

The Columbian and Democrat.

BLOOMSBURG, PA. FRIDAY, FEBRUARY 18, 1870.

THE COLUMBIAN has the largest circulation of any paper published in Northern Pennsylvania, and is also a much larger sheet than any of its contemporaries, and is therefore the best medium for advertising in this section of the State.

The Biggs Case. Some attention having been called to this case on account of the magnitude of the interests involved, and the intricacy of the legal questions connected with it, we will briefly call attention to the facts of the case.

Elisha H. Biggs, Sr., died in 1851, leaving a widow, who afterwards remarried, and a son, Elisha H. Biggs, Jr. At the time he owned the Exchange Block, including the Hotel and store, besides other valuable property. By his will he directed that the Mansion House and Exchange Block, in the event of his widow's death or remarriage, should go to his son, but that he should not sell or alienate the same, as it was intended he should have a life interest with remainder over to his heirs in fee, and said Elisha was not to have possession until his twenty-second year. The will also directs that if the son should die without heirs, or before he becomes twenty-two years old, the property was to be divided between the testator's sisters or their heirs, and St. Paul's Church at Bloomsburg.

E. H. Biggs, Jr., sold the "Mansion House" to C. H. Doebler, and then the question came up whether Biggs had a life estate or a fee in the land. Judge Elwell decided that under the will he had such title to the property as would enable him to comply with the article of agreement, and that Biggs should tender Doebler a deed docking any estate that might exist. From this decision both parties appealed to the Supreme Court, and on Monday last it affirmed the decree of the Court below, Judge Sharswood delivering the opinion of the Court. This in effect gives Biggs the entire disposition of the property.

Geary's Veto Message.

Our contemporary, singularly enough, not only failed to publish Geary's Annual and Inaugural Addresses, but fails even to allude to his recent important speech at the Metropolitan Police Bill. As the Republic is in no sense a newspaper, however, that may account for its neglect of the Governor whom it styled to elect.

For the benefit of our Democratic, as well as our Republican readers, we give the message entire, and must concede that it is one of the ablest and most conclusive public documents we have ever read. It has the ring of the true metal in it, and shows that Geary's early Democratic education was not entirely lost upon him.

Our readers should peruse it carefully, for its doctrine is good and its positions unassailable.

In short, we have deliberately come to the conclusion that the Governor's legs "are not so full of bullet holes" as they were.

American Silver.

OTTAWA, CANADA, Feb. 12.—A proclamation appears in to-day's official Gazette, declaring that on and after the 15th of April, American silver shall pass current at the rate determined by the government, as follows: 50 cent pieces at 40 cents; 25 cent pieces at 20 cents; 10 cent pieces at 8 cents; 5 cent pieces at 4 cents.

There is a volume in the above little telegram. It shows where the little financing has driven the coin of the country and the value to which it has been reduced. American silver, in Canada, is at 20 per cent discount, whilst in the United States, it is at 20 per cent above par. It is legal tender and dirty green paper embellished with portraits of distinguished creatures like Spinner, and hard to get at that, are the things for this part of the country, but silver in a drug in the market across the river St. Lawrence. Remarkable Radical Reform and Retrenchment. Query, if silver is at 20 per cent below par in Canada, what are "greenbacks" worth in that favored community? Nice state of monetary affairs, don't it?

Morals of Congress.

MEMBERS of Congress are but men after all and open to the temptations which assail ordinary mortals, and we do not expect an undue amount of probity from them by virtue of their positions. But we think that we only express the opinion of the people at large in saying, that when an "Honorable" gentleman gives it as his view that "honesty is the best policy when you can make anything but when you can't it is not a case," he is just a trier of the outer of the direct road to Heaven known of ourselves to be. A man holding such beliefs as the above, is undoubtedly fitted to make good laws; Republican laws, that is to say.

Just So.

THE Press, in commenting on the recent action of the House of Representatives in giving the contested seat of the Twenty First District to John Covode instead of Hon. H. D. Foster, legally elected, says, "Mr. Covode has heretofore been a useful and honorable member." No doubt it; he got the title of "Honorable" when he took his seat in Congress on a previous occasion, and that he has been a "useful" member of his party, all will give him credit who are acquainted with his gerrymandering, manipulation of votes and similar acts, esteemed virtues by the Republican party. He is a deal more "useful" to this same Republican party than he is "honorable" to the State.

