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TERMS.

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POETRY.

From the Christian Reflector.

When is the time to Die.

I asked the glad and happy child,
Whose hands were filled with flowers,
Whose silvery laugh rang free and wild
Among the vine-wreathed bowers;
I crossed her sunny path, and cried,
"When is the time to die?"
"Not yet! not yet!" the child replied,
And swiftly bounded by.

I asked a maiden; back she threw
The tresses of her hair;
Grief's traces o'er her cheek I knew,
Like pearls they glistened there;
A flush passed o'er her hazy brow,
I heard her spirit sigh;
"Not now," she cried, "O no! not now,
Youth is no time to die!"

I asked a mother, as she pressed
Her first born in her arms,
As gentle on her tender breast
She hushed her babe's alarms;
In quivering tones her answer came,
"Her eyes were dim with tears;
"My boy his mother's life must claim
For many, many years."

I questioned one in manhood's prime,
Of proud and fearless air;
His brow was furrowed not by time,
Or dimmed by woe or care,
In angry accents he replied,
And flashed with scorn his eye:
"Talk not to me of death," he cried,
"For only age should die."

I questioned age; for him the tomb
Had long been all prepared;
But death, who withers youth and bloom,
This man of years had spared.
Once more his nature's dying fire
Flashed high as thus he cried:
"Life! life! only life is mine!"
Then gasped, and groined, and died.

I asked a Christian:—"Answer thou
When in the hour of death?"
A holy calm was on his brow,
And peaceful was his breath;
And sweetly o'er his features stole
A smile, a light divine;
He spake the language of his soul,
"My Master's time is mine!"

MISCELLANEOUS.

Remarkable Magnetic Rocks.

The following facts are detailed by the Vicksburg (Mississippi) Whig:

Near the iron mountain in Missouri, there is a ledge of stone, extending for half a mile in length, and several hundred yards in width. This stone is very strongly impregnated with magnetic properties; so strongly, indeed, that it is impossible to ride a well shod horse over it. A gentleman having his horse newly shod, once attempted it, but before he had made two "revolutions," his horse was brought up all standing—perfectly still. In vain our traveler urged his gallant steed forward; persuasion and force proved equally futile, until his patience became exhausted, and he sent for a blacksmith. The son of Vulcan soon arrived, and found the horse standing stock still, and to all appearance as immovable as the rock of Gibraltar. Various expedients were resorted to, to relieve the horse, but they all failed.—There he stood, and to all appearance there he would likely stand, with his feet literally glued to the solid and impervious rock. At last the blacksmith's eyes glistened; he had it sure. He sent off to his smithy for his shoeing tools, which were soon forthcoming, when he proceeded with all possible despatch to unclinch the nails which bound the horse's shoes to his hoofs! One by one the nails were unclinchd, the whip was applied to the horse, and as the last nail gave way, he escaped with a bound, but left his shoes wedged to the rock.

AN ANCIENT RECIPE FOR THE CURE OF THE GOITRE.—The ingredients for this remedy cannot be had without a little trouble, but as no one's stock will be endangered, the sufferer will be contented to run a little risk, in order to obtain great relief.—1st. Hee must pick a handkerchief from the pocket of a made of 50 years, who never had a wish to change her condition. 2nd. Hee must wash it in an honest miller's pond. 3d. Hee must dry it on a person's hedge that was never covetous. 4th. Hee must scent it in a doctor's shop who never killed a patient. 5th. Hee must make it with a lawyer's ink who never cheated a client. Apply it to the part affected, and a cure will speedily follow.

COMMODORE PERRY.—"In stature," says J. Fenimore Cooper, "Commodore Perry was slightly above the middle height. His frame was compact, muscular, and well formed, and his activity in due proportion. His voice was peculiarly clear and agreeable, and, aided by its power, he was a brilliant deck officer."

The eccentric Lorenzo Dow, in the year 1830, prophesied that in the year 1843 there would be no King in England, no President in the United States, and that there would be snow in June. His prediction has been fulfilled to the very letter.

"I understand," said a deacon to his neighbor, "that you are becoming a hard drinker." "That is a slander," replied his neighbor, "for no man can drink easier."

FROM THE INDIANA REGISTER.

Messrs. Morehead:

GENTLEMEN:—I have received a communication from Judge Woodward upon the subject of the case of the Flanagan, at present confined in the Jail of Cambria County; accompanied by a suggestion that as there had been much excitement in the public mind about this case, it might be as well to give publicity to his views in relation to the duty he was called upon to perform.

