Since the foregoing was written, the celebrated " Opioion" of Judge Clayton has arrived, accompanied by its patron, the presentment of the Grand Jury of Jackson county. They are twins conceived at Athens and brought forth at Jefferson. It seems the birth of these bantlings was not

expected until Hall court, their prematurity, accounts for their weakness.—But as they are relied on, as a "firm and independent resistance" to encroachment, I will treat them with that "becoming decorum," due to the department, from which they come. Candor, however, compels me to acknowledge, that I do this more from courtesy, than

from a conviction of right.

I would first inquire, what "encroachment" is intended to be resisted, or how his honor happened to consider it necessary that he should throw himself into this supposed breach of the Constitution. He has powers, to be sure, of a high judicial character, but they are as well defined and as strictly limited as the powers of any other

ier, but they are as well defined and as strictly limited as the powers of any other department of the Government; and I consider that his will be a difficult task, who undertakes to defend the propriety of making the decision which the Judge has pronounced. It seems that a grant was tendered in evidence, possessing, in appearance, all

the legal requisites of such instruments.— But from public rumor, or newspaper ru-

| days, it came to the ears fait the coussion of the poly of the law since at Milledgesile about the Secretary of the law since at Milledgesile about the Secretary of the law since at Milledgesile about the Secretary of the law since at Milledgesile about the Secretary of the law since at Milledgesile and the since at law since at  |             |   |          |
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| who had signed the instrament. The sip design of shift is more all plant with the shift of the shift is the form of high and an one of the shift is the form of high and a country of the shift is the form of high and a country of the shift is the form of high and a country of the shift is the first of the shift is the first of possess the going legal requires. The However the shift is the first at her a country of the shift is the first and her a country of the shift is the first and her a country of the shift is the first and her a country of the shift is the shift is the first and her a country of the shift is the shift   | 1 pb        | e) ed in the case, that there was some des-   | The      |
| loo of autiseity by the coursed or by the sum- court, a constitutional question of high one paper, involving jumific coirconiones and midi- security, involving jumific coirconiones and midi- security of the paper of the construction of the con- tradiction of the control of the con- tradiction of the control of the con- tradiction of the control of the con- paper by completed and which exists he gos- begul requisites. The "Powers that he," star- beyond the control of the control of the con-  paper by completed and which exists he,"  star always respected, and the section of the  star always respected, and the section of the  star always respected, and the control of the  star always respected for the con-  start to expect from the representatives fell  as determined resistance—as well might the  con-  on the alleged ground that the soldier whose  beauty warrant was there located, never the  condition of the control of the con-  on the alleged ground that the soldier whose  beauty warrant was there located to the  condition of the control of the con-  on the alleged ground that the soldier whose  beauty warrant was there located the con-  on the alleged ground that the soldier whose  beauty warrant was there located the con-  on the alleged ground that the soldier whose  beauty warrant was there located the con-  on the alleged ground that the  sold of the con-  on the alleged ground that the  of the con-  on the alleged ground that the  sold of the con-  on the alleged ground that the  of the con-  on the alleged ground that the  of the con-  on the alleged ground that the  of the con-  on the alleged ground that the  of the con-  on the alleged ground that the  of the con-  on the con-  o  | wl          | to had signed the instrument. Then up-  | deck     |
| court, a constitutional question of high an- port, parolymap public colorenses and maids beta valual right, is forthwith deceded—[1] ven- tower that it is the fact time that any on a trace to any, that it is the fact time that any on the property of the property by competent authority. That a that dudge presiden in a distant county, in the one tical of a question of a foundation of a question of a foundation of a question of  | tio         | slight argument, and without the product  | thes     |
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| lare to say, that it is the first time that any jour Judge has setuaded so as observed that they street regulated as a large transposses. The "Forest that he," street a great regulated as the present of the present that they street as a large to regulate the contrary is made to suppose by competent and the contrary is made to suppose by competent and the contrary is made to suffix his acts, no jurist will misst. Yet the subtlement of an officier appointment, and more than the contrary is made to suffix his acts, no jurist will misst. Yet the court have est aside the Grant for the land on which Jackson Court-House is situated, if any the subtlement of the subtlement of the court have est aside the Grant for the subtlement of the court have est aside the Grant for the court of the court have est aside the Grant for the court of  | VIL         | lual right, is forthwith decided -I'll ven-   | the J    |
| pass a Grant, when it purported to possess file, going the project required. The reverse that beg's stee are always respected, and their actic sonds and advanced on the control of the co  | Ju          | te to say, that it is the first time that any   |          |
