The Centre Democrat.

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S. T. SHUGERT and R. H. FORSTER, Editors.

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GARFIELD'S administration of the government commenced on Friday! Nothing significant in that, however. The blood in the eye of the Executive means nothing! Who'se afeared?

WE intended to lay Gov. Hoyt's message vetoing the judicial apportionment bill before our readers this week, but it has been crowded out by a press of other matter. It will appear in our next issue.

MR. BENTLEY, the Commissioner of Pensions, has resigned to give place to Marshal Dudley, one of Indiana's favored politicians. Mr. Bently was a faithful officer and did much to relieve pensioners from the grasping exactions of the numerous pension agents with whom he was not popular. Of course they were clamorous for his displacement and as he never allowed his official duties to be controlled by politics, he could not expect to escape the axe of the political guillotine.

EX-SENATOR ALLEN G. THURMAN declines to have his name presented as the Democratic candidate for Governor of Ohio. Mr. Thurman says that when he retired from the Senate he made up his mind that he would "return to private life for good and ever," and he still remains of that mind. While the Democratic party of the whole country will regret this determination of its ablest leader, in whose public record they entertain a just pride, they will be gratified in the assurance he gives that he "will still take a deep interest in politics" and do his "best for the success of the Democratic party." The counsel and advice of Mr. Thurman and the influence of his great name will be no inconsiderable factor in the onward march of the Democracy to its final triumph over the political desperadoes who by fraud and purchase have now possession of the Government.

PRESIDENT GARFIELD has freed his mind to a Republican delegation of Virginians, composed of whites and blacks, headed by Gen. Wickham and Congressman Jorgensen and Dezeldorf, to protest against the proposed coalition of Readjusters and Republicans. The delegation represented their party as nearly equal to the Democracy in numbers and nearly three times greater than the readjusters; that a coalition would only be advantageous to the readjusters; that this advantage would be more than off-set by defection of the straight-out Republicans who could not be induced to lend themselves to even an indirect approval of the principles of the piebald party led by Mahone. The President is reported as replying that he could not be induced to favor any party or people whose principles would militate against the public faith and credit; that it was for them, the Republicans of Virginia, to decide whether or not, the readjusters were tainted with repudiation, and if so they should not be supported. That it was his purpose to use his own judgment in making appointments to office, according to the capacity and character of the applicant; that he was opposed to the "boss system" in politics and would not be controlled by or give the patronage of a State to any one man. It is now believed the President will not openly favor coalition, whatever encouragement he may give to both parties to put in their best licks, separate or combined, to defeat the Democracy. His sympathies can always be relied on for any kind of mean or cowardly opposition if confronted by Democracy, which he hates next to Conkling in intensity. In other words Garfield adroitly tries to straddle the issue.

A Foolish Veto.

On the 18th instant, Gov. Hoyt filed in the office of the Secretary of the Commonwealth his objections to the judicial apportionment bill. By this act of the Governor, the apportionment of the State into judicial districts required by the constitution and made by the legislature is defeated. There should be grave reasons to justify an executive in preventing a plain mandate of the Constitution he has sworn to support from being obeyed. Let us examine the reasons given by the Governor in his veto message and see if they are either sound or sufficient.

The first and principal objection urged to the bill, is that it is unconstitutional in this: that it makes separate districts of Lebanon, Green and Jefferson counties, neither of which, by the census of 1880, has 40,000 inhabitants. A second objection is, that by the provisions of the bill Judge Henderson, the present Additional Law Judge of the 12th district, composed of the counties of Dauphin and Lebanon, is assigned to the county of Lebanon where he does not want to go. The Governor says "very grave legal difficulties surround that proposition." A third objection is, that the bill unnecessarily increases the number of judges, especially by providing an Additional Law Judge for each of the counties of Erie and Crawford. A fourth objection is, that the district composed of the counties of Adams and Fulton is not a "*convenient*" district within the meaning of the constitution.

