

GOVERNOR'S MESSAGE.

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

FELLOW CITIZENS—In performing the responsible duties enjoined by the Constitution, on the Executive of the State, a sincere pleasure is felt in addressing at the commencement of each session of the Legislature the immediate representatives of the people, to present to them in faithful candor the true position of public affairs, to suggest remedies for known wants, to aid in the enactment of such measures as the interests, happiness and welfare of the citizens seem to demand, is not the less gratifying that it is made the duty of the Executive department. The events of the past year, will not fail to teach us the lesson of an over-ruling Providence and the gratitude we owe as a people for the blessings which, through the wisdom of Almighty Goodness, have been vouchsafed to the nation. When the representatives of the people last met, there existed between our country and a neighboring republic, a fierce and bitter war. The result, indeed, was not doubtful, for, with a people justly celebrated among nations for their unconquerable bravery, unsurpassed skill in military affairs, and their great superiority over their enemies in physical and mental qualities, victory was the necessary consequence; yet the undecided contest was a source of profound regret, for the sacrifice of human life, and the expenditure of public and private treasure necessary to the establishment of our own peaceful relations.

It is therefore gratifying to know that the war has fully terminated, and that Peace, the rational desire of all, sheds a glad its blessings on every portion of our country. To the Almighty Father, who in mercy turned the hearts of the rulers of both countries, to lay aside the sword, to cultivate the spirit of brotherly kindness, and to establish peaceful relations between the citizens of their respective governments, we owe the deepest and most fervent gratitude. The abundance of our harvests, the blessings of continued and general health, and the preservation of our civil and religious rights, as guaranteed to us by the free institutions of our country; while destitution, misery, and convulsed governments, and protracted civil and religious institutions harass the people of other lands, should produce in our hearts a fervent acknowledgement of His superintending kindness and mercy.

In the late contest with Mexico, this Commonwealth was called upon by the National Government, to furnish a portion of the troops deemed necessary by the constituted authorities to carry the war to a successful issue. With this requisition it is scarcely necessary to state, our Commonwealth complied with the alacrity which has heretofore distinguished her among her sister republics. A large volunteer force was instantly placed at the disposal of the National Government, and it is a matter of just pride to their fellow-citizens, that in the discharge of every duty, these volunteers maintained the honor of the State, and the renown of their country. The citizen soldier who fortunately escaped death, has returned to his family and friends, after having earned for himself and the State, a reputation for undaunted bravery, for enduring and patient suffering, and manly and heroic virtue, that the future annalist will delight to record.

It is due to these patriotic citizens, that this Commonwealth do some act as an acknowledgement of their past illustrious services. To the memory of the dead who fell in the service of their country, it is the duty of the State to erect a suitable monument, that their bravery and virtue may be enduringly remembered, and their heroic sacrifice emulated in other times, should the honor and safety of the country require it from future generations.

Since the adjournment of the last Legislature, the Chief Executive Officer of the Commonwealth, the late Gov. Shunk, has sunk beneath the malady which then afflicted him. He died on the 20th day of July, 1848.

It will not be deemed improper in me to say a few words in reference to the character of the illustrious deceased.

The late Governor Shunk having spent a large portion of his life in the public service, and having mingled much with his fellow-citizens, was well and extensively known throughout the State, & it is with pleasure the circumstance is recalled to my mind, that at one period of his life, I had the honor to enjoy his intimate personal friendship.

During our intimacy, it always gave me great pleasure to aid and assist the young and inexperienced, to relieve the distressed, and to impart to his fellow-men by words of kindness, and deeds of charity, as large a share of happiness as his condition would allow.

His intercourse with others was courteous, his friendships were lasting, his attachments strong and enduring, while his resentments for injuries were transitory and made no permanent impression in his bosom. It may with truth be said of Gov. Shunk, that he was a sincere friend, a good neighbor, a pure Christian and an honest man. Such was the reputation he sustained among his fellow-citizens when my intimacy with him, gave me a knowledge of his character, and although a difference of political views separated us for many years before his death, his friends, at a later period of his life, have borne testimony that the same purity of intention and desire of well-doing remained with him until the hour of his dissolution.

The Legislature is respectfully invited to take such action in relation to the de-

cease of the first Chief Magistrate of the Commonwealth, whose death occurred during the period for which he was elected, as may be deemed most appropriate to express its sympathy for the sorrow and bereavement of the surviving relatives, and to testify its respect for the memory of the virtues of the distinguished dead.