| and always respected, and their actic consists whe support by competent authority. That a the support of the  | 1 48        | a Grant, when it purported to possess the   | gum      |
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| will permit grants to be imposed for these, or for any other cases with the professor of the provided of the permit of the permi  | S           | ecretary of State had not given boud-or   | I I      |
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| State can are by deputy and find his justification cation rear in the Fee Bill. The first ground of the as seems to be the only one deserving notice. In discossing this, the court looks to the them, seems to be the only one deserving notice, in this construction of a remedia as applied to the present and the investment of the seems to the provisions are general, and unfortunately, the intention becomes obvious. But no constitutions, and statute, the Judge's task is more easy—and their provisions are general, and unfortunately their provisions are general, and unfortunated to exceed them. Our constitution in distribution of the constitution of the search of the constitution of the search of the provision of the Executive of the work when the provision of the Executive distribution of the provisio  | 1 11        | neir own convictions. It will not now, I  | me       |
| and the content of the law givers, and the import and signification of words—Both rules as a professedly just and sale, but the first as a poliested to the construction of a residuation distiff. In the construction of a remark, as a soliested plust and sale, but the first as a poliested in the construction of a remark, and the termedy, the intention becomes obvious. But to constitutions, no such rules apply—of their provisions are general, and unfortunate by the provisions are general, and unfortunate to execute them. Our constitution, and sound discretion of those who are appointed to execute them. Our constitution in distribution to the construction of the security of fulling any offer which is all become vacant by death, resignation or otherwise. In the present instance, the search papeaged "otherwise" than by death or resignation. But says the opinion of the constitution of the construction of the constitution of the constitutio  | S           | tate can act by deputy and find his justifi-  | tion     |
| shoulce. In discussing this, the court looks to the intention of the law gives, and the incomposed in the intention of the works with the first, as as applied to the present question is as vague and indicated in the remedy, the intention of a remedial statute, the Judge's the constitution of a remedial the remedy, the intention becomes obvious. But no constitutions, no such rules apply—if their provisions are general, and unfortunately, the intention becomes obvious, and always left to the construction, and sound discretion of those who are appointed to execute them. Our constitution in distributing its powers, gives to the Executive is the authority of filling "any office which shall become vacant by death, resignation or it must happen as though by death or resignation, else it is no vacancy. Here the court violates one of its own rules, and toroures the word "otherwise" as as to "produce a meaning different form its obvious import." The frames of the constitution were lable to become vacant by death, resignation, removal, disability, abuser, nonser, and which could not be foreseen or enumerated, and which could not be foreseen or en  | ; C         | ation even in the Fee Bill. The first ground  |          |
| port and signification of words—Both rules as applied to the present question is as vague and undefinite, as the clause of the constitution, as the clause of the constitution is self. In the construction of a remedial statute, the Judge's task is more easy—By considering the old law, the michief and it the provisions are general, and unfortunately, the intention becomes obvious. But to constitutions, no such rules apply—of their provisions are general, and unfortunately, the intention becomes obvious. But to constitution, such always left to the construction, and sound discretion of those who are apply—the death or execute them. Our constitution in distributing its powers, gives to the Executive the authority of fiting "any office which shall become exact by death, resignation or otherwise." In the present instance, the search papeage "otherwise" has by death or resignation, released to the constitution for the search papeage of the strength of the contribution, removal, disability, abuser, non-ser, and which could not be foreseen or enumerated, and which could not be foreseen or enumerated, and which could not be foreseen or enumerated, and which could not be provided for in any way so convenient, as by referring the exigency to the discretion of the Executive way and which could not be foreseen or enumerated, and which could not be foreseen or enumerated, and which could not be prevised and the relief of the wingency of the discretion was appointment by the responsibilities which the same for the series of the seri  | 0.10        | olice. In discussing this, the court looks to   | 11.      |
