

...the import of such a heterogeneous mass of matter, the Executive frequently finds himself forced into the dilemma of signing a law which his judgment rejects, or returning another which he really approves. Neither alternative, you will agree with me, is in strict accordance with the mandates of the Constitution. Great inconvenience also results to the people, under this system, in the payment of the enrollment tax upon private laws. In bills, such as I have already described, may be found a number of items, some taxable, and others not, and the bill must be enrolled under its proper number and title, and the tax be first paid. One party interested in this legislation may pay his share, another will refuse to do so, and a third, on seeing the amount of the tax, concludes that he can live without the law; and thus it has been no uncommon thing for persons to be forced to pay tax on laws in which they have no interest, in order to avail themselves of what the Legislature had expressly granted. Such a state of affairs is scarcely consistent with the dignity of a great State, and certainly demands an efficient remedy.

Some of my predecessors have urged the General Assembly to change this system and in several previous communications, I have suggested the propriety and justice of passing each proposition separately, at least as far as the objects were dissimilar. But the evil still exists, and I am deeply sensible of the difficulty which the application of a prompt and efficient remedy must always present to the General Assembly. After much reflection on the magnitude of this evil—its vexatious intrusions upon private rights, and its demoralizing tendency upon the interests of the people, and the more elevated purposes of legislation, I have determined to co-operate with the General Assembly in the application of the most efficient means which their wisdom may devise for its removal; but in the mean time, as a restraining part of the law-making power, I must beg to be indulged in claiming the privilege of considering each subject of legislation separately; and on its own merits, as contemplated by the spirit of the Constitution. Henceforth, therefore, bills containing a variety of subjects of legislation, dissimilar in their character and purposes, cannot receive the sanction of the present Executive.

Another branch of the evil, and if possible a still greater one, consists of special and local legislation. It is to this practice that we are mainly indebted for an annual volume of laws of most unseemly dimensions, and for a separate code for nearly every locality in the State. The remedy for this must be found in the adoption of a few more general laws, and the rigid administration of those already in existence. Special acts, you will agree with me, should in no instance be passed where the object can be reached under general laws.

The law of 1791 and its several supplements make provision for the creation and amendment of corporations for literary, charitable and religious purposes, and to create benevolent societies and fire and life insurance companies, through the instrumentality of the Attorney General and the Supreme Court. The act of the 10th of Oct. 1829, extended this power to the courts of the several counties. The acts of 1836 and 1838 make provision for the association of individuals, through the instrumentality of the Attorney General and the Governor, for the purpose of manufacturing iron from mineral coal. In addition to these acts, the law to encourage manufacturing, passed in 1840, and its supplements, provide for associations for the purpose of manufacturing wool, cotton, flax and silk goods, or for making iron, glass, salt, paper, lumber, oil from coal, mineral paints, artificial stone, and for printing and publishing; and the supplement of 1853 extends its provisions, in a modified form, to the business of mining of almost every description.

On the subject of erecting new townships, and incorporating new boroughs the courts have unlimited power; and in the matter of selling real estate, the property of minors by guardians, executors or others acting in a fiduciary capacity, the act of last session on this subject will, in my opinion, reach every imaginable case. Its provisions should not be infringed, for the subject belongs most legitimately to the courts.

I can see no reason why the power to designate election houses should not be confided to the commissioners of the several counties. These officers are usually familiar with the localities, and can readily determine what arrangement would best subserve the convenience of the electors. In addition to the fact, which will not be disputed, that this business receives but partial consideration in the Legislature, it is objectionable, because of the great space it annually occupies in the journals and laws. I am aware, however, that it has been suggested that the laws of the United States provide that the places for holding the elections for Members of Congress shall be fixed by the Legislature of the several States, and that, therefore, the end in view cannot be attained. In answer to this objection, it may be remarked, that the Legislature having in other instances delegated doubtful powers, such as the right to make paper money, it is scarcely necessary to raise the question of the right to delegate a function so expressly conferred.

A large number of the laws of the last session consist of special acts to incorporate companies to construct plank roads. This object, right and proper in itself, might it seems to me, be reached by a general law, authorizing the association of any number of citizens to construct these highways on proper conditions.

