

GOVERNOR BIGLER'S MESSAGE.
In Relation to the Franklin Canal Company.
To the Senate and House of Representatives.

GENTLEMEN:—The law revoking the charter of the Franklin Canal Company, made it the duty of the Governor to take such measures as might be necessary to carry its provisions into effect. To perform the duty thus imposed upon me, I repaired, immediately, to the city of Erie, and returned to the seat of government on Thursday morning last. I embrace this early opportunity of communicating to you the results.

On the second instant, I caused a copy of the said law, together with a communication referring to its provisions, to be presented to the President and Directors of the Franklin Canal Company; and immediately thereafter, took possession of the railroad claimed by said Company, in the name of the Commonwealth, and appointed William F. Packer, Esq., to superintend its operations, with the power to select such assistants as might be found necessary.

Arrangements were subsequently made with the Cleveland, Painesville and Ash-tabula Railroad Company, to stock and use said road on terms and conditions deemed just to all parties interested, and advantageous to the public. The business therefore, has been fully resumed, on the entire line from Cleveland to Buffalo, and will hereafter, in my opinion, be transacted in a manner more advantageous and agreeable to the traveller and transporter, than at any former period.

The accompanying correspondence between the officers of the Franklin Canal Company and myself, together with the annexed copy of the contract with the Railroad Company, for stocking and using the road from Erie to the State line, will exhibit to you the details of my actions under the law.

It affords me unaffected pleasure, to inform you, that notwithstanding the violent controversy which has been maintained for months past, between the railroad companies and the people of Erie, and the high degree of excitement incident to such a contest, I encountered but little difficulty in accomplishing the objects of the law. No serious disposition was manifested at any time, to resist the authority of the State. Forbearance and prudence appeared to distinguish the conduct of the mass of the people, as well as the action of all the parties directly concerned in the adjustment of this unpleasant affair.

Whilst, therefore, it is hoped that the settlement of the difficulty in the manner just indicated may prove satisfactory, the restoration of peace and quiet to that community will doubtless be a subject of gratulation throughout the country, as it certainly should be of gratification to you and the other authorities of the State. With an unflinching determination on the part of the people of Erie, to maintain their rights before the courts, and to insist upon measures of legislation for the promotion of their welfare, I feel assured that they are equally prepared to restrain, and if needs be to resist any act of violence to persons or property, or other acts in derogation of the law.

The claim of the State to the route from the city of Erie to the Ohio line, having been thus maintained, the inquiry naturally arises, shall a grant for a road between these points be made, and on what conditions? I have no hesitation in expressing the opinion that the grant should be made, and as promptly as convenient, and thus put the controversy at rest. The State should certainly do this, or pay to the stockholders of the Franklin Canal Company, a fair compensation for the railroad constructed by them, and keep it herself. Of these propositions, I am inclined to prefer the former. Should the grant be made to a corporation such conditions can be annexed as will meet the wishes of the people of Erie, promote their welfare, extend the business and usefulness of the harbor at that place, and advance the general prosperity of the State, without subjecting travel or commerce to more than an incidental or unavoidable inconvenience.

Amongst the conditions, should be one requiring this road to connect with the harbor at Erie; and such other terms as the General Assembly may deem right and proper.

With these remarks, under other circumstances, my duty might close. But the manifest misrepresentations which have characterized the discussion of this unpleasant controversy in certain sections of the country, have induced me to present a brief statement of the facts of the case, as a defence of the State and her representatives.

The Commonwealth has had no controversy with the citizens or corporations of other States, nor has she been inclined to interfere with their rights or interests; or to unnecessarily interrupt the travel or commerce of the country. She has been dealing with a refractory creature of her own, which had most palpably "misused and abused" the privileges conferred upon it by law; a corporation that had attempted the usurpation of power, that had infringed the sovereignty of the State, and invaded her rights of eminent domain.