I therefore furnish a copy for publication. It needs no comment on my part, as his sentiments are fully disclosed, and I have neither the right or the disposition to question the ground he has assumed. Having certified the case, as authorized by the Legislature, it has passed beyond my control.

Very respectfully

Your ob't serv't,
THOMAS WHITE.

June 12, 1843.

In the Court of Oyer and Terminer of Cambria County.

Commonwealth of Pennsylvania, vs. Bernard Flanagan & Patrick Flanagan, Indictment for the murder of Elizabeth Holder.

HONORABLE THOMAS WHITE:—I improve my earliest hour of leisure since returning from the Courts of Clinton County, to answer your letter of the 21st April, which came to me at this place by way of Bellefonte, and which was a long time on the road. To render intelligible the views I am about to present to you, it is necessary that I should transcribe the first two sections of the Act of Assembly in reference to the above case; and this seems the more necessary as the law is not yet published, and you intimate that you have no copy in your possession. They are in these words:

"Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in the General Assembly met, and it is hereby enacted by the authority of the same, That the Court of Oyer and Terminer of Cambria county are hereby authorized and required to enter, if requested by the defendants, in the case of the Commonwealth against Bernard Flanagan and Patrick Flanagan, indicted for the murder of Elizabeth Holder, a rule to show cause why the sentence of the Court and the verdict of the Jury should not be set aside in said case, a new trial be granted, and if said Court should, on hearing, be satisfied that according to the principles which ought to govern in such cases, a new trial should be granted, the said Court are hereby authorized to make the said rule absolute, and if a new trial be thus granted, the case shall be proceeded in by said Court, as soon as practicable, to another trial and final judgment.

SECTION 2. That in case the President Judge of said Court should desire that said rule, the hearing thereof, and the new trial, if one be granted, should be held before some other Judge, then it shall be the duty of the said President Judge to certify these facts to the President Judge of the Fourth Judicial District, who is hereby authorized and required to preside in said Court of Oyer and Terminer, and to do and perform, with one or more of the Associate Judges of said county, all things specified in the first section of this act touching the rule to show cause and the final disposition of such case, with like effect and force as if done before the proper President of said Court, and no informality in process or otherwise, shall vitiate any proceeding under this act, and said Court shall have all the power necessary to carry the true intention thereof into full effect, and may adjourn from time to time until said case is fully determined."

You have availed yourself of the license contained in the second section of this law, and have certified to me that it is your desire that the rule to show cause why the sentence of the Court and the verdict of the Jury in the above stated case, should be set aside and a new trial be granted, &c., should be entered and heard before the President Judge of the Fourth Judicial District, and if a new trial should be granted, you certify that it is also your desire that the new trial should be had before the said President Judge of the Fourth Judicial District.

I do not complain that you certified me of a desire which I have no doubt you feel very sincerely. I can readily imagine that after a long and patient trial of the prisoners for murder, resulting in a conviction, and after overruling a motion for a new trial, and sentencing them to death, you should "desire" that the proceedings prescribed by this extraordinary act of legislation, should be had before me. But it becomes a serious question with me whether I have constitutional power under the act of Assembly to perform the duty which your certificate has laid on me, and I propose to state as briefly as may be, the grounds on which the constitutional doubt rests, and which will prevent me from entering on the duties required.

The prisoners committed the offence, if at all, in Cambria county. They were tried and convicted in the Court of Oyer and Terminer in that county, and the act of Assembly under consideration provides that the proceedings in their cases shall be had in that Court. In the event that has happened the act authorizes and requires me to preside in that Court, with the same effect that you might do. The question is: Can the Legislature make me the President Judge of the Court of Oyer and Terminer of Cambria county, whilst that county remains in your Judicial District, and you remain in commission?

The Constitution, in the 5th article, establishes a Supreme Court for the whole State, and Courts of Oyer and Terminer and General Goal Delivery, Courts of Common Pleas, an Orphans' Court, a Register's Court, and a Court of Quarter Sessions of the Peace for each county. The 5th section of this article provides that "The Judges of the Courts of Common Pleas, in each county, shall by virtue of their offices, be Justices of Oyer and Terminer, and General Goal Delivery, for the trial of Capital and other offenders therein;—Any two of the said Judges, the president being one, shall be a quorum; but they shall not hold a Court of Oyer and Terminer"

or Goal Delivery in any county when the Judges of the Supreme Court, or any of them shall be sitting in the same county. The party accused, as well as the Commonwealth, may under such regulation as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof into the Supreme Court." Two of the Judges of the Court of Common Pleas of Cambria county, the President being one, are thus made the Constitutional "Justices of the Court of Oyer and Terminer and General Goal Delivery for the trial of capital and other offenders therein."

