaty of 29th August, 1821. The third article of the treaty declared that "there shall be granted by the U. States to each of the following persons, being all Indians by descent, and to their heirs, the following tracts of land." (Pierre Moran is enumerated as being entitled to one section under the above provision.) The same argument was used in that case that was employed by the gentleman from Dearborn in this debate, viz., that the words "there shall be granted" did not make a grant, but that some further action on the part of the United States was necessary to vest title in the Indian; but the Court decided otherwise, and maintained the validity of the grant, alleging that a legislative grant required no further evidence of title, and that in this case no patent was necessary to perfect the title. There is surely nothing novel in this construction. The treaty between the United States and Spain in 1819, commonly called the Florida treaty, declared that "all grants of land made before the 24th January, 1818, by his Catholic majesty, &c., *shall be* ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic majesty." The Supreme Court of the U. S. held that no formal ratification or confirmation was necessary, but that the treaty itself was such ratification and confirmation. See 6th Peters' Reports, page 743, United States v. Arredondo, et al. The same decision was given by the same tribunal in the case of The United States v. Percheman, 7th Peters' Reports, page 89. These decisions overrule a different construction which was given in the case of Foster and Elam v. Neilson, 2d Peters' Reports, page 314. The proposition then, made to Convention of the people of the State of Indiana, became *obligatory upon the United States*, to use the terms of the act of 1816, so soon as it was accepted by the Convention. The Convention did accept the proposition, and it became at once, by force and virtue of the legislative act itself, a valid grant, requiring no other formalities to assure the title. But, in order to a valid grant, there must be a grantee capable of taking; and the gentleman admits that the inhabitants of the townships were not then in existence—the townships at that time were the homes of wild beasts and savage men. It is not to be supposed that these inhabitants were the designated educational trustees of the State of Indiana. The grant, however, did not fail on that account; it would not, even if no other provision had been made, be a nullity. Even without any valuable consideration, if a mere voluntary act, to purposes of charity or benevolence, the grantor would not be permitted to resume the ownership and use of his property thus attempted to be conveyed or granted to such charitable and benevolent use, because the trustee named in the grant was not in existence, or was incapable of taking. This doctrine has been successfully maintained in the Superior Courts of Great Britain and the United States It has received the sanction of our own Supreme Court. In the case of McCord, executor, v. Ochiltree and others, reported in 8th Blackford Rep page 15, this position was fully sustained John Ochiltree made his last will and testament in 1839, and died in 1840. Among other bequests he made the following: "After paying all the foregoing bequests, I give and bequeath into the Theological Seminary at South Hanover, in the State of Indiana, all the remainder of my estate, to continue a permanent fund, and the interest to be applied to the education of pious, indigent youths, who are preparing themselves for the ministry of the Gospel, and those only who strictly adhere to the Westminister confession of faith." The Theological Seminary was at that time not incorporated, consequently had no legal existence, and was therefore incapable of acting as the trustee. The Court held that the legacy was void at law, but that under the act of 43d Elizabeth, chapter 4, commonly called the Statute of Charitable Uses, the Courts of England had always enforced and given effect to grants or devises for charitable purposes, which at law were informal and illegal gifts, and that independently of that statute, there was an inherent jurisdiction in Courts of Equity to give effect to that which at law would be void, and the Court sustained the bequest.

Courts of Equity, both in England and the United States, according to the tenor of repeated decisions, would give effect to such gifts by the appointment of trustees. If, therefore, this had been a mere gift, without any consideration whatever being received by the grantor, it would, (according to the uniform decisions of the Courts, being for a charitable public purpose,) have been valid. But the grant was not a mere voluntary grant for the benevolent purpose specified, but was made for a good and valuable consideration. It was stipulated that the grant should be upon condition, that all the land sold by the United States, within the limits of the State of Indiana, from and after the first day of December, 1816, should be exempt from any State, county, or township tax, for the term of five years, from and after the date of sale, which makes the case still stronger if necessary. There was no necessity for the interposition of Courts of Chancery, for the terms were fully adjusted between the parties, who possessed sovereign authority within their respective spheres, to give full effect to any purpose which they might entertain; and accordingly the parties to this contract did arrange all the terms of it, and remove all the legal objections which might have been made to it. Gentlemen who examine only the act of Congress of 1816, have proceeded but half way in the history of this case. The act of 1816 contained a proposed grant merely, and was not of binding force until accepted by the Convention, and the equivalent was secured, This was expressly stipulated in the act itself, and it becomes indispensably necessary to inquire what was done by the Convention in accepting the grant, and providing the required equivalent. If nothing further had been done in regard to the person or persons in whom the title was to vest, some further act on the part of Congress and the State might have been necessary to designate the proper trustee—the persons described in the act of 1817 having at that time no existence—but the trustee so designated would have been obliged to carry out the purpose specified in the grant, by applying the lands so granted to the "*use of schools*"—not the schools of the particular townships, wherein the lands, or portions of them, might be situated, but to the use of the schools of the State—and the gentleman from Monroe admits that if the United States granted the 16th section to the State of Indiana, for the use of schools within the same, then the legislature has the power to consolidate the proceeds of the sale of such lands. It would matter nothing to whom it was granted, whether to the inhabitants or to the State, if it was for the use of schools within the State generally; and such it surely was, for an inspection of the act of 1816 discloses no restriction or limitation. The Convention did provide an ordinance by which the exemption of the lands of the United States from taxation was amply secured, and they adopted a constitution which was submitted to Congress for its approval—it was approved, and the State admitted into the Union. The Convention appears to have been aware of the difficulty which might arise, from the terms of the grant, as proposed by Congress in the act of 1816, and accordingly we find that they substituted the *State of Indiana* as the trustee, instead of the inhabitants of the townships, and this substitution was ratified and approved by Congress. In the ninth article of the Constitution of 1816, the following passage occurs: "It shall be the duty of the General Assembly to provide, by law, for the improvement of such lands *as are*, or hereafter may be, granted by the United States *to this State for the use of schools*, and to apply any funds which may be raised from such lands, or from any other quarter, to the accomplishment of the grand object for which they are or may be intended. But no lands granted for the *use of schools* or seminaries of learning, shall be sold by authority of this State, prior to the year eighteen hundred and twenty; and the moneys which may be raised out of the sale of any such lands, or otherwise obtained for the purposes aforesaid, shall be and remain a fund, for the exclusive purpose of promoting the interest of literature and the sciences, and for the support of seminaries and *public schools.*" The whole difficulty was obviated therefore, by the concurrent action of the two contracting parties. The United States proposed the inhabitants of the townships The Convention, in the article of the Constitution just quoted, substituted the State as the trustee. Congress approved the substitution, and admitted the State into the Union. The contract was thus completed and executed, and the grant originally *proposed* to the inhabitants of the townships was perfected to the State. But the gentleman from Monroe urges that if the grant to the inhabitants of the township was inoperative because they were not then in existence, a grant to the State of Indiana would also be so, because the State of Indiana was not then in existence. The gentleman has surely not given the same careful investigation to this subject which he usually exhibits.

