

jealous care. It is the foundation of our political privileges and the only protection of any thing like rational liberty.

The office of sheriff is the only one known to our constitution, where there is any power interposed between the election of the people and the exercise of the office to which their favor may elevate the successful candidate. That interposition is wise and salutary in order to guard the public from the negligence or misconduct of an officer whose responsibility is great as in the case "of a sheriff," and whose failure to perform his duty properly, may interrupt the due course of the administration of justice.

For these reasons the laws have wisely entrusted the power to examine the bonds of sheriffs elect, to certain functionaries, and to decide upon their sufficiency, but the committee can never bring themselves to believe that the Legislature ever intended, that the power thus entrusted should be exercised precipitately and without due caution and deliberation, which from the facts herein detailed would seem to be the case which the committee are now examining.

It will be at once perceived that the duty thus enjoined upon these functionaries involves the highest and most delicate power given to or exercised by them.

If exercised corruptly or capriciously, it amounts to an effective veto upon the will of the people, and may be made the means of Judicial oppression, the worst and most dangerous tyranny known to the history of nations. A political or private enemy may be deprived of a lucrative office to which popular favor founded upon his own merits, may have elevated him, and a lasting injury may be done to a worthy man without the benefit of an appeal either to a higher tribunal or a jury of his peers.

The committee cannot bring themselves to doubt for a moment, but that the Legislature as the grand inquest of the State, have full and complete power to redress the grievance complained of and at once to place Mr. Clarke in the office to which he was entitled by the votes of the people of his county, fairly and legitimately obtained, as well as by every consideration of right and justice.

To effect which object the committee ask leave to report the accompanying bill.

All which is respectfully submitted,

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H. ELY,

WM. GRASON.