the character and credit of the country?—Was it not bank defalcations? Was there a day passed that we did not hear of new frauds and forgeries, and new defalcations and elopements? The thing had got to be so common, that it no longer produced any sensation. And where were the men who had been guilty of these crimes? In our prisons and penitentiaries? Not at all; they were walking about through the land; and so thorough had the contagion become, so had it blunted the moral sense of the community, that such offenders were received into society, and treated as if they had never been guilty of a crime. The case had become a proper subject for the thunders of the pulpit. The voice of swindling had become so general, and had enjoyed such impunity, that it was growing unconscious of its own malignity and baseness. And should we now, when this iniquitous system was about to run down and perish by its own corruption—when the Bank of the U. States had destroyed the widow and the orphan, and plundered all who had trusted to it, open a new fountain of corruption to flood the land, by establishing a new Government Bank, on principles as false and baseless as those of the worst institutions in the country? He trusted not.

A few words more, and he was done.—He asked where was the warrant in the Constitution for such an institution? Would any gentleman point it out to him? Did a scheme like this come from the good old school of Virginia abstractions? Was this in accordance with the principles of the ever-memorable resolutions of 1798 and 1799? By what mode of construction could such a measure be warranted? Was such a thing as this Exchequer Board a necessary or proper means to carry into effect any of the enumerated powers of this Government.

This bill, in its leading principles, had been shadowed forth on this floor in 1837; but Mr. B. had then resisted the giant intellect which brought it forward. It was then contended that the United States Government had a right to issue paper money for circulation, and to control the issues of the State banks. Yes, this same scheme had been shadowed forth by the great expounder of the Constitution—one who had earned that title by adopting, he doubted not honestly, the utmost possible latitude of construction which could be put upon that sacred instrument. Mr. B. had then felt proud in opposing it, and had been much gratified to know that the Senator from Kentucky [Mr. CLAY] concurred with him in opinion. But what had become of the constitutional argument now? The power was taken for granted in the letter of the Secretary of the Treasury. It was deemed so clear, Mr. B. presumed, that it was not thought necessary even to allude to it.—The question was not argued or referred in in the remotest manner. Mr. B. had, to 1837, denied the power to regulate the paper currency, as not to be found in the Constitution. It was then claimed as incidental to the power to regulate commerce. What sort of a construction was this? Our fathers were jealous of Federal power. In the Constitution that power was dealt out with a reluctant hand. The power to regulate commerce had been granted simply for this reason: different States of the Confederation had imposed different rates of duty on the importation of foreign articles, and those States whose tariff was the lowest introduced the goods from abroad, and then pushed them into the States which exacted a higher duty; and thus a perpetual war of custom-houses was maintained. Besides this, we were unable to make any commercial treaty with a foreign nation, because the Government had no power to enforce its observance. Hence the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

This mere power of regulation is the simplest of all powers. In the language of the late Chief Justice Marshall, "it is the power to prescribe the rule by which commerce is to be governed." What would the venerable patriots, who framed the Constitution, think or say, could they now witness this attempt to pervert this mere power of legislative regulation, into an authority to create a great Government Bank; and to issue millions of the same kind of paper money which they had solemnly condemned in the Convention. A power to regulate necessarily supposed the previous existence of some thing to be regulated. It was essentially different from a power to create.—Thus the Constitution had conferred on Congress the power "to coin money."—This was the creative power: and then after this money had been called into existence, came the power "to regulate the value thereof." Commerce, both foreign and domestic, was in existence when the Constitution was adopted; and it simply conferred upon Congress the power to regulate; that is, "to prescribe the rule by which it was to be governed."

A similar course of argument might be adopted, with much greater plausibility, to prove, that Congress possess the power to enter the territories of the sovereign States, and without their consent, construct railroads and canals. It might be said that commerce could not be conducted, without railroads and canals, and therefore Congress possess the power to construct them. By the same course of reasoning, the Government might itself engage in commerce to prevent it from languishing for want of private capital, and like the Bank of the U. States become a buyer and seller of cotton as well as of exchange.

