Democratic Watchman.

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December 15, 1859.

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MESSAGE
OF
WILLIAM F. PACKER,
GOVERNOR OF PENNSYLVANIA,
TO THE LEGISLATURE, 1861.

To the Honorable the Senators and Members of the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—In submitting to the General Assembly my last annual communication, it is the source of unfeigned gratification to be able to announce to the people, and to their Representatives, that notwithstanding the present unfavorable crisis in the momentary affairs of this country, and the general prostration of business and credit, the financial condition of Pennsylvania is highly satisfactory

The receipts of the State Treasury, from all sources for the fiscal year ending on the 30th of November, 1860, were $3 479 257 31, to which add the available balance in the Treasury on the 1st day of December, 1859 $839 323 09, and the whole sum available for the year will be found to be $4 318 580 40. The expenditures for all purposes for the same period, were $3,637,147 32—Leaving an available balance in the Treasury on the 1st day of December, 1860, of $681 433 08 The following items are embraced in the expenditures for the fiscal year, viz:

Loans redeemed,	$664 857 65
Relief notes cancelled	1,811 00
Interest certificates,	2,439 51
Domestic creditors' certificates,	5 40
Damages on the public works, and old claims,	22,644 32
Making, of the public debt actually paid during the year, the sum of	691 757 89

The funded and unfunded debt of the Commonwealth on the first day of December, 1859, was as follows

FUNDED DEBT.

6 per cent loans,	$400 630 00
5 do.	37,625 153 37
4½ do.	388,200 00
4	100 000 00
Total funded debt,	38 513 983 37

UNFUNDED DEBT

Relief notes in circulation,	$101 213 00
Interest certificates outstanding,	18 513 82
Do unclaimed,	4 448 38
Domestic creditors,	802 50
Total unfunded debt,	124 977 70

Making the entire debt of the Commonwealth, at the period named, $38 638 961 07

The funded and unfunded debt of the State, at the close of the last fiscal year, December 1, 1860, stood as follows:

FUNDED DEBT.

6 per cent. loans,	$400 630 00
5 do.	36,967 295 72
4½ do.	381,200 00
4 do.	100 000 00
Total funded debt,	37,849 125 00

UNFUNDED DEBT

Relief notes in circulation,	$99 402 00
Interest certificates outstanding,	16 074 30
Do unclaimed,	4 448 38
Domestic creditors certificates,	797 10
Total unfunded debt,	120 721 78

Making the entire public debt of Pennsylvania on the first day of December last, $37 969 847 50

To pay the principal and interest of this debt, besides the ordinary sources of revenue, the Commonwealth holds the following mortgage bonds, derived from the sale of her public improvements viz

Bonds of Pennsylvania railroad company,	$7,200,000 00
Bonds of Sunbury and Erie railroad company,	3,500 000 00
Bonds of Wyoming canal company,	281,000 00
Total,	10,981,000 00
At the close of the fiscal year on the first day of December, 1857, the public debt of this Commonwealth, funded and unfunded was	$39 881 738 22
It is now, at the close of the fiscal year 1860,	37,969 847 50
Having been reduced during the last three years,	1,911,890 72
The available balance in the Treasury on the first day of December, 1857, was	$528 106 47
On the first day of December, 1860, it was	681 433 08
Exceeding the former balance in the sum of	152 326 61
Add to this the sum paid at the Treasury during the past three years, for debts and claims against the Commonwealth arising out of the construction and maintenance of the public improvements, and which was substantially a part of the unfunded debt of the Commonwealth, amounting to	171 664 82
And we have the sum of	324 991 42

By adding this sum to the amount paid on the public debt from December 1 1857, to December 1, 1860, to wit: $1,911,890 72, it will be found that during the past three years the State has not only met all her ordinary liabilities, including the expenses of government, and the interest on her public debt, but has diminished her actual indebtedness the sum of 2 236,882 15.

