

Bank of Pennsylvania vs. John M. Dickell.

We make the following extract from the answer of the State Treasurer, to a writ of Mandamus, issued by the Bank of Pennsylvania at Philadelphia, and invite a perusal of it by our readers:

"I also further certify and return, that on or about the 27th day of July 1850, I called at the Bank of Pennsylvania, in company with Asa Dimock, Chief Clerk in the Treasury Office, for the purpose of making arrangements for the payment of the State interest, due on the first day of August, and without giving me an opportunity to make any explanation, was met by the President and Cashier of the Bank in a spirit of unkindness. The first words they addressed to me was the inquiry why I had not been there ten days before; that I ought to have been there, and had the money all ready and in command before the day I called, and in a commanding tone of voice declared that the interest could not be paid: that it was now too late to make the arrangements for the payment of the interest. I said that I had money enough to pay the interest, such as it was; and asked what they could do with the notes of country banks commonly called currency? They positively declared, they would look at nothing but specie or its equivalent. I told them that my money of country banks, and that I had an arrangement with the Cashiers of said banks to redeem their notes in city funds, and I had no doubt they would do so, but that it would take a little time. They again refused to take anything but the specie or its equivalent. I then asked them to settle the State account, and inform me what the amount of the State deposit was, in order to compare it with my account, and that I must see to get sufficient par funds to pay the State interest.

I then called upon Mr. Boker President of the Girard Bank, and told him the circumstances, and explained the matter fully to him, and stated to him the amount of money I had on hand, and the kind of money I had in my trunk in my vault. He then called upon the bank himself, and when he returned he informed me that they had refused to take anything but the specie or its equivalent. He then kindly offered to take the money I had, and pay the interest. I then went back to the Bank of Pennsylvania, and they informed me of the amount of funds to the credit of the State. The amount was about two hundred and thirty-four thousand seven hundred and six dollars and twenty-seven cents; but they informed me that out of that amount there were ninety-three or ninety-four thousand dollars special funds, consisting of eighty thousand dollars Relief notes, and the balance country notes, Harrisburg, Middletown, Chambersburg, &c., and that they could not take that from me for interest purposes unless I would pay them a discount of \$1500 to make it par, which I refused to do, and told them that I would not pay one cent of discount to them or any body else; that I had not come to be shamed, but to pay the interest, and, as they claimed to be the agents of the State, I thought they ought to be the last to talk about discount; but the President said they could do nothing in the matter unless I paid the fifteen hundred dollars, alleging that the Bank would lose that amount which they could not afford. I positively declined paying one cent. I was about leaving the Bank, when they proposed that I should call at 8 o'clock in the morning on the first day of August, which I did; and the matter was talked over again, and they came down to one thousand dollars, which I again declined. I then told them I should draw a check on them for the amount they had on deposit. They then proposed that I should draw two checks, one for the par and the other for the special funds, which I did, and then left and got the balance (some \$700,000) of the Girard Bank, and deposited it in the Bank of Pennsylvania, which was sufficient to pay the interest then due. I then went back to the Girard Bank, and counted out to the different cashiers from the country the notes I had on hand, and they redeemed for me in city funds, which enabled me to repay the Girard Bank; and the second day of August I found I had money enough to redeem the ninety-three or ninety-four thousand dollars called special funds by the Bank of Pennsylvania, for which they demanded the bonus before mentioned. I called upon the officers of the Bank, and informed them that I was now prepared to pay the gold or silver for the ninety-four thousand dollars for which they claimed the bonus. They produced all the special funds they had on hand as State deposit. On counting over the packages, it was found to amount to fifty-eight thousand dollars instead of ninety-four thousand dollars as they alleged the day before, and the balance of eighty-six thousand dollars was made in notes of Harrisburg, York and Middletown Banks, and Pittsburg Banks, &c.

I then proceeded with Asa Dimock to carry the money to the Girard Bank, having first given them a check for the amount. The Relief notes, consisting of about \$40,000, I took with me to Harrisburg, and the country notes making up the balance of the eighty-six thousand dollars were redeemed by the cashiers of the various country banks at the Girard Bank in par or city funds.

