

**GOVERNORS MESSAGE, IN RELATION TO THE PERMANENT LOAN, &c.**

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN.—In pursuance of the act of the general assembly of this commonwealth passed the 26th January last, entitled "an act authorizing a loan" public notice was given by the Secretary of the commonwealth on the 4th day of February last, that proposals would be received at his office until two o'clock P. M., of Tuesday the fifth day of March 1839, for loaning one million two hundred thousand dollars to the commonwealth for the purposes set forth in said act, reimbursable at any time after twenty years from the first day of July next, and bearing an interest not exceeding five per cent per annum payable semi-annually. A copy of which notice is herewith communicated.

I regret to say that no proposals have been received in pursuance of this invitation, and this too at a time when it is conceded that money is not scarce, and the credit of the State is unimpaired.

How long the representatives of a free people will submit to a state of things manifestly brought about by a combination among the institutions of their own creation, it is for the legislature to determine, but there is certainly a manifest impropriety in permitting the monied resources of the commonwealth to be used to her own injury. She owns the capital stock of the bank of Pennsylvania 3750 shares at \$400, amounting at their par value to \$1,500,000 5233 shares in the Philadelphia Bank at \$100 523,300 1708 shares in the Farmers and Mechanics bank at \$50 85,400

Amounting in the whole to \$2,108,700 And which are believed to be worth a considerable advance. Every day's experience strengthens me in opinion long since formed that all connection should be dissolved between the commonwealth and the banks in which she holds stock, and thus relieve her from the humiliating attitude she occupies of being the holder of three fifths of the whole capital stock in one of said banks and unable to control the direction of a single dollar of its loans. Believing firmly that such a divorce will be beneficial to the interests of the commonwealth, I earnestly recommend the immediate passage of a law authorizing the sale of the bank stock held by the commonwealth as aforesaid.

This administration has been but little over a month in power, and has been obliged to ask loans to pay off engagements which it had no hand in contracting, and finds itself embarrassed in its outset for want of means to meet the engagements of the commonwealth. So far as it has the ability, its exertions will continue to be steadily directed to discharge the public liabilities, and maintain unscathed the public faith. If in its efforts so to do, difficulties are interposed by attempts at combination among monied men and monied institutions, they most assuredly will discover, that so long as the executive power remains in the hands in which it is now placed, they shall never control either its political or fiscal operations: but that this great commonwealth must, and will rise superior to all such attempts.

All experience goes to show that the evils anticipated, by many of the best and most sagacious statesmen, from the grants of corporate power to monied institutions have been more than realized, and should admonish us to be cautious in continuing to make such unrestricted grants.

With no desire to create distrust or alarm, I cannot but feel that it is the misuse and abuse of the powers thus committed to such institutions that have more than once led to the embarrassments in the monetary concerns of the country. I cannot close this communication without appealing to the legislature, and calling upon them by every principle of patriotism, to take such action in this matter as will enable the state to vindicate her character and credit, and to take immediate measures for separating the state from all connection with a set of institutions that have so repeatedly disappointed the just expectations of the public, and on which no reliance can be placed when the exigencies of the state may require a call upon them.

DAVID R. PORTER.

EXECUTIVE CHAMBER,  
March 7, 1839.

**GETTYSBURG RAIL ROAD—VETO MESSAGE OF THE GOVERNOR.**

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN.—It will always be with reluctance that I shall feel myself constrained to refuse the Executive assent to any matter of legislation which has passed the representative and senatorial branches of the legislature. I would not, however, be in the line of duty to approve of a measure in the justice or expediency of which I cannot concur. After mature reflection and deliberation, I have decided that I cannot approve the resolution entitled, "Resolution relative to the Gettysburg rail road," presented to me on the 27th ultimo, and I accordingly return it to the Senate in which it originated with the following reason for so doing.

