

and searching reform, has hunted out its imperfections, and corrected its abuses. It is fortunate for the public that the banks have either voluntarily, or in the natural course of their own defective organization, placed themselves in a condition, where they not only cannot dispute the policy and justice of reform, but must in self-defence, allege the truth of the very doctrines, on this subject, for which the friends of reform have long fruitlessly contended. Time and necessity are powerful reasoners. In this instance, they have convinced even those who were interested to resist their convictions, and I accordingly trust, the legislature will proceed at once, and courageously, to the accomplishment of this great, salutary and long expected work.

The public improvements of this commonwealth, constituting one of its principal resources, as well as objects of expenditure must be regarded as a subject hardly second in importance to the finances. This system has gradually grown up to its present magnitude within the last fifteen years. The internal improvements of Pennsylvania now consist of the following number of miles in actual operation, to wit: 608½ miles of canal and slack water navigation, and 118 miles of rail road, making together 726½ miles completed, and now in use—207½ miles of canal and slack water navigation have been commenced, and are in a state of considerable progress.

The following number of miles have been suspended, after expenditures to some amount had been made upon them, to wit: forty seven miles of canal and slack water navigation, and twenty two miles of railroad.

I beg leave to refer you to the message which I had the honor to transmit to the last legislature, on the 26th January, 1839, as containing a full and explicit exposition of my views on the general subject of our internal improvements, and to the report of the canal commissioners for a detailed statement of the operations upon them during the past year, together with their condition at the present time. It is due to those officers to state, that their duty has been performed with much ability and efficiency, and that their opinions and recommendations are entitled to respectful consideration.

On this occasion I will merely refer to such facts and considerations, connected with this subject, as appear to me to be essential to the proper understanding of its nature and bearing.

The internal improvements of this commonwealth have been constructed at an aggregate cost of twenty six and a half millions of dollars:—and when we consider that the surface of our territory is diversified and broken by numerous chains, of mountains and by rivers, to a greater degree than that of almost any state in the Union, we must regard our system of internal communication, undertaken by a community distinguished for its prudence, economy and simplicity of character, as standing without a parallel in modern times. The enterprise and perseverance of the people in Pennsylvania have enabled them to achieve these astonishing triumphs over the barriers of nature, and the obstacle incident to their condition, more formidable still. The great system originally projected, is almost completed. In its progress, it has been subjected to few other fluctuations, and drawbacks, than arise from pecuniary embarrassments, and from those errors of judgment, and accidents of legislation, that are to be naturally expected, from the want of experience on the part of those who directed its operations, and from the numerous conflicting local interests that prevailed in the legislature. On the whole though some works have been undertaken of doubtful policy at the time; though large sums of money have been expended on some which ought never to have been commenced; and though the cost of those of unquestioned utility, has been far greater than it would be, if the same work was to be done under the advantages of our present experience, we have yet perhaps as much cause to be surprised at our good, as at our ill fortune.

In a former part of this message, I have fully explained our present financial embarrassments. I have stated the amount of money that must be provided to meet the unavoidable demands on the treasury of the ensuing year. Our condition forbids the undertaking of all new works, and emphatically inculcates the most careful husbandry of our resources. In addition to the payment of the interest on the public debt and providing for the payment of a loan falling due, a million of dollars, at least, will be needed for repairs, during the present year; for a satisfactory explanation of which, I refer you to the report of the canal commissioners. In view of this state of things, the question is distinctly presented to the legislature, whether the works now in progress of completion shall or shall not be finished at the present time?

On these several lines of improvements, the following sums of money have been appropriated and nearly expended, viz:

Erie extension,	\$1,595,656 63
North Branch extension,	1,346,656 03
Wisconsin feeder,	210,000 00
Road to avoid inclined plane at Columbia,	199,000 00
By the most careful estimate of the cost of completing these several lines, the following sums will be required, in addition to the appropriations already made viz:	
For the Erie extension,	\$2,114,537 85
For the North Branch extension	2,181,635 54

For the Wisconsin feeder, 166,195 43  
Ane for road to avoid inclined plane at Columbia, 91,144 97

From this statement it is evident that should the legislature determine to suspend the completion of these works, the sum of \$3,322,333, 32 expended on them, will be lost; or should it be determined to proceed forthwith to the completion of them, the sum of \$4,553,503 70 will be required for that purpose. Upon a full consideration of all these circumstances, together with the additional fact, that these respective works will be worthless, till the whole of each is finished, it is for the legislature to decide what course sound policy and official duty call on them to adopt. The whole of these lines might be completed, if sufficient money be appropriated at this session, within two years; and a portion of them, during the approaching summer.