TO BE CALLED IN.—The new fifty cent notes, which we were told could not be imitated, have been counterfeited so accurately that the government officials cannot tell the difference between the spurious and genuine stamps. We allude to those with the Lincoln heads that have gone forth that they must all be called in, and no more stamps of that kind will be made.—E.

Court Proceedings.

SECOND WEEK. FEB. 14th, 1870.—Court met pursuant to adjournment, at 10 o'clock A. M. Present Hon. Wm. Elwell President and Isaac S. Monroe, Associate Judge. Robert F. Clark, Esq., presented to the Court his Report as Auditor to take testimony and report his opinion as to the propriety of granting an order of sale of the real estate of the minor children of Alex. W. Ron, dec'd. Court order the sale upon such terms and conditions as the guardian of said minors may deem most advantageous to their interests. Bond required in the sum of \$500, and T. O. Van Alen and Wm. Bond approved as surety.

Petition for sale of the real estate of Benjamin Lowe, dec'd. Sale ordered. Bond in \$1000. George S. Gilbert approved as surety. Report of sale of the real estate of John Wampole, confirmed nisi. Petition of Milton Masteller for guardian. Petition read and Daniel Rambaugh chosen and appointed guardian. Bond in \$500 and George P. Leam approved as surety.

The trial list being called over, the greater portion of the cases were continued, and a few of them reported as settled.

Elizabeth Dietterich vs. Adam Dietterich. Subpoena in divorce. On motion of Mr. Jackson Leroy Thompson, Esq., appointed Commissioner to take testimony. Henry J. Yeaple vs. Isaac Drum. Sci. Fa. to revive judgment, &c. Issue and rule for jury called. Verdict for the Defendant. Lavina Davenport vs. Wm. M. Klimb. Action in debt. Issue and rule for trial jury called. This case was concluded on Tuesday morning, the jury finding verdict for the Plaintiff for \$28.74.

DEED TO BAR ENTAIL, from Elisha H. Biggs to Charles H. Doebler, produced in open Court, drawn, executed and delivered for the purpose of barring and destroying all estate tail of the said Elisha H. Biggs in the premises therein mentioned, which deed, on motion of John G. Freeze, Esq., one of the attorneys of the said Court has been ordered to be entered on the records thereof.

Gideon Arndt vs. John U. Leiby. Slander. Jury called, and the case occupied the remainder of the day. Rhodes, Knorr and Abbott for Plaintiff. Freeze and Little for the Defendant. Jury returned verdict on Wednesday morning finding for the Plaintiff the sum of twenty dollars. Whereupon on motion of E. H. Little rule granted to show cause why the above verdict and judgment in said case should not be set aside.

On petition, Andrew J. Albertson, chosen and appointed guardian of John E. Cotner. Bond in \$2000. J. J. Robbins approved as surety.

Petition for partition and valuation of a part of the real estate of John Richards, dec'd. Inquest awarded agreeably to the prayer of the petitioner.

Petition to sell realty of Benjamin Fowler for payment of debts. Petition read and sale ordered. Bond in \$1000. In the matter of the account of Richard B. Menagh guardian of Mary Bodine for execution in the nature of a F. A. F. A. writ allowed by the Court.

Petition for F. A. against Levi Cox for costs of audit and distributive shares of Catherine Plumer and Betsy Shultz as heirs at law of John Cox, dec'd and amount due Wm. Pinner a creditor of said estate. Writ allowed.

C. B. Coover & Co. vs. Elisha Barton. Petition for partition and valuation of a part of the real estate of John Richards, dec'd. Inquest awarded agreeably to the prayer of the petitioner.

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Governor's Veto of the Metropolitan Police Bill.