When it is remembered that for the last three years the tax on real and personal estate has been but two and a half mills on the dollar, while from 1844 to 1857 it was three mills—that for the past two years and six months the State has received no part of the tax on tonnage due from the Pennsylvania railroad company—and that since July, 1859, the interest on the bonds held by the State against the Sunbury and Erie railroad company has remained due and unpaid, it is certainly cause for hearty congratulation, that, without aid from these important sources of revenue, so great a reduction of the public debt has been accomplished in comparatively so short a period. The funded debt of the State is now less than it has been since 1842, and the unfunded and floating debt, which at that time amounted to upwards of two millions of dollars, has been almost entirely redeemed. It is now reduced to $120,721 78—and of this sum over ninety nine thousand dollars consists of relief notes, most of which are undoubtedly either lost or destroyed and will, therefore, never be presented for payment. The claims against the State, accuring from the construction and maintenance of her canals and railroads, are now reduced to a mere nominal sum; and, in the future, after providing for the ordinary expenses of government, her revenues and her energies may be exclusively applied to the payment of the interest, and the discharge of the principal of her public debt.

The people of this Commonwealth have hitherto met, with promptness the demands made upon them, from time to time, for the ways and means of replenishing the Public Treasury; and now, that they see that the onerous debt with which they have been so long burdened, is each year certainly and rapidly disappearing that the amount required to meet the interest is annually being diminished that consequently a still greater sum can each year be devoted to the reduction of the principal of the debt, without resorting to additional sources of revenue and that with a proper husbanding of the resources of the State, the day is not far distant when direct taxation in Pennsylvania will cease altogether—the payment of such taxes as may for the time be required to meet the public necessities, will continue to be met with cheerfulness and alacrity But they will unquestionably hold those to whose care they have entrusted the financial interests of the State to a rigid accountability That there should, at this particular juncture, when the business and monetary affairs of the country are so greatly depressed, be the strictest economy in public expenditures is so manifest, that it can scarcely be necessary to call attention to so plain a duty It is equally clear that any legislation which would tend greatly to lessen the revenues of the Commonwealth, would at this time be peculiarly unwise and inexpedient. The exigencies of the future no man can foretell—the prospect before us is beclouded with doubt and uncertainty—it is, therefore no more than the part of wisdom to guard, with unceasing vigilance, all our present sources of revenue, and to thus be prepared for every possible contingency

Since July, 1858, the Pennsylvania railroad company has refused to pay the tax on tonnage required to be paid by the act incorporating the company, and its various supplements, and there is now due to the State, on that account exclusive of interest, the sum of $674 296 22 Including the interest the sum now due is about $700 000. Before my last annual message was communicated to the Legislature, a case had been tried in the court of common pleas of Dauphin county, between the Commonwealth and the railroad company involving the question of the constitutionality of this tax which was decided in favor of the State, and the imposition of the tax pronounced constitutional In January last, another suit was tried between the same parties in the same court, involving the same question, with a like result. In December last, a judgment was obtained in the district court of Philadelphia, upon one of the semi annual settlements, for $110 000 So that judgment has been obtained for $365 000 of the debt being the whole amount which became due prior to 1860 The tax which accured during the past year amounts to $308 729 03 The first settlement for the year is before the Dauphin county court, on an appeal taken by the company, and the second, or last settlement was made but a few days since, by the accountant department of the Commonwealth

After the recovery, in the common pleas of Dauphin county, the cases were removed by writs of error taken on behalf of the defendants, to the Supreme Court of this State, where they were argued in June last, and in October that tribunal sustained the decision of the court of common pleas, and held the tax to be clearly constitutional; thus uniting with the law making power in affirming the right of the State to tax a corporation under a law to which it owes its existence. But, notwithstanding this concurrence of opinion and action on behalf of the constituted authorities of Pennsylvania, the litigation is not yet at an end; for the railroad company has recently removed the cases, by writs of error, to the Supreme Court of the United States, where they are now pending. That the decision of that court will, when made, fully sustain the right of a sovereign State to enforce a contract between the State and a corporation, and entirely vindicate the power of a State to impose such taxes upon corporations, as in her sovereign will she may deem proper, I cannot for a moment doubt.

