

MESSAGE FROM THE GOV.  
To the Senate and House of Representatives  
of the Commonwealth of Pennsylvania:

GENTLEMEN:—The Bill entitled "An Act relating to Canal Commissioners" has been presented to me for the Executive approval. As I cannot approve the Bill, I return it to the Senate, in which it originated, with my objections thereon, in order to such further action thereon as is provided by the Constitution.

The Bill provides for the election and appointment of three Canal Commissioners, to wit: the election of one Commissioner by the Senate and one by the House of Representatives, and the appointment of the third by the Governor. This mode of appointment, as to any officers of government, is novel and without precedent; and I confess I can see in the system here proposed, nothing but discord and confusion. It is an event to be reasonably expected, that different parties, interests and combinations in each House, and it may be with the Governor, will lead to frequent removals and changes of the incumbents, and thus but improvement system, instead of being conducted as it should be, with consistent steadiness, will be constantly undergoing the changes and experiments incident to our daily political mutations. Collisions will take place in the Board of Commissioners, embarrassments will be thrown in the way of its action by the minority of its own members, and public interest will be sacrificed to promote the objects of private or local or political designs. By the appointment of the Board by each House, and by the Governor, nearly the whole responsibility is destroyed. For wrongs done, should they be done, it will be quite impossible to reach all the delinquents at once. The adherence of the Governor or of either House to its favorite, will place him beyond the reach of popular opinion, although his associates, who are responsible to an appointing power differently elected, may be promptly dismissed. The Governor, the Senators and the members of the House, are not all elected at once, nor by the same constituents. The members of each House are the immediate representatives of detached portions of the people, with peculiar local interests to advance, all of which must more or less conflict with those of the State at large; and although each House, in the aggregate, no doubt, represents the people of the whole State, it is through the medium of thirty-three members in one, and one hundred in the other. Responsibility thus divided, vanishes almost entirely, and ceases to afford an adequate guarantee to the public.

Should Commissioners thus appointed, be guilty of official misconduct, how are they to be punished? The House impeaches, and the Senate tries—but here the House is impeaching an officer whom it has just confided in, and appointed; and the Senate is to try justly and impartially, for misdemeanors in office, the man whom it has but a few days before trusted and honored. What a spectacle of absurdity would this exhibit? Would not combinations among the friends of each in the respective Houses, defeat the ends of justice, and laugh to scorn all efforts to inflict punishment?

The history of all representative governments shows, that although their legislatures, especially when numerous, are admirably adapted to the enactment of general laws, and the promotion of the rights and liberties of the people, they are, from the very nature of divided responsibility, the most easily tampered with, by political intrigues and demagogues, in their appointment of officers of any other branch of the government; and in the selection of their officers, have been often made the dupes of intrigue, of venality and corruption. I beg you to understand me as speaking in the abstract, and not in regard to any past or future legislation in Pennsylvania. I cannot, however, consent to forgo, altogether, the salutary lessons of experience. We have no right to forgo, altogether, the salutary lessons of experience. We have no right to expect entire exemption from evils that other people have suffered, and I am determined, so far as I am concerned, to share none of the responsibility of introducing them into Pennsylvania. If done by others, theirs be the honor, I want it not.

But I am satisfied that neither agreeably to the spirit of our constitution, nor on the ground of expediency, ought the appointment to be vested in the legislature. The legislature have the power of enacting the laws making the appropriations for purposes of internal improvement; and the spirit of the constitution, as well as the legislation of the commonwealth, has provided that the disbursement of the monies and settlement of the accounts of the commonwealth should be in the hands of officers differently appointed, evidently to prevent combinations or collusion, or the operation of the same influences in the appointment of each. To give to the branches of government which appropriate moneys, the appointment of the officers who are to disburse them, would, in my judgment, tend to break down the safeguards provided by the constitution in the disbursement of public moneys.

The bill before me presents other difficulties. The constitution vests the legislative power in the General Assembly, the Executive power in the Governor, and declares the duties of both. The leading duty of the former is to enact laws, and of the latter to take care that they are faithfully executed. To enable him to perform

that duty, the constitution declares "he shall appoint all officers whose offices are established by the constitution or shall be established by law, and whose appointments are not herein otherwise provided for." A plausible argument may be drawn from the bill before me, that it establishes a mode of appointment within the latter clause above recited; but when we look at another part of the constitution, which declares that "no member of the Senate or House of Representatives shall be appointed by the Governor to any office during the term for which he was elected;" it manifestly shows that the people intended to confine the principle duties of their Representatives to direct legislation. If this bill becomes a law, and they principle extended, the might fill all the offices out of their respective bodies, which would destroy their purity, and destroy the incompatible principle in the constitution, which restrains the Governor from making appointments from either house, during the term for which they shall have been elected.

