

# THE JOURNAL.

Huntingdon, April 16, 1850.

## APPORTIONMENT BILL.

### Veto Message of Gov. Johnston.

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

GENTLEMEN.—The necessity of the present message is most sincerely regretted. The exercise of the negative power, vested in me by the Constitution has been hitherto carefully avoided, under the impression that its frequent and constant use was well calculated to impair the republican simplicity of a representative government.

To unite with cordiality in measures sanctioned by the Legislature, affecting the welfare of the people, would at all times afford me more pleasure than the adoption of a different policy.

When, however, it becomes necessary in my judgment, to preserve the integrity of the Constitution, and to protect the rights of my fellow citizens, I should feel that the trust reposed in me by the sovereign people was unfaithfully discharged, were I, under any circumstances, to shrink from just responsibility; or by any action of the Executive department, permit the well established and revered principles of a representative republican government to be endangered, outraged, or destroyed.

In a government founded upon the popular will, it is scarcely necessary to remark, that the very basis of its superstructure is the right of the citizens to an equal voice and influence at the ballot box. The purity and equality of the elective franchise, and the equitable distribution of the favors and burdens of the State, constitute the life-giving principles—the spirit and strength of such government. The destruction of either may well be deemed an act of hostility to the best interests of society, and to the permanency of our institutions.

In all ages and governments, among civilized men, the infringement of the right of representation has caused the sturdiest and most justifiable opposition. Republican government ceases to exist whenever these cherished rights are disregarded. In recognition of these admitted principles, the Constitution of this Commonwealth has pledged the constituted authorities to their defence and preservation.

Impressed with the correctness of these truths, I have felt it my duty to withhold my approval of Bill No. 320, of the General Assembly, 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."

It is due to the Legislature and the people, that I should briefly state some of the reasons that have influenced me in this determination.

The bill is, in my judgment, unconstitutional, unjust and defective in its details.

The Constitution requires that in "each term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. That the number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties according to the number of taxable inhabitants in each, and shall never be less than 60, nor greater than 100. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeably to the ratio which shall then be established."

It further provides that the number of Senators shall, at the period of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-fourth, nor greater than one-third of the number of representatives.

In its further provisions are found limitations of the power of the Legislature in the formation of senatorial districts. Those provisions of the Constitution plainly indicate the manner in which the apportionment shall be made, and, in direct terms, declared, as the basis of representation, the taxable inhabitants of each county. They require the Legislature to fix the number of the members of the House of Representatives, and to determine the ratio or number of taxable inhabitants for each member, according to a septennial enumeration. Any departure from this standard or ratio, must be a breach of the organic law, which guarantees to each county an equal representation, according to the number of taxable inhabitants therein.

The ratio fixed in the bill is 4,865 taxable inhabitants for one member of the House of Representatives, and 14,743 taxable inhabitants for one Senator.

In the bill under consideration are found the following palpable objections and violations of the ratio fixed upon by its own provisions.

1st. The county of Fayette contains 7,611 taxable inhabitants; and is allowed two members, being 2,119 taxable less than the number required by the ratio fixed by the Legislature. The county of Dauphin, with 7,883 taxable in-

habitants, is allowed one member, with an unrepresented surplus of 2,818.—Thus Dauphin county, with a larger population, more taxable inhabitants, and whose citizens bear a much larger proportion of the public burdens than the county of Fayette, has only one-half the influence and weight in the House of Representatives.

2d. Allegheny county, the great commercial and manufacturing district of Western Pennsylvania, with 23,547 taxable inhabitants is allowed five members, being one member to every 4,709 taxable inhabitants, while the adjoining county of Westmoreland, with less variety of interests to protect is allowed three members on a tax list of 11,618, being one member to every 3,872 taxable. In other words, to 5,000 taxables in Allegheny county is given the right to elect a member of the House of Representatives, while in Westmoreland county 3,872 taxables have the same political influence. The unrepresented excess in Allegheny county, by the provisions of this bill, is 4,222 taxables; being 350 more taxables than the ratio fixed for Westmoreland county. I cannot believe that the honest yeomanry of Westmoreland county would desire this undue influence in the assessment of taxes over their fellow-citizens of an adjoining county.