The constitution provides that, "no money shall be drawn from the treasury but in consequence of appropriations made by law." To preserve this salutary provision in its spirit, we should never permit that to be done indirectly which it prohibits from doing directly. Hence we have seen the constant care and attention of the legislature to prevent the Canal Commissioners from incurring debts beyond the appropriations from time to time made. This would be altogether nugatory if, when a distinct and specific amount is appropriated, the canal commissioners by continuing the contractors at work after the appropriation to the object is exhausted, could involve the state in further responsibilities without sanction of a legislative enactment.

By the act of the 18th February, 1838, incorporating the bank of the United States, the 9th section of which authorizes the canal commissioners to survey and locate the road in question, and to put not less than 20 nor more than 30 miles thereof under contract, the sum of two hundred thousand dollars specifically appropriated to this work, and the 12th section expressly provides that, "the canal commissioners shall not be authorized to incur any debt on the faith of the commonwealth, in any way or manner beyond the appropriation aforesaid," &c. Here the original act by which this road was introduced into the public improvements of the state, without previous survey or examination, and with nothing to recommend it to public favor but the influence which its friends could bring in support of an act of legislation, since repeatedly and constantly disapproved by the people, prohibits the expenditure of money upon it beyond the specific appropriation.

On the 19th December, 1837, an act passed both branches of the legislature, appropriating forty-five thousand dollars towards the construction of the Gettysburg rail road, to be applied in payment of work actually done prior to the 1st day of January (then) next and directing the canal commissioners to give notice to the contractors to suspend their work upon said road, from and after the said 1st day of January. By a course wholly unexpected, and which, for the character and reputation of the commonwealth, it is hoped will never be considered a fit example for imitation; this 1st day of January 1838, was made in point of law to mean the 1st of January 1839, and thus the intention of the legislature, solemnly expressed by both branches, was for a time frustrated.

By the act of the 14th April, 1838, the further sum of one hundred and ninety-five thousand dollars was appropriated to this rail road, to be applied to the work already under contract and the resolution which had previously passed the legislature as before stated, and which became a law on the 9th of January, 1838, was repealed. But by the 6th section of this act, it is provided, that "the canal commissioners shall not be authorized to incur any debt on (the faith of) the commonwealth in any way or manner beyond the appropriation aforesaid, and no part of the aforesaid appropriation shall be applied to any other than the several specific purposes to which it is appropriated by the preceding sections of this act, nor shall any contracts be entered into for any new lines of canal, or rail road, not mentioned in this act, or for any extension of the lines herein named, beyond the limits prescribed by this act." It was therefore the duty of the canal commissioners to have stopped the work on the road the moment the specific appropriation thereto was exhausted. But it appears this was not done, and the subject was brought to the attention of the legislature in the previous part of the present session. By a resolution passed by both houses and approved on the 19th of February, last, past, it was declared that from and after the 1st day of March, 1839, the work on the Gettysburg rail road should be suspended, and a temporary loan of one hundred and fifty thousand dollars was authorized for the purpose of paying the contractors on said road for work done, or that might be done, previous to that day including the retained per centage, the accounts of the contractors to be settled by the Auditor General and State treasurer, in the usual manner, according to law. In ten days after approving this resolution, I am called upon to approve another resolution, providing that the contractors on this road shall be permitted to continue their work, until the first day of May, next unless they should sooner be paid the amount due them. What circumstances have transpired to change the determination expressed in the resolution of the 19th of February, I have not been informed, and being left to gather the reasons for adopting the resolution, now returned to your body, from its language, I infer that they consist in the fact of the funds not being forthcoming on the 1st of March, to pay the contractors the amount claimed to be due them, and, therefore, the state is to incur a further debt in pursuing this work already suspended.

Whilst the commonwealth is bound to meet all her lawful engagements, persons entering into contracts with her through her agents are bound to ascertain and know the extent of the authority given by law to such agents. In the present instances the contractors were bound to know the amount of the appropriations made, and that it was unlawful for the canal commissioners to expend any further sums or to involve the state beyond such amounts. If they continue the work afterwards it was at their own risk, and to permit them now to go on, in the embarrassed state of

the public treasury, and increase the expenditure on a work which a committee of your body, after a personal examination, declared to have been begun in folly, and the prosecution of which would be madness would not in my judgement be promoting the interests of the commonwealth, but would be a useless waste of the public money, and a legislative recognition and sanction of acts done in positive violation of existing laws.

