

as a discreditable attempt to tamper with and give a political character to the judiciary, and has no parallel in the history of our country, but in the memorable appointments known as the 'midnight judges,' made on the 3d of March 1801. The object of the proceeding, undoubtedly, was to prevent the classification of the associate judges, which the constitution contemplated, and it so, was a fraud upon the people of the commonwealth. I beg leave to call the attention of the legislature to the facts, and if their views shall coincide with mine, I think sound policy as well as sound morality, requires that a supplement should be passed to the act of 20th June, 1839, classifying the associate judges by which provision should be made, that all associate judges, commissioned since the adoption of the constitution, on the 9th of October, 1838, should only hold until the time when the commissions of the persons in whose places, respectively, they were appointed, would have expired. Everything like management in the appointment of judges, to prolong their terms, contrary to the obvious meaning and intent of the constitution, should be discountenanced, as calculated to undermine and shake public confidence in the integrity of the judiciary.

Since the executive department of the government has been committed to my hands, all vacancies which have occurred in the offices of associate judges, except during the recess of the senate, have been filled by commissions to expire when those of their predecessors would have expired under the amended constitution. This, I apprehend, is the precise meaning and intent of the constitution, otherwise the classification directed by that instrument, could be broken up and defeated, at the will and the pleasure of the executive. The only office remaining in Pennsylvania, in which the tenure is limited by good behavior alone, is that of notary public, authorized by the act of assembly, passed 5th March 1791. As all offices in that tenure, provided for in the constitution of 1790, have been abolished by the adoption of the amendments to that instrument, a regard to consistency would seem to require that there should be no stationary office, of an unlimited duration as to tenure. The number in each county, except Philadelphia, being limited by the provision of that act, to three and some of the number being now superannuated, or otherwise incapable of discharging the duties of the office, and towns and villages have sprung up, requiring frequently the services of a notary public, where appointments cannot be made with out exceeding the number limited to the county, legislative action on the subject appears to be necessary.

On the 16th day of June, 1836, an act was passed, entitled an "Act to fix the number of Senators and Representatives, and form the State into Districts, in pursuance of the provisions of the constitution," which provided for the election of thirty-three Senators in twenty-three districts, into which the act divided the state. The whole number of taxables in the state, as returned to the Secretary of the Commonwealth, was 509,421—which fixing the Representatives at one hundred and the Senators at thirty-three, would entitle 3,094 taxables to a Representative and 9,376 to a Senator. There have been uniformly great complaints of the inequality of representation under this law, both as to Senators and Representatives, and in regard to the latter, there was a positive violation of the constitution of the commonwealth. By the 4th section of the 1st article of the constitution of 1790, which remains unaltered, it is provided that the apportionment shall be made among the city of Philadelphia, and the several counties, according to the number of taxable inhabitants in each; and that "each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representative, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to a separate representation, agreeably to the ratio which shall then be established." Agreeably to the return made, as aforesaid, the number of taxable inhabitants were, in the county of Bedford, 4,712—in Bradford, 4,721—in Columbia, 4,818—yet to the first named county, having the smallest number of taxables, two members were given, while to each of the last named counties, having a larger number of taxables, but one member is allowed; and the same palpable and unwarrantable violations of the constitution characterize many of the other apportionments made by said act. Nor is this all—the county of Mifflin was in existence, as a county, when the constitution of 1790 was adopted, and was entitled to a representative in the legislature, which, by this act, was not allowed to her; but she and Juniata county, which had formed part of her territory, are coupled in a district with the county of Union. It is therefore respectfully submitted, that a due regard for the provisions of the constitution, and the rights of the people, imperiously require the enactment of a law for a new apportionment of the representatives and senators, according to the number of taxable inhabitants.

In Pennsylvania it has often been a source of complaint that the decisions of our Supreme Court are not reported by a regularly appointed reporter. It may be worthy of inquiry whether some provision ought not to be made by law, for regulating the manner of reporting of those decisions, by an officer who shall be responsible to the commonwealth, for the

manner in which the work shall be performed.

