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# A VENTURE.

Equal Burdens—the Constitution and its Currency.

FRIDAY, OHIO, FRIDAY, JANUARY 23, 1852.

WHOLE NO. 561.

State, part of our history. been many in the tricinity use, by Amer-ved in both and fished. ntirely ments results going to be ge," a civil and gov- nitted the imate ority, eated adopt- many ons. surd- f jus- nodes o the f all. o the hem- bly. moun- ces, ben- these ures row e and sions age. o one but in it, con- the have Ar- with the bers ative s to w the oun- end- mly fully tutes elity, n as kely have their trust re is f his y of busi- ne to after each done ealth. Con- neral mea- nder s will irely w of l de- sent new ents e as cure the e of par- com- ntly the the nat- ub- on- f- teen cent, ecial tive s no per- cal- ver ises icle nor rant ns," that nes, ere ers ata-

tions, and, perhaps, by those who had a pecuniary interest in the result of the applications thus made, which was concealed. They have doubtless been accompanied with assurances favorable to the success of the applications, not always consistent with truth; and, in some instances, have produced the desired result. Had such applications been notorious, it is thought, remonstrances would have ordinarily prevented imposition, as the Executive would have had both sides of the question before him, when he came to determine whether a pardon should be granted or not. This section contemplates legislation. It confers this power upon the Governor, "subject to such regulations as to the manner of applying for pardons, as may be prescribed by law."

It has occurred to me, that it might be well to provide, that no application for pardon should hereafter be considered by the Governor, without satisfactory evidence that notice had been given to the Prosecuting Attorney of the county, where the conviction took place, of the intended application, and for a reasonable time; or, perhaps the publication in a newspaper, or advertisement in some public place, may be deemed more appropriate. Cases of extreme exigency, however, as danger to life from delay in the exercise of the pardoning power, should be permitted to form exceptions to the general rule.

As the Executives who have preceded me, with perhaps one exception, have never established any specific regulations, I feel myself unwarranted in doing so, without the express authority of law, although it would prevent, as it is believed, much annoyance, by the less frequency of unmerited applications.

The 4th article of the new Constitution prescribes the great outlines for the organization of the judicial department of the government. I approach it with diffidence. It is the only sheet-anchor of our hopes for safety and justice, in times of excitement and peril. Its powers and duties should always be commensurate with the objects of its institution, that it may protect innocence, punish guilt, and afford redress for every substantial grievance. There can, from the frailties of human nature, be no such thing under free institutions, as a quiet, orderly, and law-abiding community, unless reliance can be placed in the strong arm of a judiciary, to afford security; and such department must then possess the full confidence of the community, for impartiality, competency and integrity. It is worthy of remark, however, that since the organization of the State government, embracing half a century, no Judge in Ohio has been convicted of bribery or corruption in office, and but very few cases, it is believed, have occurred in the United States, since the commencement of the revolution.

A bill fixing the times for holding the judicial courts ought not to be long delayed. Beyond this, ample time should be taken, to revise the old or mature a new judicial system, designed to be permanent, and such as is required to define more fully the powers and duties of the several courts of record in term time, or of the judges, at their chambers.

Haste, in this bill, may be prejudicial to the public interest; sufficient delay to fully mature the system will be of but little inconvenience, for the Constitution has declared the old law shall remain in force, except when in conflict with it, until repealed by the General Assembly. The old law, with few exceptions, is, therefore, now in force, and must be applied for the direction of the new organizations, unless a new system shall be substituted, before the times, which shall be assigned for holding the new courts, shall arrive.

As to the jurisdictions of the Supreme Court, District Courts, and Courts of Common Pleas, I am not aware, that any substantial changes or modifications from the jurisdictions of the several courts to which they are, by the Constitution, made the successors, are either contemplated or would be desirable.

The Supreme Court will hold its sessions only at Columbus, or, at most, in but few places; remote from many counties in the State, and to give it a general jurisdiction for the trial of cases would be onerous and expensive to parties litigant, residing at a distance.