Prior to the decease of Gov. Shunk on the 9th day of July, 1848, as appears by the records in the State Department, he resigned the office of Governor of this Commonwealth, and thereupon, under the provisions of the 14th section of the 2nd article of the Constitution, which declares, that "in case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor, until another Governor shall be duly qualified," the duties of the Executive Department of the Government devolved on me.

Official information of the act of resignation, did not reach me until the 17th day of July, 1848. The section of the constitution herein referred to also declared in reference to the same subject, that "in such case another Governor shall be chosen at the next annual election of Representatives, unless such death, resignation or removal shall occur within three calendar months immediately preceding such next annual election; in which case a Governor shall be chosen at the second succeeding annual election of Representatives." By the 34th section of the act of the General Assembly relating to the elections of this Commonwealth, it is provided, that "in case any vacancy shall occur in the office of Governor of this Commonwealth, more than 3 calendar months next preceding the second Tuesday in October in any year, it shall be the duty of the Speaker of the Senate, or whoever shall be in the exercise of the office of Governor, to issue his writs to the Sheriffs of the several counties, requiring them to give the usual notice, that an election to supply such vacancy will take place on the second Tuesday, in October next thereafter, and when such vacancy occurs within three calendar months before the second Tuesday in October, it shall be the duty of the Speaker of the Senate, or whoever shall be in the exercise of the office of Governor to issue his writs as aforesaid, requiring notice of such election on the 2d Tuesday in October next, after the issuing of said writ, & in each case said writ shall issue at least three calendar months before the election."

An examination of the constitutional provisions; the act of Assembly; and the circumstances of the resignation, will satisfy you, that while the resignation occurred more than three calendar months before the next annual election of Representatives it took place at a time rendering a compliance with the act of assembly in relation to the issuing of writs, utterly impossible. In this view of the case, it might have been deemed a compliance with duty, to have refrained from all interference in the matter, inasmuch as events had put it out of my power to comply with the terms of the act of Assembly, directory of the mode in which the Constitutional provision on the subject should be carried into effect.

After a full and careful examination of the whole matter, I believe it my duty to issue the writs requiring notice to be given, that an election would be duly held on the second Tuesday of October next ensuing, for the election of a Chief Magistrate of this Commonwealth. It appeared to me, that in all cases of doubt, there was no safer resting place than submission to the decision of the people, and that in the better course in a republican government, was to refer to the citizen voter the right of selecting at the earliest period his presiding officer, rather than assume a position which would continue official station in myself, beyond the earliest legal opportunity to surrender it into his hands. The organic law required the election, and the Legislative enactment should be so construed as not to contravene the Constitutional provision. Had the terms of the Constitution and laws clearly given a different position to the question, however unpleasant the task of performing the duties of the office without the endorsement of the people's will, they would have been faithfully executed.

In assuming as Speaker of the Senate, the exercise of Executive functions, although not deemed it absolutely necessary, prudence suggested the propriety of being sworn to a faithful discharge of the Executive duties, and an oath to that effect was administered to me by the honorable Speaker of the House of Representatives.

A law requiring in all cases of death or resignation from office, or of his removal from office: that writs to the Sheriffs of the different counties shall be issued as soon as the Speaker of the Senate shall be officially informed of such death, resignation or removal, and requiring, further, that the officer assuming Executive functions should be sworn in the same manner and to the same effect as in case of a Chief Magistrate inducted into office, determining also the person authorized to administer the oath, would obviate future doubts, and the same is respectfully recommended to the Legislature.

It is worthy the attention of the Legislature and the people, that no provision exists in the Constitution in the contingency of the death, or inability to serve, of the Speaker of the Senate after the death, resignation, or removal of the Governor, for the selection of a presiding magistrate—Such an event happening, the government would be left without a constitutional officer to carry on its operations. An omission of such importance should be supplied at the earliest possible period.

Resolutions expressive of the profound sorrow of the Legislature, for the death of that illustrious patriot and sage, John Q. Adams, and of condolence for the family in their bereavement, were passed by that body at its last session; and the Executive was directed to transmit the same to the widow and family of the deceased. The letter of the late Executive in the performance of that duty, and the reply of the venerable survivor, are herewith transmitted.