The number of cases taken up on writs of error, and by appeal from the inferior courts to the Supreme Court, has greatly increased of late years. An inquiry into the causes which have induced this increase, as well as what means had better be adopted to enable the court in the last resort to decide with due care and deliberation, all the cases of sufficient importance to be brought before them, may be productive of much good to the administration of justice.

There are some parts of our administering justice, which will perhaps require legislative action, in order to correct evils existing in practice, and daily felt by suitors and others interested in their proceedings. The present organization of the courts in the city and county of Philadelphia, does not seem to answer the purpose intended. The vast increase of business thrown on the courts of civil jurisdiction by the act of 14th April, 1831, giving them almost as unlimited equity powers as the courts of chancery elsewhere possess, as well as the increase growing out of the augmented population and business of the city and its adjoining districts have overloaded their dockets with causes, which the judges by their utmost industry cannot keep down. So nothing should be done to prevent the delay now experienced by suitors in those courts, and what the corrective should be, is submitted to the legislature.

The court of criminal sessions of the city and county of Philadelphia, also, requires that legislative attention should be called to it. It possesses now, an anomalous character, and only exercises a part of the criminal jurisdiction of that city and county. The whole criminal jurisdiction could, perhaps, be better vested in the court of oyer and terminer and general jail delivery, and court of quarter sessions of the peace; and a court of civil jurisdiction created for the purpose, could exercise all the powers now exercised by the court of common pleas, and perhaps dispose of part of the business which now accumulates in the district court. Such a course, by a better distribution of the duties of the court, would add nothing to the present expenses, and would probably correct the evils and unnecessary expenses, now incurred by a defective organization and arrangement.

There is, however, another subject to which I beg leave especially to call your attention. In certain counties in Pennsylvania, attempts have been made to tamper with the jury box, and give a political aspect to the selection of persons for jurors. This is an evil which should not for a moment be tolerated. The trial by jury is one of the invaluable rights of freemen, and the attempt to give a party character to the selection of jurors, unless promptly checked, will ultimately destroy all confidence in the tribunal. Let provision be made by law to preclude the possibility of encroachment on this wise and venerable of all human and social institutions, and protect this long-cherished bulwark of liberty from prostitution to the basest purposes. One of the causes specially assigned for our "Declaration of Independence," was the "depriving us of the right of trial by jury." Vain indeed have been the efforts of the ages of the Revolution to restore the invaluable right if we silently look on and permit it thus to be wrested from us. Every state in the Union has emphatically engrafted on her constitution "that the trial by jury shall be preserved forever inviolate." No one is safe in his life, his liberty, or his property in this state of things. I therefore respectfully recommend, that it be made the duty of the judges of the courts of common pleas, or some two of them, and the sheriff, annually to select the jurors in open court, and that the drawing of the same from time to time, shall be by them also done in open court; or that such other provision be made by law, as your wisdom shall think best, to restore public confidence to the exercise of this venerated and dearly cherished right, and to preserve the purity of the trial by jury from suspicion.

There are many instances in which the laws relative to collateral inheritance have not been observed, and in which the payment of considerable sums of money, rightfully belonging to the state, is evaded. It is, therefore, respectfully suggested, that the registers of wills be enjoined by law, 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 enforce the collection from time to time, of the moneys arising therefrom.

The militia of the commonwealth are enrolled as required by law, with the exception of some portions of the state, in which difficulties exist in procuring officers to perform that duty. The militia system is a tax to a considerable amount upon the state treasury, which might be considerably lessened, if the adjutant general were charged with the duty of personally superintending the system in its details, and properly compensated therefor. Legislative action is requested to this subject. The due enrollment, officering and classification of the militia, should be continued, and encouragement held out to volunteers, and the days of militia trainings might be advantageously reduced to one in the year.

Nothing has occurred, since the meeting of the last legislature, to disturb or affect the relations of Pennsylvania, as a member of the Union. The government of the United States has been continued to be administered by the wise and distinguished statesman at its head, with his accustomed ability and fidelity. In the big and responsible position which he occupies, he has fully justified the best hopes of our citizens, by whose fiercer suffrages he has been elevated to the station which he so well fills.