In addition to the foregoing works in a state of progress, the following have been suspended by the legislature, after expending on each, the sums respectively set down, viz:

Gettysburg railroad,	\$656,656 67
Sinnemahoning extension of the West Branch canal,	164,000 00
Allegheny feeder,	30,000 00

It will not, I presume, be thought advisable by any one, to re-commence any of these works under existing circumstances. The first has, most probably, been suspended forever.

I took occasion in both my inaugural address, and in the message of the 26th January last, before referred to, to announce it clearly as my deliberate opinion, that after the completion of the works then in a state of progress, and so far advanced as to render it less wise to suspend than to prosecute them with vigor, it would be time to pause in our career and wait the further extension of our improvement system, till we could judge of it by its fruits. The experience of the past year, has greatly strengthened this opinion, and satisfied my mind beyond all doubt, of the manifest policy of undertaking any new works, whatever at the present juncture. I deem it an act of simple justice to the legislature to apprise them that this is my thorough conviction of duty. Should the legislature think proper, to prosecute the works now in progress to immediate completion, I respectfully suggest the propriety, of providing, at once for the whole amount required so as to enable the canal commissioners to execute them in the speediest and cheapest manner; and also I would further suggest the mistaken policy of postponing the passage of so important a bill, as that for prosecuting and repairing the public improvements, until the close of the session. Much is lost by the delay, and nothing gained.—By this procrastination, not only is invaluable time lost, but bills are sometimes necessarily permitted to become laws that do not meet the entire approbation of all departments of the government, whose duty it is to sanction them. Such was the case with the act of 19th July, 1839, entitled, 'An act to provide for the repairs of the several lines of canal and rail road, and to continue the improvements of the state.' That very important bill did not pass, until the last day of the session of the legislature and it was not presented to me for my signature, until the legislature had actually adjourned *stat. die*. Had it been presented to me during the sitting of the legislature, I frankly say to you, it would not have received the executive approbation.—But when it came into my hands, there was no remedy: I was compelled to make a choice between what I regarded as evils, either to refuse my assent to it and suspend the prosecution of the public improvements, not only those in course of construction, but to arrest those in a state of use—or to approve of it, though conferring certain highly objectionable powers and privileges on the banks taking the loan authorized. I had it under consideration for nearly a month, and was finally induced to sign it, in order to prevent the serious evils that would have resulted to the business of the country, and the character of our public improvements, had there been no provision made to repair and continue operations on them at all. The same paramount consideration also induced me to take the loan authorized from the Bank of the United States of Pennsylvania, which institution, as was to be supposed, would seek to avail itself of any advantage the legislature had bestowed on those who furnished the loan. Every other expedient to procure the money was first tried. The usual advertisements of the loans produced no bidders,—letters addressed to all the banks in the city of Philadelphia, had no better success. In this emergency, the only alternatives presented, were either to suspend operations on all our improvements, stop the locomotives and draw the water off the canals, or to obtain the loan authorized by the bill, from the bank of the United States. I reluctantly adopted the latter, believing it to be, as a question rather of expediency than of constitutional principle, more conformable to my duty, than the former.

