

THE PATRIOT

Not for himself, but for his country.

WEDNESDAY, December, 18.

DIED—Suddenly at his late residence in Old Town, Clearfield county, JAMES HEBURTON, Esq Attorney at Law, formerly of the City of Philadelphia, and who, we understand, was the son of a very respectable merchant of that city. He had but just commenced his professional duties in this newly organized county and who, we have no doubt, had he been spared, would have done honor to the profession.

Extract of a letter dated Norfolk, Dec. 5.

I regret that I am compelled to inform you of the total loss of the United States schooner ALLIGATOR, on the night of the 19th of November on Carysford Reef, officers and crew all saved, and have arrived here this morning in the brigantine Ann Maria S. mers, of New York, which fell in with the wreck on the 21st, on her passage from Matanzas to New York and took them all off. The officers and crew are all well. They state that as soon as the Alligator struck every exertion was made by them to get her off by throwing over her armament and every other heavy article, but without effect. The cook of the Alligator fell overboard from the brig on Sunday night last and was drowned.

In haste, yours, &c. W. G. LYFORD.

Thursday, Dec. 5, 1822. GOVERNOR'S MESSAGE.

The Secretary of the Commonwealth being introduced presented the following Message from the Governor.

FELLOW CITIZENS,

By the revolution of another year, we have arrived at the constitutional period for the representatives of the people to assemble and deliberate on the great concerns of the State, and I derive the highest degree of satisfaction from the opportunity it affords, of congratulating you and, through you, our fellow citizens, on the prosperous condition of our beloved country, its growth in wealth, its increase in population, and all those numerous blessings with which a beneficent Providence continues to favor the land.

Although different portions of the country have been visited with sickness during the past season, and our crops have not equalled in every part of the State the expectations of the husbandman, owing principally to a long and excessive drought, yet our thanks are nevertheless due to the Almighty Disposer of events, in whose hands are the issues of life and death, that no disease of a pestilential character has been permitted to afflict this part of the Union; and that the harvests if not abundant, have generally proved so far plentiful, as to yield a sufficiency for home consumption, and afford a surplus to supply the wants of others.

While the aspect of political affairs in the old world seems to threaten the interruption of peace in that quarter, we have reason to rejoice, that the amicable nature of our external relations with foreign governments, promises to the people of this country, a long continuance of that choicest of blessings, so necessary to the prosperity of nations, and the welfare and happiness of individuals. In the east of Europe, we behold with feelings of anxiety and sympathy an oppressed people, unaided by any christian government, nobly contending for their liberties and religion against the mercenary tyranny of an infidel foe, the common enemy of christianity, literature and civilization. In the new world the picture is more cheering. Our brethren in South America, more successful than the unhappy Greeks, after a long and arduous struggle have at length secured the right of self government, by throwing off the colonial yoke and establishing their independence. In every instance where the existing state of things justified the measure, it is pleasing to find, that their independence has been recognized by the United States. This act of justice as well as policy, while it expresses national confidence and individual feeling, tends to facilitate what nature seems to have designed, an intimate intercourse among the inhabitants of the same continent, and promises what we hope is not far distant, an important era in the history of nations, when the free

governments established in the new world, will be a counterpoise and check to the legitimate despotisms of the old.

The blessings of peace, with which Providence continues to favor our land, and to all the advantages in which we participate in our federal character, as a member of the Union, it is a source of gratification to have it in our power to add those also, which spring from local and other causes; among these we notice with pleasure, the general prosperity and growth in population and commerce of our metropolis, from which we derive so large a portion of our public revenue; the increase of our manufacturing establishments, and the more general use of home made fabrics in home consumption; the progressive industry and improvements in agriculture; the beneficial effects of economy in public expenditure, and of frugality and prudence in the management of private concerns; the diminution of distress arising from embarrassing speculations; and the gradual restoration of confidence and credit.

To aid in perpetuating the blessings with which we are thus so highly favored, ought to be considered an honorable, as it is an important duty, particularly incumbent on those who are placed in stations of public trust.

