

governor, until he be acquitted or another governor shall be duly qualified. In case of the impeachment of the speaker of the Senate, or his death, removal from office, resignation or absence from the State, the speaker of the house of representatives shall succeed to the office and exercise the duties thereof, until a governor shall be elected and qualified.

Sec. 13. No member of congress, or person holding any office under the United States or this State, shall execute the office of governor.

Sec. 14. There shall be a seal of this State, which shall be kept by the governor and used by him officially, and shall be called "The Great Seal of the State of Ohio."

Sec. 15. All grants and commissions shall be in the name and by the authority of the State of Ohio, sealed with the seal, signed by the governor, and counter-signed by the secretary.

Sec. 16. A secretary of State shall be appointed by a joint ballot of the Senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well; he shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law.

ARTICLE II.

Sec. 1. The supreme executive power of this State shall be vested in a governor.

Sec. 2. The governor shall be chosen by the electors of the members of the general assembly, on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The terms of every election for governor shall be fixed up and transmitted to the seat of government by the returning officers, directed to the speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

Sec. 3. The first governor shall hold his office until the first Monday of December, one thousand eight hundred and five, and until another governor shall be elected and qualified to office, and thereafter the governor shall hold his office for the term of two years and until another governor shall be elected and qualified, but he shall not be eligible more than six years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this State four years next preceding his election.

Sec. 4. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

Sec. 5. He shall have the power to grant reprieves and pardons after conviction, except in cases of impeachment.

Sec. 6. The governor shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

Sec. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. When any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission which shall expire at the end of the next session of the legislature.

Sec. 9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened.

Sec. 10. He shall be commander in chief of the army and navy of this State and of the militia, except when they shall be called into the service of the United States.

Sec. 11. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

Sec. 12. In case of the death, impeachment, resignation or removal of the governor from office, the speaker of the Senate shall exercise the office of

governor, until he be acquitted or another governor shall be duly qualified. In case of the impeachment of the speaker of the Senate, or his death, removal from office, resignation or absence from the State, the speaker of the house of representatives shall succeed to the office and exercise the duties thereof, until a governor shall be elected and qualified.

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ARTICLE III.

Sec. 1. The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

Sec. 2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law; provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the State into two circuits, within which any two of the judges may hold a court.

Sec. 3. The several courts of common pleas shall be divided into as many circuits as shall be directed by law; and the State shall be divided into three circuits; there shall be appointed in each circuit a president of the court, who, during his continuance in office, shall reside therein. There shall be appointed in each county, not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall comprise the court of common pleas, which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law; provided, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents, after the term of five years.

Sec. 4. The judges of the supreme court and courts of common pleas, shall have complete criminal jurisdiction, in such cases and in such manner as may be pointed out by law.

Sec. 5. The court of common pleas in each county, shall have jurisdiction of all probate and testamentary matters, granting administration, the appointment of guardians and such other cases as shall be prescribed by law.

Sec. 6. The judges of the courts of common pleas, shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Sec. 7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the State. The presidents of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective counties.

Sec. 8. The judges of the supreme court, the presidents and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court and the presidents of the courts of common pleas, shall, at stated times, receive for their services, adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this State or the United States.

Sec. 9. Each court shall appoint its own clerk for the term of seven years, but no person shall be appointed clerk except *pro tempore*, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which

he offers himself. They shall be removable for breach of good behavior, at any time, by the judges of the respective courts.

Sec. 10. The supreme court shall be held once a year, in each county, and the courts of common pleas shall be held in each county at such times and places as shall be prescribed by law.

Sec. 11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law.

Sec. 12. The title of all process shall be, "The State of Ohio;" all prosecutions shall be carried on in the name and by the authority of the State of Ohio, and all indictments shall conclude against the peace and dignity of the same.

ARTICLE IV.

Sec. 1. In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State one year next preceding the election, and who have paid or are charged with a State or county tax, shall enjoy the right of an elector, but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

Sec. 2. All elections shall be by ballot.

Sec. 3. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from the same.

Sec. 4. The legislature shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury or any other infamous crime.

Sec. 5. Nothing contained in this article, shall be construed as to prevent white male persons above the age of twenty-one years, who are compelled to labour on the roads of their respective townships or counties and who have resided one year in the State, from having the right of an elector.

ARTICLE V.

Sec. 1. Captains and subalterns in the militia shall be elected by the persons in their respective company districts, subject to military duty.

Sec. 2. Majors shall be elected by the captains and subalterns of the battalion.