Gov. Geary yesterday sent to the Senate the following message, vetoing the Metropolitan Police Bill: To the Senate and House of Representatives of the Commonwealth of Pennsylvania: Gentlemen: Having carefully considered Senate Bill No. 29, entitled, "An act to provide for the appointment of a Metropolitan Police for the city of Philadelphia," and although actuated by a sincere desire to conform my action in regard to it to that of the General Assembly, I am constrained to withhold the Executive sanction, and proceed to the constitutional duty of giving my reasons for disapproving.

In the first place the title is not in conformity with the eighth section of the Eleventh Article of the Constitution, which declares that "no bill shall be passed by the legislature, containing more than one subject, which shall be clearly expressed in the title." As I read the bill one of its most important features is the election of five police commissioners; and yet this idea is neither clearly expressed, nor even remotely indicated by the title.

Another objection to the bill is that the whole sixteen pages are jumbled together into one section. It is usual and proper to divide bills of such length into sections, each embracing some marked feature, and to have the sections arranged according to some natural order. Although this is only a matter of form, I am aware of no good reason for its departure from usage, and utter disregard of all sound precedent.

Much has been said about the character and inefficiency of the police of Philadelphia; and I am fully persuaded many of them are not such as the good order of the city demands. But whilst this is an acknowledged evil, and a proper subject for legislative consideration, I more than doubt the wisdom of the remedy proposed by this bill. It is manifest, however, that it is a most important one, and that it contemplates an entire revolution in this branch of the city government.

The constitutional authority of the legislature, in a period of profound peace, to create a power such as is contemplated by the "Metropolitan Police Bill" to operate over the whole State, or any part thereof, is a question of great magnitude, and one which, under a republican form of government, deserves serious consideration, as it involves inherent and indefeasible rights and other fundamental principles in government established for the benefit and happiness of the people.

The bill under consideration is fraught with momentous consequences to the State. And the position that the power can be taken away from so large a portion of the people of Pennsylvania, without their consent, for a period of years, and lodged in the hands of six persons, is to me extraordinary, untenable and in violation of the spirit, meaning and intent of the first and second sections of the Twelfth Article of the Constitution. The second section declares "that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness." The constitution sets forth, in such plain and unequivocal terms, the principles upon which a republican government shall be conducted, that enactment would be superfluous, and would weaken rather than strengthen the case.

If there exists any right or authority in the legislature to concentrate power in a few men for a term of years, then it must be admitted that they have the right to do it for any number of years, or to make it a perpetuity.

To recognize the right to legislate thus specially for one city is virtually to acknowledge that the legislature has authority to make similar enactments in every other city, borough, village, county and township within the State; and that by the same reasoning Congress possesses like power to legislate for the different States, and secure plenary executive, legislative and judicial powers in the hands of a few persons, and thus exclude the masses of the people from all participation in the government of themselves. I must confess that I am entirely unprepared to sanction any legislation so mischievous in its tendencies, and so anti-republican in its character, and which is calculated to uproot and destroy the dearest principles and privileges of the people, which underlie the institutions of our well regulated Commonwealth. Justice and the dictates of sound public policy require that the citizens of every political and corporate division, however great or small, should be permitted, as an inherent right of self government, without "officious intermeddling" from any quarter, to manage their own local affairs in their own way, through officers selected at the ballot-box by themselves.

In remarking upon this subject I have elsewhere said, "The great principle, then, upon which our free institutions rest is the unqualified and absolute sovereignty of the people; and constituting, as that principle does, the most positive and essential feature in the great charter of our liberties, so it is better calculated than any other to give elevation to our hopes and dignity to our actions. So long as the people feel that the power to elect their own officers and administer their own government abides in them, so long will they be impressed with that sense of security and dignity which must ever spring from the consciousness that they hold within their own hands the remedy for every political evil, a correction for every governmental abuse and usurpation. This principle must be upheld and maintained at all hazards and every sacrifice—maintained in all the power and fullness—in all the breadth and depth of its utmost capacity and significance. It is not sufficient that it be acknowledged as a mere abstraction, or theory, or doctrine, but as a practical, substantial, living reality, vital in every part."

The city of Philadelphia in order to pay the necessary expenses of her government, of her new, important and extended improvements, and the interest on her immense debt (now greater than that of the Commonwealth) is not in a condition to increase her liabilities, and if she does, it ought to be with a perfect understanding for what purpose and to what amount.

