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H. H. WILSON, [THE CONSTITUTION—THE UNION—AND THE ENFORCEMENT OF THE LAWS.] EDITOR AND PUBLISHER

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THE LAST ANNUAL MESSAGE OF A. G. CURTIN, Governor of Pennsylvania.

TO THE LEGISLATURE, JAN'Y 2, 1867.

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

We have reason to be thankful to God, for the blessings of peace, abundant crops, that industry has been rewarded, and that thus the Commonwealth has been able to do her full duty to herself, to the country and posterity.

The condition of our finances is as follows:

Balance in Treasury, November, 1865		$2,373,668 14
Receipts during fiscal year ending November 30, 1866		5,829,668 54
Total in Treasury for fiscal year ending Nov. 30, 1866		8,203 336 68
Payments for same period have been		6,462,303 41
Balance in Treasury, December 1, 1866		1,741,033 27
Amount of the public debt as it stood on the first day of December, 1865		$87,486,258 66
Am't reduced at the State treasury, during the fiscal year ending Nov. 30, 1866, 5 per centum loan	$1,828,553 25	
4½ per centum loan	25,000 00	
Relief notes	626 00	
Domestic creditors' certificates	26 65	
		1,854,205 90
Public debt, December 1, 1866		
To wit, funded debt:		
6 per cent. loan		400,030 00
5 per cent. loan		32,078 192 50
4½ per cent. loan		213,259 00
6 per cent. loan, military, per act May 15, 1861		2,820,759 00
Unfunded debt, relief notes in circulation		95,625 00
Int'st certificates outstanding		18,086 52
Do. unclaimed		4,418 38
Domestic creditors' certificates		119 97
		35,622,052 16
Assets in Treasury:		
Bonds Pennsylvania Railroad Company		$6,600,000 00
Bonds Philadelphia and Erie Railroad Company		3,500,000 00
Interest on bonds of Philadelphia and Erie Railroad Company		1,225,000 00
Cash in Treasury		1,741,033 27
		13,066,033 27
Liabilities in excess of assets		22,556,018 89
		35,622,052 16
Liabilities in excess of assets, November 30, 1861		$28,148,369 36
Liabilities in excess of assets, November 30, 1866		22,536,018 89
Improvement in the Treasury since 1861		5,612,041 47

The extraordinary expenditures, during the war and since its close, in payments growing out of it by authority of acts of Assembly, have amounted to upwards of five millions of dollars, which, added to the actual payment of the indebtedness of the State, and money in the Treasury for that purpose, shows the revenues, above the ordinary expenditures, to have amounted to $10,612,000, which would all have been applied to the payment of the debt of the Commonwealth in the last six years. A careful attention to the revenues of the Comonwealth, with such just and prudent changes as may be required in the future, and a wise economy in expenditure, will, in my judgment ensure the entire payment of the public debt, within the period of fifteen years.

The time fixed for the redemption of $23,108,626 24 of the indebtedness of the Commonwealth having expired, I recommend that provision be made for its redemption, by making a new loan for that purpose, payable at such periods as the prospective revenues will justify.

I recur, with much satisfaction, to the wisdom, prudence and economy of the representatives of the people, in the management of the finances of the Commonwealth, during a period of much embarrasment, uncertainty and distress, and congratulate you and them on the near approach of the entire liquidation of the public debt.

Since my last Annual Message, I have drawn from the Treasury, two thousand dollars of the fund placed in the hands of the Governor for secret service and other extraordinary expenses, which I have expended, in payment of my personal staff, and for other purposes, as heretofore, except five hundred and sixty-three dollars and forty eight cents, which I have returned into the Treasury.

I present, for your consideration, the amendments to the Constitution of the United States proposed to the Legislatures of the several States by a resolution of both Houses of Congress, passed on the 16th day of June last. I was glad that it was possible, without delaying the final adoption of these amendments, to ascertain the opinion of our people upon them, at the general election, in October last.—By the election of a large majority of members openly favoring and advocating the amendments, that opinion seems to me to have been abundantly expressed.—Indeed, the amendments are so moderate and reasonable in their character, that it would have been astonishing if the people had failed to approve them. That every person, born in the United States, and free, whether by birth or manumission, is a citizen of the United States, and that no State has a right to abridge the privileges of citizens, of the United States—these are principles which were never seriously doubted anywhere, until after the insane crusade in favor of slavery had been for some time in progress. What is called the decision of the Supreme Court of the United States, in the Dred Scott case, has made it expedient and proper to re-assert these vital principles in an authoritative manner, and this is done in the first clause of the proposed amendments.