The attention of the Legislature having been called to the neglected and suffering condition of the insane poor of the State, an act was passed on the 14th day of April, 1845, providing for the establishment of an asylum for this unfortunate class of our indigent population, to be located within ten miles of the seat of government. The commissioners named in this act, with funds contributed for the purpose by humane & benevolent citizens of Harrisburg, aided by a liberal appropriation made from the treasury of Dauphin county, purchased a farm of about 130 acres, eligibly situated within a mile and a half of the State Capitol. In January, 1846, these commissioners made a report to the Legislature, in which they stated, that on a critical examination of the aforesaid act, such defects were apparent, that they did not conceive themselves justified in proceeding with the building, or in making any expenditure of the sum appropriated by the State, towards its erection, until some modification should be made in the law under which they were acting. To remedy these defects a supplementary act was passed, on the 11th day of April, 1848, upon which the commissioners forthwith adopted measures for the commencement of the work. A plan for the proposed building was adopted, and a contract was made with an experienced architect and builder for its construction.

A considerable portion of the materials, as I am informed, has been provided; the excavation of the cellars and foundation has been made; the laying of the stone masonry commenced, and the hydraulic apparatus for raising water to the building nearly completed. Of the appropriation made on account of this building, a warrant has been drawn for \$5,000, of which only \$2,726 05 has been expended. It is hoped and believed that the work will be forwarded with as much despatch as is consistent with prudence and a proper regard for the comforts and restoration of the afflicted insane population.

By the act of the 4th of May, 1841, entitled "An act to provide revenue to meet the demands on the treasury, and for other purposes," certain banks were authorized to subscribe for a loan to the Commonwealth, to an amount equal to a fixed percentage therein stated, on their respective capitals; the amount of such loan to be placed in the treasury for the use thereof, in notes of said banks of the denomination of one, two, and five dollars. By the terms of the law, the loan was redeemable at any time within five years, and was peremptory that it should be paid, and the notes authorized to be issued, withdrawn from circulation on or before the 4th day of May, 1846. The act also provided, that the banks issuing said notes should receive them at par value in payment of debts due these institutions. It was thought that by making their redemption dependent on the faith of the State, as well as on that of the banks by which they were issued, a safe and reliable currency would be constituted, while the State would be largely benefited by a loan at one, instead of five and six per cent., as on previous occasions.

The notes thus issued, were substantially the creatures of the banks. They constituted a loan to the Commonwealth, were required to be paid into the treasury in the manner prescribed in the law, and were redeemable at their par value at the counters of the banks; and the circumstance of the faith of the State in addition to that of the banks, being pledged for their redemption, could not raise a rational doubt of their constitutionality. How far a subsequent act, passed the 31st day of May, 1844, by relieving the banks from all responsibility touching their redemption and payment, thereby making them an issue on the part of the Commonwealth, redeemable at the treasury alone, controverted the Constitution of the United States, it is not necessary now to decide.

Under the provisions of the original act of the 4th of May, 1841, the amount of notes issued was \$2,220,265, which was specially appropriated to the support of the government during the year, the payment of debts, and other special purposes therein mentioned. Within two years thereafter, the sum of \$135,214 of said issue was funded by the banks and converted into permanent loans at five per cent. By a resolution of the 6th February, 1843, and the act of 8th April of the same year, \$682,087 were cancelled and destroyed. The act of May 31st, 1844, is as follows: "That the State Treasurer be, and he is hereby authorized and directed, on the first days of June, September and December in the year one thousand eight hundred forty-four, to cancel and deliver to the Auditor General, for destruction, fifty thousand dollars; and on the first day of March, June, September and December in every year thereafter, fifty thousand dollars of the notes issued by the Banks of this Commonwealth in pursuance of the act of the 4th of May, one thousand eight hundred and forty-one, that may then be in the Treasury—and if said notes shall be depreciated, then of the most depreciated,—and continue so to do, until the whole amount of the notes legally issued by the Banks as aforesaid, shall have been cancelled and destroyed; and the amount deposited to the credit of the Commonwealth, in Banks or Savings Institutions, or received by collectors on the railroads

and canals, or by the Treasurer of the city and county of Philadelphia, shall be deemed as money in the Treasury, and subject to the cancellation as aforesaid; and it shall be the duty of the Auditor General to keep and publish quarterly, in at least one new-paper at Harrisburg, a record of the notes so cancelled and destroyed, designating the Bank or Banks that originally issued the same, in order that the one per centum interest thereon, may cease; provided, that it shall be the duty of the State Treasurer to retain the several amounts respectively, out of the receipts of the quarter, so as effectually to secure the cancellation of the amounts hereinbefore provided; and the sum of one hundred and sixty thousand dollars is hereby appropriated for the payment of domestic creditors' certificates issued by the Auditor General; provided, that there is sufficient money in the Treasury after paying the several other appropriations in this act."