The salary of the mayor, who now performs all the functions that are proposed to be placed in the hands of this board of police commissioners, is four thousand dollars, while the salaries of the six commissioners, at three thousand dollars each, one clerk at fifteen hundred dollars and one at one thousand dollars, a committing magistrate at the Central Station, say three thousand dollars, and a clerk at fifteen hundred dollars, and three thousand dollars, amount to the sum of twenty-eight thousand dollars, to which may be added rent, stationery, printing and incidentals, at least twenty thousand dollars more, making in all the sum of fifty thousand dollars for salaries and expenses for the official department alone.

The bill says: "The said board shall have entire control of all the police of the city, and shall have authority to increase the force of patrolmen, should they deem the same necessary; and it is hereby made the duty of the select and common council to appropriate sufficient moneys to meet the expenses of board and said force."

This is in every respect the most perfect surrender of plenary powers of the city to the few that I have ever witnessed. Absolute control of the police, power to fix the wages at any figure, without being subject to any check or supervision from any force! Such powers are not exercised by the Autocrat of Russia. The city council and the people seem to be entirely ignorant of the bill, except that "the board shall from time to time, submit to the council their estimates of the sums required for the payment of official salaries and expenses, and for the maintenance of the police force. There is no check or audit prescribed, and no matter what may be the sum required, the council must provide and appropriate the same, and the people, already overburdened with a most largely increased taxation to supply the council with the necessary means to satisfy the demands of the board. And after paying the fifty thousand dollars before mentioned to this "Trojan horse" upon its legs, and estimate the increased expenses, and no one is to be responsible for the damages that may occur after its machinery has been fully set in operation.

The police force is also to be put upon a war footing. Every applicant is to be submitted to an examination by "a properly qualified physician," and not found "entirely competent and under the age of forty-five years, he is to be rejected. Why shall trusty, able-bodied and experienced police officers be excluded from the force, without regard to past services or previous fidelity, merely because they are over forty-five years of age? It is probably the first time in the history of the State that a man in civil life, who is otherwise suitable in every respect, shall be prescribed when he may have served his country faithfully in her armies and attained the age of forty-five years. This is monstrous injustice, and an ostracism which I trust will never meet the sanction of, or be tolerated by, a brave and generous people.

I have not had time to call your attention to the provisions of this bill as fully as I could have desired, but I think I have pointed out sufficient wrongs, in this attempt to create such a force, appointed by a concentration of the people's power into the hands of a few men, chosen by legislators from every part of the State, who are fully assured that their own constituents would not submit to any such infliction of absolute government and taxation upon themselves for a single moment. This is the kind of legislation which, under pretence of securing the peace, creates discontent, dissatisfaction and disturbance. It arouses in the bosom of every man who knows his own inherent rights the most determined opposition, and frequently the most uncomprohensible hostility to every movement by which he perceives his liberty is abridged, and makes him wage a warfare against all who he conceives to be the enemies of liberty, whether open or concealed.

A republican government cannot long exist under partial and unequal laws. And to perpetuate this republic with all the blessings which cluster around it, the State Legislature must enact laws, bearing alike upon all, without prejudice or partiality.

A majority in the State undertaking to legislate to perpetuate its power by the passage of laws unequal, unjust and oppressive toward the minority, is not republican in form nor democratic in principle, and must soon sink into impotence.

For these and other reasons I cannot give the Executive sanction to this or any other act which has a tendency to take from the people any portion of their inherent rights. The election of every local officer charged with the duties of executive authority, or with the execution of the laws, should be submitted to a direct popular vote; and I can see no reason why the people of Philadelphia should be made an exception to this rule, and be deprived of the right of choosing by their own votes those who shall constitute the commissioners of police, as well as who shall be their mayor, select and common council, or their representatives in the legislature.

It is an elementary axiom that every government should have some responsibility and in a republican government that responsibility should be to the people, the source of all political power.

