

# Jeffersonian Republican.

THE WHOLE ART OF GOVERNMENT CONSISTS IN THE ART OF BEING HONEST.—Jefferson.

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## POETRY.

FOR THE JEFFERSONIAN REPUBLICAN.

### Children.

Sport on! sport on! in your joyous mirth  
For ye add new lustre to things of earth,  
With your radiant brows, and your glad smiles,  
And hearts unscaled by earth's treacherous wiles.

Sport on! sport on! ye alone have power,  
To gladden the heart in its darkest hour;  
For cold indeed must that bosom be  
Which warms not at sight of your artless glee.

Sport on! sport on! for no lines of sin,  
Speak of passions dark, or of guilt within;  
And trusting all in your innocence,  
You deceive no hearts with a mock pretence.

Sport on! sport on! while your onward way,  
Seems unclouded, and bright as a summer's day;  
And gather life's flowers in its early stage,  
For they fade with the cares of maturer age.

Sport on! sport on! for your priceless worth,  
Is wealth untold at the household hearth;  
For more refined are the joys that flow,  
From a parent's love than aught else below.

Sport on! sport on! for cold and drear,  
Would the brightest scenes of this earth appear;  
Were it not for the smiles and the artless glee,  
And the pure warm love of infancy.

DELTA.

Milford, 1842.

## GOVERNOR'S MESSAGE.

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

(CONCLUDED.)

Connected with the repeal of this law, should be the enforcement of specie payments by the banks. An early day should be fixed for this event, at least as early as the first of June.—The time, however, is not so material, whether it be a few months sooner or later, so that a certain definite and reasonable time be fixed. Your action on this point, cannot be too prompt for the public interest. The community has been long enough held in suspense—let the final issue be at once presented, and it is to be hoped the people and the banks will be prepared for it when it arrives.

Those banks which are in a sound condition will conform to the requisitions of the Legislature, without much embarrassment; and those which are not, will thus be brought to the touchstone of their merits. The first will sustain themselves, the latter must take their fate. As soon as the produce of the country has found its way to market in the spring, the people will be as able as at any other period, to endure whatever hardship results from this measure. I do not myself believe, that any inconvenience which can arise from it, will be greater nor any thing like so protracted, as those which are felt by all classes now.

It seems to me it would be far better, to bring matters to a crisis at once, than to suffer under the slow, but death-like torpor that has already seized upon all. A very few may, possibly, fall victims a little sooner, who could not escape in the end, but the community at large will ultimately experience effectual relief. Let rashness, violence and injustice be strenuously avoided, but no vain hopes or empty theories should prevent a cool, calm contemplation of our duty, and a firm and unshaken discharge of it, without turning to the right hand or to the left. A suspension of specie payments is at variance with every principle of correct banking.

The forbearance hitherto extended to the banks has not been without its uses. It has enabled the banks to test their alleged ability, and to extricate themselves from their difficulties, and has added much to the stock of our experience. It has clearly demonstrated that if the banks could not regain public confidence, under the indulgence they have received, the system on which they are founded is essentially unsound, and requires thorough amendment or extirpation. We have witnessed, too, under its influence the most extraordinary changes take place, without any sudden or general convulsion. A bank of 35 millions capital has exploded and gone down in the midst of us, comprehending within its sphere of business, the most extensive relations, both with individuals and with other banks, without making more than limited portions of the Commonwealth feel the blow with oppressive weight. Looking, therefore, at all these considerations, the indulgence heretofore given to the banks, furnishes the strongest reason in favor of the course I suggest, and fully justifies its adoption.