| a sarphido to the present question is as vague and undefinite, as the clause of the constitu- tion itself. In the construction of a remedi- al statute, the Judge's task is more easy- By considering the old law, the mischef and the termedy, the intention becomes obvious. But no constitutions, no such rules apply— of their provisions are general, and unfortunate- ly, their expressions somotimes indefinite, and always left to the construction, and somotion of those who are appointed to execute them. Our constitution in distri- buting its powers, gives to the Executive the authority of filling "any office which is all become vacant by death, resignation or otherwise." In the present instance, the signation, else it is no wacancy. Here the our violates one of its own rules, and tor- ures the word "otherwise" to a sto "pro- loca a meaning different form its obvious ment that offices were necessary and that my controlled the conducted by a- or series. They know also that these offices were liable to become vacant by death, re- signation, removal, disability, absert, non- ses, and by a great variety of other casual- busy who fulling, but of declaring vacancies also.—  E.  So and the reference made accordingly, and so made as to vest the power, not only who fulling, but of declaring vacancies also.—  E.  Against a capricious exercase of these pow- ers, the constitution has sufficiently guarded by the responsibilities which it has imposed.  The older of the constitution, and the the reference made accordingly, and so made as to vest the power, not only which is added to be construction, and the conduction of the full of the constitution of the constitution, and the conduction of the constitution, and the constitution has sufficiently guarded by the responsibilities which it has imposed.  The section might have been, "That the Governor shall have power to fall vacan- ties which may happen by death, resignation or the stream of the constitution, and the constitution of the constitution, and the constitution of the constitu  | y p         | ort and signification of words-Both roles   | nei      |
| and andefinite, as the clause of the constitution is self. In the construction of the provision of the provi  | 0 13        | re confessedly just and sale, but the first   | 1 1110   |
| by considering the old law, the mischief and the remedy, the intention becomes obvious. It is not to constitutions, no such rules apply—their provisions are general, and unfortunately their provisions are general, and unfortunately their provisions are general, and unfortunately their provisions are general, and unfortunately and above the construction, and sound discretion of those who are appointed to the content of the authority of filling "any office which shall become vacant by death, resignation or the active hypered "otherwise" than by death or resignation, else it is no vacancy. Here the death or resignation, else it is no vacancy. Here the death or resignation, else it is no vacancy. Here the death or the standard of the content of the c  |             | od indefinite, as the clause of the constitu-   | 1        |
| But to constitutions, on such rules apply—  their provisions are general, and unfortunate— by, their expressions sometimes indefinite, sound discretion of those who tre appointed to execute them. Our constitution in distri- buting its powers, gives to the Executive the authority of fuling "any office which" shall become vacant by death, resignation or otherwise." In the present instance, the search happened "otherwise" than by death or resignation. But says the opinion that happen as though by death or re- signation, else it is no vacancy. Here the our violates one of its own rules, and tor- tures the word "otherwise" so as to "pro- duce a meaning different form its obvious import." The framers of the constitution keep that offices were necessary and that the government must be conducted by a- ouse, and by a great variety of other casual- diss which could not be forescene or enumer- tod, and which could not be provided for "in any way acconvenient, as by referring the revigency to the discretion of the Executive We find the reference made accordingly, and so made as to vest the power, out only the standard could neve heen, "That the revigency to the discretion of the Executive Against a capricious exercise of fixes pow- ers, the constitution has sufficiently guarded by the responsibilities which it has imposed.  If the near of finiting Executive discretion, hat the design of the instrument would not have been the first of the standard could never have occurred in it had, the limitation was easy and unambigu- tor, the standard could never have occurred in it had, the limitation was easy and unambigu- tor, the standard could neve have occurred in it had, the limitation was easy and unambigu- tor, the constitution of the standard could neve have occurred in it had, the limitation was easy and unambigu- tor, the standard could neve have occurred in it had, the limitation was easy and unambigu- tor, the standard could neve have occurred in it had, the limitation was easy and unambigu- tor, the standard could neve ha  | a a         | I statute, the Judge's task is more easy  | Ba       |
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| overeine in. Our constitution in distri- buting its powers, gives to the Executive which shall become vacant by death, resignation of a distribution. But says the opinion of the work on the present instance, the vacancy happened of otherwise" than by death or resignation, else it is no vacancy. Here the vacancy happened of otherwise, and tor- tures the word "otherwise" as to "pro- death of the word of its own rules, and tor- tures the word "otherwise" as to "pro- death or resignation. But says the opinion of the word in the government must be conducted by a- sents—They knew also that these offices were liable to become vacant by death, re- signation, removal (stability, abuser, non- ser, and by a great variety of other casual- ties which could not be foresten or enumer- ated, and which could not he provided for an any way so convenient, as by referring the exigency to the discretion of the Executive We find the reference made accordingly, and so made as to vest the power, out only the responsibilities which it has imposed.  The date of finiting Executive discretion is the first of the context of the context of the could not have been a carer approach to precision, but the design of the instrument would not have been a carer approach to precision, but the design of the instrument would not have been a carer approach to precision, but the design of the instrument would not have been a carer approach to precision, but the design of the instrument would not have been a carer approach to precision, but the design of the instrument would not have been a carer approach to precision, but the design of the instrument would not have been a carer approach to precision, but the design of the subject of the context  | 8 8         | ound discretion of those who are appointed  | cas      |