3d. Schuylkill, whose citizens are largely engaged in mining, manufacturing, and agricultural pursuits, has 12,867 taxables, and is allowed two members, being 6,433 taxables to a member, while to the adjacent county of Berks, with 16,262 taxables is given four members, being 4,065 taxables to a member. Upon what principle of equity this discrimination is made, I cannot conceive. Here we find 4,065 taxables in one county possessing the same authority to elect a member that is given to 6,433 taxables in an adjoining county.

4th. The county of Westmoreland has, as stated, three members with 11,618 taxables; Schuylkill with 12,867, has two members, and Lawrence and Butler with 11,915, have two members. Here is exhibited the astounding fact, that in two districts containing each a larger number of taxables than Westmoreland, there is given to each a less number of representatives. Berks has 16,262 taxables, and is allowed four members, whilst Schuylkill and Butler and Lawrence, with 24,782 taxables, are allowed no greater number. If the Constitution can be construed to inflict such flagrant wrongs, the liberties of the people are no longer secure under its provisions.

5th. The county of Crawford, with 8,180 taxables, is allowed two members while the adjoining county of Erie, with 8,434 taxables, is allowed only one member.

6th. The counties of Allegheny, Butler, Lawrence, Dauphin, Erie and Schuylkill, with 69,446 taxable inhabitants, are allowed eleven members.

Here is exhibited an instance wherein the voice and influence of 26,496 of the freemen of the State, are unheard and unfelt in the proper branch of the Legislature. By the ratio fixed in the bill, the first named counties would be entitled to 14 members, and the last named counties to less than 9 members.

7th. The counties of Adams, Allegheny, Butler, Lawrence, Beaver, Dauphin, Delaware, Erie, Indiana, Lebanon, Philadelphia City, Somerset, Union, and Lancaster, with an aggregate 140,294 taxables, are allowed twenty-five members; whilst the counties of Columbia, Sullivan, Crawford, Fayette, Monroe, Wayne, Pike, Mercer, Venango, Warren, Mifflin, Montgomery, Susquehanna, Wyoming, Westmoreland, York, Tioga, Elk, McKean, and Clearfield, with an aggregate of 105,280 taxables, are given the same number. In the assessment of taxes, and the appropriation of the public moneys, the wrong inflicted on these partially disfranchised counties is readily perceivable.

The instances of inequalities and injustice in the bill, similar to those mentioned, are so numerous, that a further examination and expose of them, would seem a waste of time. In this inequality of representation and disregard of the ratio fixed by the Legislature, there is a violation of the spirit and letter of the Constitution.

The district composed of the counties of Clearfield, Elk and McKean, presents an instance wherein counties erected since the adoption of the Constitution, are given a separate representation on a less number of taxables than the rated number fixed by the Legislature.

The formation of representative districts by the union unnecessarily of several counties, is well calculated to remove the just responsibility that the representative owes to his constituent, and to prevent the popular voice of some of the counties being heard in the Legislature. This anti-republican feature ought to be avoided. The district composed of Armstrong, Clarion and Jefferson, exhibits the following facts:—The representative ratio is 4,865. The county of Clarion has 5,087 taxables, entitling it to a member with a very small excess. The counties of Armstrong and Jefferson have 8,708 taxables, being proportionally a much larger number of taxables for two members than is required by this bill for the counties of Fayette, Westmoreland, Berks, or Crawford. The interests of these counties may be similar, and to that extent no wrong is perpetrated; but in the event that either county should have separate or conflicting local interests, the rights and wishes thereof must not only be unheard, but disregarded. The same remarks apply to the districts composed of Cumberland, Perry and Juniata, and Mercer, Venango, and Warren.

In the arrangement of the Senatorial Districts, the same disregard of the ratio fixed by the bill, and the rights of the taxable inhabitants is exhibited. 1st. To the district composed of the counties of Tioga, Elk, McKean and Potter, with 8,673 taxables, is given one Senator; while to the district composed of the county of Lancaster, with 22,843 taxables, is given one Senator. The district first named falls short of the ratio fixed by the Legislature 6,070, whilst the last named district exceeds the ratio 8,100 taxables. Lancaster county, with 14,171 taxables more than the counties first named, is allowed no more influence on the floor of the Senate.