In point of expediency I think the bill ought not to become a law, and this I think is manifest from our previous legislation on this subject.

Under the acts of 27th March, 1824, 11th April, 1825, 10th April, 1826, and 16th April, 1827, the canal commissioners were appointed by the executive. At first the board consisted of three members;—it was then increased to five; and by the act of 10th April 1826, it was increased to nine; at which number it continued until 1830. By the act of the 16th April, 1829, nine persons named in the law, were appointed canal commissioners, and authority was given to the Governor to fill any vacancies which might occur in the board, from death, resignation, or otherwise.

On the sixth day of April, 1830, in less than a year after its passage, the Act of 16th April, 1829, was repealed, and the Governor was authorized to appoint three persons as a Board of Canal Commissioners: public opinion having decidedly pronounced against the appointment by the Legislature. By the act of 28th January 1836, the time of appointing Canal Commissioners was changed from the first of June, to the 1st of February, and by the provisions of that law, the then existing Board of Canal Commissioners were legislated out of office four months before the expiration of their commissions, but no change as to the number of the Commissioners, or their mode of appointment, was made. It will be within the recollection of all, that the leading reasons assigned for the passage of the last mentioned act were, that it was more proper that the duties of the Canal Commissioners should be exercised by persons appointed by and having the confidence of the Executive, for the time being, than to have the whole internal improvement system, under the control and direction of persons, who might not harmonize with the Executive in opinion, while he is, in a measure at least, held responsible for the administration of the Government.

Every set of men have the right, I suppose, to change their opinions, when and as often as they please; but I confess I find some difficulty in keeping pace with some of the changes of modern times: for what was then right cannot now be considered wrong.

There is another, and to my mind an insuperable objection to vesting the power in the Legislature, as provided in this Bill; and that is, the fact that from the manner in which the State is districted for Senators and Representatives by the Act of 16th June, 1836, the political character of both branches of the Legislature does not correspond with that of a majority of the people of the State; and it is impossible not to see that the effect of the Bill in question, will be to give a political complexion to the Board of Canal Commissioners, different from that of a majority of the people. The whole object of the Bill is, to remove from office men holding one set of political opinions, and to appoint political opponents in their stead. Any attempt to conceal it from the people betrays a gross ignorance of their understanding and intelligence. I conceive it to be a duty which I owe to them to speak thus plainly and explicitly on the subject.

The appointing power is the most embarrassing part of the Executive duties. I have no desire to increase its amount, nor even to retain that which is now vested in the Governor, when it can be safely exercised elsewhere. If a change is deemed essential to the prosperity of the public works, and that the power of appointing of Canal Commissioners is not safe in the hands of the Executive, I have no desire to retain it. Let it go to the whole people, at their annual elections. The Legislature will at all times find me ready to co-operate with them, in enabling the people to elect all officers, whose appointment is not specially provided for in the Constitution; but I never can sanction a law which takes away, not only the rights of the Executive but the people, and gives powers to the Legislature not contemplated by the Constitution, and which, in my judgment, would be a usurpation of power by the Legislature, pregnant with evil. However indisposed I may be to retain all the powers of the Executive, it is my sworn duty to protect the rights of the people from legislative encroachments, and I intend to do it.

The issue is now before the people of this Commonwealth for decision; and with that decision, whatever it may be, I will be perfectly satisfied. Should a majority determine that I have done wrong

in refusing to sanction this change in the mode of appointing Canal Commissioners, that this contemplated alteration is wise, prudent and safe—and that better selections would have been made by the two Houses of the Legislature than by the people, or the Executive, they can easily proclaim this opinion, and execute their purpose by some other Executive agent; but if they think otherwise—if they agree with me—if they can see in the proposed system only political scrambling for office, discord and dissension, they will also pronounce that judgment for the guidance of our future course, and will thus settle on a certain basis, the organization of the Board of Canal Commissioners, in reference to which, we now unfortunately entertain such conflicting opinions.

DAVID R. PORTER.  
EXECUTIVE CHAMBER,  
February 10, 1841.



THE JOURNAL.

One country, one constitution one destiny.

Huntingdon, Feb. 24, 1841.

Democratic Convocation.