In former communications I have held the doctrine, that but little legislation of any kind was essential to the ends of mere business enterprise—to promote objects

understood by all and within the reach of moderate means; and that most certainly, whatever might be deemed expedient should be general in its character. That the Legislature had no moral right to grant special advantages to one citizen and deny them to another; and I have declined to approve any act on this subject, where the corporations were not made liable in their individual estates for the debts of the corporation.

No clearer evidence, it seems to me, can be furnished to show that much of this special legislation is sought and is valuable only because it is special, than is found in its own history. It will be remembered by many of you, that during the administration of Governor Shunk, numerous applications were made for special acts to incorporate manufacturing companies, and that the Governor refused to give his assent to their passage. In 1849, a general law to encourage manufacturing, liberal in its provisions, was adopted, and you will be astonished to learn that at this time there are not a dozen companies in existence under it. During the sessions of 1852 and 1853, much of special acts to incorporate mining companies. Near the close of the last session a general law on the subject, applicable to all the counties in the State except six, was passed, and although this law is as favorable in its terms as the special acts solicited, but a single application has been made under it for mining purposes; and even in this instance operations have not been commenced. These are significant facts, and in my opinion will fully justify the rejection of all special acts on the subject in the future. I can see no reason why this general law should not be extended to the balance of the State, if the people desire to have it; but no special act to organize companies within the counties not included in the general law, can receive my approval, and such as are now in my possession of this character, will be returned without the Executive sanction.

At the date of my last annual message, proceedings were pending in the Supreme Court of Pennsylvania, to test the right of the Franklin canal company to construct a railroad from the city of Erie to the Ohio State line. The decision of the Court was against the company on the main point, and the opinion of Chief Justice Black shows most clearly that the construction of their road was without authority of law, but the preliminary injunction prayed for by the complainant was refused on the ground that the Commonwealth could not, under the law, give security for costs. The effect of this decision was to place the privileges claimed by the company within the control of the Legislature. In anticipation of this result, I had suggested to the General Assembly the propriety of taking charge of these valuable rights, and so far as might be practicable, without the exercise of an illiberal principle, render this important link of communication, between the seaboard and the great west, subservient to the interests of the people of Pennsylvania.

The subject was considered, but not finally disposed of.

In May last I received a communication from the president of the company, covering the proceedings of a meeting of the board of directors, in which, after allusion to the action of the Supreme Court and the Legislature, a number of propositions were submitted, indicating the willingness of the company to pay certain rates of taxation for the unrestrained use of the road, until after the coping session of the Legislature, or until that branch of government should act on the subject. Believing that I had no right to make conditions with the company, or even to receive the money which they were willing to pay, I declined to entertain the proposition. The relations of the company toward the State, therefore, have undergone no change since the adjournment of the last Legislature, except that the Attorney General has recently taken measures to obtain a final decree in the plea for an injunction and by writ of *quo warranta* to revoke the franchises claimed by the company.

Recent occurrences at the city of Erie evince an intensity of feeling amongst the people, seldom equalled on a question of this kind, indicating not only the propriety but necessity, for prompt and decisive legislative action, as to the rights of this company.

It must be clear to the impartial observer, that the Legislature never intended, by any previous act, to authorize the construction of a railroad between the city of Erie and the Ohio line. Indeed, the highest judicial tribunal in the State has expressed the opinion, that no such authority can be found in the charter of the Franklin canal company; and, in my opinion, the grant should hereafter be made on such conditions only, as will protect and advance the interests of the people of Pennsylvania, so far as they may be involved in the subject. It so happens that Pennsylvania holds the key to this important link of connexion between the East and the West, and I most unhesitatingly say, that where no principle of utility or commerce is to be violated, it is the right and the duty of the State to turn her natural advantages to the promotion of the views and welfare of her own people.

It may be said that a restriction that would require a break of railroad gauge at the harbor of Erie, would be the use of an illiberal principle. The answer is, that the necessity for a break of gauge between the Ohio line and the seaboard exists, as a consequence of a difference in the width of the New York and Ohio roads. The only question to settle, therefore, relates to the point at which it should occur. I have been able to discover no reasons, founded in public policy, why the break should be fixed at Buffalo, that do not apply with equal force, in favor of Erie. Tonnage and passengers can be as well

transhipped at the latter, as at the former city.