Heretofore the mayor of Philadelphia has occupied this position of trust and responsibility. To him the people looked, and had a right to look, for the proper execution of the laws and the preservation of the peace and good order of the city. If he has failed to meet their just expectations, they have their remedy at the ballot-box; and it is fair to presume they will avail themselves of it at the first lawful opportunity. Would it improve the existing condition of things to divide this responsibility among six commissioners, to whom the mayor would be but one? To whom would they be responsible for a proper discharge of duty? Hardly to the legislature of the whole State, which changes annually. Not to the qualified electors of the city for they did not elect them and cannot, under the machinery of the bill, choose a majority of their successors for three years, nor a new board for five years. Divided responsibility in government is a political heresy, and nearly related to no responsibility. What kind of an army would that be which had six commanding officers, all of equal rank? And what sort of a State administration would that be emanating from six Governors, all of

equal power and authority? And what good could be expected of that police organization which is to be governed by six equal and irresponsible commissioners?

If the people of Philadelphia desire a Metropolitan Police Bill let the commissioners be of their own choosing, at the ballot-box. Let them be "of the people, for the people and by the people."

To my mind these objections are insuperable, and the bill is therefore returned for further consideration.

JOHN W. GEARY.

Congressional.

THURSDAY, FEB. 10.—In the Senate, yesterday, a bill was reported from the Judiciary Committee admitting Mississippi unconditionally, as a substitute for the H. U. bill. Mr. Wilson introduced a bill to increase the number of Judges in the United States Supreme and Circuit Courts and the bill to change the Judiciary Committee with amendments.

Mr. Morgan made a long speech on neutrality, in which he took the Government to task for permitting the building and sailing of the Spanish gunboats, and for its treatment of Cuba. The House Census bill was discussed and finally tabled by a vote of 45 to 9.

In the House the Foster-Covode contested election case was disposed of by the minority report, declaring Foster elected, and the majority, declaring Covode elected, was adopted. Mr. Covode was then sworn in.

On motion of Mr. Dawes the salaries of the Sergeants-at-Arms of the Senate and House were fixed at \$1,320 each. Information was ordered regarding the recent murder of American citizens in Havana.

FRIDAY, FEB. 11.—In the Senate, yesterday, Mr. Scott made a long speech in relation of the statistics given by the Commission of manufacturing iron. The bill for the admission of Mississippi was taken up, and a long debate ensued upon the amendment striking out the preamble and all conditions, during which Mr. Stewart, of Nevada, criticised Mr. Sumner, and the latter replying his charges against Mr. Trumbull, which drew out a caustic answer from the latter gentleman. No action was taken on the question under discussion.

In the House, on motion of M. Banks, Mr. John Kilts, an old soldier of the Revolution, born in 1792, was granted the privileges of the floor for the day. The resolution reported some time since on the subject of American iron, which was made the special order for Wednesday next. Among the bills introduced was one relative to the Sunday liquor law; a resolution was adopted requesting the Auditor General to furnish a detailed statement of the amount of State taxes due by the several counties.

Among the bills reported favorably from committees was one declaring that Independence Square, Philadelphia, shall be preserved as a square for the benefit of the people; one according belligerent rights to Cuba.

MONDAY, FEB. 14.—The Senate was not in session today.

A bill was introduced to pay the claims of the border counties for damages committed by the rebels during the war. Among the other bills introduced was one to make the recorders of deeds and pathmasters and clerks of courts responsible for errors of false certificates; also, a bill increasing the number of Supreme Court Judges to seven.

SEVERAL bills were introduced, the most important to provide for a further reduction of the army. Resolutions were adopted calling for a report of the expenditures, &c., of the Freedmen's Bureau, and for the aggregate expenditures, public and private, in the District of Columbia since the foundation of the Government. The Committee of the Whole, the legislative appropriations were again considered.

Monday, Feb. 14.—In the House on Saturday, after the presentation of several petitions and the introduction of a number of bills and resolutions of no general interest, the Legislative Appropriation bill was taken up, and the discussion resumed in Committee of the Whole.

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Nothing of general interest was transacted. A New York contested election case was discussed but not concluded.

NOT YET.—We had formed an idea that Grant's immunities had finally been provided for long ago, but we were mistaken, as the following clipped from a late paper, will show. The original Grant, it would appear from this has been thus far left out in the cold.

