The Democratic Watchman

BY P. GRAY MEEK.

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BELLEFONTE, PA:

Friday Morning, April 15, 1870.

Notice Extraordinary! A new Feature.

Now is the time to subscribe for the Democratic Watchman. In two or three weeks, we shall begin the publication of an Original Tale, from the captivating pen of Miss Nelly Marshall, of Louisville, Kentucky, entitled

"WEARING THE CROSS."

the advance manuscripts of which have already been received. "Wearing the Cross" is a story of Kentucky life, during the late war, and abounds in thrilling and romantic incidents, and is of absorbing interest. Miss Marshall is one of the most talented ladies of the South, and is already well and favorably known in the literary world. The poems that have appeared in this paper under her signature are an indication of her talents, but scarcely do her justice. It is in prose writing that she more particularly excels, and this, we think is where her *forte* lies. Her descriptive powers are great, and beautiful things flow from her pen like water from the fountain head. "Wearing the Cross" has been written expressly for the Democratic Watchman, and we have paid a high price for it. Those papers, therefore, who may like copying it, will have the kindness not to infringe our copywright, *without* giving us due credit.

The Story will commence in No. 18 of the present volume, just three weeks from to day. Now is the time to subscribe, therefore, as we promise our readers a rich intellectual treat. Be sure to send in your subscriptions in time for the first instalment of this highly interesting romance.

We intend to make the Democratic Watchman the best weekly family paper in the State and as soon as Miss Marshall's Story is concluded, (which will run through about twenty numbers), we have provided other attractive features to take its place. We are bound that the Watchman shall be among the first papers in the land. In three weeks, then, look out for

"Wearing the Cross."

Letter From Pennsvalley.—Hon. J. G. Meyer Vindicated.

Haines Township, April 12.