The right of prescribing the qualifications of voters is exercised by the respective States, under the Constitution of 1789; three-fifths of the slaves were counted in ascertaining the representative population of the several States.—The amendment to the Constitution abolished slavery in all the States and Territories. Though it was formerly otherwise in most, if not all, of the old Southern States, yet for many years past free negroes have not, in any of these been permitted to vote. At present, therefore, the late slave States would be entitled to count the whole of their former slave population, as a basis for representation, instead of three-fifths thereof. That is to say, they would have in the existing ratio about twenty more members of Congress than they had before slavery was abolished, and the free States would lose the same number, making a difference of about forty members of Congress, or, say one-sixth of the whole body. In other words, the treason of the rebellious States, the suppression of which has cost us so many hundreds of thousands of precious lives, and so many thousands of millions of treasure, would be rewarded by giving them a vast increase of political power.—This absurdity, the second clause of the proposed amendments, designs to prevent, by the just, equal and moderate provision, that in future, the representative population of each State shall be ascertained by making a proportionate deduction from the whole population thereof, if its laws exclude from the privilege of voting, any male citizens, not criminals, of the age of twenty one years. I have yet to learn that any plausible objection can be offered to such a provision.

The third clause of the proposed amendments excludes from Congress, and from the College of Electors, and from all offices, civil and military, of the United States, or of any State, persons who as functionaries of the United States, or as Executive or Judicial officers of any State, have heretofore sworn to support the Constitution of the United States, and afterwards violated their oath by engaging in rebellion against the same, unless Congress, by a vote of two thirds, shall have removed the disability of any such persons.

The fourth clause affirms the validity of the debt of the United States, and prohibits the assumption or payment of the rebel debt, or of any claims for the loss or emancipation of any slave.

The fifth clause provides that Congress shall have power to enforce the provisions of the other clauses by appropriate legislation.

That these wise and moderate provisions will meet the hearty approbation of the Legislature, I cannot doubt. If proposed by two thirds of each House of Congress and ratified by three-fourths of the Legislatures of the States, the Constitution provides that they should stand as adopted amendments of that instrument.

A question has been raised whether the States lately in rebellion, and not yet restored to their privileges by Congress, are to be counted on this vote—in other words, whether those who have rebelled and been subdued shall be entitled to a potential voice in the question of the guarantees to be required of them for future obedience to the laws. So monstrous a proposition is, it appears to me not supported by the words or spirit of the Constitution. The power to suppress insurrection includes the power of making provisions against its breaking out afresh. These States have made an unjust war upon our Common Government and their sister States, and the power given by the Constitution to make war on our part, includes the power to dictate, after our success, the terms of peace and restoration.

The power of Congress to guarantee to every State a Republican form of Government, would cover much more cogent action than has been had.

The duty imposed upon Congress, to provide and maintain Republican governments for the States is to be accepted in the broadest meaning of the term. It is not a mere formal or unnecessary provision. The power was conferred, and the duty enjoined, to preserve free institutions against all encroachments, or the more violent elements of despotism and anarchy. And now that treason has, by rebellion, subverted the Governments of a number of States, forfeiting for the people all the rights guaranteed by the Constitution, including even those of property and life, the work of restoration for these States rests with the National Government, and it should be faithfully and fearlessly performed.

By their passage by Congress, and the declaration of the people at the late elections, the faith of the nation is pledged to the amendments, and they will be fairly carried out, and their benefits given to the rebellious States. But when the amendments shall have passed into the organic law, should the people lately in rebellion persist in their rejection, and in continued disobedience, and the obstruction of the execution of the national laws it will be an admonition to the nation that the *animus* and force of treason still exist among a people who enjoy none of the privileges of the government, save of its generous tolerance. With their rejection, all hope of reconstruction, with the co-operation of the rebellious States, on a basis that would secure to the Republic the logical results of the war, will have vanished, and the duty must then devolve upon the government, of adopting the most effectual method to secure for those States the character of governments demanded by the Constitution.

They are without lawful governments—they are without municipal law, and with out any claim to participate in the Government.

On what principal of law or justice can the rebellious States complain, if after they have rejected the fair and magnanimous terms upon which they are offered brotherhood with us, and a participation in all the blessings of our freedom, and they have refused, if the Government, in the exercise of its powers, should enter anew upon the work of reconstruction at the very foundation; and then the necessity will be forced upon us to discard all discrimination in favor of the enemies of our nationality, to give us and them enduring freedom and impartial justice.

The Constitution has defined treason, and has given express power to suppress insurrection, by war, if necessary. It has not provided, in detail, the terms to be granted after such a war. How could it do so? It would probably not be contended by the wildest partisan, that these States had a right to be represented in Congress at a time when they were carrying on open war against the government, or that Congress was not then a lawful body, notwithstanding their exclusion.—How then have they regained the right of representation? Surely not by simply laying down their arms when they could no longer hold them. The United States have the right, and it is their duty, to exact such securities for future good conduct as they may deem sufficient, and the offenders, from whom they are to be exacted, can have no right to participate in our councils in the decision of the question of what their punishment shall be.