| shall become vacant by death, resignation or otherwise." In the present instance, the standard or extensive that has been or resignation. Bot says the opinion of the man happened "otherwise" than by death or resignation, else it is no vacancy. Here the signation, else it is no vacancy. Here the word "otherwise" as to "produce a meaning different form its obvious must hant offices were necessary, and that ourself here word "otherwise" as to "produce a meaning different form its obvious must that offices were necessary, and that offices were liable to become vacant by death, resignation, removal, disability, abuser, non-treated, and which could not be foresteen or enumerated, and which could not be foresteen or enumerated to the reference made accordingly, and so made as to vest the power, out only of filling, but of declaring vacancies also the exigence of the exigence powers, the constitution has sufficiently guarded by the responsibilities which it has imposed. The head of the filling for the foresteen of the words of the vest the power to fill be a power to fill the foresteen of the filling for the foresteen of the words of the view of the filling for the foresteen of the words of the view of the filling for the foresteen of the words of the view of the filling for the foresteen of the view of the view   | Tr C        | o execute them. Our constitution in distri  | -110     |
| deterwise." In the present instance, the vacancy happened withersel? than by death or resignation. But says the opinion it must happen as though by death or resignation, else it is no vacancy. Here the distribution, else it is no vacancy. Here the signation, else it is no vacancy. Here the course the word "otherwise" so as to "propose import." The framers of the constitution when the government must be conducted by a great variety of other casualties which could not be provided for in any way so convenient, as by referring the exigency to the discretion of the Executive. We find the reference made accordingly, and so made us to vest the power, out only of filling, but of declaring vacancies also.—A Against a capticious exercise of these powers, the constitution has sufficiently guarded by the responsibilities which it has imposed by the responsibilities which it has imposed the finitiang Executive discretion in the finite regard could never have occurred. This had, the limitation was easy and unambiguous. The section might have been, "That the Governor shall have power to fill vacancies the first the Governor shall have power to fill vacancies the first the Governor shall have power to fill vacancies which may happen by death, resignation or the like cause." This would have been furthered, or the rights of the officers to the defined the role, and in these there is safe-tify. The dauge, if any, is on the side off too wouch forbeauance. So high an office as the Executive of a free State would never jeoses pardize the tenure of his own appointment of the resident of the words destin or "resignation."—If the words destin or "resignation."  There is another clause in the Constitution which is in strict analogy with the one we are examing. His the amendment of 1813.  The bound of the death, resignation or if the words destin or "resignation."—If the provided of the constitution of the president of the Secutive  | 19 1        | he authority of filling " any office which  | 17 13    |
| death or resignation. Bot says the opinion it must happen as though by death or resignation, else it is no vacancy. Here the count violates one of its own rules, and tortures the word "otherwise" so as to "proposed in the count with the constitution in the constitution of the constitution in the constitution in the count of the count  | 1- 1        | otherwise." In the present instance, the  |          |
| and the must happen as though by death or resignation, else it is no vacancy. Here the superior duce a meaning different form its obvious further word "otherwise" so as to "produce a meaning different form its obvious further word "otherwise," and that he more than the government must be conducted by agents—They knew also that these offices were liable to become vacant by death, resignation, removal, disability, abuser, nonser, and by a great variety of other casulties which could not be foresteen or enumerated, and which could not be provided for in any way so convenient, as by referring the exigency to the discretion of the Executive We find the reference made accordingly, and so made as to vest the power, out only of filling, but of declaring vacancies also.—  Against a capricious exercise of these powers, the constitution has sufficiently grarded by the responsibilities which it has imposed, and the flower of the words of the constitution of the Executive discretion in the vacancies of the constitution has sufficiently grarded by the responsibilities which it has imposed, and the Governor shall have power to fail vacancies which may happen by death, resignation or the like cause. This would have been a ocarrer approach to precision, but the design of the instrument would not have been furthered, or the rights of the officers of the words death, or "resignation."—  The danger, if any, is on the side of too much forbearance. So high an office as the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what profitch, it a man to gain the term—for "what pro  | 1010        | leath or resignation. But says the opinion  | 9        |