To complete the history of this important litigation, and to show that every effort has been, thus far, made to compel the payment of this large sum of money into the Treasury of the State, it is proper to add that the law officer of the Commonwealth being of opinion that the writs of error were not issued from the Supreme court of the United States in time to prevent the collection of the judgments rendered in the State courts executions were issued to the sheriff of the County of Dauphin and proceedings are now pending in the Supreme Court of this State, to determine whether the Commonwealth can compel the payment of the judgments already recovered, before the final decision by the Supreme Court of the United States

The Sunbury and Erie railroad company having failed to negotiate its mortgage bonds in their present condition, the expectations confidently entertained of an early completion of that most important improvement, have not been realized. The work during the past year, however, although greatly retarded, has been continually progressing; upwards of one million of dollars having been expended on the line from November, 1859, to November, 1860. The whole length of the road, from the borough of Sunbury to the harbor on the lake, at the city of Erie, is 288 miles; of which 148 miles are now finished and in operation, and 115 miles of the remaining portion of the line are graded; leaving but twenty five miles yet to grade.—Pennsylvania is largely interested in the early completion and success of this great thoroughfare, not only because she is the creditor of the company to the amount of three and a half millions of dollars, but for the additional, and more cogent reason, that the improvement when completed, will open one of the most important channels of trade between the city of Philadelphia and the great lakes of the west, at the best harbor on Lake Erie, entirely within the limits of our own State, which has ever been contemplated. It will, moreover, develop the resources of a large portion of North Western Pennsylvania, abounding with the richest minerals, and a lumber region of unsurpassed excellency, which the munificent hand of the State has hitherto totally neglected. By disposing of her branch canals to that company, in exchange for its mortgage bonds, the State has already largely aided in the construction of this great work; and it may be necessary, to insure its completion, that further legislation should be had in order to render the means of the company available It is evident that a liberal policy, on the part of the government, will promote alike the interests of the Commonwealth and the railroad company; nevertheless, great care should be taken to protect, as far as possible, the debt now due from the company to the State If all propositions which may be made for a change in the securities now held by the Commonwealth, be carefully considered by the Legislature, and no more yielded than sound economy demands with proper provision for the due application of whatever means may be realized, it is believed, that sufficient relief can be granted to the company, to enable it promptly to finish the road, while the security remaining will be fully adequate to insure the ultimate payment of the principal and interest of the bonds of the railroad company now held by the Commonwealth

I commend this subject to the Legislature, as one entitled to its most careful consideration, as well on account of its vast importance to that portion of the State through which the railroad passes—to the cities of Philadelphia and Erie—and to the railroad company—as to the Commonwealth herself. Premising that whatever policy it may be thought expedient to pursue, should be adopted solely with reference to the protection and furtherance of the public interests.

The attention of the Legislature is again invited to the subject of general education At the present juncture it presents peculiar claims The experience of a quarter of a century has satisfied the proverbially cautious people of Pennsylvania, of the adaptness of the common school system to their wants and condition. No less has the severe ordeal of the past three years shown its capability to endure those sudden reverses which occasionally prostrate the other interests of the community. Involving greater expenditure than the rest of the departments of government, and that, too, mainly drawn from direct taxation, it is a proud fact, that, while most of the enterprises of society have been seriously embarrassed, and some of them suspended, by the pecuniary crisis of 1857, our educational system has not been retarded in any appreciable degree On the contrary, its operations have been maintained, to an extent which plainly indicates that our citizens fully appreciate its value Contrasting its main results during the past year, with those of 1857, we find that the whole number of pupils now in the schools, is 647 414, being an increase of 44,422; these were taught in 11 577 schools, 621 more than in 1857, during an average term of five months and five and one half days, at a cost of fifty six cents per pupil per month, by 14 065 teachers, being 429 more than in 1857 The entire expenditure of the system, for the past year, including that of the School Department is $2,638 550 80 These figures afford some idea of the magnitude of the operations of the system, but neither words nor figures can adequately express the importance of its influence upon the present, or its relations to the future