It was also urged in 1837, that the "power to coin money and regulate the value thereof," conferred the power to create paper money: that is, because Congress can establish a mint for the purpose of coining gold and silver, that, by construction, they possess the power also of establishing a paper money mint, such as this Exchange Bank, to cover the country with their own bills of credit. The very power to coin hard money, which is, from its nature, exclusive of any power over paper money, is that which has been seized upon to prove that paper money may be emitted under the authority of Congress. This seemed to him to be a monstrous and revolting inference.

This power is claimed by such inferences, in the very face of the solemn action of the Convention on the very subject. Under the old articles of Confederation, Congress possessed the power "to borrow money *or emit bills on the credit of the United States.*"—The Convention which framed the present Constitution expressly denied to Congress this power of emitting such bills of credit. Twice was the attempt solemnly made in the convention to confer this very power on Congress, and twice did it signally fail.—Yet this power, which was stricken out of the articles of confederation, and was twice expressly refused by the convention, was now contended to exist, in its utmost latitude, as an incident to the commercial and coining powers! This attempt never sprang from the glorious old Virginia school of strict construction. By such a mode of reasoning, an ingenious man might find any power which he desired to exercise, slumbering in the text of the Constitution.

Mr. B. concluded by repeating the assurance that no remark made by him on this occasion was intended to apply to the present Chief Magistrate of the United States. He believed Mr. Tyler to be an honest man, and patriotic in his motives; but he had deemed it due to himself not to suffer a measure of this kind to be before the Senate for weeks and months without expressing any opinion, and then to come out and oppose it. The party with whom he acted were in the habit of showing their hands at once—in the very outset. If the President should devise any measure confined to the collection, safekeeping, and disbursement of the public money, unless it should contain some gross and palpable ground of objection, the measure should have Mr. B's support, in the hope that, after all experiments should have been tried, and reason should have time to prevail, the people and Government would at length return to and re-establish the Independent Treasury.

## MESSAGE

OF THE GOVERNOR, RETURNING WITH HIS OBJECTIONS, A BILL DIRECTING SUITS TO BE BROUGHT BY THE STATE TREASURER, FOR THE USE OF THE COMMONWEALTH.

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

GENTLEMEN:—The bill entitled "An Act directing certain suits to be brought by the State Treasurer for the use of the Commonwealth," is returned to the House of Representatives in which it originated, accompanied with the reasons that constrain me to refuse it my sanction. I feel it my duty to state, that the bill is a most extraordinary one, viewed in whatever light we may.—And the manner in which it was originated and heralded to the notice of the public, was not less extraordinary than the bill itself. It was not passed till the very day before the adjournment of the Legislature, when, amidst the throng of business, then pressing on me, it was too late to return it with my objections. It was accordingly held over until this time, so that the members of the House, and a portion of the Senate, who were elected at the last general election, can pass upon it in such a manner as they see fit. They cannot be unacquainted with the fact, that it was made the theme of partizan ribaldry, in all quarters of the State. They can, therefore, judge of the merits of the measure, and of the uses for which it was designed.

The peculiar nature of this bill, calls on me to say a word in regard to the report of the Committee, which introduced it to the Senate and the public. The report professed to give the facts, on which the last four sections of this bill were predicated, and the reasons that justified their adoption. The report of the minority of the Committee, exposing the mistatements and controverting the arguments of the majority, was excluded from the journal, on a pretext which operated with ten-fold force against the printing of the report of the majority. I think the legislative history of this Commonwealth, will be ransacked in vain, for a parallel to this majority report. The truth of certain statements in it, deemed material by its authors, will wear a strange aspect, when tested by the journal of the Senate the preceding year, and by the Executive minutes, from the adoption of the constitution of 1790, down to the day on which the report was made. The querulous carping, personal and indecorous tone of the report, I pass over without remark. It only proves, as some may think, the good taste and manly spirit of its authors. These are qualities, not for me to applaud or censure, they belong to their constituents. I regret the absence of the authors of this report from the Senate, for I should be glad to afford them an opportunity to vindicate a measure which seems to have been dear to their hearts; but we are bound to presume, that the reasons of their absence, are entirely satisfactory to their constituents. These observations are now made, only to apprize you of some of the circumstances that attend the origin of this bill, and to enable you, the more readily, to understand the force and application of my objections.