The grant to the State was not complete, until the acceptance and approval of her Constitution by the Congress of the U. S., and when that was accepted and approved, she was formally admitted as a State; they were simultaneous acts, and the position of the gentleman is untenable. The gentleman points, however, most triumphantly, to a special act of Congress—the act of 23d June, 1836, entitled, "an act for the relief of the reserved townships in Monroe county." It will be borne in mind that one of the townships granted by the United States to the State for the use of a seminary of learning, was located, under the direction of the President of the United States, in that county; and the sixteenth section in that township being thus specially set apart for other and different purposes; according to the original terms of the contract "other lands equivalent thereto and most contiguous to the same," were to be designated in lieu thereof. Accordingly we find the act of 1836 provides as follows: "Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the Register and Receiver of the Land Office at Indianapolis, be and they are hereby authorized to select within said district, out of any of the public lands, a quantity of land for the use of schools within the reserved township in Monroe county, equivalent in value and in lieu of the sixteenth section in said township, which was granted by Congress to the State of Indiana, for the use and benefit of a State College." And the gentleman says "this grant is for a specific purpose and to particular persons—the language is plain—there can be no doubt, uncertainty, or controversy about it." I fear that twenty thousand dollars has again obscured, or rather deliriously stimulated the gentleman's vision. I can discern no *particular persons* named in the act at all, unless it be the Register and Receiver of a particular Land Office, whose duties as ministerial agents of the General Government are therein pointed out. I can see no grant in it at all; and if we are to take this act by itself, without reference to other and antecedent legislation, it is a mere reservation, vesting title in no one. My understanding of it is, that it is nothing but a part and parcel of the original contract, and that it derives all its validity from the grant of 1816, and presents no new feature in the case. Reference is surely had in the act itself, to the original grant, when it speaks of this selection being made "in lieu of the sixteenth section;" and we must refer back to the original grant, for the purpose of ascertaining who were entitled to this sixteenth section, to whom it was granted, and for what purpose; and the election, when made by the persons designated, would vest immediately in the party originally entitled, and for the purpose then specified. Congress would possess no power to vest the title any where else, or to apply the property to any other purpose. The gentleman himself would have no difficulty in determining this case properly, if it was a transaction between individuals and not between governments. A. pays B. for a tract of land which B. stipulates to convey to him. B., however, conveys to C., with notice of A.'s equity, would not the courts interpose directly, declare that there was a resulting trust, and compel C. to convey the land to A.? It would have made no difference, therefore, if the act of 1836 had particularly designated the inhabitants of this particular township as the trustee; but it did not do so. It merely authorized a selection of other land in lieu of the sixteenth section, which had been otherwise disposed of; and, as soon as the land was designated, it passed by virtue of the original grant. I have said that I regarded the act of Congress of the 24th May, 1828, as unnecessary, superfluous, and void. That act was entitled, "an act to authorize the Legislature of the State of Indiana to sell the lands heretofore appropriated for the use of schools in that State;" and the act proceeds to say, "Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the Legislature of the State of Indiana shall be, and is hereby authorized, to sell and convey, in fee simple, all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools *within said State*, and to invest the money arising from the sale thereof, in some productive fund—the proceeds of which shall be forever applied, under the direction of said Legislature, for the use and support of schools within the several townships and districts of county for which they were originally reserved and set apart, and for no other use and purpose whatsoever: Provided, said land, or any part thereof, shall in no case be sold without the consent of the inhabitants of such township or district, to be obtained in such manner as the Legislature of said State shall by law direct: and, provided also, that in the apportionment of the proceeds of said funds, each township and district aforesaid shall be entitled to such part thereof, and no more, as shall have accrued from the sum or sums of money arising from the sale of the school lands belonging to such township or district." It will be perceived that in this act the words "*reserved and appropriated*" are used instead of the word *granted*. Congress seems to have been aware, or rather the framer of the act undoubtedly was, (for the act probably passed without examination or question), that if the lands had been previously *granted*, they had no further jurisdiction of the subject; and the whole act implies that there had been no previous act which did any thing more than "*reserve and appropriate*" these lands, whereas I have shown by the decisions of the courts and by the language of the act of 1816 itself, that nothing short of a grant was either intended or effected, and when Congress undertook to exercise an authority over these lands not specially reserved to it by the terms of the act containing the grant, and to impose new restrictions, limitations, and terms, it transcended its rightful authority, and usurped a control belonging to the State only. By the act of 1816 Congress stipulated for certain conditions—those conditions were complied with, the grant was executed, and the whole subject matter passed from the jurisdiction of Congress fully, completely, and forever. The gentleman from Monroe says he will not enter into a discussion about State sovereignty and State rights, that the "State surrendered to Congress the entire control and disposition of the public lands, consequently when Congress makes a *grant* of public lands, she has the right to annex to such *grant such terms, conditions*, and *limitations* as she may think proper." I am not disposed to question this, and if Congress had *annexed* to the *grant* the "*terms, conditions, and limitations*" of the act of 1828, she would have had a perfect right to do so, and if accepted by the State Convention would have been as binding and conclusive as the grant itself; but she did not do so; she made the grant without any such "*terms, conditions, or limitations;*" and twelve years after the grant attempts to dictate them. Congress would have the same right to devise an entire school system for us, and provide that the funds should be employed for the support of no other system, as to dictate the manner in which the State should apply the funds which she held for the great and vital object of public education. I will contend for State rights, when acquiescence would lead to great public wrong. I care not whether the act of 1828 was induced by a joint resolution of the Indiana Legislature or not. If I hold a deed in fee simple from the gentleman from Monroe, and I get an erroneous notion into my head that it is not a good deed, and at my solicitation he makes me another, it amounts to nothing. The subject, most probably, had never been thoroughly examined, doubts had arisen, and it was thought, perhaps, much easier to get an act of Congress than an adjudicated decision, and the acquiescence of the State cannot be set up as an estoppel, as the act of 1828 appears only to have been tolerated until experience had demonstrated the utter absurdity and injustice of it; and, as the State Constitution had already explicitly declared that the grant was to the State, there is no equity in the rule attempted to be laid down in that act. The price of the lands granted by the act of 1816 was the exemption of the public lands of the United States from taxation for a limited period after sale; this increased the burdens of the other property of the State. The deficiency thus occasioned in the State revenue was made up by increased taxation of all the persons and all the property in the State alike; and yet this act of 1828 would give to one township abundant means of education, if her sixteenth section happened to be valuable, and to another (paying equally as much of the consideration) nothing, if her sixteenth section happened to be a swamp; and such cases do exist. It was this inequality fully developed, and the impracticability of giving existence to any thing like an efficient school fund, that induced the Constitutional Convention of 1850 to frame the article in our present Constitution. The enormous expense attending the management of the complicated systems which had been tried, and the large sums which had been withdrawn from the actual education of the State, and given to officers for keeping multitudinous and unnecessary accounts, added to the fact that notwithstanding all the experiments which had been made, the census exhibited a very large and mortifying increase of ignorance in the State, made it apparent that something must be done to make the system of education, (so far as was the province of the Convention), simple and uniform. Accordingly we find in relation to the funds the following section, (Sec. 2d, article 8th), "The common school fund shall consist of the congressional township fund, and the lands belonging thereto, the surplus revenue fund, the saline fund, and the lands belonging thereto," &c., &c., enumerating all the other funds applicable to school purposes; and the 3d section provides that "the principal of the common school fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever." Where do you discover the slightest intention to make this congressional township fund a separate and distinct fund? On the contrary it is placed upon the same footing with all the other funds, which are all merged into one fund, to be denominated the common school fund, and directed to be applied to one purpose, the support of common schools. The gentleman admits the right of the legislature to consolidate all the other funds of the State, applicable to school purposes; but it seems to me that, in order to make his argument consistent, he ought not to have admitted this; for if the State is, as he insists, estopped by former legislation in relation to this fund, she is estopped also by her legislation in relation to the surplus revenue, the saline, and bank tax funds, for she has heretofore distributed these to the several counties, in proportion to their population, at the time of such distribution; and they have had the entire management of these funds, loaning the principal and distributing the interest for the support of schools. The course of legislation, therefore, pursued in relation to the congressional township fund was not peculiar, but corresponding with the legislation of the State in regard to all other school funds; and it is singular when the gentleman found so much comfort in the 4th section of the 8th article of the present Constitution, as completely and forever putting at rest any attempt to consolidate, that he did not also apply it to the surplus revenue and other funds. It would have been very convenient for those counties which, by some strange process, have possession of large amounts of these funds, which their population does not entitle them to, to claim that the Constitution has provided that no diversion of them shall take place, and that other counties with large populations, which have not heretofore received one dollar of these funds, shall be forever precluded from all equitable participation in them.