I have recommended to three several legislatures the propriety of selling the stock which the State owns in the Bank of Pennsylvania, the Philadelphia Bank, and the Farmers and Mechanics Bank, and used every argument that I could bring to bear upon the subject, to convince them of the propriety of separating the Commonwealth from the Banks, and of

disposing of the stock she holds in them. I recommended it in a message communicated on the 7th March, 1839, on which day the market price of the said stocks were, for the Bank of Pennsylvania, \$46 for \$400 paid—Philadelphia Bank \$108 for \$100 paid, and the Farmers and Mechanics Bank \$62 for \$50 paid. The same recommendation was again made on the 8th Jan., 1840, at which time the following was the price of said stocks—for Bank of Pennsylvania \$410; Philadelphia Bank \$99; Farmers and Mechanics' Bank \$54. A similar recommendation was made 6th Jan., 1841, on which day the following sales were made, viz: for Bank of Pennsylvania \$412; Philadelphia Bank \$100; Farmers and Mechanics' Bank \$52, making the said stocks, held by the Commonwealth, worth \$2,157,970. By the last sales made during the present month, the market value of these stocks are, for Bank of Pennsylvania 160—Philadelphia Bank 48; Farmers and Mechanics' Bank 30; making the present total worth of these stocks \$902,424; by which it is seen that by the course pursued by the last legislature, in refusing to authorize a sale, the loss sustained by the state, on those stocks, amounts to the formidable sum of 1,255,546 dollars. I renew the same recommendation to you, for the reasons given, from time to time, in my several communications on that subject.

Before I dismiss the subject touching the banks, I desire to call your attention to the policy of rechartering banks, by the legislature, during the present session, at all. When a charter for a bank has been granted to a number of individuals, for a fixed period of time, there is no express or implied obligation to renew it. On the contrary, the very limitation shows that its existence is to be terminated at the time designated. Its stockholders know this, and cannot complain if held to their bargain. The condition of banks never is known till they are wound up and closed.—Their mode of doing business, enables them to defy public scrutiny, and to acquire a credit and standing to which they may not be justly entitled. Frauds and irregularities of years perpetration are concealed from the eye of the public, till a final settlement of the concerns of the bank is made. Little knots of persons confederate and gather round these institutions,—reap the benefit of their existence,—monopolize their advantages, and perpetuate their power. We seldom find among them the energy, intellect and enterprise of the community, but those who derive their consequence from their combinations sanctioned and invigorated by the law. I cannot think such a system as this of perpetuating these corporations, congenial to our free institutions. It establishes monopolies of the most odious kind, because not limited in duration. If the business of the community really requires the aid of a bank, instead of renewing the charter of the one about to expire, establish a new one. Let its subscription books be open to all, and if it be advantageous, let all share in its enjoyment, who may choose to do so, and if not advantageous let all participate in bearing the burthen.

Besides it is not a fit time to renew bank charters, or to establish new ones. The public mind is not settled on this subject, nor can we fully appreciate the soundness or unsoundness of the banking system, until a resumption of specie payments takes place. Let the recommendations I have now submitted to you, be adopted, and let us wait a year at least to judge of their results. This experience will essentially aid future legislation, and perhaps rescue us from fatal errors. The history of the legislation of this Commonwealth, in regard to banks, is a succession of plausible theories; let us hereafter rest on the solid basis of enlightened experience. Then may we hope to escape the rock, on which all our banks are now temporarily shipwrecked. I hope and trust most, if not all of them, are able to resume specie payments; but it is impossible to know this, or to confide in their ability and disposition to do so, unless we have the proof, which they alone can furnish. The public has ceased to yield its credit to any corporate pretensions, which are not supported by corresponding acts. I have appended several tables connected with this subject, as affording matters of convenient reference.

The general subject of creating and regulating corporations, is so intimately blended with that of the banking institutions of the Commonwealth, as to claim a place next in our consideration. I have remarked in former messages, that the creation of corporations for all purposes, has been carried to a fearful extent in this State. Year after year they have been springing up around us on all sides, and are rapidly becoming competitors with individuals in all sorts of business. When confined to their legitimate purposes, such as the construction of canals and railroads into our fertile interior, and rich mineral regions, I shall not utter a word of complaint; but to this limit, strictly should they be restrained.

The increase of corporations is a growing evil. I have again and again cautioned the Legislature against the granting of corporate privileges; I cannot too strongly impress this caution upon your minds. On referring to the acts of the last legislature, we find the grant of corporate privileges to have been free and almost indiscriminate. So much so, that of 147 laws enacted, more than one third were either acts of incorporation, or acts supplementary thereto. I adhere to the opinion, heretofore expressed, that corporations ought never to be created, where the object to be accomplished is within the probable reach of individual exertion. They absolve men from personal liability, and may tend, by undue combinations and concentrated action, to embarrass the operation of government, and interfere with the popular sovereignty. Let the

present Legislature set the example of resisting these monopolizing encroachments. If the propriety of this course was ever doubtful, the experience of a few years past has dissipated all doubt, and clearly marked out the path of duty.