| did contribulates one of its own rules, and tor- tures the word "otherwise" was to "pro- ture the word "otherwise" as to pro- ture the word "otherwise" the conducted by a- tents—They knew also that these offices at gents—They knew also that these offices at were liable to become vacant by death, re- signation, removal, disability, abuser, non- user, and by a great variety of other casual- ties which could not be foreseen or enumer- ated, and which could not be provided for in any way so convenient, as by referring the exigency to the discretion of the Executive We find the reference made accordingly, and so made as to vest the power, not only of filling, but of declaring vacancies also.—  E. Aginest a capticious exercise of these pow- ers, the constitution has sufficiently guarded by the responsibilities which it has imposed, the did the constitution has sufficiently guarded by the responsibilities which it has imposed, the the constitution has sufficiently guarded by the responsibilities which it has imposed, the did the rule of limiting Executive discretion in the grand could never have occurred. If it beat a finiting Executive discretion is the Governor shall have power to fail vacan- ties which may happen by death, resigna- tion or the like cause." This would have the design of the instrument would not have been a ocarre approach to precision, but the design of the instrument would not have been a ocarre approach to precision, but the design of the instrument would not have been a ocarre approach to precision, but the design of the instrument would not have been a ocarre approach to precision, but the design of the instrument would not have been a ocarre approach to precision, but the design of the instrument would not have been a ocarre approach to precision, but the been a coarre approach to precision, but the been according to   | of          | t must happen as though by death or re  | - try    |
| more. The trainers of the constitution knew that offices were necessary, and that so the gents—They knew also that these offices were liable to become vacant by death, resignation, removal, disability, abuser, non-user, and by a great variety of other casual decision, and which could not be forescen or enumerated, and which could not be forescen or filters, but of declaring vacancies also.—  The constitution has sufficiently guarded by the responsibilities which it has imposed, it is this regard could never have occurred. If it had, the limitation was easy and mambiguted the trees possibilities which may happen by death, resignation or the like cause." This would have been a overer approach to precision, but the design of the instrument would not have been a overer approach to precision, but the design of the instrument would not have been a overer approach to precision, but the design of the instrument would not have been a overer approach to precision, but the design of the instrument would not have been a overer approach to precision, but the design of the instrument would not have been a common to the life of the precision of the series better protected. Executive construction, and Executive discretion, would at last have been a common to the life of the last this of the life o  | 11 0        | court violates one of its own rules, and tor  | - 1 mis  |
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| in the government must be conducted by an gents—They knew also that these offsees were liable to become vacant by death, resignation, removal, disability, abuser, nonsuser, and by a great variety of other casualities which could not be forescen or enumerated, and which could not be provided for in any way so convenient, as by referring the exigency to the discretion of the Executive. We find the reference made accordingly, and so made as to vest the power, not only of filling, but of declaring vacancies also.—  E. Against a capricious exercise of these powers, the constitution has sufficiently guarded by the responsibilities which it has imposed, at the Governor shall have power to fill vacantics which may happen by death, resignation or the like cause." This would have been a ovarer approach to precision, but the design of the instrument would not have been a ovarer approach to precision, but the design of the instrument would not have been a ovarer approach to precision, but the design of the instrument would not have been a refer for any is on the side of too much forbearance. So high an office as the Executive discretion, would at last have defined the role, and in these there is safete, ty. The danger, if any, is on the side of too much forbearance. So high an office as the Executive of a free State would never jeopardize the tenure of his own appointment by an act of posilianimity towards a subalite tern—for "what profitch t a man to gain the whole world and louse his own soul?"  —The word "otherwise," then, I consider as free from any limiting or controlling influence of the worls "death" or "resignation."—In the whole world and louse his own soul?"  —There is another clause in the Constitution which is in strict analogy with the one we are examining. It is the amendment of 1813 or the whole world and louse his own soul?"  —The word "otherwise," then, I consider a free from any limiting or controlling influence of the world "otherwise," in the precision of the Senate shall, in the same better the princip  | 0- 1        | knew that offices were necessary, and the   | t ro     |