The gentleman says: "I confess that the 2d section of the 8th article of the Constitution would seem to convey the impression that it was the intention of the framers of that instrument to consolidate these funds."

It does certainly seem very much like it, and that is very natural when it does not mean any thing else; but the gentleman says that the impression conveyed by the 2d section is destroyed by the 4th section. The 4th section declares "that the General Assembly shall invest, in some safe and profitable manner, all such portions of the common school fund as have not heretofore been entrusted to the several counties; and shall make provision by law for the distribution among the several counties of the interest thereof."

The House will perceive that the common school fund, described in the 8th article of the Constitution, embraces many resources not heretofore available or applicable as school funds—as for example the county seminary funds—the fund to be derived from the State Bank upon the expiration of its charter, the swamp lands, &c. &c. The object of the Constitution was to direct the Legislature to make a safe and profitable investment of these funds, paying the interest to the several counties for the support of schools, not distributing the capital of those funds, but the interest only; and instead of designating them at length, when they had been recapitulated in the 2d section already, it merely describes them as the portions of the common school funds not before *entrusted* to the counties—mark the word, sir, "entrusted," not granted, to the counties—but confided to them for safe and profitable investment, and subject at all times to the expressed will of the Legislature. It was designed by the Constitution that the common school fund should be an active, productive fund; and although the Legislature would have had ample power to invest all these funds, in the absence of any constitutional direction so to do, it was thought advisable not to leave so important a matter to legislative discretion merely. The gentleman seems to think there can be no consolidation without withdrawing the capital of these funds from the several counties. It does not necessarily follow; this bill certainly consolidates the funds as the Constitution does, but does not provide for the withdrawal of these funds from their present depositions; it is unnecessary, for if safely and profitably invested where they are, there can be no necessity for their investment elsewhere; on the contrary, the Auditor of State is directed in the bill to continue the distribution of the bank tax and saline fund to the several counties annually. It is the *income* of these, together with that of all other portions of the common school fund, which the bill proposes to apply equally in all the counties, in proportion to the number of children, within the ages prescribed by law; and it is a remarkable fact that the whole opposition to this bill proceeds from gentlemen representing counties which have for years been enjoying the use of funds to which they have no lawful claim, to the very great disadvantage of the counties to which they properly belong.

I spent about two weeks during the present session preparing a comparative statement of the distribution of the surplus revenue fund—the amount to which each county is now entitled by its population, the amount received by each county, and the excess or deficiency, as the case may be—and I have only to examine that, when a gentleman rises to speak on this bill, to ascertain which side he is most probably on. (For this statement see conclusion of the speech).

I have now, Mr. Speaker, examined the several acts of Congress bearing upon this subject, and have endeavored to do so fairly and candidly. I have attempted to show the true meaning of the act of 1828, taken in connection with the acts of the Convention of 1816, and I have an abiding faith that the position which I have taken in reference to it is impregnable. The decision in 5th Blackford, to which the gentleman refers, does not shake that faith in the least—the only question in that case, was as to the proper parties to the suit, and the argument was as to the right of the State to sue for a trespass upon school lands, and the Court incidentally gives the opinion that the grant was to the inhabitants and not to the State; but no reason is assigned, nor is there any evidence that the point was more than merely alluded to, or that it was thoroughly investigated, nor do I apprehend that it could be sustained upon any established rule of construction But if it was otherwise, if the grant had been to the inhabitants of the townships, it seems to me that it would be a monstrous absurdity to suppose the existence of *public funds* for *public purposes* within the limits of a State, and above and beyond the control of its highest legislative authority. I think the case of the Dartmouth College, decided in the Supreme Court of the United States, gives the true doctrine on this point. That case is reported at length in 4th Wheaton, page 430. In 1769 the King of Great Britain had chartered this College, and the object of it was declared in the charter to be the "education and instruction of youth of the Indian tribes," &c., &c. Funds were raised by individual subscription, and lands donated for the purposes of the charter. In 1816, the Legislature of New Hampshire, by law, changed the name of the Institution, and gave a different direction to the property. This new charter the trustees refused to receive, and brought an action against the trustees, named in the act of the Legislature, for certain property The case ultimately came before the Supreme Court of the United States, and the decision turned upon the point, whether the funds of the College were *public* or *private* funds; and on the ground that the funds were *private* funds as before stated, the Court decided the act of the Legislature to be void, being in violation of that clause of the Constitution of the United States which prohibits the States from passing laws in violation of the obligation of contracts. But, in giving the opinion of the Court, Chief Justice Marshall says: "If the act of incorporation be a grant of political power, if it create a civil institution to be employed in the administration of the Government, or if the State of New Hampshire as a Government, be alone interested in its transaction, or *if the funds of the College be public property*, the subject is one in which *the Legislature of the State may act according to its own judgment*, unrestrained *by any limitation of its power imposed by the Constitution of the United States*." This congressional township fund is a public fund, paid for by the State at large, and appropriated exclusively to a great public purpose, in the successful prosecution of which every part of the State has a deep and abiding interest; and yet gentlemen would deny to the Legislature of the State the power to promote this great object by the judicious application of these funds. The Legislature may levy taxes upon *private property*, they may exact portions of *individual wealth*, and apply them to the accomplishment of this purpose; yet they cannot touch *public funds*, already consecrated to the same purpose, for the purpose of giving them greater efficiency, and discharging a duty in relation to the education of the State, which the Constitution declares to be essential to republican freedom, and which it imperatively enjoins. As for the pecuniary, selfish considerations growing out of this question, I think the wealthy counties, as they are called, need have but little uneasiness. I apprehend that not a dollar of the congressional township fund, nor even of the taxes provided by this act, (excepting the library tax, which is a special one), will ever be required out of the counties where the same is now held, or may be collected—the other portions of the common school fund being amply sufficient to equalize all the counties of the State. The State has made ample provision for the education of her children, of which this congressional township fund is by no means the larger portion; and as no school bill will ever pass the Legislature of the State of Indiana, based upon any other principle than equality of advantage to every child in the State, where would be the propriety of keeping separate accounts of each branch of this common school fund, even if the Constitution allowed that to be separated, which it was intended to consolidate, particularly as the only effect would be a great increase of the expense attending the administration of the system, and when such subdivision would render impracticable the establishment of such a system as the Constitution in the plainest terms requires at our hands, as I have on a former occasion fully shown. I have already extended my remarks further than I anticipated, and believing that I have fully examined all the arguments in support of this amendment, conclude by expressing a hope that it will be rejected by the House.

