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THE CARLISLE HERALD

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MESSAGE

OF HIS EXCELLENCY JOHN W. GEARY. To the General Assembly of Pennsylva vania, January 3, 1872.

To the Senate and House of Represen tatives of the Commonwealth of Penn-

GENTLEMEN :- You have, for a season ness and personal interests, and come from different sections of the State three and a-half millions of free, inserve them in your representative ca pacity; and to determine upon public affairs, in such manner, it is hoped, as may deserve the blessings of God and the gratitude of men. It is becoming, of finding the parties, some of them belections "

As thus authorized, it became my duty with minds untainted with party acnimony, unawayed by selfish or interested motives, and with fervent aspira Great Preserver of nations, states and individuals, and to mingle our humble and devont supplications for His guid ance and approbation in the accomplishwe ment of the task assigned.

I am not insensible to the magnitude and importance of the subjects before me, nor to the responsibilities imposed; and approach them with diffidence andmisgivings, conscious that some of them require more extended research than time and space could be alloted to their elucidation.

In compliance with the anty prescribed by the Constitution, Ptransmit, for your information and that of the people, a statement of the condition of the finances, schools, military and other matters of interest, with recommendations of such measures as are deemed of sufficient impertance to be presented for your son-

sideration. FIRANGES

REGRIFTS.

DISBURSEMENTS Ordinary expenses
paid during year
ending November 80,
1871.

Total disbursements \$7.024.079 BE Balance in Treasury, Nov. 30, 1871. 1 St 476 808 59

PUBLIC DEBT. The public debt en November 30, 1870 Beinet amount paid by Sinking Fand Oira-missioners during the year ending Rovem-er 30, 1871. \$

o 1871 \$c, 18,525 6 nt paid by State autror during

The following statement shows th mature of the indebtedness of the Commouwealth, November 80, 1871; Funded debt, viz :

0 088,087 B Total funded debt Unfunded debt, viz :

\$ 15,925 6 Public debt. Nev. 86, 1871, as before ...: \$28,040,011 74 The commissioners of the sinking fund

report assets remaining in their hand an follows viz: Bands of the Pennsylvania railroad company, seenred, by live on the Philadelphia and Columbia railwas a way to bank of the Aleghay Tallay Fallroad sompany, such iar \$180,000, guarantied by his Possible 90,000, guarantied by his Possible 90,000, guarantied by his Possible 90,000, guaranties of the possible 90,000, guaranties 90,

8.809.000 \$9,400,600 NC

Balanen of public debt unprevided . 818,168,586 1 In obodience, to the sixty-seventh seetion of the appropriation bill, approved the relief of the citizens of Chambersburg and vicinity, for war damages adjudiested under former, sets, certificates of supposed to have been completed, was lean to the amount of two hundred and which sam bears interest at six per cont,

physiolistomi-annually at the State Treasury. Cash peld by the State to the United States, Jane 30, 1842. ato Treasurer show the total indebtediess of the commonwealth, on the first thundred and ninety dollars and some that any portion of the State's claims Making the amount of suspended and then confident The average reduction during had been liquidated and determined.

seventy-Ans cents. .

um can, without doubt, be paid as rapidly as the holders will present it to the allowed." So that on the books of the annually, at the rate of one-half will for mmissioners of the sinking fund. The bonds payable in 1872, and demandable debtor for in 1877, amount to \$3,879,400.00. These oan, also be paid within the five years prior to their maturity at an average of \$775,880.00 per annum.

tion bills have been withheld from the Governor until about the time of ad- while the claims on the part of the State journment, when he must either sign against the United States were under pend the means to defray the operations siderably in excess of this amount. To or call an extra session of the legislature. importance demands.

WAR CLAIMS. separated yourselves from private busi- tax levied in the several States for war clothed with the powers of more than 000,000 has been settled in full by the al- joint resolution, authorized the Governo telligent and independent people, to expenses incurred by the State during disallowed and suspended claims against before the legislature."

deliberations.

108 710 0

allowance of fifteen per cent as com-

collection. of which the state assumed.

The fifty-third section of the statute last referred to provides : "That the amount of direct tax apportioned to any state, territory or the District of Columfled, in whole or in part, by the release of such State, territory or district, duly executed to the United States, of any liquidated and determined claim of such state, territory or district of equal amount against the United States . Pro. vided. That in case of such release, such state; territory or district shall be allowed the same abatement of the amount of such tax as would be allowed

in case of payment of the same in money.". Under the act of co-gram first referred to, of July 21, 1801, claims on the part of these are against the United States were fited amounting in the aggregate to... 28,172,218 different installments; as follows, viz :

Int Sied March 1, 1802, \$1,182,987 22 23.4 " June 11, 1802. \$84,357 20 34. " February 1,1805. \$11.84 91 441; " May 4,1870... \$51,835 18 51.4 " June 30, 1870. 76,127 19 10 15 " May 26, 811... \$33,737 77

It was in reference to the first and that on the fourteenth of June, 1862, the quota of direct tax due by the State had sums claimed by this State from the government, and partly in cash, after de-Act of Congress for prompt payment." May 37, 1871, the State has issued for The settlement thus assumed to have been effected, and which, on the infor-