2d. The counties of Lancaster, Chester and Delaware are allowed two Senators; the taxables therein are 42,880; thus requiring 21,440 taxables to elect a Senator, whilst the counties of Tioga, Potter, McKean, Elk and Erie, are allowed two Senators with 17,107 taxables; thus requiring only 8,553 taxables in these counties to elect a Senator.

3d. The counties of Crawford, Mercer, Venango, Warren, and Jefferson, are united and allowed two Senators, although the number of their taxables only exceeds that of the county of Lancaster 2,000, and falls short of the number of taxables in Lancaster, Chester, and Delaware 18,029—a difference and inequality greater than the ratio fixed by the Legislature for a Senator. The number of taxables in the 18th, 19th, and 20th districts is 41,958; to these districts this bill gives four Senators, while to the 4th and 7th districts, with 42,880 taxables, it gives only two Senators.

It is not perceived upon what principle of propriety the system of double districts is adopted. In the formation of the 19th district which largely lacks the number of taxables required by the ratio for two Senators the county of Jefferson, with 2622 taxables is included, while the county of Clarion, with 5,087 taxables, and more eligibly located as contiguous and adjoining territory is rejected. From this fact it is manifest that this double district was created with no view of representing fractions or approximating to the ratio fixed by the bill. It may well be deemed an act of hasty and imprudent legislation. The counties of Crawford and Erie; of Crawford, Venango and Warren; of Mercer, Venango and Clarion; of Erie, Warren and Venango, would all appear much nearer to the ratio adopted by the Legislature, provided this system of double districts cannot be avoided. The peculiar local interests and number of taxables in the counties embraced in the 5th and 24th districts, would not appear to demand the combinations made by this bill, and which are so likely to remove the direct and just responsibility of the representative to his constituents.

The 4th District is formed of Chester and Delaware counties. The county of Chester alone is entitled by the number of her taxables, according to the ratio fixed, to a Senator, yet the county of Delaware with 5,267 taxables is unnecessarily added to form said District, whilst the county of Montgomery adjoining to Delaware with less than the requisite number of taxables, is allowed a Senator.

The counties composing the 2d, 4th, 7th, 9th, 13th, 16th, 17th, 21st, 24th, 25th and 26th districts, contain 243,677 taxable inhabitants, being more than one-half the taxables in the whole State, and are allowed by this bill 14 Senators; whilst the remaining districts, containing 243,052 taxables, or less than the one-half the taxables in the Commonwealth, are allowed 19 Senators. This result exhibits a wrong that cannot be sanctioned by my co-operation.

I have caused to be prepared, and invite attention to the tabular statement annexed to the message. It will furnish a succinct form or analysis of the bill herewith returned.

I have heretofore urged upon the Legislature the propriety of giving to important public measures early attention. I regret that the duty of apportioning the State has been delayed to so late an hour of the session, thereby precluding that consideration by a co-ordinate branch of the government which its importance demands, and which the present bill convinces me it did not receive at the hands of the Legislature. With the sincere desire of expediting your labors, by an early return of this bill, I have devoted my time to its consideration since its presentation to me for examination. I cannot believe that the representatives of the people, or any of them, would designedly inflict wrong upon a part of their fellow citizens.

I feel that the spirit of justice and fair dealing that so largely marks the character of our common constituency would frown indignantly upon all attempts to disfranchise any portion of the citizens. I know that the people will denounce any and every encroachment, as they have always heretofore done, that may be contemplated against the liberty and equal rights of the citizen.

This bill is returned to the House of Representatives, in which it originated. W. F. JOHNSTON. Harrisburg, April 9, 1850.