In this contest, she was brought into collision with citizens and corporations of other States, the difficulty was not of her own making. The vindication of her honor and rights was a duty which she could not neglect; and I have no hesitation in saying, without any reference to the opinion of the Supreme Court, delivered in 1854, that it was right and proper for the State to exercise the power which she had reserved over this corporation, and to require it to conform to the laws of the State, over the conduct of its business, in a case of similar nature. It would be idle to insist upon reservation and conditions in simi-

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far corporations for the protection of the public, as it would also be useless to grant additional railroad charters. Under such a latitudinarian construction as claimed by the Franklin canal company, these already in existence could occupy every feasible route in the State.

In 1844, the corporation was created for the purpose of improving the French creek division of the Pennsylvania canal, the State reserving the right to re-possess said canal at any time thereafter, by re-purchasing the company the amount of money expended in its improvement, with six per cent interest.

In April, 1849, the company was authorized to construct a railroad on the bank of said canal, and to extend the same from the head of the canal north to Erie, and south to Pittsburgh; the Legislature expressly reserving the right to revoke the charter of the company, should the privileges granted be at any time "misused or abused." The company made no attempt to improve said canal, nor to construct the railroad from the terminus of the canal to Pittsburgh or Erie. In 1850, however, they commenced the construction of a railroad from the Ohio state line to the city of Erie, parallel with the lake, and nearly at a right angle with the route assigned to them by the Legislature.

They were early admonished against this attempt. In 1851, the Pittsburgh and Erie railroad company, instituted proceedings against the Franklin canal company, in the Supreme Court, on the ground that they had no right to construct a road on the location which they were attempting to occupy.

In the spring of 1852, the Attorney General made complaint against said company before the Supreme Court, in the name of the Commonwealth, and prayed for an injunction to restrain the construction and use of said railroad. The opinion of the Court in this case, was delivered in January, 1853, by Chief Justice Black; and whilst the injunction prayed for was refused on the technical ground, that the Commonwealth could not, under the law, give security for damages, the views of the court literally annihilated the rights of the company to construct a road on the route which they were then occupying, and in this opinion the Circuit Court of the United States, at Pittsburgh, has fully concurred.

The Legislature of 1853 repealed the law requiring the Commonwealth to give security for damages, and thereby removed the only obstacle in the way of a final decree against the company, in the case then pending. But inasmuch as the railroad, in the meantime, had been completed, and the only effect of the decree would be to restrain the use of the road, it was deemed proper to await the meeting of the Legislature; the only power that could properly and permanently dispose of this controversy.

The Legislature did act, and by virtue of the resolutions contained in the charter already referred to, revoked and annulled all the rights and privileges granted to said company. This railroad, with all its appurtenances, is, therefore, in the possession of the State, and its operations under the direction of an officer of her own selection.

This brief history will be sufficient, it is hoped, to vindicate the Commonwealth against the charge of having misled this company, by indulgence in their manifest inclination to assume rights not granted by law. Those familiar with the subject, I am confident, will agree with me in opinion, that the attempt on their part, to usurp the right has delayed an express grant. The company were admonished at every step, that they were transcending their legitimate province; but the only effect seemed to be to stimulate them to greater indignity to the State, and increased fatality in the consummation of their own destruction.

It has been frequently alleged that the State, in her controversy with this corporation, was actuated by a selfish motive; that she desired to interrupt the transit of persons and tonnage over that part of her territory.

The answer to this allegation is, that her authorities could long since have had a final decree against the company; and restrained the use of the road; and it will also be perceived, that as soon as she did get control of it, arrangements were made for its use. She was also willing to remain quiet until the Legislature assembled and disapproved of the "whole controversy"; but it seems that her indulgence has not been properly appreciated. Prudence and a just respect for the State, should have dictated to the railroad companies, the adoption of a similar liberal policy.