\$1,656,711.45 340,000 00

day of December, 1866, was thirty seesn It subsequently transpired, however, will be seen, hundred and four the sand that at "the date when Governor Curtin" secently-seven cents. Since then, and up been completed, no portion of the State's to November 80, 1871, the sum of eight claims had been "liquidated and detershousand three hundred and thirty eight cors of the treasury" of the United Movember 30, 1871, is 140 million one of July and fifth of August, 1861. Inhundred and thirty-one thousand fire deed, it was not until November 1, 1865,

the last five years is one million sesen by the United States' officers, and eve hundred and forty-four thousand eight then the only sum allowed amounted to hundred and sixty-seven dollars and one hundred and twelve dollars and fifty It will be observed, in the table exhib- United States made an indvance to the iting the nature of the indebtedness of State on account of these claims of he commonwealth, the amount of the \$606,000, and for this cash advance the der any law of this Commonwealth,

For many years the general appropria-

In my message of January seventh, 1868, I informed the legislature that "the balance in favor of the general governpurposes, and for cash from the United States, amounting in all to nearly \$2,ers and explanations, and the difficulty lected, and shall be paid out of such colmany instances doubtful, the accom-

Lately public attention has been persistently directed to the subject of these claims and their collection from the na-.

incurred by them in defense of the United States," it is provided "that the | years been "disallowed and suspended," Secretary of the Treasury be, and he is and deemed almost without value.

Mr. Evans, upon his appointment, im-Treasury not otherwise appropriated, to charges and expenses properly incurred by such state for enrolling, subsisting, slothing, supplying, arming, equipping, paying and transporting its troops em ployed in aiding to suppress the present usurrection against the United States, to be settled upon proper vouchers, to be

filed and passed upon by the proper accounting officers of the Treasury." By another act of Congress, approved August 5, 1861, entitled "An act to provide increased revenus from imports to pay interest on the public debt, and for other purposes," there was levied a direct tax upon the several states, territwenty million dollars, with the privilege to those States of collecting and paying the quota of their tax into the Treasury of the United States, of a deduction or

pensation for the expenses attending the Pennsylvania's portion of this tax amounted to \$1,946,719.33, the payment

bia, shall be liable to be paid and satis-

These claims were filed in six

second installments of the claims so filed, that my predecessor, Governor Curtin, informed the legislature, January 7, 1863, 7th. June 28, 1871. been " paid to the United States, partly by a relinquishment of a portion of the counts for as follows: ducting the fifteen per cent allowed by mation reported to him, Governor Curtin based on an arrangement, as understood

sinety-nine thousand seven hundred and by the State authorities, shown by the forty-eight dollars and ninety-ene cents, following agares:

Jour hundred and nine dollars and assumed the above settlement to have against the mational government stands secenty-secen cents. Since then, and up been completed, no portion of the State's lands to November 30, 1871, the sum of cight claims had been "liquidated and determined" by the poper accounting officient of the Transport of th Collars, and four cohit has been paid. States, as required by the statutes of The blance at present in adepense The reduction during the year ending Congress, approved the twenty-seventh

cents. Still, on September 20, 1861, the loans now overdue is \$2,502,695.16. This State stood debtor to the United States

> national government the State appeared \$1,946,710 33 600,000 0

\$2 632,7 10 83 350,000.00

2:202:710-38 thom without proper investigation, sus- stood, if properly supported, to be conof the government for the ensuing year, enable the State to have secured the benefit of the rebatement of fifteen per passed at an early period during the ses- necessary, under the statutes of July sion, to enable the executive to give it 27, and August 5, 1861, that the money that therough examination which its should either be paid out of the treasury to the United States, or that the claims of the State against the national government, which had been "disallowed and suspended" (except the credit of \$113.50, above explained,) for five years, should ment for Pennsylvania's quota of direct | be "liquidated and determined" by the accounting officers of the government It was under these circumstances that the legislature of the State, in 1867, by lowance of war claims for extraordinary to appoint "a special agent to collect the war. In consequence of the lapse of the United States," "whose compagnatime since the remaining claims were tion for that purpose shall not exceed contracted, the want of sufficient vouch- ten per centum of the amounts thus col-

render their settlement difficult, and in to appoint a competent person to attent specially to the interest of the common plishment of which, however, will be wealth in the collection and adjustment tions of praise and gratitude to the vigorously pursued, and the result laid of these claims, and under the authority her taxes on these immense profits, payconferred upon me, I appointed Mr. George O. Evans, of Philadelphia, whose recommendations for efficiency and faithfulness were so strong, that I had tional government, and in view of the no hesitation to place in his hands the action which it may be your duty to take agency required by the act of Congress in reference therete, the following facts, of July 27, 1861, and the joint resolushowing what these claims consists of, tion of the legislature. It was not exthe measures taken by the State for their pected that he would ever succeed in recovery, and the success resulting there- paying off a debt which seemed to be and contracts were produced, and especifrom, are submitted to aid you in your greater than the amount of the claims then on file; nor was it expected that By a statute of congress, approved he would succeed, under the best of cir-July twenty-seventh, 1861, entitled "an cumstances, in obtaining more than a act to indemnify the states for expenses few hundred thousand dollars out of part, by which, and the accompanying purposes, and it must not be said of us, vouchers, which had for upwards of five