In contemplating the details of a plan for the due training of the youth of a community its large proportions and imposing array of statistics do not display the points of its greatest importance Pupils may be enrolled by hundreds of thousands; school houses of the best structure and most complete arrangements may be dotted at convenient distances over the whole face of the land; the most perfect order of studies may be adopted, and the best possible selection of books made; but what are all these, without the learned and skillful, the faithful moral and devoted teacher? Without this animating spirit, all is barren and unfruitful. In this vital department I am happy to announce that the improvement of the common school teachers of the State shows more solid advancement within the past three years, than any other branch of the system. This, therefore, being the point whence all real progress in learning and culture must originate, is also the one to which the fostering attention and care of the public authorities should be mainly directed

Our peculiar mode of training teachers under the normal act of 1847, has now stood the test of practical experience; and, against the most ready adverse circumstances has produced results decisive of its success Already it has placed one institution in full operation in the south eastern part of the State, equal in standing and extent to any in the Union Another, with all the requirements of the law, has just applied for State recognition in the extreme north west I commend these noble, and peculiarly Pennsylvania schools, to your favor And to them will be the best investment that can be made for the rising generation. Good instruction for our children, is the strongest earthly guarantee, that, whatever else we bequeath them, their inheritance will be a blessing and not a curse; and, if nothing more is left in the well cultured minds, the willing hands, and the trust in God, of freemen, they will have all that is essential

Nearly eleven thousand of our fellow citizens are now devoting their efforts to the improvement of the common school, as directors Than this there is no more meritorious body of men An increase of the annual State appropriation would not only be a material relief to the districts, at this time, but would, to some extent disembarrass directors in their local operations.

It is not, however, the common school system, vast and honorable to the State as it is, that claims your entire attention, in reference to education. Pennsylvania also boasts her collegiate, academical, scientific, professional, and philanthropic institutions, and numerous private schools of every grade.—In this respect, she is second to no member of the confederacy; but, from mere want of attention to the proper statistics, she has thus far been ranked far below her just standard. The present is not the proper time to renew grants to institutions of these classes which heretofore received State aid. If it were, the public authorities do not possess the requisite data for a safe and just extension of liberality. The period will arrive when all public educational agencies must be included in one great system for the elevation of mind and morals; and, when the State will, no doubt, patronize every proper effort in the good work.

For the details of the system, during the last school year, the attention of the Legislature is respectfully referred to the annual report of the Common School Department herewith submitted

I desire again, especially, to call the attention of the General Assembly to the Farmer's High School of Pennsylvania as an institution which proposes to accomplish an object which has never been attained in this country the supply of a want which has ever been felt by the agricultural community the education of their sons, at once, to scientific knowledge habitual industry and practical skill to fit them for the occupations of rural life, and the occupation chosen for them by their fathers The gains of the farmer, however certain, are small The education of his sons should therefore, be measured by the nature of his business There seems to be no practical mode of cheapening education, but by combining an amount of expenditure within the ability of a farmer, with the daily labor of the student so as to make the institution so nearly self sustaining as to bring it within the reach of that class who constitute so important a branch of the industry of our people The original design of this school embraced the accommodation of four hundred students, a number essential to the economical working of the system, and although the applications for admission are numberless, the utmost efforts of the trustees have not enabled them to complete one third of the building or to accommodate more than a corresponding number of students Many individuals throughout the State, convinced of the merit of an institution which promises so much good have contributed liberally to what has already been done, and the board of trustees have labored with a zeal which cannot fail to commend itself to the kind feelings of all our citizens Scientific education has advanced the interests of every avocation of life—agriculture far less than any other—and for the manifest reason that it has not reached it to the same extent, and never will reach it unless the body be educated to the plow as well as the mind to the philosophical principles which the plow's work develops

I have always looked upon the Farmers High School with peculiar favor, as well because of my own convictions of its promised usefulness, as the favor which has hitherto been shown to it by the Representatives of the people Its charter requires an annual exhibition of its receipts expenditures and operations generally, and these will doubtless be laid before you