It was doubtless the intention of the Legislature, that the sum of \$50,000 should be destroyed quarterly. Under this act, the sum of \$100,000 was cancelled in 1844; the further sum of \$85,000 in 1845;—the further sum of \$176,300 in 1846;—\$150,000 in 1847, and \$189,000 in 1848.

The following tabular statement, will exhibit with more clearness, the whole subject in relation to the issue and cancellation of these notes.

Original amount of relief notes issued,	\$2,220,265 00
Amount funded,	135,214 00
Cancelled in 1843 by virtue of resolution of Feb. 6, and act of April 8, 1843,	682,087 00
Cancelled in '44 under act of May 31, '44,	100,000 00
Cancelled in 1845 under act of 1844,	85,000 00
Cancelled in 1846, under do	176,300 00
Cancelled in 1847, under do	150,000 00
Cancelled in 1848, under do	189,000 00
	\$1,517,601 00
Leaving apparently in circulation on the 31st December, 1848,	702,664 00

The first failure to comply with the Act of Assembly requiring the cancellation of these notes, was prior to, or on the 31st December, 1844.

The amount directed to be cancelled in 1844 and 1845, and which was not done, was 165,000. The amount of failure to cancel in 1846 was 23,700. The amount of failure to cancel in 1847 was 50,000. The amount of failure to cancel in 1848 was 11,000. 249,700 00 452,964 00

It is worthy of remark, that had the cancellation of these notes been made, as required by law, less than half a million of the original issue, would now be in existence, a large portion of which has doubtless been misplaced and lost. It will be perceived also, that the act requires the destruction of the most depreciated. In using this term, the Legislature must have intended those most defaced. The laws on the subject of these notes, having pledged the faith of the State for their redemption, it is not readily seen how they could become depreciated in value, while on the other hand, many of them had become defaced, torn and unfit for use. At the passage of the act of May 31st, 1844, about \$1,400,000 of this issue, were in circulation, and as it required the cancellation and destruction of \$200,000 per annum only, it prolonged the period of their circulation to seven years, when by the original act of May 4th, 1841, but two years remained of the period of their duration. To the act of May 31st, 1844 is attributable, therefore, the continuance in circulation of these notes, after they had become torn, defaced and unfit for use. The original act, had it not been counteracted by subsequent legislation, provided the necessary means for the redemption of these notes, through the banks on or before the 4th day of May, 1846, and the failure to destroy them, as required by the act of 31st May, 1844, clearly demonstrates that the treasury has not been, since then, in a condition to repay the loan, or redeem the notes. Hence they have continued in circulation, have been paid into your public offices, and again paid out of the treasury, until they are wholly unfit as a currency for the citizens. The amount now in circulation, is presumed to be about six hundred thousand dollars. It is respectfully suggested, that the worst of these notes, as they are paid into the treasury, should be retained, and in their stead, an equal amount of new notes, of the same denominations, under an arrangement with any of the banks of this Commonwealth, be put into circulation for a period of time, so long only, as may be required by the quarterly destruction of \$50,000, to absorb the whole amount of the issue. A measure of this character would relieve the currency of those unfit for use, and have the effect in a short time, of putting the whole issue out of circulation. I would earnestly press upon the Legislature the passage of such laws, as would prohibit in their mutilated and defaced condition, their payment from the treasury. Should it be deemed a more desirable course, to rid the currency of the entire issue by a loan, it might be a fair condition of the renewal of the charter of any bank, at the present session, that it make a loan at a low rate of interest to the government, to be used in redeeming or cancelling the whole, or such part as might be deemed advisable. Any arrangement on the subject you may devise, to relieve the people of this currency, shall receive my cordial approbation.

The payment of the interest on the public debt in a sound convertible currency, is of great moment to the credit of the State. This demand on the treasury has heretofore, to a large extent, been met by payments in depreciated paper, by which the holders of State bonds have suffered pecuniary loss. An evil of this nature demands a speedy and effectual remedy. The relief notes originally intended to be temporary in their

existence and local in their circulation, should not be forced from their legitimate purpose or paid from the treasury in discharge of the interest of the public debt.