Statement of the amount of Surplus Revenue Fund distributed, the amount to which each County is entitled, and the excess or deficiency.

Names of Counties	No. of Polls.	Amount Received.	Am't entitled to	Excess.	Deficiency
Adams,	986	$1,062 80	$3,638 34		$2,575 54
Allen,	2,552	5,774 56	9,416.88		3,642 32
Bartholomew,	2,040	7,737 20	7,527 60	$209.60	
Benton,	253		933.57		933 57
Blackford,	432	585.23	1,594.08		1,008 85
Boone,	1,601	5,604 51	5,907.69		303.18
Brown,	659	2.125 60	2,431.71		306 11
Carroll,	1,781	6.001.29	6,561.89		560.60
Cass,	1,620	6.993 24	5,977 80	1,015.44	
Clark,	2,574	11.060 24	9,498.66	1,562,18	
Clay,	1,196	3 967.78	4,413 24		445 46
Clinton,	1,929	5,136.88	7,118.01		1,981.13
Crawford,	942	3 996 14	3,475.98	520.16	
Daviess,	1,418	5.569 08	5,232.42	336 66	
Dearborn,	2,891	12,462 92	10,667 79	1,795.13	
Decatur,	2,367	9,444.76	8,734 23	710 53	
DeKalb,	1,357	2,125.60	5,007 33		2,881.73
Delaware,	1,732	5,725 00	6.391.08		666 08
Dubois,	1,069	2,706 60	3 937 23		1,230 63
Elkhart,	2,089	5 821.24	7,708.41		1,887.17
Fayette,	1,585	9.225.13	5,808.65	3 376 48	
Floyd,	2,158	8,913 27	7,963 02	950 35	
Fountain,	2,171	11,350.74	8,010.99	3,339 75	
Franklin,	2,808	11.010 64	10,361 52	649.12	
Fulton,	1,018	2,125 60	3,760.42		1,634.82
Gibson,	1,874	7.630 92	6,915.06	715.86	
Grant,	1,783	3.294 68	6,579.27		3,284 59
Greene,	1,806	4,959.74	6,664.14		1,704.40
Hamilton,	2.027	6.235.11	7,479 63		1,244 52
Hancock,	1,427	6.001 28	5.471 63	529 65	
Harrison,	2.028	11.081 49	7,483.32	3,598.17	
Hendricks,	2,040	9.940.75	7,527.60	2,413 15	
Henry,	2,613	12,505 64	9,715 77	2,789.87	
Howard,	1,149		4.239.81		4,239 81
Huntington,	1.501	2,125 60	5,538.69		3,413.09
Jackson,	1,716	6.936 56	6.309.90	626.66	
Jasper,	631		2 328 39		2,328,39
Jay,	1.100	2.125.60	4 059.00		1,933 40
Jefferson,	3,242	13 334 62	11,962 98	1,371 64	
Jennings,	1.746	5.887.92	6.442 74		554 82
Johnson,	1,966	8,301 03	7,254 74	1,049.29	
Knox,	1 659	8.821.26	6,121.71	2 699 55	
Kosciusko,	1,735	2,125.62	6.402.15		4 276 53
Lagrange,	1.151	4 322.06	4,247.19	74 87	
Lake,	675	2.125.60	2.490 75		365.15
Laporte,	2,377	8.131.98	8.771 13		637 15
Lawrence,	1,785	10 202 91	6,586.65	3,616 26	
Madison,	1.928	6.192 60	7,114 32		921.72
Marion,	3,453	14,560 40	12,741 57	1,818 83	
Marshall,	837	2,125.60	3,087.53		961 93
Martin,	992	3,238 00	3,660 48		422 48
Miami,	2,078	3.145 89	7 667.82		4.521.93
Monroe,	1.673	7.935.59	6 173 37	1 762 22	
Montgomery,	2 603	13 625.13	9,605 07	4.020 06	
Morgan,	2,254	8,729 14	8,317.26	411.88	
Noble,	1,475	2.125 60	5,442 75		3,317.15
Ohio,	773	3,470.33	2.852 37	617.96	
Orange,	1,574	7,581 31	5,808 06	1,773 25	
Owen,	1,784	6.143 00	6,582.96		439 96
Parke,	2.203	5.551.37	8,129 07		2,577.70
Perry,	1.186	4,371.66	4 370.34	1.32	
Pike,	1,142	4,194 52	4,413 98		219.46
Porter,	897	2,805 80	3.309 93		504.13
Posey,	2,152	8,020 62	7,940.88	79.74	
Pulaski,	484		1.785 96		1,785,96
Putnam,	2,405	13,540.10	8,874 45	4,665.65	
Randolph,	2,113	7,170 38	7,796 97		626 59
Ripley,	2,156	6.986 16	7,955 64		969,48
Rush,	2,463	14,716.28	9,088.47	5,627.81	
Scott,	908	4,180.36	3,350 52	829.84	
Shelby,	2,280	10.783.91	8,413 20	2,370 71	
Spencer,	1,321	4,531 62	4,874.49		339 87
Starke,	126		464 94		464 94
Steuben,	1,635	2.125.60	3.819.15		1,693 55
St. Joseph,	1,844	6,270.54	6,804 36		533 82
Sullivan,	1.483	6.674.40	5 472.27	1,202 13	
Switzerland,	1,930	8,800.40	7.121.70	1.678.70	
Tippecanoe,	3,347	13,129.16	12,350 43	778.73	
Tipton,	692		2.321 01		2,321 01
Union	1 065	7.630 92	3,929 85	3,701 07	
Vanderburgh,	2,011	4,312 92	7,420.59		3,077 67
Vermillion,	1,376	8.289 86	5,077 44	3.212 42	
Vigo,	2,308	10,047.02	8.516 52	1,530.50	
Wabash,	1,970	2,125 60	7.2·9 30		5,143 70
Warren,	1.263	6,220 74	4,660 47	1,560 27	
Warrick,	1,280	2.479.87	4 723 20		2,213 33
Washington,	2,418	12,541.08	8,922 42	3.618 66	
Wayne,	3.855	21,794 55	14 224 95	7,569.60	
Wells,	1,012	2,125 60	3.734 28		1,608 68
White,	806	2,125.68	2.974 14		848.54
Whitley,	931		3 368 97		368 97

THE GREAT FRENCH CIRCUS!

OF

JAS. M. JUNE & CO.

The Most Extensive and Brilliant Troupe in the World.

WILL Exhibit at INDIANAPOLIS on Friday, Sept. 17th, for one Day only. Two performances—Afternoon and Evening Doors open at 1½ and 6½. Admission 25 cents.

SIX LADY EQUESTRIANS,

From all the principal Hippodromes of Paris, Vienna and St. Petersburgh. The celebrated

Mad. TOURNIAIRE,

Will; in her world renowned School of the Manege, delineate the fashionable modes of Lady Equestrianism in the saddle, applicable to THE ROAD OR THE CHASE, presenting to Lady Amateurs an exhilarating and truly elegant amusement, a perfect MODEL OF IMITATION, with the correct Costume, manner of setting the Horse, &c. Mad. T will also introduce all her favorite TRAINED HORSES, Hercules, Washington, Cheming, Superb, Marengo, Brilliant, Alama, and Achille.