"I also further certify and return that, notwithstanding this unkind and ungenerous treatment by the retailers, and a report that the State would not be able to meet its interests on the first day of Aug. 1850, which I traced to them; by my own exertions and the aid of others, I provided the amount that was required in specie or its equivalent, without costing the Commonwealth one cent for discount of depreciated paper, and without making the loan for \$200,000 authorized by the 31st section of the act of the 10th of May, 1850, to meet any deficiency that might occur."

LABOR AND CAPITAL.

"The employed are usually the aggressive, and the employers the passive or resisting party." This is the language of the *Republic* in speaking of the recent movements among laborers demanding an increase of wages.

This matter is but little understood, and much misrepresented. When general prosperity causes an increase in prices, the liberality of the capitalists, attempting to prevent a corresponding rise in wages, frequently compels laborers to combine and strike for increased pay. It sometimes but rarely ever happens that unreasonable demands are made, and more frequently just demands are enforced too summarily, and with too much violence; but we feel no hesitation in saying that the movements of laborers in the fluctuation of prices are infinitely more justifiable than those of the capitalists, who can combine more rapidly and more secretly, and having the ability to live without immediate employment, can always protect themselves against unjust claims, and not unfrequently force a compromise with just ones, for with labor daily employment is necessary to supply daily bread. It is true that when increased wages are demanded, "the employed are usually the aggressive party," because employers rarely take measures to increase them; but when there is to be a reduction of wages, the employers become the aggressive, and the employed "the passive or resisting party." It is a great mistake to suppose that combinations and strikes are confined to laborers. Capitalists combine and strike as often and as effectively, for they always have the advantage. The difference is, that laborers strike for higher wages, while capitalists strike for lower wages. The one party naturally, as in all bargains, wishes to obtain as much as it can, and the other to pay as little as it may; and it is plain to see that the capitalist has every advantage in the struggle. He can rest idle for a while, but the laborer must have food and raiment, and to obtain these he must have employment. To him, idleness is always privation, and sometimes starvation. The harsh requirements of capital do not always attract the public attention; and when they do, it can purchase advocates to justify or excuse them. It owns printing presses and controls newspapers; and, combining readily and acting secretly, it can prepare the public mind to sympathize with its movements. Labor has but few organs, for too often unfortunately the successful laborer who accumulates only swells the ranks of the capitalists, throwing aside his former views, and imbibing the ideas and feelings of his new associates. Labor must act in masses, attracting the public attention. Rigid measures are often necessary to prevent the desertion of the timid, or those pinched by want. The demand for higher wages is not made in as courteous and polished terms as that for a reduction of wages; while necessarily gives rise to urgent language and excited actions, which the unthinking wrongly stigmatize as revolutionary and agrarian violence. No impartial mind can consider the subject without perceiving on all sides evidences that capital has obtained immense advantages over labor in the protracted struggle between them. There is always a conflict between the buyer and the seller—between those who cause the demand and those who furnish the supply; but we doubt if there is any instance in which these conflicting interests operate where the strife is so unequal as in that between labor and capital. The current of legislation has been in favor of the strongest party; and by means of monopolies and special privileges, and advantages, labor has been denied its due share of the national production. The spread of democratic principles has affected much to ameliorate the condition of the working classes; but much remains to be done before the great work is completed. It is a common saying, which many believe, the high prices for manufactured articles created by protective duties benefit the laborer by enabling the capitalists to pay higher wages; but experience proves it to be a deceptive fallacy. High duties may enable the manufacturer to pay higher prices for labor, but he will not do so unless under compulsion; and, unfortunately for the laborer, protection does not compel him to do so. On the contrary, high duties oppress agriculture, check commerce, diminish the general prosperity, and enable him to obtain labor at lower rates. Free trade, on the other hand, stimulates agriculture and commerce, and increases the general prosperity, causing a more active demand for labor, and forcing the manufacturer as well as others to pay a higher price for it.—Protection to industry, as it has been the custom to call high tariffs, is a wolf in sheep's clothing; for protective duties in this country have been arranged for the benefit of capital, giving it undue advantages, and enabling it to obtain more than its fair proportion of the national production. Free trade enforces a more equitable distribution with labor, which accounts for the fact that high duties have been followed by diminished wages, and a reduction of duties by a rise in wages. Under the present revenue bill the tendency has been constantly upward. General prosperity has advanced prices, and labor demands from capital a proportionate increase. The demand may be made in some instances with improper violence, but yet our sympathies are with the laboring masses. Much must be overlooked in men who are smarting under injustice and urged by want.—*The Union*.