Sec. 3. Colonels shall be elected by the majors, captains and subalterns of the regiment.

Sec. 4. Brigadiers general shall be elected by the commissioned officers of their respective brigades.

Sec. 5. Colonels general and quarter-masters general shall be appointed by joint ballot of both houses of the legislature.

Sec. 6. The governor shall appoint the adjutant general. The majors general shall appoint their aids and other division staff officers. The brigadiers general shall appoint their brigade majors and other brigade staff officers. The commanding officers of regiments shall appoint their adjutants, quarter-masters and other regimental staff officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

Sec. 7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff, and the captains and subalterns their non-commissioned officers and musicians.

(To be Continued.)

TO LET,
During the Session of Congress, or longer if required—
A commodious Coach House and Stable, capable of containing eight or ten Horses—for further particulars enquire of SARAH FOWNES, New Jersey Avenue, who can accommodate four or five gentlemen with general Board and Lodging upon moderate terms.
Dec. 22d. 31.

TO LET,
And be entered upon immediately, three well finished Brick Houses,
NEARLY opposite Morin's Tavern, on Twelfth street very near Pennsylvania Avenue, built for the WASHINGTON BUILDING COMPANY.
The Houses will be rented on very reasonable terms.
Apply to THOMAS CARPENTER near the President's Square. opt.
Dec. 19.

MARIE ANNE PIC,
RETURNS her sincere thanks to the Ladies and Gentlemen who have been pleased to honor her with their custom. She begs leave to inform them that in order to please every body she has joined to her general assortment of MILLINERY GOODS, another which will be more pleasing to her young customers—it consists of a great variety of party things, Sugar plums, &c. adapted for the approaching holidays. She therefore invites the parents to bring their children to chafe for themselves their MASS ODDS. This assortment will be opened by itself in the large parlour on the second story.
N. B. She has just received Elegant muffs and tippets, Spanish mantles, roops, and a great variety of velvet bonnets, &c.
Dec. 22.

WASHINGTON CITY.
MONDAY, December 27, 1862.

To the LEGISLATURE of the UNITED STATES.

ANOTHER object, intimately connected with the political, literary, and commercial interests of the country, is the proper establishment of the POST-OFFICE DEPARTMENT. Whatever attention may have been heretofore paid to this important organ of communication, it is firmly believed that the establishment is still susceptible of many great improvements.

When the theory of our government, which cherishes a diffusion of the fullest information, is considered; when the numerous difficulties attendant on such diffusion, in a country so extensive and so thinly settled as this, are duly weighed; it becomes a matter of astonishment, that this establishment, so far from receiving the fostering hand of the government, has been annually deprived of a large portion of its own receipts. This ought not to be. While such usage continues, it will remain a practical lily in any administration, and particularly in that administration which claims all its support from the affection and information of the people.

Other governments, pursuing the long established track of despotism, may tax their citizens for the information they receive without the imputation of inconsistency or impolicy. As those governments are indebted for their existence to the ignorance of the subject, it is fit, according to their existing state of things, to discourage the diffusion, and thereby the prevalence of truth. But shall it be said, that the American government, which owes its existence to the people, and which continues to exist solely upon their affection derived from their knowledge, shall it be said that this government, the only republican one on earth, so far from aiding, actually discourages the easy and cheap transmission of knowledge? Such is the fact. However pure the intention wherewith from fifty to one hundred thousand dollars are annually extorted from this fund and applied to general purposes, the effect is that a great obstacle is thrown in the way of that communication either of business or of opinion that, with such an aid, would inevitably take place. Whence this assumed power of the government, that thus taxes the post office department? Is it true that the constitution gives Congress the power of establishing the department. But does it thereby give them the power of taxing it for other purposes than are directly connected with its own extension or improvement? Was this the intention of those who framed the constitution, or was it the meaning of the people who adopted it? Was it not the *bona fide* intention of both, that the department should be established to augment, and not to diminish the usual means of correspondence between citizen and citizen? Is there a single expression in the constitution that contemplates or countenances such a tax?

On this point, it is important to remark that if Congress possess the right of power of requiring ten cents for the postage of a letter, five cents whereof is carried into the general treasury, and thence applied to general purposes, they possess, by unavoidable inference, the right of requiring one dollar, or ten or a hundred dollars for the postage of a letter or newspaper, and of consequence possess the power of totally destroying the aids for which the post office was established.

From these considerations, it follows that the establishment of the post office was solely intended to facilitate and not to impede a correspondence between individuals, and a diffusion of knowledge, and that so far as it is wrested from these purposes, it is to the violation of every principle of reason and every rational expectation. It evidently appears that it has been perverted from its fundamental and exclusive end; and the legislature are called upon to restore it to its original purity.