Who, then, are the Judges of the Court of Common Pleas of Cambria county? The third section of the amended constitution adopts the then existing system of Courts of Common Pleas, and provides that "until otherwise directed by law, the Courts of Common Pleas shall continue as at present established." You and your associates in Cambria county were a part of that system, and you became *ipso facto*, the Justices of Oyer and Terminer in that county. It has never been "otherwise ordered by law." You have continued in commission, and Cambria county has continued to form part of your district. In the common language of the constitution and in every legal sense, you and your associates are "the Judges of the Court of Common Pleas" for that county. It is true that the Judges of the Fourth Judicial District were authorized by an Act of Assembly of the 3d of April, 1837, to hold Special Courts of Common Pleas and Quarter Sessions in Cambria county, for the purpose of disposing of any cases, motions, or matters then pending in said county, and in which you had been of counsel. But this was a very special authority, and temporary, like the necessity which led to its enactment. In no proper sense could it be construed to make my predecessor or myself a Judge of the Court of Common Pleas of Cambria county within the meaning of the 5th section of the 5th article of the constitution; for if it did, I have a right at any time to sit with you in the Court of Oyer and Terminer; and thus that court would be provided with two President Judges, the constitution declaring there shall be one. Other consequences equally absurd and unconstitutional would result from the argument that the Act of Assembly of the 3d April, 1837, made me a Judge of the Court of Common Pleas of that county, within the meaning of the constitutional provision. I conceive that the position cannot be questioned that, I do not come under the description of Judges who are authorized to sit as Justices of Oyer and Terminer in that county, and if I do not, the Legislature cannot by their mandate place me there for the purposes of a solitary case.

It is true the Legislature may remove Cambria county from your jurisdiction as a Judge of the Court of Common Pleas, both because the power is given to them in the 3d section cited above, and because, also, having created the Judicial Districts, they have a right to arrange and alter them according to the demand of public convenience; and if they should unite Cambria county to some other Judicial District, the President Judge of that District would by virtue of his commission, be a Justice of the Court of Oyer and Terminer in Cambria county. It is only by relation to the Court of Common Pleas that any of us are Justices of Oyer and Terminer. Our commissions do not in terms embrace this jurisdiction, but being commissioned as President Judges of the Courts of Common Pleas in and for established and ascertained Districts, we become, by virtue of the constitution, Justices in Oyer and Terminer within the same sphere. But until an Executive commission and an Act of Assembly, concur to make us Judges of the Court of Common Pleas of a particular county, I hold that we have no power to sit in the Oyer and Terminer of that county.

So long as there are Judges of the Court of Common Pleas in and for Cambria county, the constitution vests in them the power which the Legislature have attempted to transfer to me. And how can I be expected to exercise a jurisdiction conferred by the Legislature, when an authority superior to the Legislature has vested it elsewhere? This constitutional organization of the Court of Oyer and Terminer is not more express than it is exclusive. No power is granted to the Legislature to "order otherwise," concerning these Courts, as there is concerning the Court of Common Pleas. Hence there can be no special Court of Oyer and Terminer provided, corresponding in organization with the special Courts of Common Pleas under the act of Assembly of 1834. The legislative power to send a Judge of one District into another to hold a Court of Common Pleas results from the third section already quoted, and which is substantially the same in this respect as the 4th section of the 5th article of the Constitution of 1790, and this power is continually exercised. But neither in the Constitution of 1790 nor in that of 1838 is there any similar grant in respect to Courts of Oyer and Terminer. The right of the Legislature to interfere in the jurisdiction peculiar to these Courts, is restrained to the removal of the "indictment and proceedings, or a transcript thereof into the Supreme Court."