It was doubtless the intention, that justice shall be carried home to every man's door; or, in other words, that the business of the courts of justice should be done in the counties where the parties reside, and that the Supreme Court shall be a Court of dernier resort, where questions reserved by the District courts writs of error or appeals in chancery, should be finally determined.

For the commission of inferior offences, neither economy nor the principles of justice require them to be prosecuted in either of the Superior Courts of record. Probate Judges, with a jury, if desired, may be safely clothed with criminal jurisdiction in all such cases, and, as that court is to be at all times open, a speedy trial may be had, and justice administered, without denial or delay. Justices

of the Peace may be invested with a like jurisdiction, without prejudice to the security of the accused, and without detriment to the public interest.

Provision should, also, be made, by law, declaring who shall be the Chief Justice of the Supreme Court, who shall preside in the District Courts, when a judge of the Supreme Court is or is not present, and in the Courts of Common Pleas, if holden by more than one of the judges.

In establishing any judicial system by which the practice of the judicial courts is to be regulated or controlled, the fact should be borne in mind, that it is make the duty of the present General Assembly to provide for the appointment of a Board of Commissioners and to prescribe their duties, among which they are to report a uniform course of proceedings in the administration of justice, without reference to any distinction between law and equity, and, as far as practicable and expedient, the distinct forms of actions at law are to be abolished, and pleadings and forms of proceeding in courts of record are to be simplified and abridged. By keeping this in view, your legislation will of course be such that this provision of the Constitution may be carried out, by the Commissioners, and their labors not lost, as they shall from time to time make their report to the General Assembly for its final action thereon.

The 6th article of the Constitution is imperative on the General Assembly to provide for an efficient system of Common Schools throughout the State. This is, certainly, one of the most interesting subjects which can occupy your consideration, or that of the American people. Under systems like ours, where the real sovereignty is with the citizen, and he rules himself—where government is upheld or put down by the opinions of the people, expressed through the "self-renovating power of the ballot box," and not by violence—light, knowledge, intelligence, science, are essentially necessary to be widely spread, among the masses of the community. A common English education is within the reach of all, and is, at least, indispensable to the happiness, safety and prosperity of the State. Experience has shown, that education, with the masses of the people, affords infinitely more protection to liberty; good morals, and more security to the rights of others, than all the criminal enactments that have ever been made, or prisons that have been built.

If we desire the rising generation to be virtuous, lovers of freedom, and to cherish our institutions, which we must soon leave behind; if civilization, intellectual enjoyment, substantial refinement, love of order and prosperity are to be leading characteristics with those who are to succeed us, the means must be provided, and an efficient Common School system devised. The youth of the State must be educated and instructed in habits of useful and industrial pursuits, for habits formed in early life are likely to follow to its close.

The constitution has very wisely provided for the inviolability of the principal of the school funds, which now are, or hereafter shall be, under control of the General Assembly, and for the faithful application of the income to the purposes designed. It has also declared that such sums shall be raised by taxation, or otherwise, as with the income of the school trust fund, will secure an efficient system of common schools throughout the State; and this constitution the representatives of the people have solemnly sworn to support.

For the amount and condition of all monies and grants for school purposes, the General Assembly is referred to the report of the Secretary of State. It is respectfully recommended that every school district should be required to have a school kept in it, from the first of December until the first of April, in each and every year, and that parents or guardians, and all others, entrusted with the custody of children, should be required to send them to some school for at least three months of that time, unless for good cause excused by the directors. It is likewise suggested that some method should be provided, better suited than the one now in force, to prevent the employment of all but competent teachers, and those of unexceptionable moral character.

I believe it to be true, that children, in the habit of attending school become fond of it. The desire to learn increases. If the foundation be laid in youth, every one of either sex, as a general rule, and in any ordinary condition, may become possessed of a common English education, may be intelligent and intellectual. There is leisure sufficient from the employment of all, if the disposition exist. The General Assembly might do much to improve our common schools and to promote the cause of education, by providing for suitable libraries in every school district, such as would be adapted to the capacities and tastes of youth.