M'lle JOSEPHINE,

In her elegant *TOURS DE GRACE, ON A SINGLE HORSE.*

M'lle LOUISE,

In her brilliant *COUP D'ETAT*, WITHOUT SADDLE or BRIDLE!

The Corps De Ballet, consisting of
M'LLE IRENE, M'LLE FRANCK,
LE PETITE CERITO, M'LLE AUGUSTE,
Will also appear in a beautiful Pastoral Ballet.

The German Hercules, Herr KIST,

Will exhibit his extraordinary prowess. Also, EQUESTRIAN PERFORMANCES by Messrs. B. STEVENS, J. SWEET, W. ARMSTRONG, A. F. LIMING, D. STRYKER, T. TUCKER, and J. W. MURRY.

Equestrian Manager........PROF. N. JOHNSON
Director of the French Troupe........MONS. TOURNIAIRE
Leader of the Bugle Band........MR. R. WILLIS
Principal Clown........MR W. WORRELL
Second Pero........MONS. MALLET

☞ The Procession, comprising a most superb cortege, exhibiting some of the first stock in the world, will enter the town, preceded by A MAGNIFICENT CAR OF NEPTUNE! in which will be seated the Bugle Band of R. Willis. The harness used in this splendid vehicle was manufactured by Lacy & Phillips, Philadelphia, and is the same firm that took the premium at the World's Fair, London, having cost in getting it up over $3000.

☞ For full particulars of performances, the public are respectfully referred to the descriptive and delineated sheets of the *GREAT FRENCH CIRCUS*, in all the public places.

aug31-d&w1t7¶.

Westward the Star of Reform takes its onward Course.

NOTICE TO DRUGGISTS AND PHYSICIANS!

WE would respectfully call the attention of customers and dealers in drugs and medicines to our full and large assortment of pure articles. We are receiving and now opening, CRUDE and POWDERED; also, the various COMPOUNDS, prepared from Medicines introduced by Beach, Mattson, Thompson, Howard, and others. Also, EXTRACTS, concentrated articles, fluid, solid, and powdered. Also, the various Compounds prepared from our own receipts, of the most efficacious character, having been tested thoroughly for twenty years; and also to the superior quality of our *Pure Medical Liquors*, all of which we are prepared to sell wholesale or retail.

Our stock consists in part, of

African Bird Pepper, Scullcap,
Bayberry, Ladies' Slipper, or Nervine,
Ginger, Jamaica, Unicorn,
Ginger, African, Witch Hazel,
Ginger, Race, Raspberry,
Lobelia Inflata Seed, Golden Seal,
" " Herb, &c., &c., &c. &c.

ALSO—EXTRACTS.

FLUID	SOLID.	POWDERED.
Cypripedium:	Juglause, or Butternut;	Myricæ;
(Alchoholic;)	Eupatorium Perf;	Sanguinariæ,
" Aqueous;	" Perf;	Podophylin;
Lobelia Inflata;	Aralia Spinosa;	Leptandrin;
Capsicum, A. A.;	Zanthoxlyn;	Macrotyn;
Stillingia;	Scutellaria;	Abies;
Petelia;	Hydrastis;	Hydrastis;
Cornus;	Geranium;	And every article that will admit of the form.
Apocynum;	Macrotyr;	
Lactucæ;	Gentianæ;	
American Oil;		

Also, Spices, Ground and Crude; Nutmegs, Cinnamon, Pepper, Mace, Alspice, Ginger, Cloves, &c

Also, Seeds of every variety, Canary, Caraway, Flax, Hemp, Fennel, Mustard, Anise. Cardomon, Lobelia.

We design keeping every variety of Grass Seeds, Field Seeds, Flower and Garden Seeds.

Our stock will be full and complete, and would invite all to call and examine the quality of our goods and prices.

We buy our goods for cash, and can and will sell low. South side Washington street, near the Palmer House, Indianapolis.

dec29-1yd&w J. P. POPE & CO.

YARNS, &C.—
1,000 lbs. assorted Cotton Yarns;
10 bales, Batting;
50 doz. Bed Cords and Plow lines;
Received and for sale aug7 JOHN W. HOLLAND.

TOBACCO AND CIGARS.—30 boxes Tobacco, 5s, 6s. 9s, and lb. lumps. 10,000 Cigars, assorted; received and for sale by
aug7 JOHN W. HOLLAND.

GLASS AND NAILS—
100 boxes 8 by 10 and 10 by 12 Glass;
10 boxes Glass Tumblers;
100 kegs assorted Nails; in store and for sale.
aug7. JOHN W. HOLLAND.

Messrs. Wright and McCarty,

Candidates for Governor, will address their fellow-citizens at the following times and places, and they respectfully request their fellow citizens to give notice of the same:

New Albany, Floyd co., on Friday, Sept 24, at 7 o'clock P M
Hardinsburgh, Washington co., Saturday Sept 25, at 1 o'clock P M
Paoli, Orange co., Monday, Sept 27, at 1 o'clock P M
Bedford, Lawrence co., Tuesday, Sept 28, at 1 o'clock P M
Mt. Pleasant, Martin co., Wednesday. Sept 29, at 1 o'clock P M
Washington, Daviess co., Thursday, Sept 30, at 1 o'clock P M
Jasper, Dubois co., Friday, Oct. 1, at 1 o'clock P M
Petersburgh, Pike co., Saturday, Oct 2, at 1 o'clock P M
Booneville, Warrick co. Monday Oct 4, at 10 o'clock A M
Newburgh, Warrick co., Monday, Oct 4, at 4 o'clock P M
Evansville, Vanderburgh co., Tuesday, Oct 5, at 1 o'clock P M
Princeton, Gibson co., Wednesday, Oct 6, at 1 o'clock P M
Vincennes, Knox co., Thursday, Oct 7, at 1 o'clock P M
Carlisle, Sullivan co., Friday, Oct 8, at 10 o'clock A M
Sullivan, Sullivan co., Friday, Oct 8, at 4 o'clock P. M.

Mr. McCarty will address his fellow-citizens at Madison on Wednesday night, the 22d day of September, at 7 o'clock; and at Jeffersonville on Thursday night, the 23d day of September, at 7 o'clock Governor Wright having spoken at these places, will not be with his competitor. JOSEPH A. WRIGHT,
Sept 2, 1852. NICHOLAS M'CARTY.

OCTOBER ELECTION.

ELECTION DAY—THE SECOND TUESDAY IN OCTOBER
☞ Announcement fee $1.00. ☜

☞ PETER WINCHEL is a candidate for Assessor in Center township.

☞ We are requested by O. H. P. BLY, to state that he will be an independent candidate for Sheriff, at the ensuing October election.

☞ THE INSIDE OF THE HUMAN STOMACH, and the stomach of all animals, is lined with a membrane full of little glands, or organs, which secrete or produce, a remarkable fluid called Gastric Juice, having the power to dissolve all ordinary substances introduced into the stomach, and to convert them into the crude material of blood. In the stomach of the Ox, when killed, the chief element of the Gastric Juice, called Pepsin, is found in great abundance, and may be readily extracted by a chemical process. This Dr. Houghton has done, and applied it most successfully as a remedy for Dyspepsia, and bad Stomachs. It is a most ingenious and rational step in Medical Science.