In civil disputes it often happens that a President Judge is so related to the controversy that every consideration of delicacy as well as justice forbids him to preside at the trial. It is a convenient arrangement, therefore, to call in a neighboring President to supply his place in that instance, and this is a special Court of Common Pleas which the Legislature have, I repeat, by express grant, the constitutional power to provide. But it seldom happens that a President Judge sustains a similar relation to any of these high crimes which must be tried in the Oyer

and Terminer, and when such a case does occur, the Constitution makes ample provision, not only in the authority it gives the Legislature to remove it into the Supreme Court, but also by the fact that the Judges of the Supreme Court are Justices of Oyer and Terminer in every county in the State, and can supply the place of a President Judge, if occasion demand. Such being the constitutional provision for cases of emergency, it would have been unwise to multiply facilities for bringing crimes to trial before any other than the local Judges.—A power of this kind lodged in the Legislature might be abused, and the liberty or life of the citizen be endangered in times of high excitement. If, when a man had been accused of crime the Legislature, by a special mandate, could send whom they pleased to preside on his trial, in the place of the ordinary tribunals of justice, their act would partake strongly of the nature of an *ex post facto* law, and be obnoxious to the same objections. These may have been among the reasons of the framers of our Constitution for not giving the Legislature a control over Courts of Oyer and Terminer similar to that which they possess in respect to Courts of Common Pleas. Whether or not, however, these were the reasons for the distinction which is apparent in the Constitution, it is enough for me that I find a Court of Oyer and Terminer established by that instrument in Cambria county, and invested with jurisdiction of the case before me in a manner inconsistent with the provisions of the act of Assembly under consideration.

In addition to the obvious right of the Legislature to refer this case to the Judges of the Supreme Court, I suppose they might, if cause satisfactory to themselves existed, have changed the venue of the indictment, with the consent of the accused, and have given them a trial in another county. And if the prisoners had been sent to either county of my district, I should have felt it my duty to proceed in their case with all fidelity, however I might have regretted the necessity for doing so. But so long as the prisoners remain in a county where I am not a judge of the Court of Common Pleas, and where you are, they have a right, indefeasibly secured to them by the constitution, to be tried by you; and you will excuse me for saying that your superior experience and qualifications make this a highly valuable right of the prisoners, which I have no doubt they properly appreciate, and which I am unwilling to deprive them of. On the ground, therefore, that this act of Assembly is unconstitutional, in so far as it affects to make me a Judge of the Court of Oyer and Terminer of Cambria county for the special purposes of this case, I respectfully decline to make any order in the premises.

Many other objections might be urged against my attempting to execute the purposes of this law, especially in deciding the question of a new trial. I was not present at the former trial—no bill of exceptions can certify me of evidence rejected or of points ruled in the progress of the trial. Indeed, it is not easy to see how I could ascertain, certainly and beyond all dispute, what the evidence delivered by witnesses was, and if I could, I could have no knowledge of those many circumstances attending the delivery of the testimony and the progress of the trial which more or less influence a Judge in deciding on an application for a new trial. And yet the law requires, that the Court of which it is attempted to make me the President Judge, shall be "satisfied that according to the principles which ought to govern in such cases, a new trial should be granted." If the Legislature meant that the prisoners should have a new trial at all events, they ought to have said so in terms. But if they meant that the question should be decided with a conscientious regard to principles which govern in applications for new trials, they ought to have made it your duty imperatively to pass on this question. For, having presided at the former trial, you are perhaps the only Judge in existence who can properly apply to the question "the principles which ought to govern in such cases."

Notwithstanding, however, the obvious inconvenience, amounting almost to total impracticability, of deciding the question of a new trial in the manner prescribed by the Legislature, but I should still have felt it my duty to take measures for executing, as nearly as might be, the intention of the Legislature, if I did not see obstacles in my way which are insurmountable, because constitutional. That Constitution I have sworn to support, and I firmly believe I should violate both its letter and spirit, if I went to Cambria county for the purposes required. I must be excused, therefore. I intend no reflection on the members of the Legislature who were pledged like myself to the support of the Constitution. Their act was doubtless the result of a strong desire to furnish the prisoners with the means for a review of their case; and probably the constitutional objection did not present itself to their minds.—But, when I am compelled to sit in judgment on the lives of two fellow beings, I want credentials that are clear. I am not satisfied with those the Legislature have furnished, and the occasion is too grave to admit of the exercise of a doubtful power. Whether the prisoners shall be disposed of by you and your associates, or be kept until further legislation shall be obtained, is with you to decide, and I am sure the public will be satisfied with whatever course you deem it your duty to pursue.

I am very respectfully,

Your ob't serv't.

GEO. W. WOODWARD.
WILKESBARRE, May 23, 1843.