By the act passed by the last Legislature, establishing a system of free banking in Pennsylvania, and securing the public against loss from insolvent banks radical changes were made in the banking laws of this State Instead of corporations created by special laws voluntary associations are authorized to transact the business of banking, without further legislation and as an indispensable prerequisite to the issuing of bank notes for circulation as money, ample security must be deposited with the Auditor General for their prompt redemption The law makes provisions not only for the incorporation of new banking associations, but enables banking institutions already in existence, to continue their business for twenty years after the expiration of their present charters upon complying with its provisions, by withdrawing their old circulation, and giving the securities required for the redemption of their new issues The public, I am sure will rejoice that no further necessity exists for legislative action either on the subject of creating new or re chartering old banks and that the time and attention of their Representatives will now happily, be no longer monopolized in the consideration of a subject hitherto productive of so much strife and contention if not of positive evil

The rapid increase of private banks, throughout the State, makes it eminently right that they should be placed under proper legislative restrictions, and that the large amount of capital thus employed should be made to contribute its fair proportion to the revenues of the Commonwealth Their business, in the aggregate, is now believed to amount to a sum almost if not quite, equal to the whole business of the regularly chartered banks; and yet it is entirely unrestricted, and, with the exception of a merely nominal license tax is free from taxation This is unjust to every other class of our tax paying citizens, and especially so to the banking institutions holding charters from the Commonwealth for which they have each paid a liberal bonus and are in addition subject to a very large tax on their dividends I respectfully commend this subject to the attention of the Legislature

A high sense of duty impels me again to call the attention of the Legislature to the inadequacy of existing laws, regulating the receiving keeping the disbursement of the revenues of the State. The public moneys are paid directly to the State Treasurer who deposits them at his own discretion, whenever and wherever he chooses and pays them out in sums either small or great, upon his own unattested check exclusively The amount thus received kept and disbursed is annually between three and four millions of dollars, with balances on hand, at times exceeding one million of dollars; while the bond of the State Treasurer is for only eighty thousand dollars His accounts are settled monthly by the Auditor General by whom the receipts for money paid in to the Treasury are countersigned and these are the only safeguards provided by law to prevent the illegal and improper use of the money of the State, by the State Treasurer.

Happily the revenues of the Commonwealth have hitherto been safely kept, properly disbursed and promptly accounted for, by those in charge of the Public Treasury; but in view of the serious defalcations which have occurred elsewhere, and in other States, this fact should furnish no reason why we ought not to guard against loss in the future Referring to my former annual messages, I respectfully, but most earnestly, recommend that provision be made by law

First—That no money shall be deposited by the State Treasurer in any bank, or elsewhere, without first requiring ample security to be given to the Commonwealth for the prompt repayment of such sum as may be deposited: and that such securities shall be deposited in the office of the Auditor General.

Second—That all checks issued by the State Treasurer, shall be countersigned by the Auditor General, before they are used, and that daily accounts shall be kept of the moneys received, deposited and disbursed, in the Auditor General's office, as well as in the Treasury Department.

Third—That condensed monthly statements, verified by the signatures of the Auditor General and State Treasurer, shall be published in one newspaper in Philadelphia and one in Harrisburg, showing the balances in the Treasury, and where deposited, with the particular amount of each deposit: and

Fourth That the bond of the State Treasurer be increased to the sum of two hundred and fifty thousand dollars.

Our various charitable and reformatory institutions—the State Lunatic Hospital, at Harrisburg—the Western Pennsylvania Hospital for the insane at Pittsburg—the asylums for the blind, the deaf and dumb at Philadelphia and Pittsburg, and the Pennsylvania Training School for the idiotic and feeble minded children, at Media, will present their usual annual claims upon the bounty of the State. The so excellent charities are continually dispensing benefits and blessings upon suffering and erring humanity, which can scarcely be overrated. They are heartily commended to the discriminating liberality of the Legislature. I refrain, as I have heretofore done, from recommending, as proper objects of appropriations from the State Treasury, other charitable and benevolent institutions not because they are undeserving the confidence and patronage of the public but because they are local in their character, and in my judgment have no claims upon the common fund which can be admitted in justice to the rights and interests of other portions of the Commonwealth,