The four last sections of this bill, provide for the institution of suits against Daniel Sturgeon, late State Treasurer, and his sureties, to recover back the whole or part of the sum of two thousand dollars, alleged to have been illegally paid, on four executive warrants, in favor of Ovid F. Johnson and James Madison Porter, Esquires, for professional services rendered, in the cases of *quo warranto* against Isaac Darlington and Oristus Collins, claiming to be President Judges, respectively, of the fifteenth and second Judicial districts.

The said warrants were drawn on the said Daniel Sturgeon, State Treasurer, and paid by him in the usual manner. His accounts were duly settled and allowed by the proper departments, including and exhibiting the said warrants. He made report of the same to the legislature at the ensuing session. These warrants were especially made the subject of legislative notice.—[Vide Senate journal of 1840, on call of Mr. Fraley, page 75, and House journal, resolution of Mr. Brodhead, page 53.]-And the legislature, to which his report was made, received the same, and passed it without disapprobation, or directing proceedings to be commenced thereupon. The State Treasurer is subject to the call and control of the legislature at all times, while in office; and if he makes mis-payments of the public money, or illegal payments, it is the duty of that body to bring him to account as soon as such delinquency comes to its knowledge. It is not to be supposed that the legislature will neglect or shrink from the performance of its duty, and I am yet to learn that the legislature of 1840, was more remiss in its duty, or less watchful of the public welfare, than the legislature which passed this bill.

It is not only after all these proceedings that this bill provides opening again the account of the State Treasurer, but it expressly enacts that no settlement, or alledged settlement of the same, shall be regarded. It also provides that suit shall be brought, not as is required in all other cases of a similar kind, in the county where the seat of government is located, but in a remote county where the said Daniel Sturgeon resides; and suit is brought too, in that county, against all his sureties, and process to be served on them in any other county of the commonwealth. It also provides, that "it shall be the duty of the court, on the hearing of the cause, to admit in evidence *certified copies* of the vouchers or accounts on file in the office of the Auditor General or State Treasurer. It is perfectly competent for the legislature to provide that copies of vouchers, &c. shall be hereafter received as evidence in the same manner as the originals would be, but this bill goes much farther. It has a retrospective operation, and compels the court to receive certified copies, although the original papers might not be admissable in evidence at all. Nor does it designate what vouchers or accounts it has reference to; for aught that appears, the Court of Common Pleas of Fayette county would be compelled to admit in evidence certified copies of the vouchers and accounts in the office of the State Treasurer and Auditor General, which have been accumulating since the organization of the government. A more arbitrary and unreasonable law it would be difficult to devise.

If this is to be considered as a precedent, no man in Pennsylvania can tell when he is safe. Settlements of accounts made in due form of law are no protection. They are to be treated as null and void. If this can be done two years after the settlement is made, it can be done ten or twenty years after, when witnesses are dead and vouchers lost; and to crown all, the suit may be brought two hundred miles from the seat of government, and certified copies of vouchers and papers of all sorts and all kinds are made evidence, however irrelevant the originals might be, in open and manifest violation of every principle of justice and every rule of law, that has hitherto been known in Pennsylvania.

Not content with selecting the court and declaring that things shall be evidence which are not evidence under the laws of the land, this bill further enacts that if the decision be against the commonwealth, the President Judge shall reduce his opinion to writing and file the same, and the State Treasurer shall remove the said case into the Supreme Court for trial and adjudication. No discretion is left to the court or the State Treasurer in this matter, but, however idle and unfounded they may deem the claim of the commonwealth, they are compelled to remove the case into the Supreme Court.