> pay to the Governor of any State, or to assigned him, and through his success in his duly authorized agents, the costs, paying the entire debt due the general vernment, I was able to communicate o the Legislature of 1868 the partial two separate trials in the court of comsettlement of the claims referred to. It reference was of too meagre a character | poration to place the result of his services fairly illowed." were "liquidated and deter-

States tax. filed on the part of the State, of \$605,lections which he succeeded in making upon the claims "liquidated and deter mined" in favor of the State, as already

explained. By act of Congress, the State was enductions for prompt payment by her delinquency in not paying the tax for five years. But, not withstanding all this. Mr. Evans not only obtained for the benefit of the State, the rebatement of tax, but a release of the interest which might have accrued on the entire claim

f the United States. The claims collected by the State from the United States, are as follows: Navember 1, 18.5... Mry 2, 1867......

These collections the special agent ac-

\$1,804,711 43 oash advanced to the State by the United States, September, 20 1561 cold con el Paid to the State Pressury as follows: \$708,710,77

201,048-91 From these results it will be seen that the present condition of the claims

2,010,460 11 201,749

CREDIT MOBILIER OF AMERICA. By the fourth section of the act ap proved May 1, 1868, taxing corporation it is declared:

"That the capital stock of all con panies whatever, incorporated by or unshall be subject to pay a tax until the claims were "liquidated and into the treasury of the Comm

> each one per cent of dividends made o deelared by such company." now about the one-sixth part of the evenue of the State.

owers conferred by its charter, it uuminus of the road, and east of the one hundreth meridian, for the consideration of fifty thousand dollars per mile This contract was assigned by Hoxic to the Credit Mobilier, and the road was built by that company. In the exe cution of the contract certain profits were made and dividends divided by the corporation; and the taxes due thereon to the State of Pennsylvania were volume tarily paid into the treasury. Soon after wards another contract was 'made' with Mr. Oaks Ames, for the construction of six hundred and sixty-seven miles o said road west of the one-hundredth meridian, for an aggregate consideration of forty-seven million nine hundred and lifteen thousand dollars. This part of the road was constructed under the latter contract; and out of the profits aris ing therefrom about the sum of nine tillion dollars was declared as dividends and paid to the stockholders of the Credi Mobilier. But when the State demanded ment was refused by the corporation, on the grounds that the dividends though paid to, and received by the stockholders of the corporation and in the they severally held stock in the company, were yet paid to them as individuals, and not as stockholders. To make good this defense aundry papers, agreements ally in tripartite agreement between Oaks Ames of the first part, suntlry trustees therein appointed of the second part, and the Credit Mobilier of the third mediately gave his attention to the duties of the State, with counsel employed by great and important ends are not being their usefulness is demonstrated should the Auditor General, associated with accomplished

mon pleas of Dauphin county recovered is due to Mr. Evans to state that that | verdicts and judgments against the cor-The first was obtained November 25, and fully before the public. Through | 1869, for \$407,483.39, and the second, nined" by the accounting officers of the and in the opinion of a majority of the left a balance thereon against the State reason why every other corporation may was to be deducted the payment made by contrivance, escape the payment of a reasonable term of years, of our public the State on account of this tax on June taxation on their capital stock, and schools. 30, 1862, of \$350,000-reddeing the thus over a million dollars annually be liability of the State for direct tax to lost to the State treasury. In view of \$1,304,711.43. This indebtedness, as this impending danger, I carnestly inalso the cash advanced to the State on voke your prompt and careful considera-Soptember 20, 1861, six months before tion of this whole subject, and recomthe first installment of claims had been mend such action we will in the future

effectually protect the interests of the

commonwealth. CONSTITUTIONAL REFORM. The seople at the last election having proclaimed unmistakably in favor of a convention to revise the constitution, it titled to a rebatement of fifteen per cent on her quota of the United States tax; Legislature to provide the necessary provided it was paid before the first day legal machinery to carry out the popular of June, 1862, and of ten per cent; pro- will on this important subject. I corwited it was paid before the first day dially sympathize with this movement, of September of that year. The State and in my last annual message prehad forfeited both of these proposed re- sented my views thereon so fully that a repetition of them is deemed unnece sarr, but to which special reference i made. A careful revision of our fundamental law, by men qualified for that duty, is imperatively demanded by the the fifteen per cent on the amount of the highest considerations of public welfare. Connected with this, in a considerable degree, are the questions of the establishment of a "Court of Appeals, and the appointment of a commission t revise the tax laws and to equalize taxation. Both of the-e measures are important, and are urged upon my consideration by intelligent men from differ ent parts of the State. But, inasmuch as the constitutional convention, may with propriety, undertake the roomanization of our judicial system, "and as taxation should be based upon and made conformable to the requirements of the constitution. I incline to the epinion that general legislation on these subjects had better be postponed until the action of the proposed convention shall be known CONGRESSIONAL APPORTIONMENT