The first of these objections is the only serious one, and is sufficient to justify the executive veto, if well taken. No Governor should approve a bill which he is satisfied violates the constitution, and if this apportionment bill was clearly unconstitutional it should not have been permitted to become a law. But does it violate the constitution in the particulars alleged by the Governor? All legislative power of the commonwealth is conferred by the constitution upon the General Assembly. The apportioning the State into judicial districts is, in its very nature, a legislative act, and the power to do this act belongs of course to the legislature. The Supreme Court of the State has so often laid down the rule for construing the power of the legislature that it is now recognized as an elementary principle. The rule is, that the legislature possesses all power, of a legislative character, that is not prohibited, either by express words or *necessary* implications. Judge Black in 1853, then Chief Justice of the Supreme Court, in the case of *Sharpless vs. The Mayor of Philadelphia*, 21 P. S. R., states the rule as follows:

"There is another rule which must govern us in cases like this; namely, that we can declare an act of assembly void, only when it violates the constitution, *clearly, palpably, plainly;* and in such manner as to leave *no doubt* or *hesitation* on our minds."

All the provisions of our constitution which limit or restrain the power of the legislature in making a judicial apportionment, which can effect this question, is found in section 5, Article 5, which is as follows:

"Whenever a county shall contain forty thousand inhabitants it *shall* constitute a separate judicial district, and *shall* elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms."

We submit to every intelligent reader, whether lawyer or layman, that this section contains no prohibition of the power of the legislature to make a separate judicial district of a county containing less than forty thousand inhabitants that is so "*clear, palpable* and *plain*" as to leave no *doubt* or *hesitation* on his mind. Not only is there no express prohibition, but there is none by implication, whether *clear* or otherwise. There is, however, one mandate, clearly, palpably and plainly expressed, and that is, that the legislature *must* make a separate district of every county which contains forty thousand inhabitants, without regard to the judgment of the legislature as to the necessity or propriety of such district. As to all other counties the judgment and discretion of the legislature are left as uncontrolled as they were before the adoption of the new constitution. The General Assembly may and must exercise its judgment as to whether a county having *less* than forty thousand inhabitants should be made a separate district. If, in the judgment of the legislature, *such* a county contains "a population less than is sufficient to constitute a separate district," it, with other similar counties, shall be "formed into convenient single districts." This is the *clear, palpable* and *plain* meaning of the constitution, and the legislature in no wise violated either its letter or spirit in the particulars alleged by the Governor.

The apportionment bill of 1874 made *five* separate districts of counties containing less than forty thousand inhabitants each, to wit: Adams, Beaver, Delaware, Indiana, and Susquehanna. And no one for these seven years has questioned their constitutionality. But the Governor says that apportionment was made under the 13th and not under the 14th section of the schedule to the constitution, and therefore the legislature was authorized to *guess* at the population of the counties and was not bound by the census of 1870, taken three years and a half before the apportionment. This is shere nonsense. The 13th clause of the schedules does not say a word about the legislature guessing or estimating the population of the counties, and neither it nor the following clause says one word as to the *size* of the districts. They simply fix the *time* when the apportionments should be made; and in all cases they were to be made according to the Constitution—that is under the 5th Section of Article 5. If the bill just vetoed was unconstitutional because it made Green, Jefferson and Lebanon separate districts, the act of 1874 was certainly unconstitutional for making Adams, Beaver, Delaware, Indiana and Susquehanna separate districts, and for seven years the judges of these five counties have been illegally and unconstitutionally usurping the power and jurisdiction of judges, and their official acts have all been null and void, including their sentences of prisoners to the penitentiary and the gallows. But this is not all. By the census of 1880 two of these counties, Adams and Beaver, are each still under forty thousand. If Gov. Hoyt honestly believes they cannot constitutionally be separate districts he should direct his Attorney General at once to commence proceedings by *quo warranto* against the judges of these counties and have them ousted from their offices, as was done by the associate judges of Fayette county.

It seems strange to an ordinary person that the conscience of our Governor should be troubled on this question, when he seems so indifferent to the plain and unmistakable *commands* of the constitution. Section 14 of the schedule provides: "The General Assembly *shall* at the next succeeding session after each decennial census, *and not oftener*, designate the several judicial districts as required by this constitution."