The friends of General Harrison in Pennsylvania are respectfully requested to elect Delegates to a State Convention to be held in the Court House of Harrisburg, at 10 o'clock A. M., on

Wednesday, the 10th day of March, 1841,

for the purpose of selecting a candidate for Governor, to be supported by the democratic party of the State, at the approaching general election.

Each county and the city of Philadelphia will send delegates to the convention equal in number to their members in the State Legislature.

T. H. Burrows, Jos. Wallace,  
J. P. Etherill, Jam'l. Alexander,  
J. C. Montgomery, Bela Bager,  
Francis Park, Jas. Gregory,  
W. N. Clure, John H. Walker,  
T. Elder, J. D. Culbertson,  
James Steel.

The old Democratic day for nominating the candidate for Governor (4th of March) is departed from in the present instance, in order to afford all who desire it an opportunity to attend both the State Convention and the inauguration of President Harrison.

We now return our thanks to Messrs. Mathers, Miles, Williams, and Wade, for their attentions to us, in sending public documents.

Canal Commissioners.  
THE VETO AGAIN.

As promised, in our last, we this week give our readers the veto of the Governor on the Canal Commissioners Bill; and we intend calling the attention of our readers to some portions of it, in as brief a manner as possible.

In the first place, then, he vetoes a bill which carries out the spirit of the New Constitution, notwithstanding, he professed a decided preference for it in his inaugural address. In which he plainly told the people that he had supported the amendments, because, it took power and responsibility from the Executive. Our readers cannot, certainly, have forgotten this. Yet, now, when the attempt is made to carry out that doctrine, he vetoes it. But let us dissect this message, and see whether his objections are good.

His first objection is, that the plan was novel,—the house to elect one, the senate one; and himself to appoint the other; and he objected, because the Board may not at all times be constituted of one party. This is the very reason why the people should support the Bill; because, if there are members of both parties in the Board they will watch each other, (and by the by, they will all bear a little watching,) neither will they be subject to the imperial nod of such a Governor as we now have in this state. He also advances a position—one of his cunning maxims, we suppose, which we consider every thing else but democratic, and is very strongly tinged with the dogmas of a Monarchy; it is this: "Responsibility thus divided (that is, taken from one man and given to the representatives of the people) vanishes, almost, entirely, and ceases to afford an adequate guarantee to the public." We doubt whether an American people will agree to this old British notion.

The second objection is, that the House and Senate would have to impeach and try the man they had elected, provided he was guilty of any misdemeanor. This the Governor considers "a spectacle of absurdity," because, he says, the friends of

the accused would "combine and defeat the ends of justice." This is very complimentary to the Legislators of Pennsylvania.

The third objection is, because, the Legislative bodies are "easily tampered with by political intrigues and demagogues." Another compliment to Pennsylvania's Legislature. He does not wish this bill to pass, fearful that the 100 members and 33 senators will be bribed, which of course he implies, cannot be the case while the power remains in his sovereign hands. Here is more of his British one man power.

His fourth objection is, that it gives the Legislature the appointing of the very officers who are to disburse the money they appropriate. What an objection! Does not every citizen know, that under the law, as it now is, the same one man appoints the whole three of the Board who disburse the money he appropriates. His signature is as necessary to a bill, unless, passed by two thirds, as is a majority in either of the Houses. The next paragraph is the one in which he introduces the extract of the Old Constitution. Our readers may make out of it, and the supplementary message, what they can! We cannot see that it means any thing.

His next reason for vetoing the Bill is, because, by a law of 1829, the Legislature did appoint the Canal Board, and that, in less than one year, the law was repealed, because it did not suit the people.

David Rittenhouse Porter is Governor of Pennsylvania, and, of course, a very knowing man; but, just allow us to tell him that the law of '29 was repealed, because it was manifestly unconstitutional; and if any one will take the trouble to read that little extract from the OLD Constitution, inserted by (mistake) David Rittenhouse Porter, in this very message, they will discover that the Legislature had not the power, under it, to elect any; for it said that "the Governor shall appoint all officers established by law, whose appointments are not herein provided for." We, therefore, must be allowed to say, that, our great statesman, is again mistaken; and on that very mistake, he argues, that, what was then right cannot be now wrong. He says, too, he finds difficulty in keeping pace with the changes of the times; very true, and he'll find considerable more difficulty from the changes, than he is aware of, before another year transpires.