True, it may be said, that the repeal of the gauge law gives the companies owning the lake, at the harbor of Erie, as vastly more important to the State and the city of Erie than the terminus of the gauges. The harbor at Erie is one of the most valuable, and its other natural advantages are not surpassed. It can be connected with the Atlantic cities by a shorter and better railroad communication than any other, and it needs but this to place it in possession of an immense business. But it will be vain to anticipate the consummation of

the vast products of the country in that harbor, unless facilities be afforded to transportation to and from it. Nor is it any more reasonable to present the condition of business in the harbor, at this time as an argument against the construction of such facilities. It would be as sensible, to expect to discover full grown corn in the uncultivated forest, as to find the vast products of the country in a harbor from which there is no means of transit. The natural advantages of this harbor, have been thus far rudely rejected; but this policy, I am confident, cannot be longer maintained. The increasing business of the country will demand the use of this eligible spot as a necessity; as I am also confident, the connection of the lakes with Philadelphia by railroad, will distinguish an era of renown growth and greater prosperity to the city of Erie and the surrounding country.

I have approached the discussion of this subject with much reluctance, because of the unpleasant feelings which it has excited in certain sections of the country. I have only been constrained to do so by a sense of duty to the State in her sovereign capacity. With the controversy which has been so vigorously maintained for a year or more at Erie—with the crimination and re-crimination between the railroad corporations and the citizens, between conflicting interest at Cleveland, Erie and Buffalo, and the peculiar policy that each may have used to accomplish the end in view, I have not felt required to interpose, nor to correct the various misrepresentations of my official acts in reference to the late difficulties at Erie. I have felt most concerned for the State and her character. For Pennsylvania, the birth place of the Declaration of Independence—the prolific mother of brave hearts and stout arms, ever ready to defend the country against foreign aggression—the bulwark of our national strength in domestic conflicts—the Keystone of the Federal Arch, and the unflinching defender of the constitution, she will ask only what is right; and submit to nothing that is wrong. Whilst she will never yield her rights to the usurpations of creatures, of her own or suffer the invasion of her sovereignty by those of another State, she will never make an unjust or unreasonable demand upon others. Claiming her rights and seeking to promote her own welfare by every proper means, she will ever rejoice at the prospect of neighboring States, and advance their interests by every just means in her power.

WILLIAM BIGLER.
EXECUTIVE CHAMBER,
Harrisburg, February 11, 1854.

NEWSPAPERS.—Here is a clergyman's opinion of newspapers: Rev. Dr. Daniel Baker, of Texas, says he has travelled through a great many States, mixed with the people, conversed at the country fire-side, and preached in the open forest in the thronged city. Wherever he found newspapers he found intelligent people whom he could talk or listen to with pleasure, and among whom his good work prospered. As a general thing where a newspaper is not taken, he could tell it in the slovenliness of the household, the ignorance of the children in civilization between those who do take newspapers and those who do not, that the traveller in the country will be pleased and entertained by the one, while he will despise the other without knowing the cause to which the difference is attributable.

The extreme modesty attributed to females of the present day, appears to have been productive of some benefit to married men. We heard of a husband yesterday who has thereby become master of his house again—a matter he has been unable to accomplish for several years past. On a slight squabble in the morning as to who should wear the pants, the wife got the best of it, and put them on, when the "gude man" suggesting that the buttons had eyes, his wife's modesty was so shocked that she burst into tears and pulled the pants right off!

COOL.—How indifferently an act of politeness is often received is aptly set off by the following story: "An English and a German did all in his power to draw his company into conversation, but to no purpose; at one moment he would, with a superabundance of politeness, apologize for drawing his attention to the fact that the ash of his cigar had fallen on his waistcoat, or a spark was endangering his neckkerchief. At length the Englishman exclaimed: "Why can't you leave me alone. Your coat-tail has been burning for the last ten minutes, but I didn't bother you about it."

The immigration into Iowa, the present season, is astonishing and unprecedented. For miles, day after day the prairie of Illinois are lined with cattle and wagons, pushing on towards the prosperous State. At a point beyond Peoria, during a single month, seventeen hundred and forty-three wagons had passed, and all for Iowa.

P. T. Barnum and John N. Geary, have each given \$1000 for the friendless children picked up by Mr. Pease at the Five Points, New York.