The second section of the first article of the constitution of the United States, as modified by the second section of the fourteenth amendment thereto, definer the principles and basis of congressional representation; and imposes upon each State the duty of dividing the same, every ten years, into congressional districts, each containing as nearly as possible the ratio of inhabitants adopted by longress, based upon the enumeration of the national census of 1870. No more mportant duty than this apportionment of the State into congressional districts is likely to devolve upon the present legislature; and I bespeak for it that care required by the magnitude of the inter-

THE MILEORD AND MATAMORAS RAIL ROAD COMPANY. About the close of the session of the invite your attention to the carefully

to the Milford and Matamoras rallroad ompany." The fourth section of this ent seems to have been intended to take from the State, and give to the contained therein. His long and success ompany, the ten thousand dollars bonus. paid into the State treasury annually by the New York and Erie railroad company, under the fifth section of the act of twenty-sixth March, 1846. Soon after the adjournment my attention was di-

rected to the subject, and to guard against loss I caused the Attorney Gen-The taxes received during the last | tral to give notice to the New York and four years from corporation stocks have Eric railroad company that the State annually exceeded \$1,000,000, and are would look to that corporation for the payment of the annual bonus, as here tofore, notwithstanding the passage of "The Credit Mobilier of America" is the supplement referred to. I regard able information in regard to which corporation created by the Legislature the latter as having been enacted and Pennsylvania; and under the vast approved, through inadvertence, in the hurry of a closing session, and as hasty dertook the construction of that great and inconsiderate legislation, at variance national work, the Union Pacific rail, with the settled policy of the State, and road. The first contract was made highly prejudicial to the public inter-It is earnestly desired that the appro-priation bill be taken up, discussed and ing to \$292,007.00, it was absolutely forty-seven miles, at the eastern termessage for the immediate repeal of this obnoxious law, of at least that part of it which relates to the bonus. The State having long since abandoned the policy of paying money out of her treasury for the construction of railroads

CARLISLE, PENN'A., THURSDAY MORNING, JANUARY 11, 1872.

allowing this enactment to remain in SOUCATION. .. Every citizen is deeply interested in he management and welfare of our common schools, and in the cause of general education, and should rejoice that in the prosperity of so great a trust he is charged with an appropriate share of responsibility. In proportion as the character of public instruction is elevated, the vast multitudes who emerge from our schools will be properly pre-

pared for the active duties of life, and

there is neither equality or justice in

the weighty responsibilities of Ameri-Thirty-seven years have elapsed since duced into Ponnsylvania, and the general prosperity of the State has ever precise amount and perpertions in which rapidly increasing population. Those who were instrumental in its introducbuildings, and all other means of education, are fully appreciated and compensated by the gratitude of all good and intelligent people. But much yet remains to be done to perfect its ultimate parol evidence, it was contended the now upon the field of action, that we me during the existence of the Scranton corporation was not responsible for the are permitting the good work to languish taxes claimed, amounting to about one in our hands. No just complaint should million dollars. The accounting officers | be allowed as to its officiency, or that its | for their services on that occasion; and | ney General to prepare and distribute

the Attorney General, prosecuted the It was certainly the purpose of the claim with zeal and ability, and on the founders of our common school system to give every child in the commonwealth. without regard to its pecuniary or social condition, the advantages of sufficient education to enable him or her to enordinary branches of business, and to his labors, the claims of the State, which December 23, 1870, for \$610,891.03. The obtain and maintain a respectability had for years been "suspended and dis- defendant took write of error; and the which ignorance can never acquire. eme Court reversed the judgments, Thus far this has not been fully accomplished; for I am informed there are national government, and being thus judges certain principles are declared at least seventy-five thousand children liquidated and allowed," the State for which are considered tatal to a recovery in the State who attend no schools of the first time became entitled, under the by the State. If this corporation, created any kind whatever. It is unnecessary sixty-seven dollars and thirty-six cents. provisions of the act of August 5, 1801, by the laws of Pennsylvania, by the to inquire into the reasons for this The various items comprising this sum, tories and the District of Columbia, of to the above sum of \$293,007.90, as the legerdemain of a tripartite agreement, shameful neglect. The evil exists and properly audited, and paid by the State rebatement on the quota of the United and other contracts and proceedings to demands an efficient remedy. That which the commonwealth was not a remedy may probably be found either The credit thus secured to the State, party, can thus evade taxation upon its in compelling, or in holding out inducededuct from her quota of the direct tax, capital stock, I can imagine no good ments to parents and others having of \$1,654,711.48, and from this sum there not, by a resort to the same ingenious to afford them the benefits, for at least

> Those who neglect this duty are unfit guardians, and deserving of severe reprehension. Parents are not the sole owners of their children. The latter are the property of the State, the prosperity of which materially depends upon their future usefulness. They are emphatically her children, and have an indefeasible right to demand her protection in their youth, that in advanced life they may, in turn, become her protectors. Let, them be properly reared, trained and cultivated, and they will grow up to mathem, and feeling a deep and lasting interest in its welfare for the paternal care would otherwise be neglected would become an honor to themselves, and bright and shining lights in the moral, social, eligious and political firmament of the glected; and what are the reverse rewill fill our almshouses with youthful vagrants, our prisons with convicted criminals, houses of infamy with dissolute retches, the purlieus of our cities with vagationds, and sover our "Potter's elds with the graves of those who might have been, with proper instructions, ornaments to society and service able to their country. These statements are fully sustained by the reports of prison inspectors, wardens, physicians and philanthropists who have given the subject careful consideration; and it has been clearly demonstrated that an exceedingly small percentage of the suffering beings who crowd our prisons and oor houses have received even the rudinents of an ordinary education, or moral