A second point worthy of the deliberate attention of the legislature is the designation of the permanent mail road. However this measure may be waved for the present, from the difficulties attending it, two points are certain, the one that the designation must be ultimately made, the other that no future time can be found in which so little difficulty will present itself as at present.

The chief, if not the whole difficulties arise from the conflicting interests of the Union at large and of particular States, and from the expense attending the operation. These difficulties are permanent. No time can be assigned when they will not exist in the same strength that they now do. Other difficulties will necessarily arise, and that probably in a short time. The improvement of the main road of a country is far greater an object; that if this subject be not soon attended to by the general government, little doubt can be entertained of its being partially acted upon by the States in their distinct capacities. The almost necessary effect will be the improvement of roads, not run in correspondence with

the great national interest, but made in subservience to local views. From this two consequences will arise; either the influence of the States which have expended their wealth on such roads will be applied to the designation of a permanent mail road laid out so as most to conduce to the national interests, and thereby entirely frustrate it; or, in case a new permanent road is laid out, the rivalry between the two roads will divide the contributions whole union may be competent to the establishment of one good road, but not to that of two; and thereby render both the roads bad. It may be assumed as a fact, that until the general government shall designate the main road, every radical interpolation of the States to improve even the existing roads, much more to establish new ones, will be productive of great, perhaps insuperable difficulties.

With regard to the expense of the operation, however incompetent the national resources may be at present to make a good road from one extreme of the Union to the other, no doubt can be entertained of its full competency to designate such a road. Once designated, it would not fail to receive as well the contributions of States as of enterprising individuals. The sooner the designation is made, the greater will the time be for the perfection of the road. Public spirit, and personal interest, would then consider the steps they might take as safely taken. The present travel on the main road is probably sufficient to reimburse the carrying it to every necessary degree of improvement. But if this is not the case at present, there cannot be a doubt of its ultimately being so; and money men would be satisfied with eventual remuneration, provided that remuneration were certain.

So persuaded is the writer of these remarks of their justness, that he firmly believes three years would not elapse, subsequent to the designation of the main road, without the adoption, and the incipient execution of a plan for the making and keeping in repair a turnpike from Portsmouth to Savannah. If such would be the fruits of designation, is there not patriotism enough in the legislature to meet and to overcome any difficulties, which, after all, would be found more those of apprehension than reality? It is trusted, that there is sufficient patriotism. The effects would be great, solid, and growing. Millions would immediately be saved, and soon tens of millions.

A third point, connected with the subject of the post office, is whether the present administration of that department is the best calculated to insure the ends for which it is instituted. It will be recollected that at present Congress designates the routes of the post, and generally the places where the post-offices are kept. Those who have observed the manner in which this duty is performed by the legislature, must have remarked that routes and offices are generally fixed without much attention being paid to them by the legislative body, as the instance or recommendation of one or a few members. From the nature of the duty this, perhaps, is unavoidably the case. From the vast extent of the United States, the members cannot be generally acquainted with the local claims of an infinite variety of places, many of which are obscure. The effect is the frequent establishment of offices and routes which the general interests do not require, and an inattention to those which they do require. Little responsibility is incurred by the body collectively or individually; and under this impression the duty is discharged.

Would not the general interest be greatly promoted, and an impartial designation of routes and offices be insured, by forming a commission, to advise with the Post-Master General, in the ordinary discharge of this duty; Congress reserving their constitutional power to interpose whenever they see fit.

Such a board would be permanently responsible for the fair and impartial performance of their duties. They might be rationally expected to set on a scale liberal, and consistent. Established at the seat of government, the information of all the members of the legislature would be tributary to them; while they would be enabled, from superior knowledge, and their exemption from local interests, to distinguish proper from improper applications. No objection can arise to the establishment of such a board from its expense, as a much greater than an equivalent sum would be saved from the abstraction of the attention of Congress to subjects thus confided to the board.

We have seen a letter from New Orleans as late as the 28th of October, which states that the port continues shut against Americans—that the boats which have arrived since the shutting the port, have been suffered to land their cargoes on prying a duty, but vessels coming up the river were not permitted to enter or deposit their cargoes—that a quantity of clothing had been sent to New Orleans, by the secretary of war, for the American troops at Tompigny, which were retained—that an American officer had arrived, and demanded them, and offered to pay a reasonable price for storages, but had been put off two or three times, with promises of an answer the next day; in the mean time it