To afford hereafter a reasonable opportunity to the Executive, as well as to the two houses of the legislature, to consider and to decide upon whatever bills relative to the public improvements and to loans may pass those bodies, I hope they will be presented to me in time to act in concert with them, or to enable them to judge for themselves in their constitutional capacity, whenever the provisions of such laws do not happen to meet my entire approbation. Thus only can

the independence of each department be preserved, without doing so at the expense of the public interests, and thus alone can the responsibility of each to the people, be rigidly enforced, without casting a portion of it on the other. I shall never shun any responsibility, whatever, that justly devolves upon me, but I do not desire to be placed in a situation, as a public officer, where I must approve or disapprove of particular measures, not on the ground of their intrinsic merits or demerits but because, by the action of a co-ordinate branch of the government, I have been precluded from a free and unfettered course of conduct. This certainly does not accord with the true spirit of our government.

Keeping in view these various circumstances and interests, the question is presented to the consideration of the legislature, how is the money to be procured, to pay the interest on the state debt; to meet the several loans falling due; and to defray the necessary expenditures of the commonwealth? However formidable the difficulties we must encounter, there is no avenue of escape from these responsibilities left open to us. We must meet them without shrinking or postponement. The sum of \$2,000,000, must be obtained for the ensuing year, and perhaps an equal amount for the year following. By the sale of the stock held by the commonwealth, to the Bank of Pennsylvania, Philadelphia Bank, and Farmer's and Mechanic's Bank, the sum of two millions, one hundred and eighty thousand seven hundred dollars may be realized, but it will require time to carry this operation into effect. The sum of \$600,000 must be had on or before the first day of next month, and the balance during the remainder of the year. Nothing can be expected from other sources—even new loans would, perhaps, fail to answer the purpose in the present exigency. What then remains to be done? My own deliberate opinion is, that resort to taxation, provided that it shall be so regulated as to bear with as little hardship as possible on the people, is the only possible remedy to extricate the commonwealth from the embarrassments by which we find her surrounded.

In stating to the legislature the general resources of the commonwealth, I feel it to be my duty to refer to you, without recommending it, to another remedy, which may put the evil day off for a time, should the legislature think proper to adopt it. By the act incorporating the Bank of the United States, that institution is bound to loan to the commonwealth, at four per cent. interest, six millions of dollars whenever required by law. It will be for the legislature, after examining into its conduct and condition, if taxation be deemed impolitic, to determine whether this sum shall be called for from that bank—and if so, to appropriate the same specifically, to the payment of the interest on the state debt, and to the completion of the main lines of canal under contract, and in a state of forwardness and to other purposes whatever. In expressing my own opinion in favor of a resort to taxation, I do it with no inconsiderable degree of reluctance; but it must be obvious to every citizen of the commonwealth, that his house, his farm, and his property are all pledged, beyond possibility of release to the ultimate payment of the state debt, and the interest thereon accruing, agreeably to the stipulation with the loan holders.—Nor is this the worst view of our situation. The state has been actually compounding for years past, from a million to a million, and a half of interest annually; and the question is now submitted whether we are thus to continue adding half yearly, this enormous amount of interest to the principal of our state debt, and continue in the pusillanimous course of policy, from year to year, of shuffling off the evil day, and entailing this rightful legacy to posterity. It is a reproach on the people of Pennsylvania to suppose they can longer be kept in the dark, in regard to the situation in which we find them.

All they want to know, to ensure a ready compliance with the indispensable call upon their patriotism, is to know the necessity of the measure. The experience of more than half a century, fortifies me in the belief, that the good sense of the people of this great commonwealth, is rarely appealed to in vain. In assuming the responsibility of recommending this measure, I am fully sensible of what is to be encountered, and aware of the consequences that are to follow; and if in this expression of the honest convictions of my own mind, and the fearless discharge of the duties incumbent on me, I shall not be borne out by my fellow-citizens I shall at least have the consolation to know, that I have done that which I conscientiously believe to be right, and which I think will bear the reflection of after years. The time for evasion is gone; the public mind has been too long led with miserable expedients. The time for action is at hand. Our country expects every man to do his duty, and he that has not nerve enough for the crisis, should give place to those better fitted for the emergency. Neither the present Legislature, nor myself, had any thing to do with contracting this debt—it is fixed on us by those who have gone before us; and the same rule of prudence and sound policy that would govern the conduct of private individuals, holds equally good in the case of the commonwealth, under this state of things. The private individual would tax his industry and his property, to the utmost, to pay off a debt, and the interest upon it, that was consuming the avails of his industry and his substance—so, also, it seems to me, should the re-