During the recess I have endeavored to discharge the duties enjoined on the executive by the constitution, as well as those entrusted to him by special acts of the legislature. Among those of the latter description, I consider it proper to mention, that agreeably to the act of the second of April last, I caused to be transmitted to Cornelius, a chief of the Seneca nation of Indians, a copy of the act for his relief, and one to each of the commissioners named in the law. That in compliance with the direction of the act, erecting part of Cumberland county into a separate county to be called Perry, a copy of the act was sent to each of the commissioners, with a notice of the time and place fixed upon for their meeting. Copies of the communication to Cornelius, and the reports of the commissioners in both cases, will be found in the documents transmitted herewith. I have also considered it proper to submit to the legislature, copies of a paper lodged in the office of the secretary of the commonwealth, purporting to be a remonstrance by a large portion of the inhabitants of Perry county, against the proceedings and report of the commissioners, appointed in the act, to select a site for the seat of justice in that county.

In adverting to subjects which demand the attention of the legislature, none appear to have a stronger claim on its early attention than an act of Congress, passed on the 4th of May 1822, vesting the rights of the United States in the state of Pennsylvania, to all fines that were assessed upon its delinquent citizens, for the non performance of militia duty during the late war of Great Britain. This act, in addition to the transfer of the fines, directs that all monies in the hands of the Marshalls or other deputies, which may have been collected from these fines, shall be paid by them respectively to the treasurer of the state, after deducting the expenses of assessing and collecting the same. I also vests the state with the power of recovering the out-standing fines, under such regulations, provisions and restrictions, as shall be prescribed by the legislature. The fines assessed as far as can be ascertained by the reports of the courts martial, some of which were made to this government, and others to the comptroller of the treasury of the United States, amounted originally to \$351,981 66; but from this sum is to be deducted \$118,040 46, which by a report made to congress at its last session, by a committee of that body, was stated to have been paid to the marshal and his deputies, and also \$38,828 24, which had then been remitted by the executive authority of the state, and which has been increased by subsequent remissions the amount of \$5,581 93 leaving an actual balance of \$189,537 03 yet outstanding. Independent of the difficulties which may arise in carrying into effect the act of congress relinquishing these fines, it is to be feared that it will not prove so effectual in obtaining for the commonwealth the same degree of justice as might have been expected, had the subject been acted on at an earlier and more propitious period.

I have also thought it my duty to bring to the view of the legislature, an act of assembly, passed on the 14th day of February, 1810, from which it will be seen, that the Governor is allowed to subscribe at par, on behalf of the commonwealth, for one thousand two hundred and fifty of the reserved shares in the bank of Pennsylvania, any time after the expiration of two years, from and after the fourth day of March, one thousand eight hundred and thirteen.

In executing the duties enjoined on

the secretary of the commonwealth, a difficulty arises from a defect in the existing laws, as to the mode of authenticating copies of sheriff's and coroners' bonds filed in his office, which in my opinion, calls for some legislative remedy or provision. There are two seals belonging to the commonwealth, called the greater and less seals, which by an act of the 12th of March, 1791, he is authorized to affix respectively, as the case may be, to all instruments of writing, to which the attestation of the governor's signature is required, but has no power to affix either of them to any other instrument than that designated by law. There are, however, many cases in which that other is called upon to authenticate papers to which the governor's signature is not necessary, and particularly, it is provided by the act of the 28th of March, 1803, that copies of sheriff's and coroners' bonds and recognizances, under the hand of the secretary and seal of office, shall be admitted as legal evidence in all suits brought thereon, although no seal has been provided or authorized by law for that office. In a recent instance of an application for the copy of a sheriff's bond and recognizance, under seal of office, to be used on a trial, an objection was made by the applicant to its authenticity for want of the official seal, and in consequence thereof a writ from the office was, in obedience to a subpoena, to attend a distant court with the original papers to prove their official character.

I consider it my duty to submit also to the legislature a difficulty which has occurred in the discharge of a duty entrusted to the governor by an act of assembly, passed on the 13th of April 1791. By this act \$4000 was appropriated for improving the navigation of the Little Genesee from its mouth upwards. This appropriation was founded on a report made on the 14th of December, 1780, by commissioners appointed by the state for viewing certain waters, and judging of the practicability and expense of making them navigable. By an act of the 10th of April, 1794, \$3000 was directed to be taken for this appropriation, and applied to the improvement of the Monongahela and Youghiogony rivers, and the Kaysowa branch of Juniata, on the express condition, however that it should be repaid whenever the governor should be satisfied that the navigation of the Kaysowetas and Conemaugh rivers was so improved as to render the Little Genesee a necessary link in the chain of communication between the western and eastern waters. Proposals are now offered for contracts to apply the appropriation agreeably to the directions of the act of 1791; but there being no mode pointed out by which the governor is to judge whether the navigation of the Kaysowetas and Conemaugh had been improved to the extent contemplated by the law, and doubts have arisen as to the power of now applying to that object, the \$3000 withdrawn from its original destination, without a special act authorizing it, I have not considered myself at liberty to enter into any engagements on the subject.

