

The Committee are unable to discover how this law is to be construed into a restraint of the elective franchise. It presents in itself, they think, a standing evidence of the permanent will of the people of the State, seeking by all supposable means self-protection. A Sheriff, under our constitution, is required to give bond with *sufficient* sureties, before he is qualified to act, and, by the laws just cited, it is left with certain high officers to say, who are sufficient sureties. In all this the committee discern no attack upon popular rights; as the same might with equal propriety be predicated of a member of this House, who should refuse to take the customary oath, or subscribe the usual declaration, and yet claim his seat here. The decision of our high court is, that from a discretion vested, there is no appeal. The law vests in this particular a discretion, and the chief justice having, as the committee think, acted within the scope of that discretion, they would now submit whether there exist in this body a power to review what has been done in that respect.

They believe, that under the circumstances of the present case there can be exercised no such power, and more especially as the memorial presents not the slightest allegation of a corrupt motive on the part of the Chief Judge, and the idea is negatived throughout, of his having either capriciously or arbitrarily assumed this discretion.

The Committee are disposed, on all occasions, to do ample justice to an individual who conceives himself aggrieved; but they cannot suffer themselves to be guided in this matter by his wishes or feelings, when he would thus take occasion to protest against the exercise of a **LEGAL DISCRETION**, governed by principle, and sanctioned by practice.

The constitution of the State has sought to fence about the office of Sheriff peculiar safeguards. It requires, that *two* persons be elected in each county, by ballot, for the office of Sheriff, and that a bond with security be given every year. The reason is obvious to any reflecting mind.

In the absence of any circumstance that reflects in the slightest degree on the honor or character of the Judge, who has been vested with a discretion, your committee would ask leave to be discharged from the further consideration of the subject, and that the memorialist have leave also to withdraw his memorial.

All of which is respectfully submitted,

J. BOZMAN KERR, from

Committee on Grievances and Courts of Justice.