presentatives of a wise and judicious people. Taxation would pay the interest—it would eventually constitute a sinking fund to pay off the principal of the State debt, and should be continued till the income of the public improvements would render longer taxation unnecessary. The crisis demands the exercise of the most far-reaching sagacity—the earnest judgement, and the most fearless patriotism. I am sure the Legislature will meet in the right spirit, to disarm it of its perils. Coming, as you do, from all quarters of the State, and possessing a more intimate knowledge of the circumstances and wants of the people, than I can, I most cheerfully surrender this important subject to you, satisfied that prudence and justice will direct your action upon it.

Among other subjects of much importance to the people that will claim your attention, the creating, renewing and supervising of corporations. These institutions in a great measure the contrivance of modern times, have become within the last half century, multiplied to an extent never dreamed of before. There is scarcely any branch of business, or pursuit of life, into which they have not, directly or indirectly entered. Corporations may be divided into two general classes; those established for public purposes and those for purposes of a private nature. There is another species of corporations, including banks, &c. that partake of the nature of both these classes, but being mainly established to promote individual interest, they belong essentially to the second. The first class, consisting of those for religious purposes, as churches, for the promotion of the arts and sciences, as colleges, academies, medical universities, &c. &c., for purposes of internal communication, as turnpikes, bridges, railroads, canals &c. &c., and in short, for all great purposes of public utility, to the attainment of which, individual means and exertions are wholly inadequate, doubtless under proper and judicious regulations, subjecting them to the control of the legislature, are to be encouraged and sustained. The other class, embracing those principally established for purposes of a private nature, ought either not to be increased in numbers at all, or only when imperative necessity demands it—and then, under the most inflexible guards and restrictions.

Legislation has, within the last few years, departed widely from that republican simplicity that ought to characterize a free government. Privileges belonging to all the citizens alike have been specially delegated to small associations; a few persons collectively have been invested by acts of assembly with powers and immunities denied to the rest of the community, and thus have numerous monopolies been created not only to rival, but to trample down all individual efforts and enterprise. The creation of one corporation, has been the signal for creating others as competitors, until the system has reached a point that calls on the legislature to pause. It may be improper to interfere with those already in existence, unless their own misconduct requires it, or experience shows that the security of the public good calls for such interference. It is high time, however, that the system itself on which they were created, should be brought within the wholesome influence of reform. Let the increase of corporations hereafter be limited to cases of undoubted public utility, where individual capital and enterprise are insufficient to accomplish the object intended, and let the power of the legislature to control or abolish them, be at all times expressly reserved. A system resting on opposite principles must eventually transfer nearly all the powers and authorities of the legislature, as well as the business of the people to corporate bodies, and thus silently but effectually achieve a revolution in our civil relations; for if the obligations of men, may be converted into those of a limited and artificial nature instead of a direct personal responsibility, it is manifest that the very elementary principles of society are changed. We shall be constrained under such change, to reach the citizen, not by the immediate personal process of the law, but by its clumsy indirect application to him in an ideal state of existence, created by legislation and rendered independent of the usual responsibility of the members of society. This is the condition of things, complicated and clogged by corporate exceptions and privileges, towards which our recent system of legislation on this subject, has been hastening us, and at which we shall sooner or later arrive, unless it be abandoned. Events that have transpired around us within the last few years, have justly awakened us to our true situation.—The lessons of experience will not surely be lost.

The subject of education has necessarily and properly occupied much of the time and attention of our legislatures to enable them to carry out the constitutional injunctions on that subject; and we have in operation a system, which, although by no means perfect, is certainly equal to that in force in most of our sister states. It still needs those improvements which experience pronounces necessary to cure its defects. The principal inconvenience now experienced in the system, is the want of competent teachers; who should be Pennsylvanians in habits, education and principle. This want will probably be continually felt, until the inducement of more adequate compensation shall be offered, and when the higher qualifications required in teachers shall elevate them to that proper rank and estimation in society, which the instructor of youth should always occupy.