Messrs Editors:—We noticed, in an issue of the *Bellefonte Republican*, several weeks ago, that the Editor has lashed himself quite into a fury, because, as he alleged, our present worthy member of the Legislature did not influence the Legislature of Pennsylvania to rob the sinking fund to build the L. C. & S. C. Railroad, that he ought to have secured the backing of the Pennsylvania Railroad, bonds, now in the Treasury, to build the road. The Editor's mind must either have been beclouded by an overdose of bad whiskey, or he is ignorant of a self evident fact—that the Pennsylvania Railroad Co. which is to build the L. C. & S. C. Railroad, is itself as good as the bonds that represent it and that if they desire to build the road, they are amply able to do so, without the aid of their own bonds to give them additional credit—and if their bonds are sufficient to build the Roads mentioned in the bill much more is the company able to build and construct any road that it undertakes itself. It must, however, be conceded that we send no man to Harrisburg to perform impossibilities, or do wrong that good may come out of it, for when a man performs his *duty faithfully*, with a proper regard for right and justice, he has done all that can be asked of any public officer. The same individual who arraigns the Hon. J. G. Meyer for dereliction of duty, was once elected to perform the duties of Treasurer of Centre County, and how well he performed those duties the records of the Court of Common Pleas and the County Prison will fully explain. If the Editor of the *Republican* calls that performing duties due to his constituents, then the question resolves itself merely into a difference of opinion as to what the duties of a public officer are. We take no pleasure in calling up the past record of a *Scoundrel*, but, "people living in glass houses ought not to throw stones," and when people make so much ado about *honesty* and duty it is well to understand the *cause* for so great a concern for the public welfare; in fact, he has the will, the spleen and the gall to blacken the brightest name in any community, but, fortunately, his influence for harm is gone wherever known, and we therefore know how to appreciate all such advice, coming from such a source. He made a sorry hit when he endeavored to make us believe that if James P. Coburn, "The great Lawyer," had been in the Legislature, it would have been otherwise. The Railroad would have secured the proper backing, &c., by his mighty influence and powerful intellect. We would simply answer that, by asking a plain, practical question. If James P. Coburn, with all his *legal ability*, shrewdness and influence, is not able to control a little turnpike incorporating company, how long would it take him to get control of the Legislature of Pennsylvania? And if the community in which he lives have so little confidence in his integrity as to not even trust him to read the minutes of said incorporation without appointing some honest farmer to stand by his side and watch that he reads correctly, how many would it take to watch him at Harrisburg to keep him in the path of rectitude and duty? Being well acquainted with Mr. Coburn, we would rather seal up our lips, and let "the dead bury their dead," but if he will allow his name to be used by such an principled specimens of humanity as the Editors of the *Republican*, without restraint, and thus, by his silent recognition, indorse those scurrilous and ungentlemanly articles, he must expect to share the fate of his associates, and have his ability, as a public man, closely scrutinized. We are not opposed to a fair and candid discussion of public affairs or men, but we are opposed to abuse without cause and hope to be sustained by an intelligent public. Again, Mr. Meyer is accused in the same paper of not having the proper influence in the Legislature, and here again, the Editor of the *Republican* must plead *ignorance*, or party *malice*, for pray, what has Mr. Meyer failed to do that was asked or expected? The facts show that Mr. Meyer was a very trustworthy and efficient member, from the fact that he had all the bills passed that were asked for by his constituents which ought to have been passed. If the Editor of the *Republican*, had but paid a little attention to the proceedings in the House, he could certainly not plead ignorance. Mr. Meyer's influence was that kind of influence which any *honest* and *upright* member could expect and acquire at the first session, but we will demonstrate, by a single instance, that he wielded the influence of an older member. Several years ago a bill was passed allowing each and every newspaper in the County to publish all laws, relating especially to Centre County, to be paid for out of the County funds, and as there are now some six papers printed in the County, the expense of having these laws published would amount to about one thousand dollars per year—which is considerable of an item to the tax payer. Hon. P. G. Meek, a printer, recommended the repeal of this act, on the ground of economy, &c., and Mr. Meyer, *acting out* the principle in which he was elected, to carry out retrenchment and reform, had the bill promptly passed by both houses, but, for some alleged grammatical error, the Governor, contrary to expectation, vetoed it. Now, many a faint heart would have allowed it to rest here, especially belonging to a party then in the minority, but not so with Mr. Meyer, who, conscious of being in the right, called up the bill to have it passed, notwithstanding the veto and advocated its passage in a speech, so forcible and *convincing*, that it was passed over the Governor's veto, by nearly a unanimous vote, and Mr. Meyer was highly congratulated by older and more experienced members upon his success, and the manner in which he had acquitted himself in the management of the bill. It is rumored amongst us that the Editors of the *Republican* labored hard, with *whatever influence they had*, to defeat this bill and finally discovered the false syntax in it, upon which they induced the Governor to veto it, and that Mr. Meyer's having it passed, notwithstanding the veto, false syntax, grammar and all, in the House of their friends, thus saving the County Treasury from paying to the Editors of the *Republican* the neat little sum of two hundred dollars yearly, is the cause of all these ferocious and vindictive attacks upon him by the *Republican*.

Vindicator.

"How General Grant is Used by Rich Men."

The Chicago *Tribune*, the leading Radical organ of the West, seems to think that President Grant has a great *respect for riches*. *It is gratifying to* know that the *Tribune* has at last got its eyes open to a fact that has been atent to everybody else for the last year. Wherein, we *would* like to know, has the President ever shown his respect for poor men or his independence of the rich? The *Tribune* speaks truthfully, as follows:

President Grant has one defect of character rarely met with in high places—an inexplicable respect for rich men. Now a rich man without recognition of some kind is one of the poorest of human creatures. Either commerce, literature, society, or politics is necessary to make him happy, and this is why so many dunces sit in the Senate and House, paying out their money to be noticed. This man is apt, if he have a republican conscience, to be a good sort of man for a President to take by the hand now and then, to encourage him with the fact that even enterprise is not the worst thing in the State, and to assure him that respectable wealth need not debar any person from visiting Magistracy occasionally.

Now, why should the President take pleasure in such merely rich men as Borie and Corbin; or, worse yet, in such designing rich men as Oakes Ames, Daniel Morrell, and others who are, of course, pleased with his attentions and interested in his person, but who have more important designs than either social recognition or historical reminiscence? If they find that they can impress the President with their views, merely by the contact of their riches, they will use him to their fill, and blast his administration *with their falsome* praise and insidious advice.