(Bunker Hill Monument cost \$130,000 in all.)

Another Balloon Ascension.

The following narrative of Mr. Wise's forty-first aerial voyage we take from the Carlisle Herald, to whose editor it is addressed. It will be found to possess much interest.

MR. EDITOR:—According to announcement, on Saturday, the 17th inst. I set out on my forty-first aerial excursion, from the centre square of your borough at 15 minutes past two o'clock. A slight breeze from the west wafted me a short distance when the ascent became more perpendicular. The first thing that drew my attention was the immense ocean of heads that presented itself in the square. There appeared to be infinitely more people on the immediate ground than I have witnessed for some time at a balloon ascension, and the whole affair appeared more animated from the fine appearance of the military, together with their repeated firing after the departure of the "Comet."

When I had reached a point about two miles east of the town the Balloon commenced a rapid and perpendicular ascent, which soon brought me to the base of an immense black cloud, and as it has always created a deep interest in spectators to see a balloon passing through clouds, I did not hesitate on this occasion to give my numerous audience an exhibition of this kind; although I might have avoided it, and kept beneath the clouds, which current would have taken me to Harrisburg, and which was already distinctly in my view. This part of my feat, however, I had reason soon after to regret, although at the present time it gives me more gratification to contemplate its reality than any thing that has lately transpired in my aerial adventures. The details that I shall here give of this terrible scene, may be relied on, as I was sufficiently composed to appreciate its grandeur and observe its physical operations. The cloud to the best of my judgment, covered an area of from four to six miles in diameter. It appeared of a circular form and considerably depressed in its lower surface, or I might say it presented a great concavity towards the earth, with its outer edges very ragged; it was also of a dark snake color. I noticed at some distance from where I entered the cloud, the appearance of a heavy descending rain. The first sensations that I experienced, when entering the cloud were extremely unpleasant. A suffocating sensation immediately ensued which was shortly followed by a sickness of the stomach—this, however, shortly after somewhat abated. The cold in the meantime became intense, and every thing of a fibrous nature became thickly covered with hoar frost, the cloud at this point which was in the midst of it, had not the black appearance, but was of a light color, and so dense that I could only slightly see the Balloon above, a distance of 16 feet.

From the intensity of the cold in this cloud, I concluded the gas would condense, and the Balloon would consequently descend beneath it, where it was much warmer. In this however I found myself mistaken, for in a few minutes after I entered the cloud, I found myself whirling upwards with a fearful rapidity, the Balloon girating, and the car describing a large circle in the cloud; a noise resembling the rushing of a thousand mill dams, with a dismal moaning noise of wind surrounded me in this terrible flight. Whether this rushing noise was occasioned by the hail and snow, which by this time was fearfully pelting around the Balloon, I am unable to tell. I was in hopes that I should soon be tossed out of the top of the cloud and enjoy the congenial sunshine invariably above them. But in this I was sadly disappointed, for after being hurled up, apparently to me many hundred feet, there appeared to occur a vacuum underneath, and the Balloon would again sink down, with a swinging and fearful velocity, to be again carried up, and let fall, which was repeated eight or ten times, all this time the storm raging with unabated fury. The Balloon in the mean time had received considerable damage by kinking, and breakage from its frozen condition. I experienced all this time an almost irresistible determination to sleep, which I believe was only overcome by the sickening of the stomach, and most powerful vomiting.

After this I felt somewhat easier in mind and body, (for it is no use to say that I cannot be alarmed,) and I grasped a firm hold of the sides of the car, determined to abide the result with as much composure and observation as the nature of the case would admit: as it appeared evident that discharging ballast would not let me up through the storm, nor discharging gas let me down, by this huge monster of the air for at least 20 minutes. I was finally released, and found myself between the cloud and the earth, receiving the benefit of a pouring rain, in which I descended on Mr. GOODYEAR'S farm, five miles from Carlisle. The density of this cloud did not appear alike all through, as I could at times see the balloon distinctly above me; also occasionally pieces of paper, of which a considerable quantity was blown out of my car. I also noticed a violent convulsive action of the vapor, and a promiscuous scattering of the hail and snow. Such is the history of this short but magnificent trip, and I can assure my readers, that when I again meet clouds of this character, (which I shall name the "Cloud of Terror,") I will ascend sufficiently high before I reach them, to sail over them, or keep sufficiently low to pass underneath them. I cannot forego this opportunity of rendering my warmest thanks to the Committee for their ardent labors in my behalf, as also to my esteemed friend, Mr. THORNE.