This is a plain, simple and imperative *command*. No two persons can honestly differ as to its meaning. The legislature *must* apportion the State into judicial districts at the first session after each decennial census, *and at no other times*. Gov. Hoyt took a *solemn oath* that he would "support, *obey* and defend," this, with all other mandates of the constitution. He has not only not done this, but by this veto after the adjournment of the legislature he has made obedience to this command of the constitution impossible. The constitution further provides that "whenever a county shall contain forty thousand inhabitants it *shall* constitute a separate judicial district and *shall* elect one judge learned in the law." There are *ten* counties in the State, namely: Blair, Butler, Cambria, Clarion, Clearfield, Dauphin, Fayette, Franklin, McKean and Tioga, which have a population of over forty thousand each by the census of 1880 and are not separate districts by the act of 1874, but are now entitled by an unequivocal and positive provision of the constitution to be separate judicial districts, and were all made such by the bill just vetoed. Gov. Hoyt says these counties shall not have the rights so solemnly guaranteed to them by the constitution, because, forsooth, the legislature in making these other counties separate districts violated an imaginary prohibition in the constitution. Our worthy Governor seems to have that peculiar kind of a conscience which causes him to reverence the provisions of the constitution in the exact ratio of their obscurity or doubtful existence. The plainer they are, the less it weighs upon his conscience that they should be obeyed.

No judicial apportionment can now be constitutionally made until the meeting of the legislature in 1891—the "next session" after the next "decennial census." It would be even a stretch of the constitution for this legislature to make an apportionment at a *called session* for that purpose; for it would not be the *next* session after the decennial census.

If the legislature had passed an act, providing "that the county of Clearfield with a population of 43,471, *shall not* constitute a separate judicial district and *shall not* elect one judge learned in the law, but the courts of said county shall be presided over by judges residing in Centre and Clinton counties until the further pleasure of this legislature," probably even Gov. Hoyt would have admitted the act to be unconstitutional; and yet Gov. Hoyt has attempted to do by his veto just this thing; what the legislature and Governor combined could not do.

The complications, difficulties and confusion which will result from this inconsiderate and foolish act of the Governor are innumerable. Clearfield, and the other counties named, are by the positive fiat of the constitution made separate and judicial districts. The office of Associate Judge, not learned in the law, is abolished in such counties. The Supreme Court decided in the Fayette county case, that the abolition of this office applied to counties having forty thousand inhabitants, although other counties were attached to it by the apportionment. The term of the two associates not learned in the law in Clearfield county expires on January 1, 1881. Can the people elect successors to these judges. Not if the decision of the Supreme Court in the Fayette county case was right. Then Clearfield county, although entitled under the constitution to be a separate district, will be left without any resident judge, learned or not learned in the law. But she may elect a judge learned in the law at the next election; so the legislature provided, but Gov. Hoyt says, no! she shall not. If Clearfield should at the next election exercise her constitutional right to "elect one judge learned in the law," no doubt Gov. Hoyt would refuse to commission him and his title to the office would be in dispute. But who is judge or judges of Clearfield county in the meantime?" It is more than doubtful whether the President Judge of the 25th District, residing in Clinton, or the Additional Law Judge, residing in Centre, have any longer any jurisdiction to hold courts in Clearfield since she has, under the constitution, become a separate district.

All the conditions of the constitution have occurred. A decennial census has been taken. Clearfield county has over forty thousand inhabitants. The "next session" of the legislature has been held, and that body has adjourned *sine die*. Can the omission of the legislature, or the puerile objections of the Governor, deprive the people of Clearfield, as well as the people of nine other counties, of their plainly guaranteed constitutional rights? If so the constitution is no longer the *Supreme Law* of the land. If the omission of the legislature to designate the judicial districts, or the objections of the Governor to the act of the legislature, can deprive these counties of their rights for one year, the same things may operate for five years, for one decade or for five decades; and so all the *plain* provisions of the constitution be set at defiance, in order to satisfy the singular scruples of a not over scrupulous Governor in reference to an imaginary provision of the constitution which does not exist.

We had intended to refer in this article to the other objections to the bill made by the Governor, but will have to defer this to another issue, when we will also reply to some of the wilful misrepresentations and false statements persistently made by the "*Times*" and other papers in and out of Philadelphia, on the subject of the judicial apportionment.

IT appears that Secretary Windom has discovered that the place held by Pitney, who was the official head of the stealing division of the Treasury Department—the chief of supplies under the Hayes administration—had no legal existence; that his office was unprovided for by law and was a mere irresponsible furnishing adjunct to that department to purchase and distribute plunder to favored officials—such as horses, carriages, furniture, carpets, overcoats marged as desk-covers and boxes of candles under lunch bills, and all the appliances of luxurious official housekeeping in Washington, including barrels of bay rum and perfumery, sufficient to satisfy all the needs of the most fastidious political tastes. These things being now found to be outside of the requirments which the law provides as regulations of official life and duty, Pitney's bureau has been pitched outside the department with its irresponsible head, to be followed doubtless by the remaining beneficiaries of the official larcenies. But what of the late chief of the Treasury Department who permitted these irregularities and also charged, wrongfully we trust, of participation in them to some extent? John Sherman must be called to the stand to answer.