For the Republican.
Messrs. Editors:—A great question is now being discussed, a question of more importance than any other which has been before the country—a measure which if adopted, it is believed will confer on society and the country incalculable benefits, and on the other hand if it fails the mischiefs which it is intended to prevent will be continued and perpetuated.

The question I here allude to, is—Will the people through their representatives enact a law intended to effectually prevent the manufacture and sale of intoxicating liquors in any form, except as provided in the proposed law. This question seems to be agitating the public mind, not only in our own State but throughout the Union. The time has, or soon will come, when we the people of Pennsylvania, must decide this question for ourselves.

And when properly and calmly considered it does seem to me that never was a question submitted to an intelligent people on which they might so easily make up their minds as on this. Reason, common sense, and the experience of mankind all conspire to prove the pernicious consequences attendant on the use of intoxicating liquors, and if the people were called to vote on the naked question, stated something like this—"Is the use of alcoholic liquors injurious to individuals and society, or is it not?" We might suppose that a universal affirmative would be the answer, and thus be led to think that there would be little or no opposition to the passage of a law prohibiting the traffic in, and sale of intoxicating liquors for the purpose before mentioned. Yet such is not the case.

There are those who are opposed to the passage of this law, and it would be strange if they were not so. All great reforms in every age have had to contend against opposition until the light of science, and truth gained the victory over ignorance, prejudice, and error. And the temperance reform is not singular in this respect. Yet it will nevertheless go on and ultimately triumph in spite of all that demagogues and party politicians may or can do against it.

A little while ago, and it was as a cloud "no bigger than a man's hand." What is it now? Why it is spreading over the whole face of the country, and is about to take precedence over all other questions. The people are every where becoming wide awake, and seem determined to rid themselves of the baleful influence of the traffic in intoxicating liquors. Societies, Conventions and publications are bringing forth light on this question—Christian ministers are calling the attention of their hearers to this great moral reform. The people are speaking at the ballot box in their choice of representatives—and last, not least, the public press, that mighty engine which weighs so powerful an influence over the public mind, is speaking, yes, speaking against this accursed traffic.

When I say the press, I mean the independent press, and not the political party newspapers of the day—most of this class are silent on the subject, and why, because a blind devotion to mere party names and usages is with them above every other consideration. They fear that the agitation will or may disturb or change the relative position of the present political parties by bringing a new element into the elections that might sunder party ties, and break up the present organization, which exists only for power, place, and plunder. These party presses would have us believe that the question of prohibition was not a political one, and ought not to come into the elections, and are sustained in this course by office holders, office hunters, and party politicians. Now, I would ask these gentlemen, what are political questions? Perhaps for an answer you will refer us to the platforms of the two great political parties made at Baltimore; and what will we find there? Why, that both are made of about the same kind of lumber, and some of it a little rotten too.

I do not recollect exactly what the Buffalo platform was made of, but I think it was of a dark kind of wood, and had that peculiar odor about it that belongs to the negro race. You may tell us that the United States Bank, Subtreasury, River and Harbor improvements and whether "Niggers" be admitted into the new territories or not, are political questions.

I am ready to admit that all these questions have relation to the internal politics of the State or nation; yet I contend that all questions which are the subject of positive law, are political, only differing in degree or importance from the consequences to ensue from the enactment of any or each particular law.

We have then here a political question of the first magnitude, and so great is the change or reform to be brought about by the measure we are advocating, that the

legislature, fearing to take the responsibility of passing the law, seems about to depart from the usual course of legislation, and ask the people to ratify their act before it shall have the force of law. Thus making it a political question, and no common or ordinary one, and believed by many to be of more consequence to the future well being of society than all other political questions put together.