So far as concerns the benefits to either city, incident to a transhipment, the idea is unworthy of notice. But the effects of a break of gauge, and consequent transshipment east to Erie, upon the business of that harbour, must be paralyzing, if not fatal. It would virtually require shipments to be made either at Cleveland or Buffalo. Scarcely less embarrassing would this arrangement be upon the interests of the Sunbury and Erie road, or any other avenue that may hereafter connect the lakes with the city of Philadelphia.

It may be that neighboring states, possessing similar natural advantages, would give them away for our benefit, but I have not been able to discover any fact in their policy, to justify such a conclusion. I shall await your action with anxiety.

The subscriptions of the cities of Philadelphia and Pittsburgh to the stock of the Pennsylvania railroad, and the prompt payment of the interest on the same, together with the flattering prospects of that improvement, had the effect of extending the belief that municipal subscriptions could be safely made to any similar enterprise—that such subscriptions were in truth, what had been alleged by some, a mere loan of the credit of the respective municipal corporations, and that neither principal nor interest would ever be demanded.

The consequences of this plausible and seductive doctrine were promptly manifested in the form of numerous applications for legislative authority to municipal bodies to subscribe to railroad stocks in various parts of the State. These applications were invariably pressed on the plea of promoting public convenience and the general prosperity, and a number of laws of this character were adopted. So far as these apply to cities and boroughs, their operation has been rather successful; but when applied to counties it has certainly been less so; failing entirely in some instances, and in others leading to violent controversies amongst the people, destructive to the value of the municipal bonds thus created. Viewed in every aspect, as a mere question of expediency, the experiments already made would seem to weigh heavily against the policy of such subscriptions; indeed, I have no hesitation in saying that the aversion I have always entertained towards this principle, and especially its extension to counties, has been greatly strengthened by this experience; and we should now, it seems to me, as prudent people, profit by this lesson and avoid the practice in the future. Always doubting the policy of such subscriptions, and declaring my views freely against them, I have not felt required to interpose the Executive prerogative against the judgment of the people directly interested in the question; or in other words, to judge for citizens of a particular locality on a subject relating merely to their pecuniary interests, or to resist the wishes of their immediate representatives.

In a communication addressed to the General Assembly in March, 1852, on this subject, I remarked, "that the power to subscribe should never be exercised by municipal corporations, unless the interest of the people represented by such authorities with the project on which the money is to be expended. The operation of the principle may be equitable, when applied to the people of a city or town, whose interests are identical, but when applied to the people of a county, it may not be so. On the contrary, it may prove most unjust and oppressive—subjecting the people to burthens in the shape of taxes for the construction of public improvements, from which they may never realize benefit, direct or remote. The people in one section of a county may derive valuable advantages from the construction of a public work, whilst those of another section, equally taxed for the payment of the interest and principal of the debt, so contracted, may possibly realize no benefit at all. It is to these effects that may be attributed the violent contests that have grown up in certain counties, to which the principle has been extended.

In the State of Ohio, where this dangerous practice also prevailed, a constitution of prohibition has been deemed necessary by the people, and municipal subscriptions cannot now be made, even with the assent of those affected by the measure. The experience of that State, as I have learned, was alike against the practice of making improvements in this way, and that in the end, it became inefficient, through the disposition of capitalists and others to rely alone upon municipal corporations for the means of constructing public improvements. I am decidedly of the opinion, that a similar decision would and should be made by the people of this State, when the proper opportunity is presented. In the mean time, this insidious and dangerous mode of contracting debts should be guarded against with the utmost vigilance. I shall indulge the hope, that all future applications for legislation of this character may be rejected by the General Assembly.

It is my duty to inform you that \$528,351 of the relief issues of May, 1841, are still in existence, and continue to pollute the channels of circulation. Under the provisions of the act of April last, \$121,812 of these notes of a less denomination than five dollars have been cancelled, and the whole amount can, under this law, be ultimately extinguished. But the process has not been so rapid as was anticipated, nor is it sufficiently so to meet the demands of the public weal. I most respectfully suggest, therefore, that the law be so amended as to make it the duty of the State Treasurer to retain from time to time as near as practicable, the amount, in relief notes, necessary to meet the entire demand of the sinking fund. I also recommend the repeal of the act of April 10, 1849, authorizing the re-issue of this currency.