No great inconvenience could be felt in withholding an amount so small as their present circulation, from such application. To secure an object so desirable, the revenue of the State should be collected in such funds only as admitted of ready convertibility into specie without loss to the treasury. The relief notes, as well as the notes of all specie paying banks of this Commonwealth, should be received in payment of public dues while other paper money, under par, at the grace designated for the payment of interest on the public debt, should be refused, unless, upon notice to that effect of the State Treasurer, arrangements by the banks issuing the same were made to redeem it at such point as he might designate. The State Treasurer should be authorized to require of those specie paying banks, whose notes might be under par at the place of paying the interest, to make arrangements to redeem their notes at par, at the point designated, and on their failure to comply, to demand specie funds at their counters. It is believed that an arrangement of the kind suggested, would materially aid in rendering the notes of all the specie banks in the Commonwealth of equal value in all parts of the State; would increase their general circulation among the citizens and tend to exclude the depreciated paper of foreign institutions. A measure valuable for these purposes, which would give increased worth to our stocks and enable the State more faithfully to comply with her contracts, is worthy the serious consideration of the Legislature.

(Concluded next week)

Orphans' Court Sale.

IN pursuance of an order of the Orphan's Court of Clearfield county, held at Clearfield on the sixth day of December, A. D. 1848—there will be exposed to PUBLIC SALE at the court house in the borough of Clearfield, on Monday the twenty ninth day of January, 1849, all the interest of the heirs of William Hartshorn, deceased, (said interest being the undivided one-third part) in a certain tract of unimproved LAND containing THREE HUNDRED acres surveyed on warrant to John Doughton, bounded as follows, viz: Beginning at a bench north 50 degrees east 155 perches to a post, south 40 degrees east 320 perches by James Ross to a cucumber, south 50 degrees west 155 perches by John Driscoll to a hemlock, north 40 degrees west 320 perches to a bench and place of beginning, surveyed 21st September, 1828, on warrant or application of 1773. The said tract is situate in Ferguson township in the county of Clearfield.

Terms of Sale:—Cash on confirmation of Sale.
ROBERT ROSS,
Ex'r of Wm Hartshorn, dec'd.
January 2, 1849.

Orphans' Court Sale.

PURSUANT to an order of the Orphan's Court of Clearfield county, held at Clearfield on the 6th day of Dec. 1848, there will be exposed to PUBLIC SALE, On the twenty sixth day of January, A. D. 1849, on the premises, in Brady township, Clearfield county, the following described property, to wit:

A CERTAIN TRACT OF LAND Containing 110 acres, more or less, situate in Brady township, Clearfield county, adjoining lands of William Wain and John Feye and others, with about SIXTY ACRES CLEARED thereon—a small Dwelling House, Barn, and other buildings thereon erected, together with a YOUNG ORCHARD containing about 100 bearing trees, is the estate of Henry Feye, deceased. Site to commence at 10 o'clock of said day, when due attendance will be given by the administrator.

Terms:—Cash on confirmation of the sale.
DAVID BUTLER,
Adm'r of Henry Feye, dec'd.
Dec. 27, 1848.

LIST OF LETTERS remaining in the Post Office at Clearfield, Pa.,

January 1st, 1849.	Hoover, John
Adams, Barney	Hoover, Wilton
Adams, Esq., T. M.	Hall, Horatio L.
Ames, Jon'n R.	Irwin, James
Banks, Jonas	Jordan, Samuel—2
Berry, Landis	Jones, Isaac
Butler, W. G.	Lutzinger, Leonard
Boyer, Henry R.	Livergood, Nancy F.
Bruggan, Samuel	McElroy, David
Cavenaugh, James	McCready, Patrick
Cowles, A.	Mapes, Wm
Carter, Abraham	Mayson, John
Chadwick, Esq., F. J.	Merrill, W. L.
Curry, Richard	Surveyor, Deputy.
Krehart, C. & D	Turber, R. v. T.
Goodfellow, Sum'd	Turner, G. W.
Gleason, W. B.	Walters, James
Groon, George	Waynwright, Thos.
Foyle, Esq., James	Williams, Jas C.—pb
Hoops, Gilroy F.	W. L. MOORE, p. m.

TRIAL LIST FOR JANUARY TERM, 1849.

Archibald Shaw	vs Leonard & Moore
Peter Newman	vs Joseph Platt, jr.
Thomas Hemphill	vs Samuel Sebring
Jacob Snyder	vs Henry South et al
James Macmanus	vs John W. Miller & Sons
Richard Shaw	vs T. & L. R. Caster
William Penrose	vs N. & Charles Clever
Jonathan R. Ames	vs Adam Short
Jonathan Baynton	vs John Goss
Elias Turner	vs James Turner