The next objection is an insuperable one, and that is, that it will make the Canal Commissioners, from among a party that has not a majority of the people with them. Let us be allowed to ask Mr. David Rittenhouse Porter, what he meant by a certain proclamation, issued last December, which went on to insinuate, that the Harrison party had a majority in this state? Was it true? Or, was your proclamation false? Or, is your statement in this message untrue? Hang yourself on which horn of the dilemma you think the most honorable.

The Governor then closes his message with a little twaddle about giving the appointment directly to the people; entirely forgetting, that every exertion had been made, when his party was in the majority, to have such an act passed; but, then, they were none of them in favor of it; and yet, he, poor fellow, cannot keep up with the changes of the times.

Another Veto.  
Vetoes have become fashionable, since the days of the U. S. Bank veto by Jackson. Before that time, they were hardly thought of. The voice of the Legislature was considered the voice of the people.—Not so now. The Legislature is said to be easily tampered with, and the people have to depend upon the sterling integrity and long established honesty, (established since 1819) of such men as David Rittenhouse Porter, to preserve them from the corrupt acts of their Representatives.

Governor Porter has again vetoed the bill for the payment of the money, borrowed to repair the big break; thus evincing a determination to cheat the Banks out of their just dues—money that was loaned to benefit the State. The reason why he has done so, we presume is, that he thinks it annoys some of the citizens of this county, who know him.

In one of his former messages, he said the work was so badly done on that breach, that it would require immediate repairing to render it secure. Yet the work still stands, to prove the faithfulness of the then agents, and the falsity of the Governor's message.

This veto message costs the state \$30 a day, for she is now paying double interest for the amount borrowed of the Banks,—and this is Porter economy.

Another Fire  
Occurred in Hollidaysburg, on Monday night of last week. The two new frame houses owned by M. Kelly, were entirely destroyed by fire. It is supposed the fire originated from some ashes. People cannot be too careful of fire. The people of that borough, seem to be, almost, at the mercy of a fire now when it takes place—they have no engine. We should think that a very good subject, on which, to show some of their boasted enterprise.

Mr. Miles, in an argument on this very subject, illustrates the duty of the State, thus clearly.

"Suppose a case of a man who owned a valuable estate, and, going from home, had left in the care of an agent. During the absence of the owner, the storm and the tempest demolish his buildings, and sweep away his mill dams. His agent calls upon a kind friend of the owner, who generously advances the money, and the agent goes on to repair the devastation which had been committed upon his master's property during his absence, by the act of God. Thus his property is saved from further destruction, and the profits again flow in upon him. The owner returns, and he is required to pay the money thus advanced for his benefit. He refuses, and alleges that some of his own sub agents have squandered, or misapplied a portion of the money lent by his friend. Would any one in his sober sense, say that this property owner was acting the part of an honest man, or a good citizen? Would it not be considered a violation of one of the strongest obligations of honor and morality, for him thus to attempt to cheat his friend out of the money he had disinterestedly and generously loaned him? Just so contended Mr. Miles was the case of the Commonwealth. The Legislature was not in session. The owners were not at home, and the money had been borrowed by her authorized agents, and had been advanced by these banks."

The following supplementary message, was sent in by the Governor, when it was discovered that he had got into the wrong Constitution. We leave it to all to judge whether it was a mistake or not.

SUPPLEMENT TO THE SECOND VETO.

GENTLEMEN: In my objections to the bill entitled "An act relating to Canal Commissioners," communicated to the legislature on the 10th inst., a manifest error has occurred in quoting from the Constitution in copying these words:—

"He shall appoint all officers whose offices are established by the constitution or shall be established by law, and whose appointments are not herein otherwise provided for."

The quotation intended to be embodied was and is the first clause of the 8th section of article 6th, and is in these words:—

"All officers whose election or appointment is not provided for in this constitution, shall be elected or appointed as shall be directed by law."

Which error I have to request my be corrected before printing.

DAVID R. PORTER.

Harrison's Cabinet.

It is now universally admitted, that the Cabinet of the President elect will be as follows:

Daniel Webster, of Mass. Secretary of State.

Thomas Ewing, of Ohio, Secretary of the Treasury.

John Bell, Secretary of War.

George E. Badger, of N. C., Secretary of the Navy.

Francis Granger, of N. Y., Post Master General.

John J. Crittenden, of Ky., Attorney General.