IT is now said that Secretary Windom has weakened! The disclosures of crookedness in the Treasury Department were becoming too formidable—too sensational. Windom's nervous system was not equal to the strain. He has therefore ordered the investigation to stop. A few detections, merely to furnish excuse for making vacancies and rewarding impecunious favorites, would have been entirely satisfactory, but this avalanche of theft—this wholesale system of plunder was not intended for the public market. It must be arrested, and that too, at the critical and interesting point where the bay-rum barrels, the candle-boxes and the overcoats were to be supplemented from the ladies' division by $750 seal-skin cloaks and diamonds, with house-furnishing to match. It was a rich field for honest inquiry, but fraught with peril to Windom's party. He wilted ingloriously, but leaves to the public imagination the immense stores of villainy yet uncovered.

IT was certainly bad taste in the late furnishing official of the Treasury Department to purchase overcoats for desk covers. They are unsuited for such purposes and the official desk thus carelessly provided is certainly in great need of a new tenant.

State Treasurer.

If the Democrats would elect their candidate for State Treasurer this fall they dare nominate no old hack, for such a one would surely be beaten. Let us have a business man of acknowledged honesty to lead the party.—*Easton Argus.*

We endorse most heartily the opinion expressed in the above brief paragraph. In connection with it we have received a letter suggesting the name of the Hon. Orange Noble, of Erie, as a proper and very competent person for the position. Mr. Noble was a prominent candidate for the nomination for Treasurer in 1875 and should have been nominated at that time. Mr. Noble was a member of the last legislature, and to his great credit and honor it can be said that he was always on the side of true reform, always with the people and against rings and monopolies. From our knowledge of Mr. Noble, we know him to be a pure Democrat, a business man of large and practical experience, and one in every way competent to lead the party to success and to fill with honor to himself and credit to the people the office of State Treasurer.

While all this is true, it is not now within our power to lend our support to Mr. Noble. We have in our own county a candidate as competent to fill the position, of as upright and excellent character, with as much practical business experience (without disparagement to other candidates) as that of any other person mentioned. Aaron Williams, Esq., Centre county's candidate, has acquired large knowledge and excellent habits of business, through actual service in positions of great trust and responsibility. He fills the bill of qualifications laid down by the Easton *Argus*, is no "old hack," but a practical business man of acknowledged honesty, large capacity, unswerving integrity, and a Democrat in whom there is "no guile."

As our own people, well know, Mr. Williams has been twice elected Prothonotary of the County, the first time in 1872 and the second time in 1875. The last time his majority was very close on fifteen hundred. The careful, faithful, honest and unostentatious manner in which he discharged the duties of this office, is the best evidence in the world that he would make an excellent, competent and faithful State Treasurer.

GEORGE C. GORHAM, the Republican-Repudiation candidate for Secretary of the United States Senate published a dispatch in his paper of Friday last, promising startling developments from the bribery investigation going on at Albany between the stalwarts and half-breeds. He alleges that facts will be disclosed which will result in the impeachment of Garfield. That's bad for Garfield!. But, altogether these stalwarts and half-breeds are a precious set, and a little impeachment of some sort would not be amiss all around. But, it is no use to commence on Garfield. Impeachment rolls off him like water from a duck's back! His political friends and partisans in Congress impeached him. His political friends and constituents at home impeached him, each charging him with crime that should have ruined his reputation, and, yet, the Republican party nominated and elected him to the highest civil office in the world. The De Golyer bribe and his participation in the Credit Mobelier swindle were as conclusively proven against him as any charges ever made against a public man, but in Republican estimation these crimes amounted to nothing, and James A. Garfield was elevated to the Presidency over as sincere a patriot and as pure a man as was ever presented to the people for their suffrages.

GEN. GRANT has got to the front. He is in New York in consultation with the stalwarts, and still the half-breeds are in the field apparently undismayed. The standing cash price for Representatives from the stalwart ranks, is $2,000 and for Senators, offices by the score. Market brisk!