The two new state penitentiaries now erecting in or near the cities of Pittsburgh and Philadelphia; are progressing with as much activity and industry as the nature of the undertaking will permit. The commissioners appointed to superintend the latter have adopted a plan, designed on the principle of arranging the cells on the axis, instead of placing them on the periphery of a circle, the mode adopted in the building at Pittsburgh. The alterations and deviations from the Pittsburgh design, which it is believed, improve in a still higher degree the utility of solitary labor and confinement, and have received my approbation, after the best consideration I was able to give the subject. A model of the building is deposited in the office of the Secretary of the Commonwealth where it may be inspected by those who have a desire to examine the principles which distinguish the construction of this important public work.

When these two new penitentiaries shall be ready for the reception of convicts, their completion will afford an opportunity of making a practical experiment of a system, uniting mildness with justice, and having for its object the reformation as well as the punishment of the unhappy invalid, whose ill conduct and crimes have made them the subjects of the law. Although perfection be unattainable by human endeavor, and it cannot be expected of man to devise any system which may not be liable to objection and difficulties, nevertheless it is his duty to profit from the instruction of experience and make it as free from defects as circumstances will permit.

The trading mill introduced into the prisons of England as a new mode of punishment and reformation; is represented as producing such beneficial effects in that country by the diminution of crime and reformation of

me to suggest to the legislature the propriety of enquiring, whether it would be expedient at this time to make the addition of this new species of labor to our present penitentiary discipline. A model of the wheel has been transmitted by a respectable native of this state now residing in England, to his friend in Philadelphia, who has pointedly forwarded it to this place, and it is now in the office of the secretary of the Commonwealth for the inspection of such as see proper to inquire into its construction, and the manner in which convicts are employed in its operation.

The records of our criminal courts furnish incontestible evidence, that the number of crimes, within the few past years, have increased among the people of color, in a greater proportion than the ordinary increase of their population, compared with others, would warrant us to expect. If this effect has been produced in any degree, by the introduction of persons in this state, who have been guilty of crimes and offences in other states and have either fled to avoid the punishment of the law, or have received a pardon on condition of leaving the state in which the offence was committed, it behoves the legislature to adopt such efficient measures to prevent a recurrence of the evil, or at least to correct it, as may be authorized by the constitution. The act of the 27th of March 1789, which prohibits the importation of convicts into the commonwealth, seems to me to extend only to felon convicts, brought from places out of the United States, and not to embrace the case referred to.

While also it is the duty of the legislature to protect this unfortunate class of the human family in the enjoyment of their rights, by prohibiting, under severe penalties, the crime of kidnapping, every lawful means should be adopted to prevent individuals from giving any just cause of offence to any of our sister states, or the citizens thereof, by affording harbor or protection to such as are not entitled to their freedom, have fled from their owners, and deserted that service which the existing laws recognize. If some general regulation by law could be adopted, in accordance with the constitution, by which the names of persons of this description now resident in this state, or who may hereafter come into it, should be registered from time to time, in some public office in the cities and counties where they may respectively reside, with the particulars as to age, employment, trade or calling, place of nativity, and place from which they last removed, it might have some effect in leading to the detection of actual fugitives, and be a means of preventing those who are entitled to their freedom, from the peaceable enjoyments of their rights.

Agreeably to the report of the auditor general made to the legislature in January last, there had been expended, during the financial year ending the 30th November, 1821, \$377,259 29, in public internal improvements; and from an abstract furnished by the officer, and accompanying this communication, of the receipts and expenditures of the present year, it appears that a farther sum of \$173,851 13 hath been applied to the same objects, exclusive of payments made to the two new penitentiaries.