☞ R. R. R. See in another column.
CRAIGHEAD & BROWNING,
W. W. ROBERTS,
1y Agents, Indianapolis.

NOTICE TO FARMERS.—The subscriber being Agent for the sale of BEARD & SINEX'S EMPIRE STEEL PLOWS, (manufactured at Richmond, in this State,) would say that said Plows took the highest Premium at the Ohio State Fair. All Plows sold by me will be warranted to work well, and give entire satisfaction. Farmers and others are respectfully invited to call and examine said Plows at the Sign of the Big Padlock.
Indianapolis, sept2-1852. HENRY S. KELLOGG.

NOTICE.—This is to notify all persons that my wife, Leanna Ivers, has forsaken my bed and board without any just cause or provocation whatever, and this is to notify the public not to trust or harbor her on my account, as I will be accountable for no contract of hers from this day forward. PATRICK IVERS.
August 20, 1852. • pt2-w3w.

VALUABLE FARM FOR SALE.—By virtue of an order of the Probate Court of Marion county, State of Indiana, the undersigned, as Commissioner, appointed by the Court, will offer for sale at public vendue, on the 11th day of September, 1852, at the dwelling house on the premises, to the highest bidder, the following described Real Estate, to-wit: The west half of the south-west quarter, and the west half of the north-west quarter of section 1, and the east half of the north-east quarter of section 2, in township 15, north of range 4 east; situated in Marion county, State of Indiana. This is a valuable and productive farm of about 205 acres, in the vicinity of the best markets, and well provided with stock water. About 110 acres are under good fences, in complete repair; 95 acres are well improved; about 15 acres deadened; and about 90 acres are heavily timbered. It has a good orchard of 100 apple trees. Several pear and peach trees, all choice, well selected, fruit It also has a large dwelling house in good repair, with large, convenient stables, and other out buildings, designed for a tavern stand. The premises are six miles east of Indianapolis, on the Central Plank, or National Road.

Terms of Sale—One-third of the purchase money to be paid in hand; one third in one, and one-third in two years from the day of sale. The deferred payments to be secured by promissory notes of the purchaser, and by a mortgage of the premises, payable without any relief from valuation or appraisement laws, bearing interest from date. DAVID S BEATY,
August 19, 1852-w3w. Commissioner.

STATE OF INDIANA, MARION COUNTY, SCT.
IN THE PROBATE COURT OF MARION COUNTY,

Petition for Partition.—John Trucksess, and Lucinda Trucksess, his wife: Theodore Johnson, and Nancy Johnson, his wife, and Joseph Holloway, and Elizabeth Holloway, his wife; v. Frederick Cool, Sarah Cool, John Cool, and William Cool.

BE it known, that on the 26th day of July, 1852, the above-named Petitioners filed in the Clerk's office of the Probate Court of Marion county aforesaid, their Petition for Partition against the above-named defendants; also the affidavit of a competent and disinterested witness that the said defendants, Frederick Cool, John Cool, and William Cool are not residents of the State of Indiana. The said defendants, Frederick Cool, John Cool, and William Cool are therefore, hereby notified of the filing and pendency of said Petition; and that unless they be and appear before said Court, at the first day of the next term of said Court, and plead, answer, or demur to said petition, the same will be heard and determined in their absence. WILLIAM STEWART, Clerk.
Barber & Porter, Att'ys for Petitioners.
August 5, 1852.—w3w.

Great Bargains---Sign of the Flag.

GOODS at this house will be sold at unheard of low prices.

It would be impossible here to enumerate all the articles comprising the stock, but will mention a few meriting attention.

A splendid lot of BERAGE DE LAINES, from 15 cts. to 30 cts, usually sold from 25 cts. to 37½ cts.
NEW DE LAINES, a good article, for 12½ cts. per yard
FOREIGN AND DOMESTIC GINGHAMS at all prices.
PRINTS, BLEACHED AND BROWN SHEETINGS AND SHIRTINGS.
LINEN AND COTTON SHEETING.
LINEN TABLE, DAMASK, AND DIAPERS,
LANCASTER QUILTS AND COUNTERPINS.
NAPKINS, DOYLIES, TOWELINGS, TICKINGS, &c.
Also, a fine lot of SILK SHAWLS, good and cheap.
TERMS CASH. All Goods warranted to be of the kind and quality represented. [may13] J. S. NORRIS.

M. RECH,
WATCH-MAKER AND JEWELLER,

Opposite Masonic Hall,

RESPECTFULLY informs the citizens and strangers, who visit Indianapolis, that he sells his fine stock of WATCHES and JEWELRY at the lowest Eastern prices.

Also.—He has one of the best practical Watch workmen from Genvoa, in his employ, to do all descriptions of Watch-work in the best workmanlike manner; that is to say, he fixes it at once to perform right, and keep good time.

Please give us a trial, and send all your friends whenever they wish to get their watches done up good. aug13-3md&w.

THIS DAY RECEIVED—
3000 gals. Stone Ware, assorted;
100 Jugs, ½, 1 and 2 galls.;
100 Jars, 1, 2, 3, 4, 5 and 6 gallons;
Butter Crocks, 2 and 4 gallons;
Milk Pans;
For sale low to dealers. aug17. JACOB LINDLEY.

Paper Warehouse.

THE undersigned offer for sale a full assortment of Paper, embracing News, Book, Plate, Cap, and Letter Paper; Candle Tobacco, Manilla, Wrapping, and colored Printing paper. Rag, Hemp, and Straw Wrapping Paper, Bonnet Boards, &c., &c., of best qualities, and at low market prices Orders solicited, which will be filled at same prices as if purchased in person. We also make to order, at short notice News and Book paper.
NIXON & Co.
Manufacturers and Dealers in Paper.
77 and 79 Walnut st., Cincinnati.
N. B.—The highest market price paid for Rags in cash, or exchange for paper. aug6-d5m&w3w.

Indiana Institution for the DEAF AND DUMB,

(On the National Road, 1½ mile east of Indianapolis.)

VISITORS are admitted on Monday, Tuesday, Wednesday, Thursday, and Friday, between the hours of 1 and 3 o'clock, P. M.; also, on Saturday, from 10 to 12 o'clock, A. M. During these hours some person will be in readiness to conduct citizens of the State, and strangers, to the school-rooms, and through those parts of the buildings open to the public. The object of the Institution being the benefit of the unfortunate Mutes, will not allow the admission of Visitors at any other time. oct3-d&wtf

GROCERIES! GROCERIES!! GROCERIES!!!—Our stock of Groceries is large and complete, selected with care. The attention of the city and country retailers is invited to an examination of the quality and prices of our goods, as we feel confident that we can give satisfaction.