"The President to-day sent in the following nomination: Jesse B. Grant to be Postmaster at Covington, Ky."

Legislature. SENATE. THURSDAY, FEB. 10th.—Among the bills reported favorably was one requiring the Sinking Fund Commissioners to advertise for proposals for the redemption of the loans of the Commonwealth. Also, one fixing the State Treasurer's salary at \$50,000, and the amount of his bonds at \$500,000, and inflicting a penalty for a personal use of the State funds.

The bill authorizing husband and wife to testify in divorce cases was reported affirmatively from the committee, as was also bill to prevent gambling and lotteries. Among the bills introduced was one by Mr. Leonard requiring all prothonotaries and clerks of courts to keep a docket, in which they shall enter all acts of officers, witnesses, and attorneys' fees, which docket shall always be open for inspection.

FRIDAY, FEB. 11th.—Among the bills reported favorably was one for the safe keeping of the State funds, reducing public indebtedness, &c.

The message was received from the Governor vetoing the Metropolitan Police bill, which was read. Mr. Connel moved to postpone the consideration of the veto.

Mr. Nagle called the yeas and nays. The consideration was postponed by 16 Republican yeas to 15 nays—all Democrats except Lowry.

Mr. Buckaley (Dem.) moved that 1,000 copies of the message be printed. Agreed to—yeas 29, nays 11. All of the Republicans voted to except Kerr, Brooks, Lowry, and Watt.

A message was received from the Governor vetoing the bill allowing writs of error to the Supreme Court in cases of murder and involuntary manslaughter. This was intended to must the case of Dr. Scheppe. The consideration was postponed.

HOUSE. A committee was appointed to ascertain if any corrupt means had been used to pass the Metropolitan Police Bill. A bill relative to divorces was considered, and on motion indefinitely postponed.

At the evening session the special order was the consideration of the bill authorizing citizens to vote upon the granting of liquor licenses. After a short discussion it was postponed until Thursday.

SATURDAY, FEB. 12th.—The bill exempting mortgages and other money securities from taxation was reported favorably, as was also a mining bill, which was made the special order for Wednesday next. Among the bills introduced was one relative to the Sunday liquor law; a resolution was adopted requesting the Auditor General to furnish a detailed statement of the amount of State taxes due by the several counties.

Among the bills reported favorably from committees was one declaring that Independence Square, Philadelphia, shall be preserved as a square for the benefit of the people; one according belligerent rights to Cuba.

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Latest News.

WASHINGTON, Feb. 7.—The case of Hopburn vs. Grawford, brought from the Court of Appeals of Kentucky, involving the legal tender, was decided in the United States Supreme Court today. Chief Justice Chase delivered the opinion of the Court, sustaining the decision of the court below and holding the contract made before the legal tender law could not be discharged in the United States. The opinion is very long and discusses at great length the powers of Congress. It holds that Congress had no right to make government notes a legal tender for pre-existing private debts. It does not touch the question of contracts made since the law was passed. This opinion was concurred in by Justices Nelson, Clifford and Field. Mr. Justice Miller delivered the minority opinion, concurred in by Justices Swayne and Davis, holding the law to be entirely constitutional, treating it principally as an incident to the war power. By slight construction the Supreme Court practically decided that the legal tender act for contracts since 1862 Congress has no power to issue more legal tenders and that all contracts prior to 1862 must be paid in coin. The act was justified by the war according to the argument of the minority and the silence of the majority.

HARRISBURG, Feb. 3.—A bill was introduced and adopted in the House today to change the legal rate of interest to seven per cent, and permitting parties to contract in writing for any rate not exceeding ten per cent.

WASHINGTON, Feb. 7.—The President sent the following nomination to the Senate this afternoon: Joseph P. Bradley, of New Jersey, to be Associate Justice of the Supreme Court of the United States, vice E. R. Hoar, rejected.

William Strong, of Pennsylvania, to be Associate Justice of the Supreme Court of the United States, vice Edwin M. Stanton, deceased.

CINCINNATI, Feb. 9.—Valentine Klein has been arrested on the charge of murdering his own child, a babe seven months old. The testimony before the Coroner was that Klein came home drunk,