Practically, all common sense determined the question of their right, so to participate, when Congress proceeded in the enactment of laws, after the surrender of the last rebel military force. It was determined again, when the now pending amendments were proposed by Congress. If two-thirds of Congress, as now constituted, could lawfully propose these amendments, then three fourths of the States, not excluded from representation in Congress, form a sufficient majority to effect their lawful adoption. It was determined again by the formal sanction of both the great political parties, when Congress, by an almost unanimous vote, declared the rebellious States without the right of representation in the Electoral College in 1864.

We ought to go on resolutely and rapidly, with all measures deemed necessary to the future safety of the country, so that all parts of it may, at the earliest day, be restored to just and equal political privileges.

The annual report of Hon. Thomas H Burrowes, Superintendent of the maintenance and education of the soldiers' orphans, will exhibit the present condition and the result thus far of that undertaking. Nearly three thousand of the destitute children of the brave men who laid down their lives that the nation might live, are now not only comfortably provided for and guarded from temptation, but are receiving an education which will fit them to repay the care of the State.

The appropriation made for this purpose at the last session, has been sufficient to meet all expenses of the financial year just closed. And I recommend whatever appropriation may be necessary to continue and perfect the system under which the schools are conducted.

There can be no doubt that the appropriation will be made. Were I to select any State interest which I would more warmly commend to your prompt attention and liberality than another, it would be this. All Pennsylvanians are proud of it, and it lies near the hearts of all true men.

Owing to their greater destitution and want of information on the part of their relatives, the orphans' of our colored soldiers may require some special attention. Perhaps authority to the State Superintendent, to use, for a short time, the services of an agent, to ascertain their number and claims, and bring them into the schools that may be provided for them, will be sufficient. The whole number in the State is not large, of whom a few have already been temporarily provided for.

I recommend that provision be made for the maintenance of such of our soldiers as are in poverty, and have been so maimed as to prevent them from securing a livelihood by their labor, by renting buildings at once, or such other means as you may deem wise and proper, until the arrangements proposed by the National Government for their support are completed. They are probably few in number, and it is due to the character of the Commonwealth, that they should not remain in, or become the inmates of poor houses, of pick up a precarious subsistence by begging. Patriotic and charitable citizens have done much for them, but speedy and proper relief can only be given them by the systematic and continued benevolence of the Commonwealth. The Legislature can alone afford immediate relief to all of this class of our citizens, and in thus exhibiting gratitute to heroic and faithful men, who did so much for the country, the burden will fall equally on all her people.

By our existing laws, juries are selected by the sheriff and commissioners of the respective counties. As these officers are generally of similar political affinities, the system has always been in danger of being abused for partisan purposes. During the last six years, it has been frequently so abused, in many of the counties.

To secure, as far as possible, the administration of equal justice hereafter, I recommend that jury commissioners shall be elected in each county in the same manner as inspectors of elections are chosen, each citizen voting for one jury commissioner, and the two persons having the highest number of votes to be the jury commissioners of the respective county, to perform the same duties, in the selection of jurors, that are now imposed upon the sheriff and county commissioners.

It is impossible to provide, in all respects, for the increasing and changing interests of our people, by the enactment of general laws, but to a large extent it is practicable to relieve the Legislature from special legislation which is demanded and occupies so much of its sessions. Special legislation is generally passed without due consideration, much of it at the close of the session, and is chiefly objectionable from the partiality with which powers and privileges are conferred.

I again recommend the passage of general laws, when it is at all practicable, and in this connection, recommend the passage of a general law, regulating railroads now existing and the incorporation of new companies, so that so far as possible there may be a just uniformity in the franchises granted, and equal facilities afforded to the people of all sections of the Commonwealth.

There are at this time, in the various prisons, a number of persons under sentence of death, some of them for many years, and as it has become a custom that an incoming Governor should not issue a warrant of execution in cases unacted on by his predecessor, it not unfrequently happens that in many cases, some of which are recent, while some punishment should be inflicted, that of death may appear to the Executive to be too severe.

I earnestly repeat my recommendation heretofore made, that provision be made for the reception of such persons into the penitentiaries, who may be pardoned on condition of remaining a limited time therein.