Our stock consists in part as follows:

100 bags prime Rio Coffee.	10 boxes old Castile Soap,
20 bags prime Laguira Coffee,	25 bales Batting,
5 bags old Java Coffee,	50 boxes Herrings,
20 h'd's N. O. Sugar,	5 tierces Salmon,
10 barrels Loaf Sugar,	50 boxes Raisins,
25 bbl's crush'd and pow'd sugar,	50 drums Figs,
100 bbls N. O. Molasses,	Nuts of various kinds,
5 bbls clarified Syrup,	100 dozen Brooms,
150 packages Mackerel,	25 dozen Buckets,
250 bbls Kanawha Salt,	25 nest Tubs,
100 bags fine Table Salt,	25 dozen Zinc Wash Boards,
50 boxes Tobacco 5s 8s and lbs.	50 half chests Imp., Young Hyson G. Powder and Black Teas,
100,000 Cigars,	
100,000 Percusion Caps,	1000 pounds s. f. Indigo,
50 bags Shot.	1000 pounds Madder,
1000 bars Lead,	1000 pounds Alum,
50 kegs Powder,	Pepper, Alspice,
150 kegs Nails,	Ginger, Mustard,
50 boxes Star and Mould Candles,	Cinamon, Cloves,
50 boxes Soap,	Nutmegs, &c., &c.
25 boxes Shaving and Fancy Soap,	

BROWNING & MAYER,
june24. Washington st. near the State House.

BRITTANIA WARE—Now opening—
Brittania Coffee Pots;
do. Tea do;
do. Soup Ladles;
do. Candlesticks;
do. Castors, assorted sizes;
do. Covered Pitchers;
do. Uncovered do;
For sale at river prices. [jun4] JACOB LINDLEY

J. GARRATT & SON'S
Patent Combination Table, Toilet, Wash Stand, and Shower Bath.

THE subscribers are now prepared to furnish this beautiful and highly practical article of furniture It is just what is needed, and every family should have one in order to enjoy good health. Call at the Bell and Brass Foundry of Garratt, Davis & Co., on Pennsylvania street, south of the Journal office. and leave your orders, where a sample of the machine may be seen.
aug10.-d&w. GARRATT, DAVIS, & CO.

PERU AND INDIANAPOLIS RAILROAD.—The annual election for Directors, will be held at the office of the Company, at Noblesville, on Tuesday, September 14, at 10 o'clock A. M. E. W. H. ELLIS,
Indianapolis, August 12, 1852. President.

BUCKETS, &C.—
20 doz. Wooden Buckets;
5 doz. Wooden Tubs;
5 nests Wooden Tubs;
20 doz. Zinc Washboards; received and for sale.
aug7. JOHN W. HOLLAND.

DR. S. A. WEAVER'S
CANKER AND SALT RHEUM SYRUP,
CANKER CURE AND CERATE.

These Preparations are warranted superior to any other Compound now in use for expelling

Scrofulous Humors, Canker, Salt Rheum, Erysipelas, Mercurial Diseases, and all other Diseases Arising from an impure state of the Blood; Also, Liver Complaint, Female Weakness, Dyspepsia, AND GENERAL DEBILITY.

DR. WEAVER, the original discoverer of this Medicine, is a regularly educated Physician, a Graduate of the Albany Medical College, and can exhibit Certificates of his Office from the best Physicians in Albany, certifying to his ability and qualifications as a Medical Practitioner, and is now extensively engaged in the practice of Medicine.

ERYSIPELAS AND SALT RHEUM CAN BE CURED!—Mrs Giles Turner, of Montville who had been afflicted with Erysipelas for the last Twenty Years, and three times within the last five years, has been entirely Blind from the effects of this dreadful malady.

CURE EFFECTED BY DR. WEAVER'S SYRUP, AFTER ALL OTHER TRIED MEDICINES HAD FAILED.

READ THE CERTIFICATE!

MONTVILLE, March 5, 1851.

Messrs. S. A. Weaver & Co.—Gentlemen: In relation to my wife, I would say that from childhood she has been afflicted with a Humor. About twenty years since it appeared in a very distressing form of Erysipelas, at first in a spot of a bright cherry color on the side of the face, accompanied with a painful sensation, similar to that produced by fire. From this point it spread over the whole face, which became so swollen that for several days she was entirely BLIND, and so disfigured that her most intimate acquaintances did not recognize her. She had been in this situation three times in the last five years. Its effects sometimes appeared in small cracks in the skin, commencing back of the ears, thence extending over the sides of the head. So sore and painful were they, that at night it was impossible for her to allow them to touch the pillow. The discharge from these sores was so profuse that it frequently wet through the dressings and run down the sides of the neck, and so acrid was it, that when it came in contact with the skin, the effect was the same as that of boiling water.

After any gentle exercise, especially in warm weather, parts of the body became covered with spots of a dark red or purple color, and were very painful and tender; in a short time these spots would be covered with minute blisters, which broke, and discharged, then dried up, forming a scab which would in a few days come off, leaving an angry and painful sore, looking much like a burn. This would be a long time in healing—frequently months. At one time it appeared on the feet and ankles, running much the same course as it had done on the other parts of her body, except that in this instance it was aggravated by exercise. These sores, moreover, assumed the character of bad ulcers, and so inflamed, that for months she was unable to walk. The deep scars left by them remain to this day. It has affected her breast to that degree that she was unable to nurse either of her last three children Often she has been in such distress from this disease, that for weeks she has been able to obtain but little sleep or rest, and has often said that her distress was so great she could not describe it.

At the time she commenced using your Syrup and Cerate, she had a running sore on her stomach and breast, which had been there more than a year, healing up at times perhaps in one place, but always breaking out in another. To this we applied many remedies, and used various kinds of medicines for removing the disease from the system, none of which produced the least apparent benefit. She commenced using your Syrup and Cerate a year ago last fall. She took the Syrup a few days and then commenced applying the Cerate to the sores, and at once said she had never found anything so soothing as this was. I have frequently known her to get up several times in the course of a night to apply the Cerate to her feet, in order to obtain sleep. In one or two weeks after using the medicines the sores began to heal, and before she had finished the second bottle, they were entirely well. She has now used four bottles, and is to all appearance perfectly cured, and is in better health also than she has been at any time before for twenty years. The medicine has effected in her case the most wonderful cure ever known in our section of country, and I strongly recommend all afflicted in like manner to give it a trial.

Any one desiring further information in relation to the facts or particulars of the case, it will afford me great pleasure to give any such information, if they will call at my residence in Montville, or they can make inquiries of many of my acquaintances in New London and vicinity, who are conversant with them.
GILES TURNER.

The above is a plain statement of facts; they speak for themselves, and are from a source that no one who are acquainted with the person will doubt This is only one of the numerous cases which we have in our possession, all showing the value of Dr. S. A. WEAVER'S CANKER and SALT RHEUM SYRUP, together with its invaluable accompaniment, the CERATE. They stand unequalled for the cure of all Scrofulous Humors, Salt Rheum, Erysipelas, Canker, and Nursing Sore Mouth, Mercurial Diseases, Liver Complaint, Female Weakness, and all diseases arising from, or in any way connected with an impure state of the Blood

Manufactured and sold by S. A. WEAVER & Co., sole proprietor, New London, Conn.

Sold by Craighead & Browning; W. W. Roberts, and by Merchants generally. J. N Harris & Co., 7 College Building, Cincinnati, Agents for the South and West 24-wis-1y.

NEW ADVERTISEMENT—Let every body read it.
NO. 1.
R. R. R.

Radway's Ready Relief

IS THE FIRST AND ONLY REMEDY EVER RECORDED IN THE MEDICAL HISTORY OF THE WORLD THAT HAS STOPPED THE MOST VIOLENT PAINS IN A FEW SECONDS.

It will stop the most severe pains in five minutes or less, and will cure the most obstinate and painful Rheumatic, Nervous, Neuralgic, and Bilious complaints in a few hours.

INTERNAL AND EXTERNAL.