By an act entitled "an act relating to the elections of this commonwealth, approved the 2d July last, no provision appears to have been made for the election of a senator to represent the state in the senate of the U. States, at any other time than the second Tuesday in January, next preceding the expiration of the constitutional term of a senator, unless informed by the governor that a vacancy exists. By reason of which, I have supposed it proper to inform you that a vacancy exists in the representation of this state in the senate of the U. States.

By the terms of the loan negotiated with the Girard Bank, on the 20th March last, for \$1,280,000, the sum of \$396,000 for repairing the breach on the Juniata division of the canal, was to remain in the Bank until drawn for, after the vouchers of the disbursing officers should have been examined and approved by a joint committee of three members from each branch of the legislature, agreeably to the provisions of the act authorizing the loan. The joint committee, having been appointed at the time, there was every reason to believe the accounts would soon be adjusted and the money applied. I therefore did not hesitate to embrace the offer to take the loan with that condition annexed, inasmuch as the commonwealth was then much straitened in her fiscal affairs, and for want of the residue of the money, and no other offer being made. But by the subsequent action of the legislature, in the joint resolution passed at the close of the session, and approved on the 2d of July last, so much of the act of the act of the 9th January, authorizing this loan, as requires those accounts to be settled by the joint committee, was repealed and authority was given to the auditor general to settle and adjust the same, and requiring him to draw his warrant in favor of the Bank of the United States, and the Harrisburg bank for such amount as he shall find to have been fairly expended in repairing said breach. Such having been the difficulties, however, encountered by that officer in attempting the settlement of those accounts, that he does not feel himself warranted, by the terms of said resolution, in drawing in favor of those banks, for any part of the money, the facts and circumstances in relation to which, will be laid fully before you by that officer. I respectfully ask the early attention of the legislature to this subject, that the necessary provision be made by law to arrest the further accumulation of interest on money, that may eventually be found payable to said banks.

In pursuance of the provisions of the act of July 2d 1839, relating to the claims of the commonwealth against the estate of John Nicholson, and Peter Bayton, a commissioner was appointed to perform the duties therein required. From the nature and extent of the investigation, and the limited time allowed to make report, it was impossible for the commissioner to examine into and ascertain the various complicated and important matters enjoined on him, within the period allotted. By reference to his report, which will be laid before you, it will be laid before you, it will be seen that the outstanding claims of creditors (other than State) against the estate of John Nicholson, amount to upwards of thirteen millions of dollars, including interest till the 1st of April 1839; that the balance due the commonwealth on the same day was \$278,179 57, and that the estate of Peter Bayton on that day owed the commonwealth \$58,913 95.

By the 8th section to the act above mentioned, all former laws in relation to the sale of the lands of Nicholson and Bayton are suspended; hence it may be worthy of consideration whether some additional legislation should not be had, to relieve all parties concerned from their embarrassment. The great length of time which has elapsed since those debts were contracted; the fact that many of the lands have been held for a number of years by actual settlers, and a large portion of the residue sold for taxes; the immense sum of outstanding debt against John Nicholson, as well as the claims of his heirs, all urge the necessity of a speedy settlement, as the titles to immense bodies of land, in various parts of the state, depend upon the adjustment of the conflicting claims of creditors, heirs and land holders.

I would therefore respectfully recommend the passage of a law authorizing the commissioner, under such restraints as may be deemed advisable, to compromise, adjust and settle the claim of the commonwealth, with actual settlers, and others, claiming title to the lands, on which the state has a lien, in such manner, as not to prejudice or affect the rights of others.

It is highly important to the commonwealth, that the debt and uncertainty in which the title of these lands is at present involved, should be removed without further delay. I have accordingly deemed proper to call your attention to the subject in anticipation of the commissioner's final report.