That such will be the Cabinet, we have no doubt; and that it will satisfy the friends of "old Tip," there is as little.—With such a Cabinet, there will be some hope once more of our unfortunate country. The names of the whole Cabinet are familiar to most of our readers, with perhaps one exception—Mr. Badger; but judging from the following notice of him, by the Washington letter writer of the N. Y. American, he may be considered one of the ablest men of our country.—

He says: "In early life Mr Badger was the pupil of Wm. Gaston: at a later period, his rival for professional fame, but always and now, his valued friend. It were no small praise to say of Mr. Badger, that John Marshall regarded him among the first intellects of the bar. Occasionally Mr. Badger has been a member of the popular branch of the North Carolina Legislature, but until the recent and great political struggle through which the country has passed, Mr. Badger has but sparingly mingled himself in the contentions of political parties. Men of all parties, however, in North Carolina, acknowledge with great pride his superior endowments."

A public meeting has been called at Washington, for the purpose of devising suitable inauguration ceremonies.

HYMENEAL REGISTER.

The silken tie that binds two willing hearts.

MARRIED—On the 18th of February, last, by John Thompson, Esq., Mr. JOHN BROOKS, of West township, to Miss MARY JANE HENRY, of Barree township.

OBITUARY RECORD.

"In the midst of life we are in death."

DIED.—On Monday the 22nd inst., MARGARET daughter of Jacob and Catharine FOCKLER, aged ten years.

—On Sunday evening, the 21st inst, at his residence in Henderson township, Col. SAM'L HARGREHNER, late of Philadelphia.

—In Hollidaysburg on Friday the 12th inst., MARY wife of Mr. William SMOOK—in the 30th year of her age.

Mitchell's System of School Geography.

We find upon our desk the following books, intended for the use of schools,— "Mitchell's Geography and Atlas; Mitchell's Geographical Reader, and Mitchell's Atlas of Outline Maps." Of the first, we can say, it is one of the most accurate, and withal the most perfect Geography and Atlas, we have ever seen. The maps are from original drawings, and are clear, distinct, and not characterized by the apparent confusion of most school maps; and eminently calculated to facilitate the progress of the pupil. The "Outline Maps" are merely outline sketches of countries (and are seven in number), and intended to fix upon the mind of the pupil, the precise locality of every place, without pursuing the common or ordinary plan of drawing. This method we consider decidedly superior; and for this reason, the pupil can fill up the names in the map without the tedious and useless process of attempting to draw the rivers, &c., and their courses. The Geographical

Reader is calculated for a reading book, which at the same time it teaches to read, instills into the mind a fund of useful Geographical fact, and being mingled with matter which interest the pupil, leaves an impression upon the mind which time can hardly efface. We commend the books to our school directors.

State of the Bank of Lewistown.

February 9th. 1841.

Dr. To Capital paid in, - - - \$197,035 00  
Notes in circulation, - - - 198,843 00  
Due to Banks, - - - 9,831 10  
Commonwealth of Penna., - - - 283 33  
Dividends unpaid, - - - 1,974 80  
Contingent Fund, - - - 9,887 97  
Interest account, - - - 4,023 96  
\*Individual deposits, - - - 40,448 05

Doll's, 460,329 22

Cr. By Bills discounted, - - - \$338,924 23  
Notes of other Banks, - - - 1,700 00  
Specie, - - - 33,696 13  
Due from Banks, - - - 73,683 34  
Lewistown Bank Stock, - - - 250 00  
Expenses, - - - 634 98  
Banking House & Fixtures, 9,783 57  
Lewistown Water Company 1,000 00  
Profit & Loss, - - - 435 87  
Suspense account, - - - 19 10

Doll's, 460,329 22

\*\$19,950 Cannot be drawn for, unless applied to bills discounted.

At a meeting of the Board of Directors of the Bank of Lewistown, held at the Banking House on Monday the eighth day of February 1841, the following resolutions were unanimously adopted:

Resolved, That the highest credit is due to the Farmers, Mechanics and other citizens, of Millin, Centre and the adjoining counties, for their forbearance and courtesy towards this Bank during the excitement necessary attendant upon a resumption of specie payments.

Resolved, That the Cashier be and is hereby instructed to make out a statement of the affairs of this Bank up to and including this day, and have the same published, and a copy thereof forwarded to all of our Stockholders.

Resolved, That we do, hereby, pledge our credit, fortune, and honor, for the redemption by the Bank of Lewistown, of every dollar of its notes now in circulation.

Joseph Milliken,  
Joseph B. Ard,  
James Petter,  
R. C. Hale,  
Henry Long,  
William Shaw,  
F. W. Ravelle,  
James Burns,  
Mic'l. Creswell,  
John Sterrett,  
W. Butler.

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