It never fails in giving instant ease to the most tormenting and agonizing pains.

IT HAS CURED,
IN NINETY CASES OUT OF A HUNDRED,

RHEUMATISM	IN FOUR HOURS.
NEURALGIA	IN ONE HOUR.
CROUP	IN TEN MINUTES.
DIARRHŒA	IN FIFTEEN MINUTES.
TOOTHACHE	IN ONE SECOND
SPASM	IN FIVE MINUTES.
CRAMPS	IN FIVE MINUTES.
SICK HEADACHE	IN FIFTEEN MINUTES.
CHILL FEVER	IN FIFTEEN MINUTES.
CHILLBLAINS	IN FIVE MINUTES.
SORE THROAT	IN FOUR MINUTES.
INFLUENZA	IN ONE HOUR.

Spinal complaints, Stiff Joints, Strains, Bruises, Cuts, Wounds, Frost Bites, Cholera Morbus, Dysentery, Tic Doloreux, and all other complaints where there is severe pains, Radway's Ready Relief will instantly stop the pain, and quickly cure the disease.

SICK HEADACHE.

Radway's Ready Relief will stop the most distressing pains in a few minutes, and prevent renewed attacks. It will cleanse and sweeten the stomach, and neutralize the poisonous acids of the system.

PREVENTION.

By inhaling the pleasant and agreeable perfume of R. R. R., it will refresh and enliven the senses—remove the dull and heavy feelings of torpor and fatigue

IN BATHING.

Mix a tablespoonful of R. R. R. with a Bowl of Water, and bathe the Head, Neck and Temples, wash the Face, Hands, and other parts of the body every morning, and you will keep the skin pure, sweet, and healthy, prevent disease and sickness, headache and biliousness.

ALL BOWEL COMPLAINTS,

Diarrhœa, Dysentery, Bloody Flux, Cholera Morbus, Painful Discharges. It relieves the most severe pains in a few minutes—checks the most distressing discharge, and will speedily remove the cause.

NEURALGIA.
PAIN STOPPED INSTANTLY.

Radway's Ready Relief possesses an almost miraculous influence over the sharp darting pangs of pain of this cruel complaint. In a few minutes the pain-stricken sufferer experiences the delightful sensations of departing pain. It has cured thousands of cases in the city of New York, where many of them had been brought almost to death's door. The effects of the Ready Relief is to stop the pain immediately, to strengthen the nervous system and supply the nerves with nervous energy and vitality, the loss of which is the cause of the nervous pains.

RHEUMATISM.
PAINS RELIEVED IN FIVE MINUTES.

Radway's Ready Relief will stop the severe and excruciating pains of Rheumatism almost instantly. Persons are living in this city who, for months, were confined to their beds by Rheumatic Pains, whose bones were unsound from top to toe, whose joints were distorted with painful swellings, that were relieved from all pain in fifteen minutes by the use of Radway's Ready Relief. This is the truth, and thousands in the city of New York, and hundreds of thousands in the United States can answer for the truth of this assertion—we need no certificates of cures—we publish no long list of names to prove the efficacy of Radway's Ready Relief, for the citizens of almost every town in the Union, for the last four years, have tested it themselves.

CHILL FEVER.
CHILLS STOPPED IN A FEW MINUTES—PAIN RELIEVED INSTANTLY.

Radway's Ready Relief acts like a charm in all cases of Chills and Fever It breaks the Chills immediately—warms up and invigorates with health and strength every organ and secretion of the system.

PAINS OF ALL KINDS.

Whenever you feel pain, apply Radway's Ready Relief, it is sure to relieve you in a few minutes. If you have pains in the Stomach, intestines, in the Liver, Kidneys, Bowels, Joints, Bones, Radway's Ready Relief, taken either internally or applied externally, will in a few minutes stop pain and quickly remove its cause.

RADWAY & CO., 162 Fulton street, New York.

AGENTS FOR R. R. R.

J. W. Woods, Knightstown; Raymond & Co., Cambridge City, I. Reed, Richmond; McCharthy & Applegate, Delphi; E & J. M. Lyons, Clinton; Mitchell & Morrow, Centreville; E. Walton, Dublin; I. B. Brachors & Co., Cumberland; S. Hinshaw, Greensboro; Jos. Yount, Middletown; I. Edwards, Greenfield; A. Stall, Michigantown; Shryock & Co., Rochester; J. Tipton, & Son, Northfiel l.

Wholesale Agents, CRAIGHEAD & BROWNING,
W. W. ROBERTS.
may31-may6wim1ych4t. Indianapolis.

VALUABLE REAL ESTATE ON WASHINGTON ST. FOR SALE.—Notice is hereby given that, on Saturday, the 25th day of September, 1852, the undersigned, Administrator of the estate of Joseph I. Stretcher, deceased, will, in pursuance of the Decree of the Probate Court, of Marion county, and State of Indiana, made at the August term thereof, for the year 1852, sell at public auction, to the highest bidder, at the Court House door, in the city of Indianapolis, the following described Real Estate, belonging to the estate of said Stretcher, to-wit: Seventeen and one-half feet (17½) fronting on Washington street, of Lot number three (3) in square number sixty-six (66), in the city of Indianapolis; commencing at the north-east corner of said lot, then running seventeen and one half feet (17½) west, thence south one hundred and ninety-five (195); thence east seventeen and one-half feet (17½), thence north one hundred and ninety-five feet (195), to the place of beginning—together with the improvements thereon. Also, lot number four (4), in square number one (1), in the second addition to the town of Allisonville, Marion county, Indiana, with the improvements.

Terms will be, one third of the purchase money in hand, one-third in nine months, and one-third in eighteen months from date of sale. Said two last stated instalments to draw interest from date of sale, to be secured by notes with approved freehold security, payable without any relief whatever from valuation or appraisement laws. The property will be sold subject to the widow's dower, but free from all other incumbrances. Sale will take place between 12 o'clock M. and 4 o'clock P. M. CHARLES FISHER,
Aug. 24, 1852. aug26-w4w. Administrator.

FOREIGN ATTACHMENT.
BEFORE CHRISTOPHER G. WERBE, JUSTICE OF THE PEACE.
Richard W. Iliff v. Richard L. Cobb.

NOTICE is hereby given; that on the 2d day of August, 1852, a writ of Foreign Attachment was issued by me, Christopher G. Werbe, a Justice of the Peace, of Marion county, Indiana, at the instance, and upon the affidavit of Richard W. Iliff, against the goods, chattels and effects of Richard L. Cobb, by virtue of which said writ nothing has been attached; but James Haines, Charles Fisher, and William B. Bridgeford, of said county, have been caused to answer as garnishees in said case; and that I will, on the 24th day of February, 1853, at 2 o'clock, P. M., at my office, in the city of Indianapolis, proceed to hear and decide upon the claim of said Richard W. Iliff, whereof the said Richard L. Cobb, and all other persons concerned, will take notice.
August 19, 1852-w3w. CHRISTOPHER G. WERBE, J. P.

NOTICE.—The undersigned has this day obtained from the Marion Probate Court, letters of Administration on the estate of Philip Harrington, deceased, late of the county of Marion, State of Indiana. All who are indebted to said estate are requested to settle immediately; those having claims against the same are notified to present them duly authenticated for payment. Said estate probably solvent. DUANE HICKS, Adm'r.
August 13, 1852. aug19-w3w.