By the enterprise of individuals the greater part of our internal public improvements, for which stock was authorized to be subscribed by the State, has been undertaken, and judging of future progress from what has already been done, I am induced to believe, that but a few years more will pass away before the whole will be finished.—Two thousand four hundred and twenty six miles of turnpike or artificial road have been authorized by different acts of assembly, and one thousand nine hundred and forty miles are now reported to be completed, extending in every direction through the State, most of them pointing either immediately to Philadelphia, or to our principal rivers, the grand thoroughfare through which our agricultural productions reach their market. Such an extent of road of this description, completed within so limited a period, is a proud monument of the wise and liberal policy of the state, in the application of its resources, to aid the construction of improvements, so well calculated to promote the convenience of the convenience of the people, by facilitating mutual intercourse, shortening distance, reducing the expense of transportation, increasing the value of lands, and enabling many, who were hitherto destitute of the opportunity, now to reach a market with the productions of their industry. In this respect I am led particularly to notice a section of the Centre Turnpike, extending from Bellefonte through Philipsburg to Franklin and thence to Erie. This road is represented by all who have travelled it, to be finished in a superior style; and in addition to

als, may be considered an object of much State importance, equally interesting to our eastern and western citizens, as it opens a communication between the Lake country and the navigable waters of the Susquehanna.

The experience of all countries, that have turned their attention to it, proves the superior advantages of communications by water, wherever it can be obtained. On this principle the Union Canal was originally commenced, and although for various causes, it was permitted to languish for several years, it is now progressing with as much expedition as is consistent with the nature and magnitude of such an undertaking. A report of the managers will be submitted to the legislature, exhibiting a full view of the progress already made in its construction, and of their prospects of its final completion. The extension of the Susquehanna with the Delaware, by a canal from the Chesapeake bay to the Delaware river, is an object of such great state, as well as national importance, and so interesting to a large portion of our citizens, as especially to recommend itself to the legislature.—The judicious expenditure of the money lately appropriated for the improvement of the creeks and rivers, and the facility and security thereby afforded to navigation, furnish strong inducements for persevering in the system, until the remaining difficulties are removed, as far as the means of the state, without recourse to new or additional taxes, will warrant the application of the means necessary for the purpose. It is, however, to be regretted, that notwithstanding the appropriation of public money by the state to effect a purpose so necessary for the safety of the navigation, various obstructions in our rivers are occasioned by the erection of fish dams, in defiance of all the pains and penalties of the laws heretofore enacted. The artificial obstructions, from the increasing number, and the extent of impediment produced by them, particularly in the Susquehanna and Juniata and their branches, create vexatious and dangerous obstacles to our enterprising watermen, and have become so serious a grievance, as, in my judgment, to require legislative interposition.

The stock owned by the state, arising from subscriptions to different canal, bridge, and turnpike road companies, authorized by different acts of Assembly since the year 1806, and now incorporated, amounts to \$2,334,107. So large an investment of public money, in property of this kind, calls for a strict examination into the accounts of those who manage the concerns of their respective companies, and requires the constant and vigilant attention of the legislature to protect the interest of the commonwealth. A provision of this kind is rendered more important by the consideration, that some of these roads are said to be made by the money appropriated by the state, with but little assistance from advances of individual stockholders. As a further security for the state, I would submit the propriety of a provision, requiring that all who are appointed viewers of roads and bridges should make their report on oath and affirmation; and that the President and Managers of the respective companies should annually lay before the legislature, immediately after the commencement of a session, an abstract of their accounts, verified in the same manner, and that their accounts of dividends should also be exhibited yearly for settlement by the accountant officers of the treasury.

As yet but little revenue has been derived from these investments, but when the improvements are completed, and the companies have discharged the debts contracted in making them, they may be considered as affording the prospect of an important aid to the other resources of the state. The regular increase of tolls on such as have been finished; is a practical evidence of their utility, and warrants an expectation of their future productiveness.

The revenue of the commonwealth is generally in a prosperous condition, and the receipts into the treasury from the land office departments have exceeded the most sanguine expectations. From the statement of the auditor general, already referred to, it appears that the aggregate receipts at the treasury, during the present year, exceeds the estimate amount of \$45,865 61, while the ordinary and contingent expenses of the government, during the same period, have been less than the estimate, leaving in the treasury on the first of this month a balance of \$334,038 84.

To enable me to judge whether the situation of the treasury would justify to any extent the exercise of the power vested in the governor by the 5th section of the act of the 2nd of April, 1821, authorizing him to procure a loan of a million of dollars, I addressed