By the act of the 29th of March, 1836

a geological survey of the state was authorized, and the sum of \$6,400, was annually appropriated for that object, for five years—A supplement to this act was passed on the 21st March, 1837, authorizing an increase in the corps, and appropriating the further sum of \$5,600 per annum, to the appropriation made by the act of 1836—and by an additional act passed 13th April 1838 the further sum of \$6,000 per annum was added to the appropriation for this object, in order to complete the geological and mineralogical survey of the state more rapidly. In pursuance of these acts, the state geologist, with the assistants, authorized by the acts stated, has been engaged in the mineralogical and geological survey of the State, and considerable progress has been made in the work, which it is hoped may be completed within the time contemplated by law. The reports already made by that officer, with that which he will present at the present session, exhibits the amount of the work done, and, to some extent develops the mineral treasures of this commonwealth, which have become sources of immense wealth and trade.

The coal and iron of Pennsylvania, are more valuable, as sources of wealth and employment, than mines of the precious metals are in countries where they are found. They furnish investments for large amounts of capital—give constant employment to numerous operatives; and under ordinary circumstances, with prudent management, yield a certain and regular profit to all engaged in the business. They pay a large proportion of the tolls upon our public improvements, and constitute the most important share of freight for those engaged in transportation upon our canals and railroads, as well as for numerous vessels engaged in the coasting trade. The value of coal and iron must necessarily be much enhanced by the recent successful application of anthracite coal as fuel for smelting iron ore, which will in all probability introduce a new era in the iron business in our commonwealth. Should the experiment become generally successful, of which little doubt is entertained, it will save us the necessity of importing large amounts of iron for railroads as well as other purposes, which Pennsylvania, in that event, would be able to furnish in abundance, not only for her own use, and that of her citizens, but for a large portion of her sister states. Possessing as Pennsylvania does, the great bulk of the iron ore, and anthracite coal formation of this country, in alternate strata in the same territory, and situated in a quarter of the Union peculiarly accessible by means of her geographical position and canals and railroads, she must enjoy almost exclusively, the great revenue that will arise from this source. A large portion of our public debt abroad, which would have been obtained in this country, if it had been possible to procure it here. It is confidently believed, that the coal and iron fields of this commonwealth, will hereafter furnish a cheap and adequate supply, and it is, therefore, every reason to think, that the numerous railroads, in nearly all of the states of the Union, that have either suspended or contemplated, will in a few years go into operation. The business on our public improvements as well as the permanent mass of the wealth of the people of this State, must thus be immeasurably increased.

Much of the time and attention of the legislature is annually occupied in the consideration of private matters, and the interests of the commonwealth are sometimes sacrificed to the importunities of individuals. This has been peculiarly so in cases where the canal commissioners, as well as the board of appraisers, have passed upon the claims of individuals for alleged damages, by reason of the construction of public works, as well as where the canal commissioners and engineers have estimated the amount of work done by contractors. Upon these, as well as upon all other subjects, steadiness of legislation is very desirable, and general rules and general systems should be made to yield, unless under very peculiar circumstances indeed, to the ex parte statements or representations of interested individuals. There is necessarily much evil, and great want of security in much special legislation. The increased population and business of the commonwealth, at the late period in the winter at which the legislative assemblies, will, it is hoped, lead to the adoption of such general rules on the subject, as will save the legislature from being continually occupied with minor matters.

The expenditures of the administration of the government of the state have been much increased of late years, and in no department so much as that of the legislative. While the increase of business and population furnish a sufficient reason for a gradual and corresponding addition to the expenses of the executive, judiciary and treasury departments, it is hard to account for the expenses of the legislature, which has advanced since November, 1835, in a ratio unparalleled in the history of the government. It will be found upon reference to the reports of the treasurer and auditor general, that the expenses of this department, for a number of years prior to November, 1835, were about one hundred thousand dollars, and are now upwards of one hundred and sixty thousand dollars annually. The public good requires a rigid system of retrenchment and reform, which, while it will allow faithful public servants an adequate compensation for the time and talents devoted to the public, will lop off all wasteful and

unnecessary expenditures in every department. I throw out these suggestions from no wish to dictate to the legislature, but in a sincere desire to have all alleged abuses investigated in a spirit of candor and patriotic devotion to the public good with a view to correction, wherever correction shall be found necessary.