Independent of the provisions of this bill already noticed, there is still an objection of more conclusive weight, which reaches at once the entire merits of the case. That the proceedings in this matter against the two persons claiming to be judges, were requisite and necessary, is shown by the decision of the Supreme Court against their right to hold the offices which they sought to usurp. The amount of compensation allowed to the counsel has not been disputed by any one competent to estimate the labor, the responsibilities, and the nature of the services performed. The whole question presented is, as to the constitutional right of the executive to draw his warrants for any sum at all. I shall proceed to show that the right is as clear and undoubted as any other right exercised by the Executive. The 13th section of 2d article of the constitution enjoins on the Governor that "he shall take care that the laws be faithfully executed." This is a brief summary of the duties of the Governor. He is bound to see the laws faithfully executed, and he is amenable to the public for the honest discharge of this duty. This is the most vital function of our government. It is the mainspring of all the others. Without this, laws and constitutions would be mere waste of paper, and the government itself a mockery. To enable the Governor to perform this high duty, he is necessarily invested with all needful power and authority consistent with the laws. He must employ agents—he must direct proceedings—he must invoke the aid of courts of justice—and he must have command of reasonable pecuniary means to conduct those proceedings which he orders to be undertaken.

This is not only the constitution, but it has been the construction of the constitution, since the year 1790—under every Governor—in the face of every Legislature, since that day, has this power been exercised; and the present is the first instance, in all that time, wherein it has been contested or questioned. Cases abound in which counsel have been employed in the same manner, and paid, and in which rewards have been offered and paid in the same way, for the detection of offenders, on the warrant of the Governor. In these two classes of cases, the money is paid on the same principle. If the Governor can pay a thousand dollars for the apprehension of an offender against the law, cannot he pay such sum, as he deems reasonable, for his trial and conviction? The exercise of this power, is of course, to be limited to fit and appropriate cases; but the constitution has made the Governor the judge of the occasion as it arises. He is responsible to the public for his action; but he is, nevertheless, to judge and decide for himself. I deemed the cases, in which the sums sought to be recovered by this bill, were paid, fit cases for judicial investigation. I directed the investigation. I directed the inquiries to be instituted; it resulted as I anticipated, and I drew my warrants for such sums, to compensate counsel, as I thought reasonable and just. They were paid by the State Treasurer, in the usual manner, and now, two years after the accounts are settled and closed, in the only form known to the laws, it is proposed to sue for the recovery of this money, on the pretext that it was not legally paid. And what is this alleged illegality? That the constitution prohibits money from being drawn out of the Treasury, except in consequence of appropriations made by law. —This is all very well, if those who object, would only take the trouble to consider, that the clause of the constitution which makes it the duty of the Governor to see the laws faithfully executed, does clearly and unquestionably appropriate the necessary pecuniary means for that purpose. There is always a fund in the Treasury to meet such contingent cases as may happen, and the constitution directs the appropriation, in aid of the execution of the laws, without requiring legislative interposition on the subject. This has been the sense given to the constitution since 1790, as understood and practically enforced by every Governor, in numberless cases; and as the same clause remains in the amended constitution, as adopted by the people, without change, I take it for granted this construction of the constitution, met with the approbation of the community.

In interpreting the constitution, we must look at all its provisions, as an entire instrument—as constituting the foundation of a government, and not at detached lines or sections; considering the whole constitution together, no intelligent man can doubt that the construction which has always prevailed, is right. It renders the functions of government harmonious, consistent and effectual; but reverse the rule of construction, and resort to the petty quibbling which looks not beyond a section at a time, and we should have a government totally unconnected, discordant and impracticable; the jest of statesmen—the shame of all true patriots, and the derision of knaves. Such a government, in my opinion, would the passage of this bill prove ours to be.

Since the principle contained in this bill, has been assumed by the State Treasurer as the rule of action, I have forborne to offer rewards for the apprehension of those who had perpetrated the most atrocious crimes, although several instances have occurred, in which I thought such rewards would have proved highly conducive to the cause of justice. I cannot but think any construction of the constitution, which leads to such a result, not only unfortunate, but disgraceful. It is unworthy of Pennsylvania—it is at war with the enlightened spirit of the age. Such being my opinion of this measure, I have felt it my duty to express it frankly and fully; and having done so, I now submit the whole subject to your consideration, to be disposed of as you may think a sense of duty, and a proper regard for the constitution and laws, require.

DAVID R. PORTER.