The President's best advisers are not to be found in the private closet. The days of the privy council went out with Clarendon and the Third Stuart. The President's advisers should be the better press of the country, and the cry of the many headed poor—the over taxed farmer, the idle sailor, the immigrant. It is mortifying to our conceptions of the American Chief Magistrate that he should feel the contact of any man, much less a merely rich one. This is the weakness of Gen. Grant—the real weakness! He is used. He is impressible! He is an abused man! His relatives have not felt, in the nice sense of delicacy, the duty they owed him to abstain from soliciting *federal favors*. Many of them are in office. Others *have tried to grow rich by obtaining* his ear. It is more than probable that Corbin swindled Fisk and Gould out of $100,000 by using the name of President Grant. But if Corbin had grown rich as Crœsus by his high relationship, it would have been a less dangerous symptom than the known fact that people who have climbed to opulence by the barbarism and slips of legislation are looked upon by the president as the best exponents of American citizenship.

Veto Message

Executive Chamber,
Harrisburg, Apr. 7, 1870.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania

Gentlemen:—Senate bill No. 1070, entitled "An act to facilitate and secure the construction of an additional railway connection between the waters of the Susquehanna and the great lakes, Canada and the northwestern States by extending the aid and credit of certain corporations to the Jersey Shore, Pine Creek and Buffalo Railway Company, and in like manner to aid in the construction of the Pittsburg, Virginia and Charleston railway, the Clearfield and Buffalo railway, and the Erie and Allegheny railway," was only presented for executive approval on yesterday, the 6th inst.

Regarding it as among the most important ever submitted for consideration, both in the principle it involves and the consequences of my action thereon, I have examined it with as much care as was possible in the short time allowed, and the pressure of other duties at this late stage of the session. *For these reasons* it would have been desirable that the views about to be announced should have been the subject of more mature reflection. Entertaining, however, firm convictions that the proposed measure is not only in conflict with the Constitution, but at war with the best interests and true policy of the State, it is deemed an imperative duty to guard against all possible misconstruction by returning the bill promptly to the Senate, in which it originated, with the following statement of the reasons for withholding my approval.

There are in the sinking fund of the State nine and one-half millions of dollars ($9,500,000) in railroad bonds, viz: $6,000,000 in bonds of the Pennsylvania railroad company, and $3,500,000 of the bonds of the Allegheny Valley railroad company, the payment of the latter guaranteed by the Philadelphia and Erie railroad company, the Northern Central railway company, and by the Pennsylvania railroad company. These $6,000,000 are a part of the proceeds of the sale of the main line of the public works, sold in 1857, and the $3,500,000 are bonds substituted for a like amount of bonds which were proceeds of the sale of other portions of the public works, made subsequent to 1857. The whole 9,500,000, therefore, are proceeds of the sales of public improvements formerly owned by the State; and the bill under consideration, if approved, will take this entire sum out of the sinking fund and distribute it among the four railroad companies named in the bill, in the proportions therein recited.

First. Has the legislature the constitutional power to enact this law? and

Second. If the power exists, is it expedient to exercise it?

If the first question be answered in the negative, the bill should not be approved. If in the affirmative, then the second question assumes a graver importance. What then are the written constitutional provisions bearing upon the subject? The latter clause of the 25th section of the first article of the Constitution declares that:

"No law hereafter enacted shall create, renew or extend the charter of more than one corporation."

The eighth section of the eleventh article is as follows:

"No bill shall be passed by the legislature containing more than one subject, which shall be clearly expressed in the title, except appropriation bills."

The proposed act is not an appropriation bill within the recognized meaning of this section of the fundamental law. Every one familiar with the history of our State Constitution knows the objects for which these clauses were inserted and adopted. Our State had been crushed with omnibus legislation, enacted by what in common legislative parlance was known as the system of log-rolling. Measures which alone could not stand upon their merits, and which often had *no merits* on which to *stand*, were fastened together in one bill, and by ingenius combinations of local interests, the most incongruous, and sometimes iniquitous provisions were forced through in the same act. Essentially diverse, conflicting, and even rival and hostile interests and parties, who could agree upon nothing else were thus induced to unite in a common raid upon the Treasury of the State. This evil became in time so intolerable that the people were at last compelled to protect themselves against it; and they did so by these plain constitutional prohibitions. The people in their sovereign capacity declared and wrote it in their Constitution, *that* "no bill should be passed by the legislature containing more than one subject," and that "no law hereafter enacted shall create, renew or extend the charter of more than one corporation."