Again expressing the sincere regret I feel in being constrained by a conscientious sense of duty, to disagree with the representatives of the people in this matter, I return the resolution to the senate for their further action thereon, according to the Constitution of the commonwealth.

DAVID R. PORTER

**THE PUBLIC WORKS.**

A message was received from the Governor yesterday by both branches of the Legislature, transmitting a report of the Canal Commissioners, with accompanying documents, showing the actual condition of the finished lines of canals and rail-road; and the amount of money which is absolutely necessary to put them in good order and repair. Shortly after the organization of the canal board, the report states, that engineers of the highest standing and most extensive experience, were appointed to make an examination of the several divisions of canal and rail-road, and to estimate the amount which would be required to "restore them to a sound and efficient business doing state." The following are the estimates of the engineers, viz:

Columbia rail-road	\$ 51,242 00
Eastern division	56,887 00
Susquehanna division	74,570 00
Juniata division	178,000 00
Portage rail-road	47,500 00
Western division	83,034 00
Beaver division	47,880 00
French creek division	236,500 00
West branch division	102,555 00
North branch division	178,224 00
Delaware division	70,869 00

Total amount \$1,123,761 00  
"To these estimates" the board say "may be added the following items of expenditures on the Columbia and Portage rail-roads, required to put them in a fit condition for public use, as will appear by reference to the reports of the engineers, viz." \$551,231 00

Making altogether \$1,676,992 00  
"To this startling sum will have to be added outstanding debts, not yet ascertained, which the board say they have taken steps to know, and will as early as possible lay before the legislature."

The board very properly remark that the question before the legislature is not the "negligence, incompetency, or wilful mismanagement" that has produced this state of things, but it is to provide a remedy, which for the honor and interest of the state they hope will be ample and speedy. That question has been determined by the people already, and this expose will only confirm them in the opinion which they expressed on 2d Tuesday of October last, that Governor Ritner and his officers were totally incompetent to discharge their duty to the state, and wilfully blind to the interests of the people.—Harrisburg Reporter.

**COMBINATION OF THE BANKS.**

Governor PORTER's message to the Legislature, commencing the fact that the loan of \$1,200,000 was not taken on the 5th instant, incidentally attributed this failure to a combination among the banks. At this intimation, the organs of the banks take fire; and assail the Governor with the same violence as, they always manifest in speaking of an honest man. Even the Allegheny Senator, Mr. Williams, offered a resolution in the Senate, calling on the Governor for the evidence on which he founded the charge of a combination. The banks are themselves as chary of their reputation in this business, as so many vestal virgins. Let there be no uneasiness—no flinching—or fits of hysterics, on the part of these pure and uncontaminated institutions. This is not the first time they have been suspected of forming combinations, to plunder the State in her loans, nor is it the first time when the fact could be clearly proved.

Not far from the year 1834, a like game to the present one was played off admirably—and the loan to the State, taken at a pretty liberal advance. Some of the principal banks in which the State is a large stockholder, might perhaps give the public important information on this head. It would not be very difficult to prove, if we are not misinformed, that several persons desirous of taking the loan in the year referred to were induced not to offer any bids, by the representation of the banks, that more could be made by declining to bid, and leaving the loan in the hands of a certain bank to be obtained on its own terms, and to be subsequently divided; and the fact has been proved in a judicial proceeding in the city of Philadelphia!

If the banks have once played this game it is easy to see that they will do so again—and the facts connected with the late failure to take the loan, show incontestably that it is the case now. If they want all the villainies they have practised laid bare, let them proceed—call on the Governor for

his evidence of a "combination," and we doubt not, they will find more than they can answer, explain, or deny. Let the truth come out in this business, scorch whom it may. There is no hostility to the banks, on the part of the democratic party and the Governor, but neither is there a disposition to be insulted and trampled under foot, by those greedy speculators. It is time the question was settled whether the people or the stockjobbers shall rule. Let the government and banks be divorced—let each pursue their legitimate duties—let each execute their just authority, and we shall soon see the salutary influence on all the operations of the government, the banks and the community. The benefits of the partnership, have always been hitherto on the side of the banks associated with the State—let the people have their equal share—let the adulterous marriage be dissolved.—Keystone.