On a candid review of the entire condition of this commonwealth, although we find her laboring under the pressure of an enormous state debt, heightened by all the incidental embarrassments arising from the payment of the interest upon it and the monetary derangements attending it, that have shaken the credit of this state, and of the sister states, to its foundation, yet there is no cause for despondency or fear. Prudence, discretion and economy, on the part of her legislature, her executive, and her citizens, will in a few years replace her on the solid footing of pecuniary independence. The industry and energy of her people reaping wealth from the rich fields of agriculture, disembodying it from her hills and mountains, and transporting it to market on her railroads and canals, cannot be shackled with any pecuniary responsibilities that can, for any considerable period, mar her prosperity or retard her march onward to greatness. We have fallen, it is true, on one of these temporary reverses, that come upon all nations in the progress of advancement, when delusive systems of public prosperity explode under the test of their soundness, and from the consequences they produce, leave men in wonder that they lasted so long. It requires, however, but the exercise of a reasonable degree of wisdom, firmness and honesty, in the present crisis, to rescue the affairs of the commonwealth from the difficulties by which they are at present beset, however formidable these untoward circumstances have made them appear. Let all who look upon her with a jealous or a friendly eye be told that her ability is ample to meet all her engagements; that the determination of her citizens to do so, corresponds with her ability, and that happen what may, the integrity and fidelity of the people of Pennsylvania, are pledged to make good her contracts with those whose money has constructed her stupendous public improvements, and that the pledge so made shall be scrupulously redeemed.

I cannot close this communication, without expressing the full reliance which I place in the wisdom and intelligence of the legislature—and the greatest pleasure which it will afford me, to be able to approve and execute those enactments which you will find it necessary to make for advancing the interests and prosperity of our free, beloved and patriotic commonwealth.

D. R. PORTER.
Harrisburg, January 8, 1840.

EXECUTOR'S SALE.
THE subscriber offers for sale a tract of land in Young township, Indiana county, containing about

240 ACRES,
and the usual allowance, about from 70 to 80 of which are cleared; 20 acres in meadow, the whole in good repair. On the premises are a large number of apple and peach trees, a large and commodious house and barn, several never failing springs, and a good saw mill seat. This tract of land lies upon the main road from Indiana to Saltsburg; about 10 miles from the former place, and 8 miles from the latter, and about 7 from Blairsville. Churches, school houses, and mills convenient. The above tract of land, if not sold sooner, at private sale, will be offered at public sale on the premises, on Wednesday the 4th day of March next.

Persons wishing to view the premises may call on the subscriber, or J. Foster adjoining the property.

JOHN LEARD, Esq.
Executor of the estate of Wm. Leard Esq. deceased.
Jan 29, 1840.

Jacob Shively's Estate.

ALL persons indebted by bond or note, or otherwise, for articles purchased by them at the sale of the personal property of Jacob Shively late of West township in the County of Huntingdon dec'd, will please to take notice that the vendue notes, are now due, and all persons indebted by bond note, or book account to said Estate in any manner, will please come forward and settle the respective demands against them on or before the 12 day of February next, after which time no longer indulgence can be given.

BENJ. BRUBAKER,
JAMES SHIVELY,
Administrators
Jan 29, 1840—31—p.

JUNIATA BRIDGE NOTICE.
The stock holders in the Juniata Bridge Company, are notified that the annual collection will be held at the house of Christian Coats, in the borough of Huntingdon on Tuesday the 11th day of January next for the purpose of electing

1 President, 6 Managers and Treasurer and Secretary,
to conduct the affairs of the said Company for the ensuing year.

I. DORLAND, Secy.
Huntingdon, Dec. 25, 1839.

BLANKS OF EVERY DESCRIPTION FOR SALE AT THIS OFFICE.

GREAT MEETING OF THE PEOPLE.

At a meeting held at the Court house in the borough of Huntingdon, pursuant to public notice, friendly to the election of Wm. H. HARRISON, as President of the United States, and JOHN TYLER as Vice President.