On this subject, there is another matter which has been repeatedly brought under my notice. I allude to the extension of the authority to create corporations for various purposes, conferred on the courts of common pleas, by the 13th, 14th, 15th and 16th sections of the act of the 13th of October, 1840, entitled "An act relating to orphans' court and for other purposes." Charters of incorporation are procured under this law, on application to the respective courts of common pleas, without being subjected to any other restraint or control than their own hasty perusal. Notice to be sure, is directed to be given, but that is of little avail. There is no common standard for the whole State, as was the case when these charters were to be approved by the Attorney General and the judges of the supreme court, and enrolled in the Department of State, at the seat of Government. Under the old system there was uniformity in the provisions contained in these charters; but now, under this new law, the discretion of different courts may essentially differ, and ultimate confusion cannot fail to ensue. These domestic corporations, as they may be called, are of great service to the public, but it may be fairly questioned whether it will detract from their uses to render their creation a matter too ready and unchecked. I invite your attention to this subject, and if you should agree with me in opinion, it will be easy to remove all ground of complaint, by restoring the power of granting these charters to the hands in which it has been safely lodged for upwards of half a century. The delay and inconvenience of the old system were fully counterbalanced by the certainty, consistency and uniformity of the corporate powers and privileges enjoyed by the corporations created.

The Legislature, by the act of 16th June, 1836, conferred equity, or chancery powers, on our supreme court, courts of common pleas and district courts, in certain specified cases. There are also certain other enactments, on the same subject, in the 39th section of the act of 13th June, 1840, and perhaps in other acts. It is stated that some of the provisions of these various laws are incongruous, that the jurisdiction conferred is not expressly defined, and it has been decided by the supreme court that the parties aggrieved have no redress by appeal from the inferior tribunal to the supreme court, or by writ of error from the latter to the former. If it be deemed advisable to retain the features of these enactments in our jurisprudence, it would seem requisite that the evils complained of should be removed by legislative enactment.

I would also recommend an examination into the state and condition of the extent and business of the several judicial districts of this Commonwealth, so that the amount of labor of the several president Judges, some of whom are at present overburdened, may be in some measure equalized.

There are complaints of the accumulation of business in the courts of the city and county of Philadelphia, and especially of the difficulty of reaching, in a reasonable time, the trial of causes at nisi prius in the supreme court. This last is said to arise from the time that the court is necessary obliged to devote to the business in hand, where they have to decide appeals and writs of error. Whether such complaints be well founded or not, I am not prepared to say. A careful examination into the whole subject, and such enactments as shall be found necessary to meet any evils that may exist in the administration of justice, and give to every one an opportunity of speedily trying his cause, is respect fully recommended.

It is often made the subject of complaint, that the decisions of the supreme court are not published under the supervision of a reporter appointed by authority of law. I think it is worthy your inquiry, whether the public interest would not be promoted by providing for the appointment of such a reporter, who shall be responsible to the public for the manner in which he discharges his duty.

Complaints continue to be made in many counties of the manner of selecting juries.—Unless some additional guard be thrown around this inestimable right, public confidence in the trial by jury will be much diminished. This most wise and venerable of all human and social institutions, must be guarded against the possibility of encroachments, and this long boasted bulwark of liberty protected from prostitution to purposes not intended by the constitution. I therefore recommend that the jurors be actually selected by the judges of the court of common pleas, or some two of them, together with the sheriff and that they be drawn by them in open court, or that some other provision be made, that the trial by jury may be respected and effectually secured.