**MAJOR DOWNING.**

We believe the following concise letter embraces the entire outline of the vexed question. We have every confidence in its correctness and disinterestedness, for we have heard the Major say, that he has from boyhood understood the matter, and has ever since weighed it well. We congratulate the General Government, that if, by the folly of the British Government, a serious matter is made of the Boundary question, the "2nd Brigade" will be to a man on the side of right. We don't know the exact number of the "2nd Brigade;" but we feel sure it will stand "2nd" to none for patriotism and noble daring.

N. Y. Express.

To the Editors of the New York Express—the same paper my old friend Dwight printed a spell ago.

WASHINGTON, 25 Feb. 1839.

Mr. Editors.—I tell'd you in my last that I would say something in my next letter about matters Down East. A short horse is soon curried—and as this matter is in a nut shell, I'll crack it for you after my fashion—and then if you don't understand it, you may look at the maps and read over treaties, letters and reports about it, and see if you can get any more light.

This "Disputed Territory," they talk about is a considerable of a streak of Land liver'd the most on't with everlasting big Trees, where our folks go a logging. We say we claim by a Treaty made in 1783, and England says that she agrees to the same treaty. Now that treaty marks the line as clear as a whistle—it says north to the "high lands" that divide the waters running one way and the waters running another way, and then away West and South West back to another pint. We then go North to that pint where the waters run as the Treaty says, that is where the streams on one side run to the St. Lawrence River, and where they run down to the Bay of Fundy on the other side, and there we stop.—But England says there aint no high lands there at any rate, that there is high land further South where we ought to stop—but at these high lands—there is no stream running into the St. Lawrence, for the streams all run South there. We say the treaty don't say "low high" the lands are; but to the "high lands" that divide the streams running North and South—that is a pint—and that Land can't be low land, for then the waters wouldn't run nary way. And besides this, there is another explanation in the same treaty that marks out the spot we claim to, as true as a line; and if any man's farm was mark'd off by a deed—like this—any Court in creation would give it to him.

Now the hull nub of the business is this, England finds that if we claim by the old Treaty, we cut off all her roads between New Brunswick to Canada, and in winter time, when the river St. Lawrence is frozen up, there is no sending across lots—from Nova Scotia and New Brunswick to Quebec, or any part of Canada. A few years back it was agreed to leave the matter to some old king—(a Dutchman, I believe)—to say where these highlands was. He considered a spell, and seeing what his brother king's notion was, he fix'd on a line north where there warn't no highlands at all, but just far enough north to allow this Passage across—just as tho' the Treaty said, "the North Pint shan't be so far north as to cut off this Passage way." Now here the matter rested—all we ask is, to go by the Treaty, and now that our folks have got riled up about it, and now what the treaty is, they'll make a spoon or spile a horn—and I don't see any other way of settling on't. If England sends troops there, it will be "a Disputed Territory," for I would just about as soon think of going down in a Wolf Cave to coax out the wolves with bread and butter as attempt to drive out them long arm'd hard-fisted-woodchoppers from the forests where they know they have got Law on their side. We found it pretty tuf work to rout out the Seminoles down South—but that is cream and custards to rousing out the Down Easters, if they git their dander up. They are amazin civil folks if you don't attempt to drive or scrouge 'em and considerable liberal in a bargain too if you don't try to pull eye teeth—for then it would be dog eat dog.

Now I don't see only one way of settling this matter, or at any rate quieting on't for a spell—for there is no other way of settling on't but by the Treaty or something worse; but I go for quieting on't. England, I suppose, don't care how long it remains a Disputed Territory—and I suppose our folks don't nather, provided they aint losers by it.