| were liable to become vacant by death, resignation, removal, disability, abuser, none signation, removal, disability, abuser, none see, and by a great variety of other casualities which could not be forescen or enumerated, and which could not be provided for any way so convenient, as by referring the exigency to the discretion of the Executive. We find the reference made accordingly, and so made as to vest the power, not only of filling, but of declaring vacancies also.—  E. Against a capricious exercise of these powers, the constitution has sufficiently guarded by the responsibilities which it has imposed. The niea. I finiting Executive discretion in this regard could never have occurred. If it had, the limitation was easy and mambiguous ons. The section might have been. That the Governor shall have power to fill vacancies which may happen by death, resignation or the like cause." This would have been furthered, or the rights of the officers better protected. Executive construction, and Executive discretion, would at last have design of the instrument would not have been furthered, or the rights of the officers better protected. Executive construction, and Executive discretion, would at last have defined the role, and in these there is safety. The danger, if any, is on the side of too much forbearance. So high an office as the Executive of a free State would not providing in the whole world and louse his own soul?  —The word "otherwise," then, I consider as free from any limiting or controlling influence of the words "death" or "resignation.—  There word "otherwise," then, I consider as free from any limiting or controlling influence of the words "death" or "resignation or it was a substitute of the first amounts to a "disability," and who shall judge off? It stands upon the same way. For example—suppose the footing with the world "otherwise," in the previous article, and is to be construed in the same way. For example—suppose the community!  The Court says, "that time nor distance that of the office? What tim  | m           | he government must be conducted by a  | + ou     |
| the distribution of the forescen or enumerated, and which could not be provided for in any way so convenient, as by referring the exigency to the discretion of the Executive. We find the reference made accordingly, and so made as to vest the power, not only of filling, but of declaring vacancies also.—  E. Against a capricious exercise of these powers, the constitution has sufficiently guarded by the responsibilities which it has imposed, statistically the foregrad could never have occurred. If it is this regard could never have occurred. If it is the Governor shall have power to fill vacanties which may happen by death, resignation or the like cause." This would have been a owarer approach to precision, but the design of the instrument would not have been furthered, or the rights of the officers better protected. Executive construction, and Executive discretion, would at last have defined the rule, and in those there is safety. The danger, if any, is on the side of too much forbearance. So high an office as the Executive of a free State would never jees particularly of the Governor's the Constitution of the words "death" or "resignation" in "the whole world and louse his own soul?" I have been a many limiting or controling influence of the words "death" or "resignation" in "the whole world and louse his own soul?" I have been another clause in the Constitution which is in strict analogy with the one we are examining. It is the amendment of 1813 to the 4th, sec, of the 2d. Article, providing, that, "In case of the death, resignation or in disability of the Governor' the President of a the Senate shall do the duties," Sec.—Now what amounts to a "disability," and who shall judge off? It stands upon the same bording with the world " otherwise," in the previous article, and is to be construed in the same way. For example—suppose the Governor should leave his office, would have region one of his secretaries a power of attorney.  The Court says, " that time nor distance cannot alter the principle." It is known to the  | . 1         | were liable to become vacant by death, re   | ni in    |
| ated, and which could not be provided for in any way so convenient, as by referring to the exigency to the discretion of the Executive. We find the reference made accordingly, and so made as to vest the power, not only of filling, but of declaring vacancies also.— Against a cappicious exercise of these powers, the constitution has sufficiently guarded by the responsibilities which it has imposed. The idea of fimiting Executive discretion in this regard could never have occurred. If it had, the limitation was easy and manifiguous. The section might have been, "That the Governor shall have power to fill vacancies which may happen by death, resignation to or the like cause." This would have been furthered, or the rights of the officers better protected. Executive construction, and Executive discretion, would at last have defined the role, and in these there is sufficiently. The danger, if any, is on the side of tour much forbeat unes. So high an office as the Executive of a free State would mover journed to the whole world and loose his own soul? In the whole world and loose his own soul? In the whole world and loose his own soul? In the whole world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world and loose his own soul? In the world world have his own appointment by an act of positioning or controling influence of the world world have been a subdivious and the world world have been a subdivious and the world world have been a subdivious and the world world have been and the world world have been a subdivious and the world world have been a subdivious and the world world have been a subdivious and the world world world have been and the world world world world have been a subdivious  | es l        | user, and by a great variety of other casua   | de       |