It is contended, and with some show of plausibility, that the bill under consideration embraces but the one subject of railroads, and this, and this *alone*, is expressed in the title; and that the *act* does not create, renew or extend the charter of more than one corporation. Technically, this may be so; but we are considering grave questions of constitutional law, where different rules of *construction* must prevail, and judged by these it is clear that the provisions of this act are in manifest violation of the letter, spirit, intent and object of these plain constitutional provisions. In the case of *the Commonwealth* vs. Clark (7 Watts and Sergt's. Rep., 127) the late Chief Justice Gibson, in delivering the unanimous opinion of our Supreme Court, said:

"A Constitution is not to receive a technical interpretation like a common law instrument or statute. *It is to be interpreted so as to 'carry out the great principles of the government, not to defeat them.'*"

Apply this authoritive, sensible and well established principle of constitutional construction to the case in hand. The Constitution declares, in substance that omnibus legislation and log rolling enactments shall cease; and to that end "no law hereafter enacted shall create, renew or extend the charter of more than one corporation;" and "no bill shall be passed by the legislature containing more than one subject." The bill returned includes four different railroad companies as principals, and nine others as guarantors, and by a liberal construction assumes that they all constitute but one subject. By this omnibus system the proposed act combines the interests, local rivalries and cupidity of nearly every section of the State, from the Delaware to the Lakes, and has thereby secured its passage. The several corporations, it is true, are not, technically, *created* by this law, but were first incorporated by other bills, with the manifest intent to be followed by this act, which artfully combines the local interests of all the other beneficiary companies, breathes into them the breath of life by the appropriation of the public moneys and secures the very identical ends prohibited by the *Constitution. Thus*, by a liberal construction of the act, and a narrow and technical interpretation of the Constitution, the sound rules and principles applicable to both are reversed and misapplied and the effort made to reconcile the statute with the prohibition. The attempt is a failure. The constitution can not be evaded or nullified in any such manner. As ruled by Chief Justice Gibson, it must "be interpreted so as to carry out the great principles of the government, not defeat them."

But there are other provisions of the Constitution prohibiting such legislation.

The 4th, 5th and 6th sections of the XIth article are as follows:

"Sec. IV. To provide for the payment of the present debt, and any additional debt contracted as aforesaid, the legislature shall, at its first session after the adoption of this amendment, create a sinking fund which shall be sufficient to pay the accuring interests on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars, which sinking fund shall consist of the net annual income of the public works from time to time owned by the State, or the proceeds of the sale of the same or any part thereof, and of the income or property of sale of stocks owned by the State, together with other funds or resources that may be designated by law. The said sinking fund may be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in extinguishment of the public debt until the amount of such debt is reduced below the sum of five millions of dollars."

"Sec. V. The credit of the Commonwealth shall not in any manner or event be pledged or loaned to any individual, company, corporation or association; nor shall the Commmonwealth hereafter become a joint owner or stockholder in any company, association or corporation."

"Sec. VI. The Commonwealth shall not assume the debt, or any part thereof, of any county, city, borough or township; or of any corporation or association, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness."

These three sections are part of the Constitutional amendments adopted by a vote of the people in 1857. They speak for themselves, and in no doubtful language. The 4th section requires the legislature to create a sinking fund, to consist, among other things, "of the net annual income of the public works, from time to time owned by the State, or the proceeds of the sale of the same;" and declares further that, "unless in case of war, invasion or insurrection, no part of the sinking fund shall be *used or applied* otherwise than in extinguishment of the public debt." How *is it possible to reconcile these plain declarations* of the Constitution with the provisions of the bill under consideration? *These nine and a half millions* of bonds are the proceeds of the public works; and they are in the sinking fund created by the act of 22d April, 1858, in compliance with this same section of the fundamental law. The constitution declares as plainly as language *can direct* that "no part of the *said sinking fund* shall be used or applied otherwise than in extinguishment of the public debt." The bill proposes to apply the *whole of the nine* and one-half millions to the construction of sundry enumerated railroads.