Miss Duer recovered two thousand dollars damages of Ira Collins, at Vincennes, Indiana, last week, and Miss Hall, at Rutherford, Tennessee, fifteen hundred dollars of W. C. Fletcher. Both had engaged to marry, and they wouldn't.

Antidote to Arsenic.—Magnesia is an antidote to arsenic, as efficacious as the peroxide of iron, and preferable, because almost any quantity may be taken without injury; and it is easily procured.

THE REPUBLICAN.

CLEARFIELD Pa., May 6, 1853.

DEMOCRATIC NOMINATIONS.

CANAL COMMISSIONER, THOMAS H. FORSYTH, Of Philadelphia County.

AUDITOR GENERAL, EPHRAIM BANKS, Of Mifflin County.

SURVEYOR GENERAL, J. PORTER BRAWLEY, Of Crawford County.

COL. GEO. R. BARRETT.

It affords us great pleasure to have in our power to announce the appointment of our fellow citizen, Col. G. R. BARRETT, as President Judge of the district lately presided over by Judge ELDRED, composed of the counties of Wayne, Pike, &c.

This is another of those official acts of Gov. BIGLER in which can be seen the influence of those better feelings of our rough human nature. Gov. Bigler and Judge Barrett have been companions through life. First in a printing office, then as democratic editors, then as legislators, and ever since as neighbors.

Col. B. has had extensive practice as a lawyer, and possessing distinguished talents, with his great energy of character, we have no doubt he will render general satisfaction on the Bench.

The appointment is accepted in order to supply the district until the election, when the people will elect—and we understand that Col. B., will in no case consent to be a candidate for election—the law requiring the President Judge to reside within the bounds of his district.

PLEASANT FACES.—"If from the fullness of the heart the mouth speaketh," so also from the fullness of the pocket the face speaketh, for we are quite sure our lumbermen never before returned to their homes with their countenances so brilliantly illuminated with smiles. Such a thing as a long face is not known among them now. And instead of being "too busy to settle to-day with this or that hand—"not at home" to this or that man who sold them timber, or juking round the corners to avoid meeting with this one or that one, they take their stand in the public places, make themselves the most known of every crowd, with their hands and pockets full of cash, ready and anxious to pay every man who can lay just claim to a cent, and actually seeming to regret that they cannot find enough willing to take it. This is the first season that lumber has ever yet been sold at a full remunerating price.—May it not be the last.

The log-floaters, by their conduct along the river, have incurred the displeasure of our citizens to a very high degree. It is said that they cleaned the beach as they went, rolling in all the square timber that had lodged along the shores, which they would cut into proper lengths, and stamp it as their own; and it is further alleged that they even went so far as to cut loose and roll into the river and thus mark logs and timber that had been safely moored by our citizens. Now if these are facts, no punishment provided by law is severe enough for such conduct. Many of our citizens were disposed to favor these men as much as possible, and were willing to suffer many inconveniences rather than complain—but they must be protected from such high-way robbery as this.

We ask no legislative prohibitions. But law-abiding, peace-loving citizens must be protected from the reckless and daring by wholesome and salutary restrictions.

Since our last publication, with one or two exceptions, the mail from Spruce Creek has arrived according to contract, and on every occasion has arrived here in good time. The citizens of this place will not complain of the contractor if, by reason of bad roads, he does not send his coach. They care nothing about that. It is the inconvenience and disappointment occasioned by the failure of the arrival and departure of the mail; therefore when the roads are heavy, if he would deliver the mail even on horse back, nobody would complain.