The occurrences of the past year greatly

strengthen the views I expressed in my last annual message, on the subject of the currency. The dangers of an inflated paper system has been most strikingly manifested in the experience of a number of the surrounding States, and nothing, in my opinion, saved our own metropolis, and probably other parts of the State, from the consequences of a severe contraction and mineral productions, and the unusually high prices which these command in foreign markets.

I have always held the doctrine, that our country, like all others, must have a system of currency; and whilst, therefore, I have resisted the excessive increase of banking capital, I have not sought to uproot entirely, the system we have. That it is the best that the wit of man could devise, is not believed, nor is it probable that the authors of this paper system, enjoying the experience of the present age and possessing the vast amount of coin now in existence, would have entailed this evil upon us. But we have it, and the best we can do is to mitigate its consequences whilst it endures, and throw it off by degrees. I believe that the Pennsylvania system of paper money, resting on a specie basis, small as it is, and the individual liability of the stockholders, is as safe as any other. I prefer it vastly to the loose plan existing in some of the neighboring States, or to the scheme of free banking adopted in other sections of the Union.

That any system of banking that authorizes the emission of small paper as a medium of circulation, must entail evil consequences upon the country, has been too clearly demonstrated by our own experience to need elucidation by argument. It is believed, therefore, that it is the true policy of this and of all the States, to restrict the paper circulation to notes of a large denomination. Those of a small denomination should be gradually withdrawn from circulation, in order to make room for the vast accessions of the precious metals from California and Australia. In vain shall we seek to disseminate coins throughout the country, and induce their circulation at points remote from the Atlantic cities so long as small paper is permitted to exist. If notes of the denomination of five dollars were withdrawn from the channels of circulation, the vacuum thus created would be rapidly supplied with gold and silver, and so also with those of a greater nominal value. But so long as this paper medium is permitted to circulate, it will be impracticable to induce the general diffusion of coin. The people inquire why it is, that with the vast increase of gold so little is seen. The answer is, that bank notes always intervene. The trader, merchant and others retain the coin and pay out the paper; and the only remedy is to be found in the removal of the latter. There is, perhaps, no principle applicable to this question better settled, than that which proves in value, will not circulate together. The least valuable will certainly be obtained, whilst the more precious will be displaced. The gradual withdrawal of the smaller denomination of paper, presents to my mind, the greatest practical reform that can be applied to our system of currency. The exchange of one paper system for another, and the incorporation of restrictions on this or that point of the one we have, although often right and necessary, can never eradicate the evil.

I would not, however, be understood as favoring a very sudden alteration in our system of currency, regarding, as I do, all violent changes in the policy of government as unjust and oppressive. All the business arrangements of the country are based upon our present plan, and it is so interwoven with the general affairs of life as to forbid its rapid withdrawal. But the beginning should be made, and we should prepare to throw off a system which will in future, to a greater extent, perhaps, than in the past, render our country tributary to her rivals, and make our people "holders of wood and drawers of water to other nations." No other reform in the political policy of this nation, I sincerely believe, would have such a direct tendency to promote all the great interests of the American people. A practical, safe and efficient mode of carrying out this work, is to be found in the gradual extinguishment of bank notes of a small denomination.

This reform, however, to be complete, and to give the people the full benefit of its salutary effects upon our commercial operations with other nations, must be common to the whole country. The efforts of a single member of the confederacy, however, thorough and well directed, can achieve but partial success. Even in a local point of view they can scarcely exercise a controlling influence. For instance, vacuums in the channels of paper circulation in one State are too liable to be supplied by the issues of others, interdicted, though the circulation of the latter may be, by positive law. These considerations have suggested the importance of a simultaneous action of the States on the subject, and it has occurred to my mind, that a convention of delegates from each, appointed by the respective legislatures, might be a good mode of directing public attention to the subject, and securing efficient action.

In the mean time, our State can take the lead in this work, as she can also carefully restrict the evil tendencies of the present system, by confining the amount of banking capital, as a basis of paper issues to the lowest point consistent with the demands of legitimate business. I believe the amount we now have comes up to this standard; and that the best interests of the people require that it should not be increased.

Efforts, extensive, energetic, and highly commendable are being made in all parts of the country to advance the interests of agriculture, by the dissemination of correct information concerning this great pursuit, and in this way bestow upon the farmer, the blessings of a scientific, as well as a

greatly refined practical understanding of the noble work in which he is engaged.