The V section declares that the credit of Commonwealth shall not in any manner or event be pledged or loaned to any *individual, company, corporation* or association. This bill proposes, not technically, a loan or pledge of credit, but more; it proposes to pay for the construction of the railroads for these corporations. How can this be done consistently with the constitutional prohibition? Does not the greater include the less? In principle, or substance, how does the thing authorized differ from the thing prohibited, except perhaps in degree? True, the one prohibits the loan or pledge of credit, and the other appropriates the money to pay for the work, but the actual result is the same, viz: the taking of the proceeds of the sale of the public works out of the sinking fund and appropriating them to the construction of railroads.

The VI section declares that "the Commonwealth shall not assume the debt, or any part thereof, of any county, city, borough or township, or of any corporation or association."

Technically, the bill under consideration may not authorize the assumption of the debts of these railroad companies, but it does more. It actually provides for their payment, and takes from the State Treasury the necessary means with which to do it. These are all clear violations of the very plain *provisions of our written Constitution*. An effort is made to escape from these conclusions, under the ruling of the Supreme Court in the case of Grantz vs. the Pennsylvania Railroad Company (5 Wright, 447), which seems to assume that these bonds in the sinking fund are *not* the *proceeds* of the sales of the public works. But the court in that case justifies its opinion on the ground that the act there in question authorized the sinking fund commissioners to exchange *depreciated* securities for those of more value. Here the attempt is to authorize the exchange of securities confessedly good for others of most questionable value. This I regard as a most important distinction, and one on which the legislation of last session may also be justified. Moreover, I consider the assumption that the bonds now in the sinking fund are not the proceeds of the sale of the public works as wholly untenable, unwarranted and untrue. The purchase money was the proceeds of the sale of the public works, as understood at the time and ever since. Not only the $100,000 required by the law providing for the sale to be paid down at the time of the bid, but the whole seven and one-half millions, which, the same law designates as "the whole amount of sales to be paid in the bonds of the company." And if anything can make this more plain it is the fact that the same men, at the same session of the legislature, passed these constitutional amendments of 1857, and also the act for the sale of the main line; and they naturally used the same words and expressions to express the same ideas. The words of the Constitution have already been quoted, and the 12th section of the act for the sale of the main line, approved 16th May, 1857, declares:

"That the entire proceeds of the sale of said main line shall be paid to the sinking fund, and applied to the payment of the State debt." Surely it cannot be necessary to argue this question further. It is very clear that the framers of the Constitution intended that the whole of the proceeds of the public works should go into the sinking fund, and should be appropriated to no other purpose than the payment of the public debt; and the practice of the Government ever since 1856, in all its departments, has conformed to these constitutional requirements. No manipulation of words, no artfully drawn phrases, and no subtle distinctions or contracted or misapplied rules of interpretation, can explain away these plain constitutional restrictions on the power of the legislature; or enable it, in defiance of them, to bankrupt the treasury of the State through means prohibited by the fundamental laws of the land.

Having thus demonstrated the unconstitutionality of the proposed law I might well be spared the discussion of its expediency.

It is possible, however, that different views may be entertained as to the legal question involved. I have, therefore, deemed it proper to submit the following propositions as exclusively establishing the inexpediency of this scheme.

First. By the terms of the act the State is to exchange six millions of bonds ($6,000,000) secured by a mortage upon a road worth many times that amount—for six millions ($6,000,000) of bonds to be issued by a company as yet unorganized and whose road is not yet commenced.

Second. The contract of guaranty required by the bill is illusory, for it is uncertain who is to execute it, and if entered into by responsible parties it binds them to nothing except the construction and the equipment of the contemplated road. The manner in which the road is to be constructed and equipped is wholy unaprovided for. Upon this vital point the bill is entirely and ominously silent.