The popular will as shown by politics and meetings, demands the enactment of the prohibitory law, and we think that the legislature by passing it at once and absolutely, would be but obeying and carrying out the wishes of a majority of the people. But it is known that there are some members of the legislature, who, although they may be well convinced of the evils resulting from the traffic in intoxicating liquors, are yet of tender conscience, and will not go for an absolute law "regardless of denunciation from any quarter." These men wish to shift the responsibility and refer the question to the people. Be it so—we do not fear the result of such reference. Give us then the law, a special election, a fair field, and no favors and God defend the right.

I might go on and describe the evils of intemperance resulting from the liquor traffic, but it is unnecessary. If you want the evidence, the proof, go to the jails, the Courts, the Almshouses and Penitentiaries. If you don't get enough there, then go to the home of the drunkard and you will be satisfied.

Now what arguments have been or can be brought on the other side? Who will venture to say that the use of Alcohol in any of its forms as a beverage is a benefit to mankind? Why do not the opponents of a prohibitory law send out their champions openly and boldly to proclaim to the people that they are about to be deprived of a great good? Deprived of the right of getting drunk by the stoppage of the sale of intoxicating liquors. Come on then ye friends of the rum traffic—don't be ashamed to stand up to the work like men. We are ready to meet you on any court—before any tribunal, or at the bar of public opinion. If we fight we want some body to stand up to us.

And now Messrs. Editors, as before remarked, the time has come to take sides. On what side will the "Republican" be found? Will it remain silent? Will it take no part in the mighty effort that is now being made to rid the State from the pernicious influence of this degrading and soul destroying traffic—to redeem the world from the greatest curse known to civilized man?

There are those high in power and place, from whom we have a right to expect an expression of opinion on any or all of the great leading questions before the country. A crooked and doubtful politician, (or extreme modesty if you like it better) has prevented such expression of opinion on this question where the constitutional right existed to give it. To such I would say, beware, the hand writing may be on the wall. There are editors also who doubtless have an opinion on this liquor question, who may be too modest to intrude their peculiar views on others, or who may be restrained by political party considerations from making their opinions public. Whether you Messrs. editors, are of this number, I leave for yourselves to say.

I have no desire to dictate to, or say what course the "Republican" should take, but as one of your subscribers would like to have your views on the subject, as well as all the information you can furnish in relation to a question of so much consequence to each and all of your readers.

Curwensville, Feb. 16, 1854.

Foreign News.—Late Arrivals.—The America and Canada are both in. But they bring no news decisive of the question of war or peace.

A battle is reported to have been fought at Kuluft, in which the Turks are represented as victorious; but the report needs confirmation.

The Canada brings Liverpool dates to the 4th inst. The Queen of England opened parliament in person. Her speech in reference to the eastern question is moderate—she will still persist in her efforts to secure peace, but she nevertheless advises an augmentation of the military and naval forces! The reply of the British Minister to the inquiry of the Czar, as to the object of the combined fleet in the Black Sea, was not considered satisfactory by the Russian Minister, and his early departure was looked for. It is rumored that the Russian fleet has been destroyed, but we place no confidence in the report. It is also said that 80,000 French troops have been ordered to the Danube, but this we do not credit. The allied fleets had returned from the Black Sea to their former anchorage in Besika Bay. Col. Dein, a French officer, pronounces the Turkish army on the Danube capable of keeping the Russians in check for a long time, but says they are deficient in cavalry.

There was very little change in the markets, and on the whole, we are as much in the dark as ever. Our own opinion is there will be no general war.

HOARISE ATTEMPT AT SUICIDE.—About half-past nine o'clock this morning, a white woman named Margaret Peeny, residing in a dirty, dark and dismal cellar, among the colored population of St. Mary's street, above Seventh, attempted to commit suicide by chopping her head off with a hatchet. The woman is an appalling spectacle of the effects of excessive rum drinking and other dissipation. She laid herself down on the fifth floor, and cut two severe gashes in her neck. In the wilderness of despair, she commenced beating her forehead with the pole of the hatchet, and inflicted a number of contused wounds. She became exhausted, and her groans attracted the inmates of the upper part of the house. Several officers of the police had her conveyed to the almshouse.

Phila. Bulletin.