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| task [Executive of a free State would never jeoses pardice the tenure of his own appointment by an act of posillanimity towards a substitle tern—for "what profitted it a man to gain he "the whole world and loose his own soul?" [1]  —The word "otherwise," then, I consider as free from any limiting or controlling influence of the words "death" or "resignation."—  There is another clause in the Constitution which is in strict analogy with the one we have examining. It is the amendment of 1815 to the 4th. sec. of the 2d. Article, providing, that, "In case of the death, resignation or life, that, "In case of the death, resignation or life, that, "In case of the death, resignation or life, and it his Senate shall do the duties," &c.—Now what amounts to a "disability" and who shall judge of it? It stands upon the same looting with the world "otherwise," in the previous article, and is to be construed in the same way. For example—suppose the Governor should leave his office, "on a visit" of Augustine, but with the intention to relative the provious article, and is to be construed in the same way. For example—suppose the Governor should leave his office, "on a visit" of Augustine, but with the intention to relative the president of the Senate that this absence has commerced, and how long it will last—the term of the President of the Senate that this absence has commerced, and how long it will last—the term of the office? What timid, cringing President of the Senate that this absence the community of freemen so prejudiced, as not to be applied for in favor of life. Would these exigencies amount to a "disability," and would the President enter upon the function to the President of the Senate have have a disability," and would the President enter upon the function on the bond. Such sophistry may be consuling to the offending officer, but it affords inadequate redress to an injured and insolted community?  The officers composing the Executive horse of the office? What timid, cringing President of the previous of the office,  | 1.77        | and Executive discretion, would at last has   | 100      |
| task [Executive of a free State would never jeoses pardice the tenure of his own appointment by an act of posillanimity towards a substitle tern—for "what profitted it a man to gain he "the whole world and loose his own soul?" [1]  —The word "otherwise," then, I consider as free from any limiting or controlling influence of the words "death" or "resignation."—  There is another clause in the Constitution which is in strict analogy with the one we have examining. It is the amendment of 1815 to the 4th. sec. of the 2d. Article, providing, that, "In case of the death, resignation or life, that, "In case of the death, resignation or life, that, "In case of the death, resignation or life, and it his Senate shall do the duties," &c.—Now what amounts to a "disability" and who shall judge of it? It stands upon the same looting with the world "otherwise," in the previous article, and is to be construed in the same way. For example—suppose the Governor should leave his office, "on a visit" of Augustine, but with the intention to relative the provious article, and is to be construed in the same way. For example—suppose the Governor should leave his office, "on a visit" of Augustine, but with the intention to relative the president of the Senate that this absence has commerced, and how long it will last—the term of the President of the Senate that this absence has commerced, and how long it will last—the term of the office? What timid, cringing President of the Senate that this absence the community of freemen so prejudiced, as not to be applied for in favor of life. Would these exigencies amount to a "disability," and would the President enter upon the function to the President of the Senate have have a disability," and would the President enter upon the function on the bond. Such sophistry may be consuling to the offending officer, but it affords inadequate redress to an injured and insolted community?  The officers composing the Executive horse of the office? What timid, cringing President of the previous of the office,  | ce,         | ty. The danger, if any, is on the side of te  | 00       |
| ist pardize the tenure of his own appointment in by an act of pusillanimity towards a subal-his tern—for "what profited it a man to gain the "the whole world and loose his own soul?" I —The word "otherwise," then, I consider as free from any limiting or controling influence of the words "death" or "resignation."—Go There is another clause in the Constitution which is in strict analogy with the one we are examining. It is the amendment of 1813 in the theory of the Senate shall do the duties," &c.—Now what amounts to a "disability," and who shall judge offit? It stands upon the same booting with the world "otherwise," in the previous article, and is to be construed in the same way. For example—suppose the Guvernor should leave his office, "on a visit" of Augustine, but with the intention to relative to the visit of the president of the Senate that this absence that community of freemen so prejudiced, as not the President of the Senate that this absence that community of freemen so prejudiced, as not the president of the Senate that this absence that community of freemen so prejudiced, as not the president of the president the order of the office? What timid, cringing President would stand back, or where is the community of freemen so prejudiced, as not its outstain and protect him. But says to the office? What timid, cringing President would stand back, or where is the community of freemen so prejudiced, as not its outstain and protect him. But says to the office? What timid, cringing President on the bond. Such sophistry may be consoling to the officers of State nearly equal to all the others together. Their duties are defined, and they enter into express contract to discussed the president of the special protect him. But says to the officers of th  |             |   |          |
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| The state of the s  | 21          | their services, and the Governor, from  | the      |
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which he is clothed, superintends the whole. The most prominent of his powers, is the one which we are discussing; the right to declare and fill vacancies. I have said, that these vacancies may happen by abuser, nonuser, &c. Altho' I do not belong to the ho-