 $\label{eq:constraints} \mathcal{L}_{ij} = \mathcal{L}_{ij} + \mathcal{L}_$

instruction during their childhood. This ondition of things admonishes those having charge of the public interests of a great responsibility, and that the application of effectual remedies admit of no delay. Therefore, such legislation is recommended as will remedy any defects in our school system that hitherto failed to make it therough, comprehensive and iniversal. I would advise a more liberal policy to be adopted in regard to the compensation of teachers in the public schools that the highest order of talent and the best qualifications for the responsible and important duties of instruction may ful and patriotic consideration which is always be secured. 'On this occasion I have omitted the ests involved.

\$21,750 05 and approved, entitled #A supplement for a detailed account of the normal,

agricultural, common and soldiers orphans' schools and colleges, and to the suggestions and recommendations ful career as an educator eminently entitles them to your attentive consideration. I also recommend an appropriation of five hundred and twenty thous and dollars in aid of the common schools and four hundred and eighty thousand dollars for the continuance of the soldiers orphans' schools, for the school yea terminating May 31, 1873. NATIONAL GUARD. The accompanying report of the Ad-

utant General will be found an interesting document. It is replete with valuevery citizen of the commonwealth i deeply concerned. The present condition and efficiency of the military organizations of the State, recognized as the "National Guard," is in most instances such as to give general satisfaction. From a very small beginning, at the close of the war, they have assumed an attitude most creditable to the patriotic ardor of our young men, some of whom during the past year have been enabled to avail themselves of an opportunity to prove their usefulness in the field. The effective force of the nation guard is at present nineteen_regiments, and three battalions, comprising, with

mattached organizations, 382 companies, viz : Eight artillery, twenty cavalry, and 354 infantry. Of the regimental organizations, thirteen are in the First division, one in the Second, three in the Eighteenth, and two in the Ninth. The aggregate of enlisted men is 16,734, and the commissioned officers number 1,142. The Fifth brigade of the First division organized in accordance with an act of he last legislature, is composed of three regiments of colored troops.

The entire force is handsomely equip ed, and generally well drilled and disciplined, and prepared to meet any ordinary emergency in which its services the common school system was intre- may be required or demanded by the constituted authorities. The riotous condition of affairs in

since been commensurate with the ad- Luzerne county, during the months of vantages that have been afforded to its April and May last, demonstrate the necessity for and efficiency of these voluntary military organizations. For tion, and those who have devoted them. | a full account of these disturbances of selves to perfecting its operations as to the peace, and the operations of the nethods of teaching, the adaptation of volunteers ordered into service, you are referred to the report of Major Genera Edwin 5. Osborne, commanding the Ninth division of the national guard, which will be found in the report of the Adjudant General. From this documen "and other facts daily communicated t troubles, it is evident that our citizen soldiery cannot be too highly esteemed similar or any other civil disturbances

oreafter occur But for the prompt appearance and judicious management of the national guard on the occasion of these riots, one of our most prosperous cities might have been reduced to ashes, millions of progage in the successful transaction of the perty destroyed, many valuable lives that the articles of merger shall be filed devastation produced. By act of the legislature provision was suppression of , the disturbances in

Luzerne county. They amounted thirty-seven thousand eight hundred and Treasurer, will be found in detail in the report of the Adjutant General. The history of the volunteers in th late war is completed and ready for dischildren in charge, whether rich or poor, tribution. It embraces five royal octavo

volumes, and bears evidence of being a work of much labor and research. Accompanying this you will receive the final report of the historian. WRITS OF BRIOR IN CRIMINAL CASHS.

At the session of 1870, the legislature passed an act, entitled "an act to allow writs of error in cases of murder and voluntary manslaughter. The first sec tion of which provides that a writ of sued out upon the oath of the defendant or defendants, as in sisil sures." The second section makes it the duty of the judges of the Supreme Court, in all such turity loving the hand that fostered evidence. The importance of this subliect, and the neglect of the legislature they received. And thus many who in my last annual message, makes is fence enclosing the grounds be comincumbent upon me to repeat my recommendation. Before this ensotment the inw required the defendant to allege aunwealth. But let these be no the court on the trial, and to show sults? Idleness and ignorance are the eferror should be granted; but this law appointment of a joint committee of the prolific sources of vice and srime. They gives a writ, whether any error is alleged two houses to examine it and make reyears in which to issue it, according to the practice in civil cases. Heretofore drunken, miserable and half starved the warrant for execution of any eriminal until the expiration of thirty days within which he was permitted to apply for his writ of error. That limitation of thirtydays being new victually repealed, and hands of the joint committee. seven years, substituted therefor, is expected the warrant shall be withheld for the seven years? If not, when may t properly issue? And if issued at any time within the seven years, may not the criminal supersede it any time he pleases by his writ of error? And may it not be practical result in many cases? This would seem like trifling with very soriwhether the aut should not be repealed, or very materially modified, without delay. In my message of tenth February. should not be approved, and the views

of this enactment, as follows:

former law, it provides no means to take, preserve and bring up the evidence. proves its inefficiency, the judge below returning to our centionart that he was not able to make the return of the A bill of exceptions brings up only so lent. much of the evidence as may be required to explain the point of law contained in