## ADVERTISEMENTS.

### WATCHES, CLOCKS, JEWELRY.

#### SILVERWARE, &c.,

The undersigned has just returned from the East, and is now opening at his New Stand, three doors West of T. Read & Sons' Store, and directly opposite the Sons of Temperance Hall, A large and very superior assortment of

#### Gold and Silver Watches,

8 day and 30 hour Brass Clocks, Jewelry of the most fashionable styles, Silverware, Cutlery, Perfumery, Soaps, Pocket Books, Port Monnaies, Pistols, Note and fine Letter Paper, with a general assortment of Fancy Goods.

#### The unusually low Prices

At which we are determined to dispose of this Stock, offers peculiar inducements to purchasers. All should remember this fact before making their purchases, as it is our fixed determination to sell our Watches, Jewelry &c., at a very small profit, and thus establish our reputation for selling

#### The Cheapest and Best Articles.

Watches and Clocks neatly and carefully repaired.—The Highest Price allowed for Old Gold and Silver.

J. T. SCOTT,

N. B. Our friends and others who may wish to patronize "SCOTT'S CHEAP JEWELRY STORE," will please bear in mind that he has removed his establishment from the corner long occupied by D. Buoy, to the location above described, where he hopes to greet his old and many new customers.

J. T. S.

Huntingdon, April 9, 1850.

### J. WEICHELBAUM, OPTICIAN,

From Philadelphia,

RESPECTFULLY informs the citizens of Huntingdon and vicinity, that he has opened a store room next door to the Post Office, Market Square, where he offers for sale

#### SPECTACLES

OF EVERY VARIETY SIZE AND QUALITY.

A new invention of Spectacles, for distant or close reading, with gold, silver, tortoise-shell and steel frames, and a new and improved assortment of Perforated ground glass of his own manufacture. He would particularly call the attention of the public to his

SPECTACLES FOR NEAR SIGHTED PERSONS and for persons who have been operated upon for the cataract of the eye, and to his new kind of glasses and Conservers of the sight made of the best flint and azure glass. Good Glasses may be known by their shape, exact center, sharp and highly polished surface. The qualities are to be found in a high degree in his glasses.

ALSO, Spy and Quizzing Glasses, of every size and quality; Telescopes, Magnifying and Opera Glasses, Microscopes, &c., &c.,

with different powers, together with every variety of articles in the Optical line not mentioned. If Optical and other instruments and Glasses carefully repaired on short notice. He can always select glasses to suit the vision of the person, as he sees them, upon the first trial. He will remain in Huntingdon but a short time, during Court session, and those in want of the above articles will please give him a call. He will if required, go to any respectable house where his services may be wanted. April 9, 1850.

### CENTRAL CLOTHING DEPOT.

JACOB SNYDER

Respectfully informs the public that he has removed his establishment to the room recently occupied by T. K. Simonon, opposite the store of F. Read & Son, where, in addition to his former stock, he has just received the most elegant assortment of

#### Clothing for Men and Boys

ever brought to the borough of Huntingdon! His stock consists in part of Dress and Frock COATS, a variety of PANTS and VESTS, of every quality and price; Shirts, flannel shirts and drawers, cravats, &c. &c.

Having considerable knowledge of the wants of the People, and being experienced in the quality and make of Clothing, he can confidently assure the public that the material is not only good, but that his stock of clothing is well made up, in the most fashionable style. Having purchased low, he is determined to sell at such prices as will cause the people generally to hail his store as the

#### Cheap Clothing Depot!

Every body, in town and country, are invited to call and examine his truly

#### SUPERIOR GOODS.

N. B.—Clothing will be made up for customers as heretofore, in the best style and shortest notice.

Huntingdon, April 9, 1850.

#### Administrator's Notice.

ESTATE OF JAMES ROSS, OF BRADY TOWNSHIP, DECEASED.

LETTERS of Administration have been granted to the subscriber upon the estate of JAMES ROSS, of Brady township Huntingdon county deceased. All persons having claims will present them duly authenticated, and those indebted are requested to make payment to

THOS. ROSS, Admr.

April 9, 1850.

#### SIGN OF THE BIG POLE.

Shaving, Hair Dressing and Shampooing.