pature of his office, and the powers with

norable profession of the law, yet I will not betray such indifference to public opinion as the Judge has done, by giving a long decision without any authority to support it -

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His reliance is upon the ingenuity of his ar-

gument-mine upon common sense and the strength of authority. I have, therefore, taken a book or two from a Lawyer's office, where I read the opinion of my Lord Coke, that offices may be " forfeited by abuser, non-user, and refusal"-3 Bacon's Abridgement, \$42-" That when an office concerns the administration of Justice or the Com-

monwealth, the officer, ex-officio, ought to at-

tend without demand or request, and that by

non attendance or non-user, the office is for-

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feited." That "non-attendance is a good cause of the forfeiture of the office of Recorder," 1 Salk. 435, 3 Mod. 146, Dyer 151. His honor will please excuse my impertinence in medling with law books, but I really thought I should not be treating the public with a "becoming decorum" to lay my spe-

culations before them, without some authority, particularly as I had no Grand Jury presentment to back me. In the opinion, a question is put to the

" candor of every sober judgment," whether the Legislature would impeach, remove, or eren non-elect an officer who han been guil-

ty of no other offence than visiting the seaboard. The most effectual test would be for the Judge to make the experiment himself,

at the commencement of his Judicial Circuit -let him absent himself for six weeks, and then see whether the Legislature would not relieve, guard, and place a more faithful sentinel at his post.

I shall say no more at present. I regret that there was occasion for saving so much, and that the subject were not in better hands.

But finding the opinion prematurely obtruded upon the public, I consider it every man's privilege, and most men's duty to expose it.

As the Executive Department of the govern-

ment is made the subject of inquisitorial scrutiny, the judicial, can claim no exemp-

A FRIEND TO TRUTH. tion.