The effect of this law seems not to have excited attention. It has changed the vhole doctrine of the griminal law as to the speed and certainty of punishment and left to the felon both the hope and aw's delay, but by prison breach, and all the various means of avoiding retriof murder in Allegheny county, delayed by dilitary motions, where the prison murderer may, under this law-though like Probst he may have murdered a whole family-take out his writ of error, without limitation of time or condition whether in prison under sentence, or stepping upon the trap of the gallows, with cause, or without it, and suspend his case until the next term of the Supreme Court. - No one could condem him, if the death warrant not preventing, he should wait till the term of the Supreme Court be passed, and then take out his writ of error to delay the execution of his sentence for a whole year That only security to the public, the examination of the case and allowance the writ for cause, is repealed."

PROCLAMATIONS FOR ELECTIONS. Complaints have been made to me of want of uniformity in the shoriffs' proclanations for elections, to which I deem it nportant to invite your attention There are sundry local laws on the subject of elections, to which the local roclamations must necessarily conform. The election laws are generally uniform and there are no good reasons why the main body of the sheriffs' proclamations should not also be uniform. For many years scarcely any two proclamations have been alike; and they seem, in many instances, to have been prepared with more regard to supposed partisan advantages than to a compliance with the plain equirements of law. Many things are neluded which are unnecessary, and frequently other things are excluded which the law positively requires. This paragraph : evil should be remedied; and I can suggest no better way of doing it than for the Legislature to authorize the Secretary of the Commonwealth or the Attorsuch a form of proclamation as the law orescribes. RAILROAD CONSOLIBATIONS.

The consolidation of railroads and railauthorizing this to be done, only require confer no authority for recording. In the secretary to record, in suitable books. tion and merger heretofore filed, and all that may hereafter be presented for that purpose.

CAPITOL AND CAPITOL GROUNDS. A suitable place is desirable for the roper exhibition of the painting of the Battle of Gettysburg, and the flags now stowed away in the office of the State Historian. Few persons visit Harrisburg who are not desirous of viewing, not only the painting, but the worn and tattered colors carried triumphantly oldiers during the recent war. These hould not be hidden from public inspection as so much useless and condemno rubbish. The rooms in the capitol used Charities, would, conjointly, answer the purpose indicated, and but small expense error "shall be of right, and may be need be mearred to put them in proper order.

The legislature has frequently had un der consideration the propriety of pur chasing a small piece of land at the east cases, to review both the law and the corner of the capitol grounds necessary to complete the square. I recommend that further efforts be made to secure to act upon it in response to the request | the object indicated, and that the iron pleted. CODIFICATION OF THE LAWS In my last annual message the favor that some error had been committed by- able consideration of the legislature was

invited to the revised civil code; but eause, within thirty days, why the writ no action was taken on it other than the or not, and allows the defendant seven portatthe present session. The commissioners informed me that, in the interval of time, they have ingrafted into the winter as was necessary to harmonize the whole, and have also made some corrections of their earlier work, and that their production is now in the COAL MINIS

During the session of 1870 the legislature passed a law "providing for the health and safety of persons employed in coal mines," which has been productive of beneficial results. Yet there are denoisheles to be supplied in order t reasonably expected that this will be the fully accomplish the desired objects. In a provious message I endeavored to make it appear that no extensive coal mine ons matters; and I respectfully submit sould be safe without more than one out rist, and not even then unless secured by incombustible material. The recommendation that at least two openings 1870, returning the bill with my object should be required has been incorporated tions, I gave sundry reasons why it in the law, but that regarding the use of wood in their construction was unheeded. therein expressed remain unchanged; It is comparatively of little importance and the Supreme Court of the State, in hew many means of exit there may be the Schooppe case, expresses its opinion if these are choked up with the flames and smoke of burning timbers. This "It is not improper before closing to was demonstrated in September last in say a few words in reference to the act the terrible calamity at Pittaton, which of 1870, to draw attention to some of its followed so soon after that of Avondale, defects, and to the radical change in our and was less horrible only because less oriminal jurisprudence it will produce. extensive, by which the lives of eighteen It was passed for this case, but ewing te i miners were sacrificed, and which, with the governor's veto it came too late. It the proper precaution against fire, might statistical statements exhibiting the is another evidence that laws which are probably have been saved.