WILLIAM MOISON,

Would respectfully inform the public generally, that he continues to carry on Shaving, Hair Dressing and Shampooing, in the room over Henry Africa's Oyster Saloon, in Allegheny street, where he invites all desiring his services to give him a call. He is determined to give close attention to his business, and feels confident that he can render satisfaction to all who favor him with their custom.

April 9, 1850.—3t. pd.

### COLT'S REVOLVER'S

AND other pistols, rifles and shot guns, (imported) double and single barrels, percussion caps, game bags, powder flasks, &c., for sale by

NEFF & MILLER.

April 2, 1850.

## List of Letters

REMAINING in the Post Office at Huntingdon, April 1st, 1850.

James Ayres  
Conrad Arnold  
J. B. Ayres  
Jacob Brenneman  
John J. Bumbaugh  
Thomas Bryan  
John Beatty  
Henry Bower  
Elizabeth Best  
Thomas Bigham  
Randolph Brenneman  
Simon Bales  
Wm. Cunningham  
Matthew Cornelius  
John Conway  
Richard Coober  
Henry Cramer  
Gen. Wm. Clark  
Peter Clark  
David Corbin, Jr.  
Dr. E. Detweiler  
Sarah Doph  
Charles Dasey  
Edward Doolan  
John Ervine  
Stewart Foster  
Solomon Fink  
Edward Fency  
John Gaylor  
Andrew Guinnane  
Wm. Houston  
John Hicks  
Hugh Hamilton  
David Hetrick  
Jacob Hieman  
Jacob Jones Hinkle  
Mrs. Mortice Isenberg  
John Johnston  
Liberty Johnston  
Miss Mary Ann Kline  
Mary Kemp  
Robert Lambert  
David Long  
B. M. Lee  
John H. Lightner  
Wm. R. McMurtrie  
Adam Morningstar  
Patrick Mahen  
David Milliams  
John Morrow  
Martin Mitchell  
Mrs. Mary Murty  
Hugh McClure  
Thomas Martin  
Robert Madden  
Charles Merthy  
John J. Moore  
Rebecca Nightwine  
John Osborn  
Miss Mary Jane Pope  
Jeremiah Row  
Mrs. Jane Rung  
Jeremiah Rawdolph  
John Robinson  
John D. Ross  
Samuel Stewart  
Edward Smith  
John Smith  
Alexander Stewart  
A. B. Shoenfeldt  
Joseph Scott  
Jacob Smith  
Charles Taylor  
John Towne  
John Tierney  
William Van Orsdel  
Henry Wood  
Joseph Wiley  
James T. Wilson  
Egbert Woodbridge  
Henry West  
David R. Wilson  
Charles Wolverton  
Persons inquiring for letters on the above list will please say they are advertised.  
[Two cents in addition to the regular postage charged on advertised letters.]  
PETER C. SWOOPPE, P. M.  
Huntingdon, April 9, 1850.—3t.

John Carr  
Jacob H. Carothers  
Patrick Cowen  
Leary Con  
John Cronier  
James Green  
Martin Corniff  
Miss Ann I. Dealy  
John Dorris  
John O. Dewitt  
George Ervin  
Jacob Fretz  
Mrs. Fester  
Elizabeth Gibson  
Jacob Gelbaugh  
Calvin B. Horning, Jr.  
George Hitzman  
Henry Houp  
William Hundorf  
Lavinah Hoffman  
Wm. M. Jones  
Miss Sarah James  
Michael Kramer  
Joseph King  
Dennis Lary  
Lisberger & Dorsh  
Gottlieb Lachenmeier  
Geo. Lubrick  
John McComb  
Bartholomew Mathews  
George Mathews  
John McDermitt  
Thomas P. Miller  
Wm. Morgan  
Miss Mary Maloy  
Miss Ann E. Maloy  
Mrs. Matthews  
Greta Watson  
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Barney Meany  
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John Port  
John Reas  
Elijah Ring  
James Ryan  
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Daniel Showalter  
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Miller Stewart  
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Wm. Steel  
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Mrs. Amanda Tarmen  
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Cornelius Whelton  
William Walsh  
John Westbrook  
Patrick Walsh  
James Walls  
C. G. Witman  
Philip Weaver

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