Very Respectfully, the public's obedient servant,
JOHN WISE.

Carlisle, June 19, 1843.

VERBO OF THE BILL FOR THE SALE OF THE Main Line of Public Works.

EXECUTIVE CHAMBER, 2
20th June, 1843. 5

CHARLES M'CLURE, Esq.,

Secretary of the Commonwealth.

SIR:—Please file the accompanying message to be delivered to the General Assembly, together with the Bill to which it relates, within three days after their next meeting.

Very respectfully,
DAVID R. PORTER.

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

GENTLEMEN:—I herewith return to the House of Representatives, in which it originated, the bill, entitled "An Act to authorize the Governor to incorporate the Pennsylvania Canal and Railroad Company from Philadelphia to Pittsburgh," accompanied with my objections to its passage into a law. In general terms, this bill provides for the incorporation of a company, to which is to be transferred, on certain terms set forth, the Main Line of the State improvements, by railroads and canals connecting the city of Philadelphia and the city of Pittsburgh, and the almost entire control of the public over its management and use. Those improvements, constructed at an aggregate cost of about fifteen millions of dollars to the State, are to be sold or transferred to this company for the sum of sixteen millions, to be paid in subscriptions of one hundred dollars a share, in cash, or in certificates of loan to the Commonwealth.

To the details of several of the provisions of this bill there are objections, but I need not at present refer to them particularly; I will only call your attention to the twenty-third section, in which is found what appears to be a most extraordinary feature.—It is in the following words: "It shall at all times be lawful for a committee of the Legislature, appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been by the same abused and violated, and if the officers of said corporation should refuse to be sworn or affirmed, or give evidence, or produce all such of their books or papers as may be demanded before any such committee, then the Legislature may by law declare the said charter void and repeal the same, and whenever any committee as aforesaid shall find and report, or the Governor shall have reason to believe, that the charter has been violated, it may be lawful for the Legislature to direct, or the Governor to order a *scire facias* to be issued out of the Supreme Court of Pennsylvania, in the name of the Commonwealth of Pennsylvania, (which shall be executed on the President or Treasurer of the corporation for the time being, at least ten days before the commencement of the term of the said court,) calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited, and it shall be lawful for the said court, upon the return of the said *scire facias*, to examine into the truth of the alleged violations, and if such violations be made to appear, then to adjudge that the said charter is forfeited, and thereupon, and in case the Legislature shall declare the said charter void and repeal the same for the cause aforesaid, the canals and railroads aforesaid, with the appurtenances, and all the estate real and personal of the said corporation, shall revert to and vest in the Commonwealth, upon the payment by the Commonwealth to the stockholders the par value of their stock, and until the Commonwealth shall have made such payment to the directors of said company, to be by them distributed among the stockholders, the rights, privileges and franchises of said corporation shall remain as though said judgment of forfeiture had not been pronounced." Now this section provides a perfect immunity to the company for its infraction of its charter or laws. Even when it is proved to have violated them, it is authorized to enjoy and possess all its rights, privileges and franchises, as if said judgment of forfeiture had not been pronounced, until the Commonwealth pays to the company the par value of its stock, to wit, \$16,000,000.—Such payment would be little short of a moral impossibility. And were it possible for the State to pay this sum, it would be clearly for the interest of the company to violate its charter, persist in this violation, and make the State pay the par value of stock which was bought and subscribed at less than fifty per cent. of its nominal value by the stockholders, or allow them to go in defiance of the charter and the law. Can it be possible the credit and honor of Pennsylvania have sunk to this depth, to require such a sacrifice for their support? I trust not.

But independent of objections to specific details, it seems to me that the measure itself is most impolitic and unwise. It is true I approved the bill for the creation of the Delaware Canal Company, substantially the same as this bill, but I did that more in accordance with the apparent wishes of the people, announced by the voice of their representatives in the Legislature, than in accordance with my own prior opinions, or those I entertained at the time. Had nothing occurred in the attempt of the commissioners to procure subscriptions to that stock, to induce the belief that it was not likely to operate to the advantage of the public interest, I should probably have waved my scruples, and, for the same reason have approved this bill also. But I should ill discharge my duty if I shut my eyes to that proceeding. When we see a most unexampled scramble for the stock—hard men forcing their way into

Carlisle, June 19, 1843.