We are also in need of a proper system of school books to be used in our schools, and which should be composed by competent persons for the instruction of the youths of Pennsylvania. Such a course as would tend properly to impress our youth with a due regard for our commonwealth, and endeavor to their hearts. Her position, wealth and intelligence; the admirable and free system of her laws; her unwavering patriotism and devotion to republican principles; her distinguished philanthropy and benevolence, entitle her in a pre-eminent degree to the love and veneration of her children, who should be early taught properly to estimate her great characteristics.

Our colleges are in successful operation, and by the aid afforded them, from the treasury of the commonwealth are accomplishing much good. Our country academies are, from the same source of aid, affording the advantages of the higher branches of elementary education, in almost every county in the state, to such as seek to fit themselves for entering our colleges; and by no means the least important institutions, connected with the education of youth are the female seminaries which, of late years, have been springing up over the commonwealth, and are likewise the objects of legislative bounty. The importance of female education, will always be sensibly felt upon the rising generation; and mothers well instructed in the ordinary branches of education, will seldom suffer their children to grow up in ignorance.—With intelligent mothers, followed and seconded in their efforts, by competent and well instructed teachers, we shall soon see an intelligent and well informed population filling our beloved commonwealth, and giving her, in an intellectual point of view, that rank and station to which she is justly entitled. I shall be glad at all times to cooperate with the legislature, in any proper measures calculated to improve the moral and intellectual condition of our citizens, as we, thereby, rear the most enduring pillars for the support of our political edifice, in all its strength, beauty, and grandeur.

The report of the superintendent of common schools, will inform you of the operation of our common school system in its details, with his views in regard to the improvement of the system and the best means of accomplishing it.

The amended constitution was adopted by the people upon the 9th day of October, 1839. It provides for a new mode of appointing the judges of our courts, and changes their tenure from that of good behavior to a term of years, if they shall behave themselves well. There is a marked difference in the language of the schedule to that instrument, when speaking of the judges of the supreme court, and the other judges of the commonwealth. The former were to be graded as to the expiration of their offices, by the date of their commissions upon the 1st day of January, 1839. Vacancies in other judicial stations, occurring after the adoption of the amendments, and before the 1st of January 1839, were not provided for by that instrument, as no commissions were provided for, or continued in force by it excepting such as were in being at the adoption of the amendments to the constitution. Consequently all appointments made of such judges, between the 9th of October, 1838, and 1st of January 1839, only endured until the latter day, and were then annulled by the new constitution, going into effect, except where otherwise provided for in that instrument.

It is always a subject of regret to see management made use of to defeat the expressed will of the people, and it is seldom successful. Shortly before the 1st of January 1839, two of the president judges of judicial districts resigned their offices, and were re-commissioned on the day following their resignations, to hold their offices "so long as they behave themselves well." I deemed it my duty to direct proceedings to be instituted in the supreme court against them. One of them died pending the proceeding, and the other was ousted by the judgment of the court, and his place has been supplied by a new appointment.

In relation to the associate judges, there were numerous instances of resignations between the adoption of the amended constitution and the 1st of January, 1839, and others were commissioned in their places to hold during good behaviour. According to the decision of the supreme court in "The Commonwealth, vs. Collins," these commissions expired on the latter day, and there were two instances in which appointments were made on the 14th of January, 1839, by and with the advice and consent of the senate to fill vacancies occasioned by resignations made on or after the 1st of January, 1839. The commissions for these two judges were issued to hold their offices for five years, if they so long behaved themselves well. The whole proceeding I have always treated as a discreditable attempt to tamper with, and give a political character to the judiciary, and has no parallel in the history of our country, but in the memorable appointment known as the "midnight judges," made on the 3rd of March, 1801. The object of the proceeding, undoubtedly, was to prevent the classification of the associate judges, which the constitution contemplated, and, if so, was a fraud upon the people of the commonwealth. I beg leave to call the attention of the legislature to the facts, and if their views shall coincide with mine, I think sound policy, as well as sound morality, requires that a supplement should be passed to the act of 29th June, 1839, classifying the associate judges, by which prob-