Pennsylvania, so eminently an agricultural State, and therefore so deeply interested, cannot be indifferent to the merits of this enterprise. Her best energies may be wisely exercised to secure its success. Already much has been accomplished in the way of removing prejudices heretofore extensively cherished against any system of agricultural education, and by the extinguishment of doubts as to the utility, or even the practicability, of applying the principles of science to the business of farming.

The belief that these principles can be so applied, I am gratified to perceive is rapidly gaining popular favor. Indeed, the experiments which have been made in this country and in Europe, clearly establish the utility of scientific farming, and in render their operations concurrent and both, the necessity for such a system is manifest.

A proper understanding of the constituent elements of the soil—the influence of these in the production of vegetable matter—the means of maintaining these elements in their original strength—the nature of stimulants for the soil, and their proper use—the quantity of seeds, and the breed of animals, make up the main features of this system. The subject will constitute an agreeable, and I have no doubt, a highly advantageous study for the farmer in his community.

In my last annual message I suggested the propriety of appointing an Agricultural Chemist, to be paid a moderate salary, and whose labors should be given to the State and county societies. I still entertain the opinion that such an officer, surrounded by proper opportunities, could render great service to the cause of agriculture.

The utility of establishing an agricultural college, with a model farm attached, wherein the principles of a scientific cultivation of the soil and manual labor in that pursuit would be joined to the usual chemical studies, has been strongly urged upon my attention. Such an institution and system of education, it is believed, would at the same time improve the physical and moral condition of the professional and mercantile classes, and promote the social and intellectual attainments of the agriculturalist, mechanic and laborer in addition to the vast benefits it would confer upon the pursuit of the farmer. These considerations, and others which will doubtless be presented by the advocates of the proposed institution, will commend the subject to your favorable consideration.

It is believed that such an institution can be successfully organized under the auspices of the State and county societies.

A highly useful institution has recently been organized at Philadelphia, under the auspices of liberal and patriotic citizens of that city and vicinity, in pursuance of an act of the last session named "The Polytechnic College of Pennsylvania," in which the education of youth in a practical knowledge of mining, manufacturing and the mechanic arts is united with the literary studies. Surely, as much can be done to impart a practical understanding of the pursuit of the farmer.

Within a few years past the general government has expended a large sum of money in the construction of a dry dock at the Philadelphia navy yard, with a railway attached, to facilitate the operation of raising and repairing vessels. A survey of the Delaware river has also been made, which justifies the opinion that there is a sufficient depth of water in its channel to admit vessels of a large class with entire safety. The location of this yard, on the bank of the Delaware, in the southern part of the county of Philadelphia, accessible from all points, surrounded by a vigorous and flourishing population, and blessed with a healthy climate, gives to it advantages not surpassed by those surrounding the navy yards of any other section of the Union. There is, then, no reason why it should not receive a full share of the patronage from the government. Why it has not been so favored, I shall not at this time attempt to learn, but that the fact has been the cause of regret and complaint among the people of Philadelphia and other parts of the State, is a circumstance which cannot be disguised. No considerations of public interests, which I have been able to discover, would seem to demand this policy. Nothing, in my opinion, is gained by it in economy, efficiency or skill in the construction of vessels. The materials for this work can be as conveniently and cheaply procured at Philadelphia as at any other point in the country, and her mechanics stand as high as any others in the branches of this business, and pre-eminently in the construction of steam machinery. I feel justified, therefore in entreating the hope that a more equal distribution of patronage shall hereafter distinguish the action of the department at Washington.

The consolidation of the city and county of Philadelphia into one municipal government is a subject that will be pressed upon your consideration during the present session. Without desiring to express an opinion on the policy of the measure, I may say, that I regard it as involving vast considerations connected with the welfare of our metropolis, and consequently as a state at large, and as such it should, as I have no doubt it will, command prompt and anxious consideration.

I have long believed that the loans of the state should be consolidated into three or four classes, and be under the direct control of the treasury department at Harrisburg. The books are now kept at the Bank of Pennsylvania, where the loans are transferred, re-issued and cut up into any shape to suit the wishes of the holder, for which service that institution is claiming a heavy yearly compensation. There would be no difficulty whatever, I am confident in exchanging new coupon bonds for the certificates of loan now outstanding, without an average extension of the maturity of the loans; at a cost of a few thousand dollars. Indeed on this point I

am entirely certain that the exchange can be made a source of profit to the state above all expenses. This accomplished, and the interest can be paid at the Treasury, and the whole business of that department more simply and safe.