condition of the different branches of the offspring of feeling are seldom wisely. A still more recent ensualty suggests the school department, and respectfully framed. It commands this cours to re- another amendment to the act referred view the evidence and so determine to. By the reprehensible practice of cidedly favors a change, and in a few for pardons numbered one thousand and legislature in 1870, an act was passed propared reports of the superintendent whether the ingredients to constitute redding the supporting columns, the years it will be an imperative necessity, twenty-livee. Of these, sixty were

to exist, and yet in forgetfulness of the faces of which are in some places covered with houses, sink into the vacuum, causing the destruction of many thousand This, the first attempt to act under it, dollars worth of property, as at Scrah- many dwellings and towns are springing remove the coal supports without suporidence. He is not bound by law to plying their place with others of sub- the removal. Besides, there are cities tako the testimony or to certify to it. stantial masonry, or something equiva- and villages of considerable size far be-

furnish more statistical information and protection now only inadequately afother valuable and interesting matter, exhibiting their usefulness and vindica- located at the mouth of the Delaware ting the propriety of their appointment. COMPULSORY VACCINATION.

year, made its appearance in the cities a door of escape, not only from the and populous districts of the State. In quarantine, to be effective, should be as July last it assumed an epidemic char- far remote from thickly populated disacter, and its ravages still continue. tricts as possible, and hence the necessity butive justice. At this moment, two During the last six months in Philadel for the change suggested. cases occur to my memory of convictions phia alone over eight thousand cases were reported, of which eighteen hulf- of the states of Delaware and New Jersey dred and seventy-nine proved fatal. is desirable and important, in order that loors opened by unknown means, and On this point the port physician and the a joint quarantine for the protection of the prisoners escaped forever. Any health officer of that city, in their report the three contiguous states may be estabof December 11, say "it is a deplorable lished. I recommend that two commisshame that ten hundred and eighteen sioners be appointed to correspond with lives, (the number reported up to that similar commissioners of the other date) had been sacrificed this year, states named, for the purpose of successwhich could and should have been pre- fully accomplishing this greatly desired served by the known means of prevention." From this statement it appears that more than one per cent of the population of that city was smitten with the infection, and that the mortality exceeded twenty-three percent of the cases It is nearly contiguous to the city gas reported. The epidemic has spread works, coal oil refineries, the new League widely over the State and many neigh- Island navy yard, many manufacturing borhoods have greatly suffered.

The cause evidently exists among ourple against its recurrence. This is a delicate subject, but it is one which so deeply affects the welfare of our citizens, and the general interests of the State. which every member of the Goueral Asresponsibility will rest upon whom the knowledged. duty devolves. I quote from a recent work by Dr. P.

H. Chavasse, an eminent English surgeon, and Dr. F. H. Getchell, lecturer, death of a number of eminent citizens, Jefferson Medical College, the following who had either heretofore been, or were

it is more general-sparing neither young | were I to omit to notice the fact that nor old, rich nor poor, and commits three noble and patriotic sons of Penngreater ravages than the plague ever sylvania, whom its people had lately did. Small pox is a disgrace to any honored with their confidence, have tercivilized land, as there is no necessity minated their earthly career within a for its presence. If vaccination were brief period. frequently and properly performed, small road companies has lately become quite pox would be unknown. Cow pox is a State Senate from the Fourth senatorial common, and the interests involved are weapon to conquer small pox, and drive district, died in Philadelphia, on the very great. The lawsheretofore created, it ignominiously from the field. My twenty-sixth of October last, aged fiftyfirm belief, then, is that if every person six years. A brief tribute to his many were, every seven years, duly and prop- virtues and excellencies is due to him as sacrificed, and scenes of general ruin and in the office of the Secretary of State, but erly vaccinated, small pox might be a faithful public servant. During the utterly exterminated. But as long as early part of his life he was engaged in view of the magnitude of these interests, | there are such lax notions on the subject, | merchandizing, afterward in real estate recommend that authority be given to and such gross negligence, the disease and law business, and subsequ will always be rampant; for the poison 1859, a period of twelve years, was a all articles and agreements of consolida- of small pox never slumbers nor sleeps, member of the State Senate, during but requires the utmost diligence to several years of which he was chairman eradicate it. The great Dr. Jenner, the | of the committee on finance. He was discoverer of the cow pox as a prevent- thoroughly conversant with the financial ive of the small pox, strongly advocated affairs of the State, an eloquent and the absolute necessity of every person courteous debater, a wise counselor, and being vaccinated once every seven years | an able parliamentarian. He was elected or oftener, if there was an epidemic of by a majority of over 7,000 votes, in small pox in the neighborhood." These October last, to his fifth term, His eminent physicians also aver that very | death leaves a vacancy in the Senate, few fatal cases are recorded as occuring and will cause a void in the political and after vaccination, and these amay social circles of the State that will not be considered as only excep- easily be filled. His faithful and valuaover many battle fields by our brave tions to the general rule, and some ble services will long be remembered. of them might be traced to the vaccina- | -Hon. David Stanton, Auditor General tion not having taken effect. They elect, departed this life under distressing noreover say that persons who take the | circumstances, at New Brighton, Beave small pox after vaccination are seldom county, on the fifth of November last by the State Historian and the Roard of pitted, and the disease assumes a com- aged forty-two years. He was it physiparatively mild form. The necessity, therefore, for a compulsory raccination law and its utility is also demonstrated Pennsylvania. During the late war he