Whereupon MILES GREEN, Esq. was appointed president, and

CHRISTOPHER WITTON,
JOHN SHANNON,
JOHN AURANDT, Esq.,
CORNELIUS CRUM, Esq.,
JAMES STEWART, Esq.,
WILLIAM DEAN, Esq.,
WILLIAM MURRAY, Esq.,
ABRAHAM LONG,
Vice Presidents.

G. W. Smith,
J. Hoffman,
Secretaries.

On motion, the following persons were appointed to draft a preamble and resolutions, expressing the sense of the meeting; viz:

A. W. Benedict	Charles Green
J. A. McCahan	Thos. T. Cromwell,
J. Blair Esq	John W. Stewart
P. Hewit	Jacob Cresswell
T. Reed	John Brough
J. Polts	Wm. Dea Jr.
Liel Smith	Michael Speck
Elias W. Baker	C. E. Kinkead
Wm. Reed Esq.	A. Brown
G. Thompson	Jacob Shellenbarger
John Crum	Samuel Dean
J. Dysart	S. W. Stonebaker,
George Hawn	Adam Hall
Jno. B. Riddle	E. Hoover
Solomon Shamo	Thompson Burge
Andrew Allison	Robert Stitt
Joseph Smith	David M'Murtrie Jr.
J. H. Dorsey	Samuel M'Pheran
John R. Patton	Dr. Chas. Coryell
Wm. Foster	John M'Pheran
John Royer	John Lutz
David Caldwell	Daniel Teague
James Myton	Amon Chilcott
James Hampson	Capt. John Long
James Enricken	James Morrow.

Which committee reported the following preamble and resolutions, by A. W. Benedict, chairman of said committee, and agreed to by the meeting.

In a Republic, the people hold the destinies of their nation, in their own hands. If they fail in the duty they owe themselves, all their visions of national prosperity and respect, vanish; and the humblest instrument of their creation, becomes the parasite of power, and themselves the victims of oppression. The people of this country, have borne, patiently, the wrongs of their rulers, for years. The same party have held the reins of government, in our state and nation, with but one brief interval; and each succeeding year, has seen the people suffering under some new experiment—their public garner plundered by some new and more hungry horde of political rats.

The treasure of the nation which is wrung in taxation from the people, is now used to pay the partisan for his deeds of corruption and iniquity; and the most servile followers of party are the sanctioned plunderers of the people. These truths are written upon every page of the past history of our country, since the commencement of that administration, the history of which, is broken promises—violated faith—an abused and plundered people. The "follower in its footsteps, with more cunning and less honesty than his illustrious predecessor," has scattered with a far more liberal hand, the wealth of the nation, among his panders and parasites, in order to secure the power—the patronage—and the prospect of plunder, which, with arrogant insolence, is called guarding the morals and interests of the people. The people have borne these wrongs, until forbearance has ceased to be a virtue. As the guardians of their own weal, they feel called upon, to declare their determination to submit no longer to a government of party, instead of a government of the people. Need we point to the Swartwout's and the Price's to convince the people, that the officer makes the people's money the means of his wealth—need we look at the officers in our own state to show us that the commission of the Executive, is a passport to the people's crib with a *carte blanche*, to riot, desolate and plunder, amid the treasure of the people.—In their desire to take care of their country—they take especial care to take care of themselves. Does any one doubt it?—Let him seek in the palaces of foreign monarchs—or in the Republic of Texas for the birds of passage who have flown from their country and justice, to squander their gains of guilt.—Let them look in our state for the hordes of defaulters who have robbed the people; and still are the favorites of party. Even the poor Red man of the west, can tell his tale of woe—do you doubt?—The robbed *Winebagos*, will point to natives of our own state as the guilty plunderers upon the passport from the government. The time was when a commission to do the people's will, was not an unlimited and uncontrolled right to squander their money, to enrich the officer and his party. If the people desire to see their country shine again in its pristine beauty and strength, they must select as their servants tried and faithful patriots—such as have withstood the temptations which power and circumstances have thrown in their path—who have handled their money, with their hands unpolluted—who love their country for their country's sake, and such a man is now presented to