EXECUTIVE CHAMBER,
January, 6, 1842.

## REPORT

*Of a Select Committee of the Senate of Pennsylvania, upon the subject of a Repudiation of the State Debt.*

IN THE SENATE OF PENNSYLVANIA,
January 10, 1842.

Mr. M'LANAHAN, from the Committee to whom was referred the proceedings of a meeting held in the city of Philadelphia, on the 30th of December last, at which William C. Parker officiated as chairman, and Alexander Browne as Secretary, on the subject of the repudiation of the State debt, &c., made a *Report*, which was read as follows, viz:—

That the subject presented to their consideration by the resolution of the Senate, is one of deep and thrilling importance, and has received their most earnest attention.—It speaks its own magnitude, for it involves in its consequences, the faith, the honor, nay the very existence of the Republic. Your Committee deem it due to themselves, to the Senate and to the Country, that their deliberations upon the matters submitted, should be conducted with a moderation and firmness, that will prove not only decisive in its character, but in its purposes—that will inspire the people with confidence in the prudence and integrity of this branch of the Legislature, and will prepare their minds for the acknowledgment and adoption of those principles upon which the very structure of the government reposes.

The question of the right disposition of the public works, and of the resumption of specie payments by the banks, will claim the attention of this body at the proper time.—The report of your Committee therefore, only refers to the position assumed in the proceedings of the meeting, with regard to the repudiation of the State debt; and this, they conceive, calls for the most prompt and unequivocal expression on the part of the Legislature.

It would seem almost superfluous, to enter into any argument upon a subject which addresses itself mainly to the moral sense of mankind, and appeals for its sanction to every law human and divine. The fundamental doctrines of our republican institutions, arose from and can only be sustained by the intelligence and virtue of the people. To either impair or destroy these great securities of free government, is at once to strike a fearful blow at the liberties of the country. Your Committee, however, are satisfied that the citizens of this State feel a virtuous indignation against the doctrine which would repudiate the payment of the credit, the honor, the integrity of the Commonwealth.

Fully aware of the financial embarrassments of the State, the general derangement of the currency, and the onerous imposition of taxes on the people, your Committee are not surprised to find that the public mind has been directed to the consideration of these important subjects.—They cannot, however, avoid an expression of astonishment and regret, when they learn from the proceedings referred to them, that the mode proposed for relief from present difficulties, is the legislative disavowal of our public debt; and while they would not undertake to deny, that much of the people's treasure may have been squandered by improper and injudicious legislation, yet they hold in utter abhorrence, the doctrine that this renders the government irresponsible for the payment of all its liabilities.—The public faith is pledged for the true performance of all contracts made by the supreme authority in the State, under the delegated powers of the constitution.—These chartered powers of Government, derived from the people in their sovereign capacity, are conferred by the constitution and limited by the bill of rights. They have been not only thus delegated, but have always since the adoption of that instrument, been exercised and acknowledged without a question. The debt of Pennsylvania has been freely and voluntarily contracted, by the joint action of the several co-ordinate departments of government, chosen at various times by the voice of the people. The faith of the State has been most solemnly and sacredly pledged to pay it as, and when it becomes due, in specie or its equivalent. That the money thus borrowed, has been misapplied, wasted or lost, in extravagant and unproductive speculations, is our fault, or our misfortune. The loss ought to fall upon those who have been the occasion of it, and not the unsuspecting creditor, who has invested his money in the confidence that a great State, with a republican form of government—with a population proverbial for integrity of character and honesty of purpose—abounding with the most ample resources of wealth and prosperity, would never prove faithless to its engagements, or fail by mere pecuniary sacrifice, to maintain its character unsullied.