The financial year commences and closes on the last day of November; and the appropriation and school year on the first of August. The effect of this arrangement is to begot confusion in the business of the several departments of government. Indeed, so completely is this the case, that it is quite impossible for a person not familiar with the subject to comprehend their operation. I suggest the propriety of commencing the fiscal year for all purposes on the first of December. This would bring the Canal, Treasury, School and Auditing Departments into harmonious action, and render their operations concurrent and simple.

I have never felt willing to see our fundamental law changed for light or doubtful reasons, but I sincerely believe that when the proper time arrives it will be wise to amend the Constitution as to require that each law shall be passed in a separate bill, and receive not less than a majority of votes of each House on a roll of the yeas and nays; to provide that all laws of public nature shall be general in their character and apply to the entire state; that municipal corporations, vested with all the power the Legislature could confer, should not have the right to become subscribers to or holders of the stock of other corporations; to interdict the creation of debt for any purpose except war; to unite some other functionary with the Governor in the exercise of the pardoning power.

In compliance with the provisions of the last general appropriation law directing the Governor to "sell and convey the State arsenal property in Juniper street, in the city of Philadelphia," conditional upon the sum of thirty thousand dollars should be obtained for the same, I caused notice to be given through the press, that sealed proposals would be received for the same, and naming the minimum price and terms of sale. The highest and only bid received was that of the Pennsylvania railroad company, naming the sum of thirty thousand dollars. There being no other bidder, the property was accordingly conveyed to that company.

The purchase of another suitable lot and the erection of a new building, presented a service of greater difficulty, the law restraining the entire cost to the price obtained for the old property. I deemed it proper that military gentlemen of Philadelphia should be consulted, as to the location of the new building. The general wish appeared to be the selection of a central site, and at the same time the erection of a building of greater dimensions and cost than the act seemed to contemplate. Recently, however, negotiations have been started for the purchase of a lot of ground, which it is believed will answer the purpose, and give general satisfaction, as to location.

The Attorney General, as required by an act approved the 19th of April last, has made diligent efforts to close the claims of the Commonwealth against defaulting agents and public officers. The result of his labors will be communicated to you at an early day.

In accordance with the 55th section of the appropriation law of last session, I appointed George Blattenberger, Esq., to superintend the removal of certain obstructions out of the "raft channel in the Susquehanna river, at Brubaker's island." He has caused the work to be completed in a satisfactory manner, at a cost of \$247,50, leaving \$102,50, of the appropriation unexpended, in the treasury.

I deem it proper to remark in this connection, that there are obstacles in the way of the descending navigation at various points in that stream, the removal of which, by the state, would be but an act of justice to those interested in the navigation, in view of what they have suffered in personal comfort and pecuniary profit, in consequence of the construction of the public works.

The numerous accidents that have occurred on the railroads of the country during the past season—the consequent destruction of human life and property; the difficulties that have surrounded all efforts to trace these casualties to their true cause, and to impose upon the delinquents just responsibility for more specific laws on the subject; and I respectfully recommend the measure to your favorable notice. It is believed that much could be accomplished for the security of railroad travel, by additional precautionary measures in the direction of passenger trains. Our state, it is true, has not been the scene of so many of these disasters as some others; but this may not be the case when speed shall be greatly increased, as is contemplated by some of our railroad companies.

Whatever relates to the cause of education—to the moral and social condition of the people, or to the amelioration of human suffering, should command deliberate consideration. All our educational, benevolent, charitable and reformatory institutions are, therefore commended to your special care.

The state Lunatic Asylum, situate within a mile of the capitol, is now in successful operation, and in a most flourishing condition, realising to the fullest extent the sanguine expectations of its amiable and benevolent founder; and it is but just to its accomplished superintendent to say, that Miss Dix regards its present organization and management as eminently proper and skillful. Upon this institution the state has already bestowed the sum of \$206,499, and a small sum may still be required to place it in a condition of perfect self-reliance.

By the act of April 7, 1853, was incorporated the "Pennsylvania training school for idiotic and feeble-minded children." To this humane and benevolent purpose the Legislature, with the liberality which