DON'T WANT THEM.—Patrick Brew, the gentleman who lost certain promissory notes on the 8th of April, between Luthersburg and Jefferson line hotel, and for which he offered ten dollars reward, informs us, and through us, the public, that he has had each of those notes renewed, and will not now pay said reward for said notes.

YOUR TEETH! YOUR TEETH!—Read, and we know some of you are—just read A. M. HILLS' card, and then call upon him. He is a capital hand at the business. He'll not hurt you—much—and if he does he hurts so easy like. We've tried him.

The Boom at Williamsport and Log Floating.

The *Lycoming Gazette*, of the 27th ult., in speaking of the Boom erected at Williamsport, and the floating of loose logs on the West Branch of the Susquehanna and its navigable tributaries, speaks as follows:

"The boom, instead of being an obstruction and an eye-sore to lumbermen, has been their efficient and only protection against the sudden and unavoidable catastrophes incident to the prosecution of their business. Neither has log floating interfered with or interrupted the navigation of the river or its tributaries by raftmen. And if the future legislatures of this commonwealth have any care for her interests, they will foster and protect rather than interfere with and destroy, a business which promises to add so materially to the development of the resources of her territory and the amount of revenue on our public works."

Our readers will at once perceive that these are the sentiments of one who is unacquainted with the subject of which he speaks, or one who is either deeply interested in the business of log floating, or associates with those who are, and speaks the sentiments of such persons.

Were the raftmen of Clearfield county, those who have had practical experience in the matter, to speak on this subject, they would tell a different tale in regard to the boom erected at Williamsport, and that of the floating of loose logs on the West Branch of the Susquehanna and its navigable tributaries.

We do not profess to be practical raftmen, but enjoyed the pleasure of a trip down the Susquehanna the late freshet as far as Harrisburg—and in which trip we encountered many difficulties, occasioned by the floating of loose logs, which proved to us most conclusively that that business greatly interferes with and endangers the navigation of said stream by rafts and arks.

Another very serious obstruction which we encountered, was that of the boom erected at Williamsport, which the editor of the *Lycoming Gazette* would fain make the public believe is such an accommodation to raftmen. The boom is so constructed that it is rather a difficult matter to get round it at any time—and when the wind is blowing to any extent it is impossible to do so. Such was the case when we approached it—and consequently we were compelled to tie up and await an opportunity. When safely landed and ashore, we found some thirty rafts in the immediate neighborhood landed up and hands idle from the same cause—all of whom with ourselves, were compelled to lay by a half-day on account of this boom—each raft having on board two hands, employed at the rate of \$2 per day, boarding included—which in the half day would be a tax upon the raftmen of sixty dollars.—We know not how many were landed up miles above, for fear of encountering this obstruction. We speak merely of what passed under our observation. Nor do we know how many, or how long, rafts have been detained there at other times, but those who reside in the neighborhood informed us that it was no uncommon occurrence for rafts to be detained at that place on account of the obstruction occasioned by the boom.

The floating of loose logs on the head waters of the Susquehanna and its tributaries, and the running of rafts, when carried on to any extent, are two things which cannot be done at one and the same time. The late freshets have fully demonstrated this fact, and that too at no small loss to the industrious lumbermen of our county. Thousands of dollars worth of property, in the shape of rafts of square timber and boards have been destroyed by coming in contact with loose logs; and by the obstructions occasioned in the streams by said logs, numerous persons have been deprived of an opportunity of running their productions to market; for proof of which assertions, we need but refer to any and in fact almost every person engaged in the business.

Such being the case, if these experiments should again undertake to obstruct our streams, by throwing into them loose logs, in the manner heretofore practiced, we consider it highly necessary that some action be had upon the subject in our next legislature, as the interests of the State, and the best interests of Clearfield county demand it. But we apprehend that the present flattering prices which are being paid for square timber, and the ill luck which has resulted to the driving and booming of loose logs, will, of itself, be sufficient to induce or compel these persons to suspend operations.