The laws relative to collateral inheritance imperatively call for a revision, in order to insure the collection of money from that source. I respectfully recommend the adoption of the amendment suggested in a former communication, to enjoin it upon the registers of wills to enquire of all executors and administrators on oath, at the time of granting letters, whether the estate of their testator, or intestate, will be, in their opinion, the subject of the laws relative to collateral inheritances, and that the register give notice of all such to the attorney general, or his deputy, whose duty it shall be to make a record thereof, and enforcing the collection, from time to time, of the moneys arising therefrom, and hand over his record to his successor in office.

The eighth section of the 6th article of the constitution provides that all officers, whose

election or appointment is not therein provided for, shall be elected or appointed as shall be directed by law. There has been no legislative action on this subject, so far as regards the offices of Surveyor General, Secretary of the Land Office, and Auditor General, since the adoption of that instrument. As the commissions of the present incumbents will expire on the 10th of May next, it would seem to be a suitable time for providing by law for the tenure of those offices. They, with the Secretary of the Commonwealth, constitute what is usually denominated the cabinet, and the Executive is answerable to public opinion for the manner in which they perform their duties; yet under the existing laws he possesses no power of removing them, even for the most palpable dereliction of duty, during the time for which they are commissioned. I respectfully commend this subject to your attention, and that those officers be placed, as to tenure, on the same footing as the constitution has placed that of the Secretary of the Commonwealth.

So far as respects the office of Attorney General, it seems proper that the tenure should remain as it is. It is in truth a common law office—the incumbent is the legal adviser of the Governor and heads of department, and is the legal hand by which the Executive functions are performed.

The duty will probably devolve on you to make provision for the election of representatives to represent this State in the Congress of the United States. As soon as Congress shall have decided on the apportionment according to the last census, no time shall be lost to lay the same before you.

The report of the Superintendent of common schools will put you in possession of the state and condition of our colleges, academies, female seminaries and schools. The general evil, of which we have just cause to complain is the incompetency of many of those employed as teachers. The compensation to them is generally low, and yet it is generally more than many of them can earn as teachers, if the possession of knowledge and the capacity to impart it, be requisite for those entrusted with the moral and mental training of the rising generation.—Upon this, and upon all other subjects connected with the important work of education, I must refer you to the report and documents which the superintendent will furnish, and shall only remark, that I will most cheerfully co-operate in any and all measures, which shall place the means of acquiring a sound and practical education within the reach of all the children of the Commonwealth—elevate the character, and improve the qualifications of our teachers, and enlarge the usefulness, and increase the benefits to be derived from our colleges, academies and seminaries. A sound education, under proper moral and religious training, is the best legacy a parent can bequeath to his child, and the best provision a patriot can make to secure the permanence of republicanism in its purity. To our system of common schools, alone, can we look as the means of imparting this education; and on this system, at last, as the corner stone, must we rest our free institutions, and our best hopes, to see them descend unshaken, to those who come after us.

The duties of the Superintendent of Public Schools have become so onerous, as to occupy almost the entire attention of the incumbent, and to leave him but little time to devote to the other duties of Secretary of the Commonwealth. I respectfully recommend this subject to your consideration, and whether a regard to the public interest does not require a separation of the duties of Superintendent, from that of Secretary of the Commonwealth.

I cannot but repeat what I said in my first annual message, that we are 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 own Commonwealth, and endear her to their hearts. Her position, wealth and intelligence; the admirable and free system of our 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 to estimate her great characteristics.

The twenty-third section of the first article of the constitution of this Commonwealth provides that "every bill that shall have passed both Houses shall be presented to the Governor. If he approve he shall sign it, but if he shall not approve, he shall return it, with his objections to the house in which it originated, who shall enter the objections at large upon the journals, and proceed to consider it." The section then proceeds to provide, that such bill, so returned, shall not become a law, unless two-thirds of each house, shall, on a call of the yeas and nays, agree to pass the bill. This provision was inserted in our constitution of 1790 and retained in that of 1838, from a conviction of its use, as well as necessity. It was intended for the protection of the people against hasty, improvident, and improper legislation. The constitution, while it gives to the two houses the right to prepare, to amend, and pass the several bills, still makes the Executive an active constituent part of the legislative power. This concurrence, in acts of legislation, is required to be expressed in an approbation of the act proposed. When he conscientiously believes that the proposed measure is wrong, he would be reprehensible, were he to give an approbation he does not feel. Deriving his power and authority directly from the people of the whole State, his interposition of the veto power may be essentially necessary, to preserve the interest of the Commonwealth, from the operations of local causes. Whatsoever reasons, however, induced the imposition of this duty