In Massachusetts every school is furnished by the State with Webster's Dictionary, as the standard work of orthography and pronunciation. The same is

recommended by a committee of the New York Legislature for the Empire State.

It is admitted to be the most valuable work of the kind extant by the learned men both here and in Europe; and its general use in our schools would break down all provincialisms, so to speak, and produce uniformity and elegance in the use of our language. Words would then be used by every one, in the same sense, in which they are defined by that able lexicographer.

Much might also be done by the General Assembly to encourage literary taste, by small aid, from time to time, for the purchase of books, periodicals and newspapers for permanent literary associations, lyceums and clubs, in our cities and towns. It would certainly have a tendency to prevent dissipation by the desertion of places tending to immorality, and cause young men to store their minds with useful knowledge and elevate themselves in their own self dignity and self-respect.

Again I would say, let the masses be educated. Send information and the means of instruction among all classes of our people unable to provide it, and your jails will become tenantless, and your penitentiary greatly diminish in its occupants. The songs of riot and debauchery will be seldom heard in your streets, and your Executive will escape the constant annoyance of parents, wives and children, for some ignorant and discarded, but still cherished object, who has forfeited his liberty to satisfy the claims of justice.

My predecessor, in his last annual message, among other things, recommended a thorough revision of the school laws. He remarks: "The law which now professes to regulate this system has been in force for many years. It has undergone many alterations; is printed in many different volumes of the Statutes, and is thus made difficult to be found, and still more difficult to be understood by the great majority of persons whose duty it professes to point out."

I fully concur with him in opinion and the entire subject is earnestly and respectfully recommended to the early and deliberate consideration of the General Assembly, with the full conviction, that the people of Ohio will cheerfully submit to any reasonable burthens that may be imposed, in aid of the school fund, and which shall be faithfully applied to the purposes of common schools, believing as they justly do, that it would relieve them from other burthens, in a measure, which are now levied to secure the faithful and prompt administration of penal laws.

Another subject of very great consideration and regard in every humane and sensible community is that of suitable accommodation for the insane, blind, deaf and dumb. The Constitution declares that institutions for these unfortunate classes in society shall always be fostered supported by the State. Of the management of these institutions, the past year, there is no complaint. They have been conducted with ability, integrity and skill. For full particulars, I must refer you to the several reports which I have caused to be laid before you, and recommend them to your consideration, and the institutions to your liberal support. Neither is it believed, by any means, to be adequate for the accommodation of all that common justice requires should become its inmates. Accommodations for the insane are woefully deficient! It is certain that but a small portion of those equally entitled, can be received into the Lunatic Asylum for want of room. For this cause, alone, numerous applications, and not unfrequently attended with distressing circumstances, are rejected. It is believed by those who have paid attention to the subject, that insanity has increased over previously existing periods, within the last few years; the reason for this increase does not appear to be well ascertained, when it is shown by the most incontrovertible statistical tables, that so large a proportion of those who are received at an early stage of the disease, at the Asylums, provided with suitable accommodations, and treated with kindness and care, are entirely restored. Every feeling of humanity, and, certainly, obligations of duty to this unfortunate class of our people, should prompt us to early action in their behalf—they should be supported at the expense of the State, and it is worthy, at least, of serious enquiry, whether any one should be turned out, as incurable, for confinement in private dungeons, or the annoyance of friends. There may be hope while there is life.— This is proved by the reports of every institution for the insane, of long and respectable standing, throughout the entire Union. But if cure or improvement is wholly out of the question, the maniac is, nevertheless, a human being, and the community is under a moral duty, as far as practicable, to relieve the evils of his condition.

Experience, it is said, has shown, that large numbers of the insane should not be confined together, not even upon the same location, that it is neither economi-