In regard to the boom at Williamsport, there is no legislative action necessary.—The company, it is true, have authority granted them for the erection of a boom, but it is to be so constructed as not to interfere with or obstruct the navigation.—It is the duty of the company therefore, to make such alterations in their boom that rafts may at all times pass when the river is navigable elsewhere; otherwise the raftmen have a perfect right to remove the obstruction.

A BRUTAL MURDER.

A cruel murder was committed in Burnside township, this county, on last Monday night, or rather on Tuesday morning. The facts have been told us as follows:

Two Irishmen have been employed and living at the Messrs. Patchins', having a woman, the wife of another Irishman, named Jerry Whalon, keeping house for them. About 2 or 3 o'clock on last Tuesday morning, as one of the two men first referred to, whose first name was Thomas, was at the door, a pistol was fired, the ball of which entering the back part of the head caused his death without a groan. The woman, aroused from sleep by the noise, asked "what's that?" which was answered from without, in a mocking tone of voice, "what's that?"—and this voice the woman recognized as that of her husband, who is suspected as the perpetrator of the deed.

The murderer had not been taken at last accounts, though we think it scarcely possible that he can escape, as a large number of citizens have been in pursuit of him. Whalon and his wife have not lived together for some months.

Judge GRASON, is not dead as we announced week before last on the authority of the *Harrisburg Union*. The chief justice has been indisposed, and has been lying at the Merchant's Hotel in Philadelphia, but is now convalescent.

The Vacancy in the Vice Presidency. In relation to the occurrence of a vacancy in the office of President or Vice President, the first section of the third article of the constitution has the following provision:

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the duties of said office, the same shall devolve upon the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall accordingly until the disability be removed, or a President be elected."

In pursuance of this clause, which in itself makes provision only for a vacancy in the Presidency, Congress, in March, 1792, passed an act entitled "An act relative to the election of President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President." The ninth section of this act is as follows:

"SEC. 9. And be it further enacted, That, in case of removal by death, resignation, or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being shall act as President of the United States, until the disability be removed or a President shall be elected."

The next section of the act provides as follows for the election of a President and Vice President by the people in the event of both those offices becoming vacant:

"SEC. 10. And be it further enacted, That whenever the offices of President and Vice President shall both become vacant, the Secretary of the State shall forthwith cause a notification thereof to be made to the Executive of every State, and shall also cause the same to be published in at least one of the newspapers published in each State within thirty-four days preceding the first Wednesday in December then next ensuing: Provided, there shall be the space of two months between the date of such notification and the said first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, and the electors shall meet and give their votes on the said first day in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act."

It would thus appear that, by the constitution, and the law as it stands, no provision is made for the choice of a Vice President except by the people; and that President even in this mode, except in the case of a vacancy occurring in both the office of Vice President and President.

OUR AFFAIRS AT CONSTANTINOPLE.—We publish to day an imprinted letter from Constantinople, which will be read with great interest by our patrons.

The insult offered to our flag at the consulate of Constantinople, by the Austrian legation, to which our correspondent alludes, is now under advisement at Washington. It is briefly as follows, as appears from documents on record at the Department of State:

The legation at Constantinople, being a mere sinecure formality, the minister does not feel it necessary to be much or often in his post, and the place is mostly left in charge of the dragoman, or official interpreter, who happens to be a whig gentleman, bearing the very uncommon name of Brown. When the unfortunate Hungarian refugees arrived in Turkey, Mr. Brown, and Mr. Danaise, the United States consul, disagreed about the measure of protection to be afforded those who came

with American passports: Mr. Danaise, who bears an excellent report from distinguished persons in this city who knew him in Constantinople as an honorable, well educated, and hospitable gentleman, was not disposed to go behind the letter of their passports, and gave them what the face of their papers asked—the generous protection of the flag and consulate of the United States, and, it is said, used his own private funds most freely in their care and entertainment. Mr. Brown rather sided with the Austrian legation, which, of course aimed at seizing the fugitives, and returning them to the prisons and scaffolds of Austria. The Sultan and the English minister took, like the consul, the part of humanity, and the Hungarians were saved.