upon the Executive originally, it is enough to say, that the duty is enjoined in our organic law, and I believe wisely. It has been my lot, as well as that of all my predecessors, I believe, on several occasions, to exercise the power thus conferred. I have always done so with due deliberation, and only when the exigencies of the occasion furnished to me very satisfactory reasons for so doing. It is, however, a power which I have never hesitated to exercise, when duty required it at my hands. During the last session of the legislature, I was obliged to exercise this power oftener than before. I did so at a time, when my conduct was about to undergo the ordeal of public opinion, and there seemed to be a disposition to make the exercise of this power, an important issue before the people. That issue was had, and the result has expressed the voice of the public upon it, in a way not easily misunderstood.

Had the duty, thus enjoined by the constitution upon the Executive, been freely and fearlessly performed, in the early legislation upon the subject of our internal improvements, we should not be involved in debt to the extent we are, and there would not have been millions of dollars expended upon works of doubtful utility, or of minor public importance. Our main and leading avenues of intercommunication alone, would have been constructed and the State saved from all danger of being dishonoured by failing to meet her engagements. Far be it from me to reflect on my predecessors, but it is our duty to gather wisdom from experience, and to avoid, as much as possible, the repetition of error.

In the months of June and August next, the commissions of the militia officers within this Commonwealth will expire by their own limitation. It would, therefore, seem to be a fit time to take up that very important, but much abused subject. One of our most important duties is to cherish and encourage the true military spirit among our citizen soldiers. In war, and in all trying emergencies on them we must rely, chiefly to protect our homes and firesides from aggression—our national honour from insult,—and our liberty from destruction. It is too much the habit of some, who should know better, to decry and underrate our militia and volunteers. Those who remember their services in the revolution and the late war, with Great Britain, entertain a very different opinion. Let the organization of volunteer companies, be promoted,—let them be furnished with arms and accoutrements,—let them devote all the time they can spare to the acquisition of military discipline, and they will soon silence the voice of censure and of prejudice, and strengthen the arm of our national defence.

A convention was held within the last season for the purpose of devising and recommending a more effective military system, and the result of their labors will shortly be laid before you; in relation to which I take occasion to say, that the opinions of that convention, combining as it does much of the talent, experience and military knowledge of the country, will be entitled to, and doubtless will receive at your hands, the most respectful consideration. American freemen should never lose sight of the solemn injunction of the father of our country, in time of peace prepare for war.

The geological survey of the State is nearly completed,—the past season having brought the exploration to a close. As soon as the field work can be reduced to shape, the State geologist will, this winter, enter upon the preparation of his general report, intended to embody the results of the whole survey.—While the final report is in progress, the engraving of the maps and drawings, which will require time, and the arrangements of the State cabinets, as far as they are in readiness, might be advantageously commenced. As a portion of the work can be put to press before the meeting of the next legislature, it seems advisable that provision should be now made, for preparing and publishing the details. This very important survey, developing the nature and extent of our immense mineral resources, having been prosecuted steadfastly to its completion, sound policy and economy certainly require that the result should be embodied and published with all possible despatch.

The enormous amount of capital invested in our various works of internal improvement, to render them productive. There is one matter connected with this subject, to which I desire to call your earnest attention. The experience of every year proves more clearly the necessity of our action upon it. I allude to the removal of obstructions from the channel of the Ohio river. The general government has several times directed its inquiries into this measure, but has never undertaken the effectual execution of the project. It is a measure in which Pennsylvania is most deeply, but not alone interested. The great and growing western and southern states, embracing nearly the entire valley of the Mississippi and its tributaries, have a direct and abiding interest in its speedy completion, as well as Pennsylvania. For the important national purposes, of transporting the mail, for transferring armies, and conveying the munitions of war, it is of quite as great moment. Indeed it addresses itself to every duty, state and national, and appeals to every interest that should com-