The resolutions of the meeting which have been forwarded to us, affirm that the Legislature has no power to contract a debt for the object of internal improvement—that the laws which have passed authorizing it, are without constitutional warrant, and, therefore, null and void. The committee are not disposed to enter into the consideration of the question whether a State would be bound in equity to refund money which had been received, appropriated and used by it, though under the provisions of an unconstitutional law. That can never be made a question as regards the debt of Pennsylvania. The power of the Legislature to construct works of internal improvement, and to borrow money, if necessary, for that purpose, can admit of no doubt whatever in the mind of any one in the least acquainted with the best settled principles of constitutional law. The constitution of the United States establishes, for the Union, a government of limited powers. The authority of its Legislative department is restricted to the specified cases, which are enumerated in the Federal compact, and to those which are necessary and proper to carry them into effect. For every act of Congress there must be produced the warrant of the constitution, express or necessarily implied. Such would have been the only legitimate construction which could have been put upon the original frame of that instrument. But the people of the United States have not seen fit to leave so important a power to mere construction. They have expressly declared in the 10th article of the amendment, that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The universal recognition of this most important principle of our Federal Union, and the fondness with which it has ever been cherished by the great body of the people, has sometimes led to the erroneous application of it to our State governments. It is, however, a principle just as well, and repeatedly recognized and settled by the judiciary and every department of government, it is believed in every State, as well as the concurrents of the particular States may excuse all the powers of sovereignty which reside in the body of the people, except in those cases prohibited in the constitution of the United States, or of the particular State. In a question on the constitutionality of an act of the legislature it will not do to demand the production of the article and section which authorizes it. The clause of the constitution which prohibits it must be shown. If we turn to the constitution of the United States we find there no prohibition on this subject, unless the clause which restrains the States from emitting bills of credit be considered applicable. But the decision of the highest judicial tribunal in the Union—the general understanding of the country—and the legislative enactments founded upon that understanding have put this question, if it ever was one—to rest. The instrument by which a sovereign State engages to pay the money at a future day, for services actually rendered, or for money borrowed for present use, is not "a bill of credit" in the sense in which the term is used in the constitution—and were a different construction ever to be put upon that section of the constitution, it must shake the very foundation of our political and social security. It at once denies, against the very terms of that instrument itself, the ability to borrow money. If the government has right to borrow, it is bound to pay. A contrary doctrine effectually destroys all national credit.

In the constitution of this State it cannot be pretended that any express prohibition on this subject is to be found. That clause in the declaration of rights, which proclaims, as one of the inherit and indefeasible rights of all men, that of enjoying and defending life and liberty—of acquiring, possessing and protecting property; if construed in the sense assumed for it in the proceedings before us, would at one stroke abolish the whole power of legislation and taxation. For every law is a restraint on natural liberty, and all taxation for whatever purpose—though the most wholesome and necessary and without which government could not be carried on or even subsist—is an attack upon property. It is needless to remark that citizens are secure in their property as long as taxes cannot be imposed, unless with the consent of their own representatives, returned by their own free choice, at brief and constantly recurring intervals. But not only do we find no prohibition in the constitution of Pennsylvania, but the very first article and section of that instrument, has expressly vested the whole legislative power of the commonwealth in the General Assembly. By virtue and in pursuance of the power so delegated, the proper functionaries of the government have entered into contracts predicated on the faith of the State, and the abrogation of such contracts by the legislature, would be a bold infraction of the 17th section of the bill of rights, which declares that no law impairing contracts shall be made. From the period of the revolution to the present, the power of borrowing money for every variety of purpose, has again and again been exercised by the government, without the shadow of doubt as to its constitutionality, and to deny it now is to light the torch of revolution, and civil as well as foreign war. For we must not, in the consideration of this very important subject, conceal the fact that the denial of a just debt contracted by sovereign power of a State with another country, or with the citizens or subjects of another country, is a just cause of war, recognized in the code of the civilized world, and sanctioned by our own country.

Though the debt of the State is large, it cannot be doubted that her resources are ample to meet it. She will meet it in good faith and with punctuality. The creditors may rest assured, that the citizens of the Commonwealth will frown with indignation upon the doctrine that she is not bound, or ought not to discharge her honest engagements. Her representatives in the General Assembly, feel that they are acting in perfect accordance with the sentiment and wishes of their constituents, in publishing to the world the most solemn and unequivocal declaration or admission, that the funded debt of the State, is a debt constitutionally and legally contracted; and that it is the undoubted obligation of the Government to provide adequate means for the punctual payment of the interest thereon, and the final liquidation of the principal when the same may become due, in specie or its equivalent.