I re-appointed Hon. C. R. Coburn, Superintendent of Common Schools, on the expiration of his term in June last, and he continued at the head of that Department until the first of November, when he resigned, and I appointed Col. J. P. Wickersham. It is due to Mr. Coburn to say, that he fulfilled all the duties of his office faithfully and efficiently.—It appears from his report, that there were in the school year of 1865, 1,863 school districts in the State; 13,146 schools; 16,141 teachers, and 725 312 pupils, with an average attendance of 478,666. The total cost of the school system, for the entire State, including taxes levied and State appropriation, was for the year 1866 $4,195,258 587. The increase in the number of school districts was 26; in the number of schools, 222; in the number of children attending school, 19,932; in the average attendance at school, 18,945, and in the total cost of the system, $581, 020,02. I invite your attention to the valuable suggestions made in his report, and that of Col. Wickersham, and commend our system of public instruction to the continued fostering care of the Legislature.

I herewith present the reports of Col. Jordan, Military Agent of the State at Washington; of Col. H. H. Gregg, Chief of Transportation; of S. P. Bates, on military history of our volunteers; of trustees of the Soldiers' Gettysburg National Cemetery; of the proceedings and ceremony of the return of the flags, on the 4th of July, in the city of Philadelphia, and of Col. James Worrall, commissioner appointed under an act relating to the passage of fish in the Susquehanna, and invite your attention to them, and the reports of the Surveyor General and Adjutant General.

The Agency at Washington should, in my judgment, be continued. It has proved very useful in all respects, and especially to our volunteers and their families.

Four thousand six hundred and ninety claims have passed the agency during the past year, and three hundred and eleven thousand seven hundred and three dollars has been collected from the Government and transmitted to the claimants free of charge.

It will be necessary to continue the office of Chief of Transportation, as there are unsettled accounts with railroad companies and the National Government, and duties to be performed in the removal and care of the bodies of the dead, which require it. An additional appropriation will be required for this Department.

I earnestly recommend, in justice to the living and the dead, that our military history be pushed forward vigorously, and that money for that purpose be appropriated.

The trustees of the State Lunatic Hospital represent that it is impossible for thm to accommodate and care for the number of patients committed to them under the laws regulating admissions into the hospital, and earnestly recommend that provision be made for increased accommodation.

I need not say that the institution is carefully and economically managed, or to refer to the great good it has produced; and that I cordially unite in the statement and recommendations of the memorial herewith presented.

I invite your attention to the condition of the Arsenal.

It is too small—unsafe as a depository for the large amount of valuable military material to be kept in it, and is, in all respects, inconvenient and not adapted to its purpose.

Much inconvenience was experienced during the war for want of sufficient room and safety, and I recommend that ground be procured and a new and commodious arsenal be erected in or near the Capital of the State.

Since the adjournment of the Legislature I drew my warrant on the Treasury for five thousand dollars, appropriated to the National Cemetery at Antietam, and appointed Major General Jno. R. Brooke, trustee to represent the State. Before the warrant was drawn I appointed Col. Wm. H. Flair and Captain J. Merrill Linn, who examined the ground and made a full investigation, their report of which accompanies this message. It will be noticed that they report seven hundred and ninety-seven bodies of Pennsylvanians that will be removed into the cemetery, and recommend an additional appropriation, in which I most cordially unite.

I cannot close my last Annual Message without renewing the expression of my gratitude to the freemen of the Commonwealth, for the hearty approval with which they have cheered the labors of the Executive Office. To have earned such approval by my official conduct, during the last six years, must always be a source of pride to myself and children. Without the consciousness that I was endeavoring to deserve their approval, and without the hope that I should succeed in attaining it, I must have sunk under the responsibilities of my position. It was only a reliance on Divine Providence, and the active, resolute, hearty support and zeal of the people, and their representatives, that encouraged me during the dark and terrible crisis through which the country has passed. I tried to do my duty to my country, and know I was at least faithful to her in her deep distress, and I conceived that duty not to be limited to the merely putting of men into the field to suppress treason and rebellion, and maintain the national life, and doing of everything in my power to sustain the just war forced upon us. I felt also bound, so far as I could, to protect and promote the rights and comforts of our volunteers, after they had left the State, to aid and relieve the sick and wounded, and to care for the transmission, to their bereaved families, of the precious bodies of the slain, and the maintenance and education of their orphans as honored children of the country.

To have been the Chief Magistrate of this great Commonwealth, during the period through which we have passed, and to have earned and maintained (if indeed I have done so) the confidence and affection of her people and their representatives, are quite enough to satisfy the high trust given me, I pray God that the State may continue to grow in power and strength, and her people in prosperity and happiness.

A. G. CURTIN.

EXECUTIVE CHAMBER, *Harrisburg, January 2, 1867.*

—The Agricultural College of Pennsylvania has had during the year just closed, 114 students. Of these, 9 are in the Senior, 21 in the Junior, 23 in the Sophomore, 29 in the Freshman, and 32 in the Preparatory Department. They are from nearly every State in the Union, and from nearly every county in our own State.