> you are most respectfully referred. A STATE BOARD OF HEALTH. Many eminent medical and other sci-

in the report of the port physician.

entific gentlemen have suggested that

health, under auspices of the legislature,

would be greatly conducive to the general welfare of the people of the Commonwealth. After mature deliberation, 1 thoroughly accord in this opinion. Local boards of health may answer the purposes for which they are established : but their fields of operation are limited, and they cannot accomplish the objects contemplated by the appointment of a general state board. The prevalence of parted this life on the twenty-sixth Dethe executive did not ordinarily these code so much of the legislation of last yellow fover in former years, which spread beyond the boundaries assigned | self as a successful teacher of our common to the Philadelphia board; the devastation produced by the small pox during the past year that that the Asiatio and was admitted to the bar. He pas cholera is steadily marching over its old track to our very doors; and the of future usefulness, and was elected many other influences which constantly threaten the health of our citizens seem imperatively to demand the creation of as efficient a sanitary institution as legislative wisdom can possibly devise. The board could be formed somewhat similar to that of public charities. The expense to the State need be no greater, tive, is the exercise of the pardoning while the benefits to be derived are incalculable. The head of the board should be a physician of undoubted respecta- flicting interests, and opinions are not bility in regard to every necessary no- brought to bear, all of which must requiroment, and large experience in the coire close and unprojudiced scrutiny in practice of his profession, while the order that mercy and justice may alike board might consist of five or more be satisfied. This demands much time medical mon, resident in different parts and no small amount of patience. The of the State, who would perform the pleadings of relatives, friends and huduties, if not gratuitously, at least at a manitarians must be heard and duly very moderate cost. The general objects, considered on the one hand, and on the alfould be clearly specified and defined; other the action and decision of the and each member should exercise a care- courts, and In many cases, the carnest ful supervision over the sanitary condition of the district of the State to which he might be assigned. The appointment | fairly given in favor of an unfortunate of such a board cannot result otherwise convict, the executive must, in almost than in great sanitary reforms.

tine station has for a long time been a ment's consideration. mooted question. Popular opinion demurder in the first degree were proved roofs of the mines, the overlaying sur- The existing Lanarette was established in [Concluded on Fourth Page.] The color of the first of the color of the color

nearly a century ago in a sparsely populated district. Since then its neighb hood has become thickly settled, and ton, Hyde Park and Wilkesbarre. It up in its immediate vicinity. The rapid should, therefore, be made unlawful to growth of the city of Chester, and its being made a port of entry, will necessitate low the quarautine station, on both sides The reports of the inspectors of mines of the river, which should receive the forded to Philadelphia. It should be river, or upon the bay, if a proper situation for the erection of the necessary The small pox has, during the past building can be obtained.

No argument is necessary to show that

To effect this change the co-operation THE POWDER-MAGAZINE,-

The removal of the powder magazine n Philadelphia from its present location is a subject demanding prompt attention. establishmen and dwelling houses; and consequently an explosion of the powder selves, and it becomes our duty to devise in the magazine might result in great means to arrest its progress, and to enact loss of life and destruction of property. such legislation as will protect our peo. The magazino should be in some more isolated district.

PEBLIC CHARITIES. You will, in due time, feceive a full

report of the transactions of the board that it becomes my duly to speak frankly of public charities during the past year. and to the point. And it is also one in The usefulness of the board will be shown by the facts to be presented. Several sembly is equally concerned. Eminent suggestions as to the improvement of its' medical men unhesitatingly declare that organization and management, will be thousands of lives have been sacrificed made in the report, to which your atfor a want of proper sanitary laws. tention is invited. Its importance to There are none such in the State, and if the cause of humanity and the interests they are not specify enacted a weighty of the commonwealth is generally ac-

During the last few years it has been my melancholy duty to chronicle the at the time connected officially with the "Small pox is a pest. It is worse than commonwealth, and at the present time the plague; for if not kept in subjection I would do injustice to my own feelings

Hon. George Connell, member of the cian, having graduated at the Cleveland medical college, and at the University of

by unanswerable statistics, contained was professionally engaged in several branches of the army, viz: Surgeon of herewith submitted, and to /which the First Pennsylvania cavalry, surgeon of United States volunteers, superintendent of hospitals, medical director of the northern department, and at the close of the war was brevetted Lieutenaut Colo the organization of a state board of engaged in his profession until the time nel and Colonel He continued actively of his death. He was a scholarly, refined and thorough gentleman; kind in his deportment and eminenely skilled in his profession. His departure is the more deeply lamented as he had just be come the people's choice for another and more extended field of honor and use-

fulness. J. W. Dickerson, esq., of Bedford, decomber last. He had distinguished liim schools and as county superintendent-Within the last few years he studied law a young man of ability and much promise last October a member of the House of Representatives from the district composed of the counties of Bedford and Fulten.

· PARDONS.

Among the most embarrassing and responsible duties required of the execupower. There is scarcely a petition for pardon made, upon, which strong conprotests of either sincere or malicious prosocutors. And after his decision is the every case, be prepared to encounter REMOVAL OF THE QUARANTIME, A Borimonious criticism from parties who The propriety of removing the quaran- have never given the subject one mo-

During the past year the application