In the opinion of your committee, every obligation of moral duty, national honor and political integrity, requires that the state should sustain her faith, which has been constitutionally and legally pledged by the proper authorities of her government. When the uttermost farthing of the public debt shall have been paid, then and not till then may it be said, indeed and in truth, that Pennsylvania is redeemed.

Therefore,

*Resolved*, That the Senate reject the doctrine of repudiating the State debt, as unconstitutional, immoral, and subversive of the fundamental principles of our republican system of government; and that they will maintain the credit of the State unsullied, by making adequate provision to meet all her engagements with promptitude and punctuality.

*Resolved*, That we entertain the fullest confidence in the citizens of this Commonwealth, that they will honestly and faithfully discharge all the liabilities of the government, and that they will preserve the credit of the State inviolate and inviolable.

*Resolved*, That the committee be discharged from the further consideration of the subject.

On motion of Mr. McLanahan and Mr. Mathers,

The resolutions attached to said report were read as follows,

On the question,

Will the Senate agree to the first resolution?

The Yeas and Nays were required by Mr. Plumer and Mr. Mathers, and were as follows, viz:—

YEAS—Messrs. Bigler, Brooke, Brower, Cochran, Coplan, Crispin, Darsie, Dimock, Ewing, Farrelly, Fegely, Fleming, Gibons, Gorgas, Gratz, Hays, Headley, Hiester, Huddleson, Kline, Maclay, Mathers, McCully, McLanahan, Mullin, Penniman, Plumer, Smith, Spackman, Stewart, Sullivan, and Strohm, Speaker.—32.

So it was unanimously determined in the affirmative.

On the question,

Will the Senate agree to the second resolution?

The Yeas and Nays were required by Mr. Bigler and Mr. Mathers, and were as follows:—

YEAS—Messrs. Bigler, Brooke, Brower, Cochran, Coplan, Crispin, Darsie, Dimock, Ewing, Farrelly, Fegely, Fleming, Gibons, Gorgas, Gratz, Hays, Headley, Hiester, Huddleson, Kline, Maclay, Mathers, McCully, McLanahan, Mullin, Penniman, Plumer, Smith, Spackman, Stewart, Sullivan, and Strohm, Speaker.—32.

So it was unanimously determined in the affirmative.

The third and last resolution was then unanimously agreed to.

And on motion of Mr. Fleming and Mr. Spackman,

*Ordered*, That 2000 copies in the English, and 500 in the German language, of said report and resolutions, together with the proceedings had thereon, be printed for the use of the Senate.



## SPECIAL COURT.

BY virtue of a writ from the Hon. ANSON V. PARSONS, President Judge of the 12th Judicial District of Pennsylvania, bearing date at Carlisle, the 4th day of December A. D. 1841,

**NOTICE IS HEREBY GIVEN**

that a Special Court will be held by the said Hon. Anson V. Parsons, and the Associate Judges of the Court of Common Pleas of Cumberland county, at the Court House in the borough of Carlisle, commencing on Monday the 21st of February, A. D. 1842, to continue one week, for the trial of certain causes depending in the Court of Common Pleas of Cumberland county, in which the Hon. Samuel Hepburn was concerned as counsel for one of the parties, prior to his appointment as President Judge of the 9th Judicial District—said causes being embraced within the provisions of the 39th section of an Act of the General Assembly, passed the 14th April, 1834, relative to the organization of Courts of Justice. Of said Special Court, Jurors and all persons concerned, will take notice.

PAUL MARTIN, Sheriff.

Sheriff's Office, Carlisle, }
December 23, 1841. }

*NOTICE TO CREDITORS.*

Take notice that we have applied to the Judges of the Court of Common Pleas of Cumberland county, for the benefit of the Insolvent Laws, and they have appointed Tuesday the 15th of February 1842, for the hearing of us and our creditors, at the Court House, in the borough of Carlisle, when and where you may attend if you think proper.

SAMUEL DAVIDSON,
JOHN DAVIDSON,
DAVID REED.

January 13, 1842.