The inspectors of the State Penitentiary for the Eastern District of Pennsylvania, in their annual reports for the year 1858 and 1859 called the attention of the Legislature to the insecurity of such parts of the Penitentiary building as were exposed to their own fires and those of the neighborhood and recommended that roofs of such of the corridors as were covered with shingles, and needed renewal should be replaced with slate or metal On visiting the institution my attention was called to the subject by inspectors The necessity for the change was so apparent and urgent, that I advised them no to hesitate in having the old, dilapidated and dangerous wooden roofs of such portions of the building as required renewal, replaced with some substantial fire proof material This has accordingly been done and I respectfully recommend that a small appropriation be granted to defray the expenses incurred

I commend to your consideration the report of the State Librarian, whose attention to the interests of the Library under his care, deserves the warmest commendation The system of exchanging, with the different States of the Union, and with foreign governments, commenced and prosecuted under his auspices, has resulted in great advantages to the Library, and deserves the continued countenance of the Legislature. The increase of the Library, at a comparatively small expense to the State, has been such, that it now needs enlarged accommodations for the safe keeping of the volumes, and, if the increase continues, will soon require a separate building for its exclusive use.

The reports of the State Treasurer, the Auditor General, the Adjutant General and the Attorney General, will inform you, in detail, of the operations of the Government, as presented by those several departments, for the last fiscal year They are entitled to the attentive consideration of the Legislature

Soon after my inauguration, upon the recommendation of my predecessor in office, a dwelling house was purchased in this city for the residence of the Governor of the Commonwealth The purchase included several articles of heavy furniture, then in the building, and a small appropriation would complete the necessary furnishing of the house so as to make it a fit and convenient residence for the incoming Executive I cheerfully recommend the immediate passage of a bill making a suitable appropriation for this purpose

The extraordinary and alarming condition of our national affairs demands your immediate attention. On the 20th, of December last, the Convention of South Carolina, organized under the authority of the Legislature of that State, by a unanimous vote, declared "that the Union now subsisting between South Carolina and the other States, under the name of the United States of America, is hereby dissolved;" and the action already taken in several other Southern States indicates, most clearly, their intention to follow this example

On behalf of the advocates of secession, it is claimed that the Union is merely a compact between the several States composing it, and that any one of the States, which may feel aggrieved, may, at its pleasure, declare that it will no longer be a party to the compact This doctrine is clearly erroneous. The Constitution of the United States is something more than a mere compact, or agreement, between the several State. As applied to nations, a compact is but a treaty, which may be abrogated at the will of either party; responsible to the other party for its bad faith in refusing to keep its engagements, but entirely irresponsible to any superior tribunal. A government, on the other hand, whether created by consent or by conquest, when clothed with legislative, judicial and executive powers, is necessarily in its nature sovereign; and from this sovereignty flows its right to enforce its laws and decrees by civil process, and, in an emergency, by its millitary and naval power, The government owes protect on to the people, and they in turn owe it their allegiance. Its laws cannot be violated by its citizens, without accountability to the tribunals created to enforce its decrees and to punish offenders. Organized resistance to it is rebellion. If successful, it may be purged of crime by revolution. If unsuccessful, the persons engaged in the rebellion may be executed as traitors. The government of the United States, within the limits assigned to it, is as potential in sovereignty, as any other government in the civilized world. The Constitution, and laws made in pursuance thereof, are expressly declared to be the supreme law of the land. Under the Constitution, the general government has the power to raise and support armies, to create and maintain a navy, and to provide for calling forth the militia to execute its laws, suppress insurrection and repel invasion. Appropriate statutes have been enacted by Congress, to aid in the execution of these important governmental powers.

The creation of the Federal Government, with the powers enumerated in the Constitution, was the act of the people of the United States, and it is perfectly immaterial that the people of the several States acted separately within the territorial limits of each State. The form of their action is of no consequence, in view of the fact that they created a Federal Government, to which they surrendered certain powers of sovereignty, and declared those powers, thus surrendered, to be supreme, without reserving to the States, or to the people, the right of secession, nullification or other resistance. It is, therefore, clear that there is no constitutional right of secession. Secession is only another form of nullification. Either, when attempted to be carried out by force, is rebellion, and should be treated as such, by those whose sworne duty it is to maintain the supremacy of the Constitution and laws of the United States.