Third. The interest upon the six millions ($6,000,000) bonds to be surrendered is payable, according to a recent decision of the Supreme Court of the United States, in gold. The interests on the bonds to be received would be payable in currency.

Fourth. The State is now receiving upon the bonds to be surrendered four hundred and sixty thousand dollars ($460,000) per annum, and under existing laws is entitled to receive that amount annually, until the whole be paid. If the contract of guaranty mentioned in the bill were performed to the letter, the State could only receive three hundred thousand dollars (300,000) per annum for the next three years. The loss therefore to the revenue by this exchange would be one hundred and sixty thousand dollars ($160,000) annually for the first three years, and thereafter the whole amount would be lost unless paid by the projected road.

Fifth. Other bonds to the amount of three million and a half dollars ($3,500,000) most amply secured are to be exchanged for second mortgage bonds on a prospective railroad, the first mortgage being already authorized for sixteen thousand dollors ($16,000) per mile, at seven per cent, interest.

Sixth. It may well be doubted whether the proposed road from Jersey Shore would be a success. Almost every new road through such undeveloped regions has experienced a period of insolvency. The connection of the State with similar enterprises presents a sad history of disappointment and failure, of which the Philadelphia and Erie road is a conspicuous illustration. The competing roads already in existence render the proposed security entirely hazardous, if not worthless.

Seventh. As already stated in my last annual message a large amount of the debt of the Commonwealth will shortly fall due. During the next three years over nine millions of dollars (9,000,000) will mature. Should the securities now in the sinking fund be exchanged for unavailable bonds the State could not meet her just obligations. This would lead to renewals and these would in time impair our credit. The people have declared and have the right to expect that the debt shall be paid off as provided in the Constitution, and their taxes reduced.

Eight. This bill proposes to remit the State to the pursuit of a policy of public improvements by which in years past she identified herself with enterprises of doubtful expediency, and which her citizens have with great unanimity condemned.

Ninth. On *what sound principles* of public policy, equality or justice, can all the securities of the State be distributed to these four railroads, to the exclusion of the hundred others in the Commonwealth equally meritorious and to the exclusion also of all the *other interests of the State*? What have the great agricultural, mining, manufacturing and other interests done, or omitted to do, that they should be denied all participation in the public bounty?

Other objections to this measure might be stated, but those already given are considered sufficient to satisfy every impartial mind that the proposed scheme is as gross a violation of the *Constitution as of sound* policy.

It is therefore most respectfully suggested that the bill be *reconsidered* in the light of these objections, which may not have been fully presented *during the few days occupied* in the discussion and passage of this act.

Jno. W. Geary.

Connecticut All Hail!

The gallant Democracy of Connecticut have again covered themselves with the bays of victory. In the face of the patronage of Grant's administration and the registration of several hundred negroes under the 15th amendment, they have triumphed gloriously and redeemed the defeats of the past two years.

The victory in Connecticut was a victory of principle over policy. The State Convention which placed the successful candidates in nomination, also placed them upon a sound, uncompromising Democratic platform. There were in it no evasions of principle, no meaningless twistifications to bamboozle public sentiment, but plainly expressed and boldly avowed declarations of fealty to State rights and the usages and traditions of the Democratic party. Because of this, in common with true Democrats everywhere, we rejoice at the victory won, trusting that the moral therein contained will not be lost upon the Democracy of our own Commonwealth, who, if they will but emulate the spirit and rival the integrity of their brethren of Connecticut, will speedily be able to extricate themselves from the slough of defeat in which they have wallowed for many a year.

It is meet and proper that the revolution against radicalism and the 15th amendment should begin where it has, and the first decisive blow for its overthrow be given by a New England State. In New England radicalism had its monstrous birth; there it was cradled, and from thence sent forth like a deadly pestilence to destroy and corrupt, and now, after it has turned loose all the evils it contained, it receives its first stab in the place where it was born and nurtured, and where its infamy is best known.

All hail Connecticut!

In dust and sack-cloth no longer. Clothed and in her right mind she returns to the sisterhood of Democratic States purified and cleansed from the foulness of radical domination.—*Mauch Chunk Times*.