This dispute between the acting consul and the dragoman of the absent minister became bitterly personal, and was by no means softened by the exposure through Mr. Danaise of the affair of Amin Bey, whom the same dragoman had palmed off on our cabinet and people as the envoy of the sultan. "Some sharp and racy statements made their way from Constantinople to Washington, and in his exasperation Mr. Brown went so far as to attempt to supersede Danaise in the consulate. This was a bold stretch of authority in the mere interpreter of the absent minister, who had himself no such powers; but to aggravate the case, Danaise forwards a complaint that the seals of his consulate were purloined. In the midst of all this dispute the dragoman had the strange indiscretion to apply to the Austrian legation for a force to dispossess the consul, and some Austrian soldiers under his direction actually forced the doors of the United States consulate, and after taking what liberties they pleased with the archives, they closed the consulate and sealed the doors with the arms of Austria.

The affect of such contemptuous and insulting treatment of the flag of the United States was not much in favor of the greatness of this country in the estimation of the Turks, but it is all in process of investigation and redress, and the spectacle will not be repeated while President Pierce fills the executive chair. [Nat. Dem.]

THE TROUBLE IN NEW MEXICO.

It is now nearly two years since the residents of the Valley of the Mesilla, situated a few leagues to the southwest of Dona Ana, asked of the officers of the United States, in New Mexico, to exert their authority in the town and valley, and a controversy has ever since existed as to which country the district now in dispute belonged. The treaty of Guadalupe Hidalgo, required that the boundary line of the two republics should commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, run up the middle of that river to the southern boundary of New Mexico, (which runs north of the open called Paso), its western termination, and so northward along the western line of New Mexico, until it intersects the first branch of the river Gila, &c., by Disturnell's map. The joint commission organized under a provision of this treaty, proceeded to run and mark the line, as prescribed, finding no serious difficulty, until they came to the two sections which constitute the southern and western lines of New Mexico, which were said not to be defined with certainty in the treaty, nor distinguished by prominent natural objects. Controversy arose chiefly as to the point where "the Rio Grande strikes the southern boundary of Mexico," the only terms used to describe it being "north of the town called Paso."

Now, by the map referred to, the town is situated in north latitude 32 deg. 15 1/2 min., which would place the line about seven miles north of the town—but by actual survey, the town was found to be in latitude 31 deg. 45 min. north, and longitude 27 deg. 55 min., or some two degrees south and two degrees west of its supposed position. The result of the discussion among the commissioners was, that the Rio Grande struck the southern line of New Mexico at 32 deg. 22 min. north," which placed it far above the place originally intended, and left a good many people in Chihuahua, under Mexican laws, that would rather have been in New Mexico, under United States laws.

Mr. Gray, our surveyor, who was ill at the time this agreement was entered into, refused to sign the convention, on the ground that the line was run too far north, the consequence of which refusal was to bring the subject before Congress, which in 1852 stopped the appropriation for the survey. Mr. Gray, and those who oppose the action of the commissioners, allege that the line agreed upon by the latter was some 37 miles north of El Paso, while the treaty contemplated a line only seven miles north.

A territory, therefore, some twenty miles wide, and some four degrees long, is the value of the difference. But a new appropriation, we believe, was made by the last Congress for the continuation of the survey, and the settlement of the difficulty. Meantime, Gov. Lane, urged probably by the demands of the inhabitants, has taken the matter in his own hands.—*Argus*.

MOVEMENTS OF EX-PRESIDENT VAN BUREN.—The venerable Sage of Lindenwald held a levee at the St. Nicholas on Tuesday. Among the visitors were Major General Scott, commander-in-chief, Brigade General Twiggs, Surgeon General Lawson, and other officers of the Army and navy, besides various members of the city government and many of the most prominent citizens of this great metropolis. In the evening he dined with Colonel Jas. B. Murray, one of the few Democratic residents of the aristocratic Fifth Avenue.—*N. Y. Herald*.

A western editor lately published an entire chapter from the Bible, adding that he supposed it would be new to most of his readers.