It is certainly true, that in cases of great extremity, when the oppression of government has become so intolerable that civil war is preferable to longer submission, there remains the revolutionary right of resistance; but where the authority of the Government is limited by a written Constitution, and each department is held in check by the other departments, it will rarely, if ever, happen that the citizens may not be adequately protected, without resorting to the sacred and inalienable right to resist and destroy a government which has been perverted to a tyranny.

But, while denying the right of a State to absolve its citizens from the allegiance which they owe to the Federal Government, it is nevertheless highly proper that we should carefully and candidly examine the reasons which are advanced by those who have evinced a determination to destroy the Union of these American States, and if it shall appear that any of the causes of complaint are well founded, they should be unhesitatingly removed, and, as far as possible, reparation made for the past, and security given for the future, for it is not to be tolerated, that a government created by the people, and maintained for their benefit, should do injustice to any portion of its citizens

After asserting her right to withdraw from the Union, South Carolina, through her convention, among other reasons, declared that she is justified, in exercising, at this time, that right, because several of the States have for years not only refused to fulfill their constitutional obligations, but have enacted laws either nullifying the Constitution, or rendering useless the acts of Congress relative to the surrender of fugitive slaves—that they have permitted the open establishment of societies, to disturb the peace of other States, that the people of the non-slaveholding States have aided in the escape of slaves from their masters, and have incited to servile insurrection those that remain—and have announced their determination to exclude the South from the common territory of the Union. As the Representatives of the people of Pennsylvania, it becomes your solemn duty, to examine these serious charges, made by the authority of a sovereign State.

Pennsylvania is included in the list of States that are charged with having refused compliance with that unwritten law of the Constitution of the United States, which declares, "that no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due." So far from admitting the truth of this charge, I unhesitatingly aver, that, upon a careful examination it will be found that the legislative and judicial action of Pennsylvania, whether as a colony, as a member of the old confederation, or under the existing Constitution of the United States, has been almost invariably influenced by a proper appreciation of her own obligations, and by a high regard for the rights, the feelings and the interests of her sister States.

As early as 1705, the provincial authorities of Pennsylvania, after reciting in the preamble, that "the importation of Indian slaves from Carolina, or other places, hath been observed to give the Indians of this province some umbrage for suspicion and dissatisfaction," passed an act against the importation of Indian slaves from any other province, or colony, in America, but at the same time declared, "that no such Indian slave, as deserting his master's service elsewhere, shall fly into this province, shall be understood or construed to be comprehended within this act." And when, in 1780, more than eight years before the Constitution of the United States went into operation, Pennsylvania passed her law for the gradual abolition of slavery; mindful of the rights of her confederates, she declared that "this act, or anything in it contained, shall not give any relief or shelter to any absconding or runaway negro or mulatto slave, or servant, who has absented himself, or shall absent himself, from his or her owner, master or mistress, residing in any other State or country, but such master or mistress, shall have like right and aid to demand, claim and take away his slave, or servant, as he might have had in case this act had not been made." A provision much more unequivocal in its phraseology, and direct in its command, than those found on the same subject, in the Constitution of the Union. This act, by its terms, was made inapplicable to domestic slaves attending upon delegates in Congress from the other American States, and those held by persons while passing through this State or sojourning therein for a period not longer than six months.

In 1788 it was made a high penal offence for any person, by force, violence or fraud, to take out of this State, any negro or mulatto, with the intention of keeping or selling the said negro or mulatto as a slave, for a term of years. Soon after the passage of this act, the Supreme Court of Pennsylvania decided that it did not apply to the forcible removal of a slave, by the owner or his agent, but that its object was to punish the forcible or fraudulent abduction from the State of free negroes, with the intention of keeping or selling them as slaves Thus at that early day, giving judicial sanction to the doctrine, that a master had the right to take his slaves wherever he could find them.

The first act of Congress providing for the rendition of fugitives from justice or labor, was passed in 1793, and originate from the refusal of the Governor of Virginia to surrender and deliver up on the requisition of the Governor of Pennsylvania, three persons who had been indicted in Pennsylvania for kidnapping a negro, and carrying him into Virginia. And when it was found