Now for the sake of keeping the peace—let all the timber that is cut on this Disputed Territory be allowed to go to England as free of duty on one side as tother, no matter who cuts it, there is enuf on't for all creation to cut till the Queen gets to be a grandmother, and by that time folks will be chopping other matters—and as regards a Passage across we don't care much about that, for it is about as likely that as many folks will in time go one way as tother, and so long as they don't trouble us or likely to trouble us we won't complain. We like to see folks moving, especially in the way of Trade, it keeps matters brisk and spry, and as for segering, except on 4th of July or some such day, in ten years from this time folks will be ashamed on't.

Now my advice is to our folks to keep cool, and make no stir about the matter till they get orders from Washington. The General Government aint asleep about it—all are wide awake—Congress will put the matter as strait as a pine log, and England will see the advantage of doing right—but if these Governors on both sides for the sake of a flourish, lead their folks into hot blood, they may find they have begun to carve the meat before it is cook'd and have a poor dinner on't. This is an everlasting Country in a real fight; when all take hold—then we shall be sure to make clean work and to git what we fight for. But if any part on't undertakes a fight afore the other part knows what the quarrel is about, it may make a muss and dirty work only.

There is alway two ends to a stick—we have in this matter got hold of the clean end, and let us keep it and not in a hurry or untimely scuffle change ends, and perhaps hold the nasty one, and that's all for the present.—From your friend,

J. DOWNING, Major,  
Downingville Militia, 2d Brigade.

**FROM THE MAINE BOUNDARY.**

On the 1st instant letters from Houlton were received at Bangor, a distance of 123 miles in 10 hours and 25 minutes, by the line of videttes established between the two places. One of them is from Colonel John L. Hodson, and communicates the important intelligence that a regiment of 800 Fusiliers had arrived at Halifax from Cork, and were ordered to be at Fredericton on Wednesday last and to proceed forthwith to the disputed territory.

It also states that it would be necessary to cut a road from seven to twenty-five miles for the Maine troops to join Mr. Jarvis's force, which road must at on point approaching within a few rods of the disputed boundary, at which point it was anticipated there must be a brush with the British. It was also supposed that a reinforcement of American troops, would be ordered very soon.

Sir John Harvey had sent an express to Sir John Colborne. Three companies of regulars were quartered at Woodstock. The Maine papers say the British troops were strongly disposed to desert, and that strong guard of provincial militia was stationed between Woodstock and Houlton, to prevent the regulars from slipping over the line.

The Boston Mercantile of Monday evening states that:

It seems to be the general opinion in Maine, that the Government of that State will not relinquish her claim to the jurisdiction over the disputed territory—but will retain possession with a military force in spite of the protocol. The Portland Advertiser says "we say this and we do speak the language of the whole State of Maine, that we will not yield up the possession of the Aroostook to any earthly power."

By an extra of Bangor Mechanic and Farmer, dated 2d March, we learn that a gentleman from Woodstock reports that the militia are gathering on the frontier. Only 140 regulars were at Woodstock, with a few pieces of artillery.

The Portland Courier says:—"Gov. Fairchild's answer to Sir John Harvey's letter, in which Sir John Harvey claims exclusive jurisdiction over the disputed territory, created something of a stir at Fredericton; in less than an hour after it was received, a special messenger was on its way to Washington with despatches to the British minister."

A letter in the Boston Atlas, dated in the Senate Chamber of Maine, at Augusta, March 2d, probably from a Maine Senator, says—

"I speak advisedly, when I say that the contemplated visit of General Scott to Maine is only to persuade a withdrawal of our troops from the disputed territory, by relinquishment of our present position. It might as well stay away. I repeat that I speak advisedly when I say this. It may appear as strong language, but I say from my heart, that I had rather see our State deluged in blood, and every field bleached with bones of our citizens, than that we should retrace the footsteps and submit to British arrogance. Yes, the "glorious stripes" must wave on the line, and we must speak if necessary with the cannon's mouth to the British minions," thus far the thou come and no farther."

The Boston Transcript of Monday evening says, "Major General Scott and his staff left town to-day, at 12 M. for the East." The General expected to receive despatches from Washington, but in consequence of the non-arrival of the mail, concluded to proceed without them."