

Alleghehy County's Plea.

THE BILL FOR THE PAYMENT OF THE RIOT LOSSES—A STATEMENT OF THE CASE.

A question that occupies the attention of the people at this time is who is to pay the riot claims for damages caused by the railroad riots of 1877?

We cannot but think that a brief presentation of the uncontested facts in reference to the riot will remove the prejudice so unjustly entertained against Allegheny county.

When a riot occurs, which originates in local causes, the damage to property created thereby must be discharged by the people of the locality. This is clear, but if it originates in causes so extensive in their operation as to embrace ten or twelve states, and a particular locality is but the scene of the outbreak, then the state is responsible, for it is charged with the duty of suppressing such riot within its borders. It is well known that the causes which led to the riot were operating for months previous to the outbreak all over Pennsylvania. Now, it is just that Allegheny county should pay for damages created by the riot simply because Pittsburgh was chosen as the place for the overt act?

The destruction to be paid for was wrought in Allegheny county, true; but there are thousands of men in that county who took no part in it, were not near the place where it occurred, gave the work of violence no encouragement, men who were practically as far from the scene of it, and actually as innocent of any criminal deed or intent as any of their fellow citizens in any other part of the state. On what principle of abstract justice, which is the standard appealed to, are the people of Allegheny county responsible for the riots, and liable for the damage done, and those of any other portion of the State not?

The injustice of holding Allegheny county responsible for the loss incurred during the riots, and exempting the counties immediately adjoining, is more apparent when the circumstances which led to the loss are considered. The strike and the events which followed it were not brought about by the people of Allegheny county. Many of the strikers, and many of the railway employees who sympathized them, have no local habitation. They are migratory, living on the railway lines that form a net work throughout the Union, these men coming into Allegheny county for the purpose of sustaining the strikers, assumed such numbers as to overawe the local authorities, and necessitate the interposition of the state for the protection of the railway property, private property, and the preservation of the public peace.

The claims arising from the damage caused by these Ishmaelites must be paid, so says the law. If Allegheny county is legally responsible, they should be charged to that county. If the state is responsible, the legislature should manfully assume them for the whole state.

But is Allegheny county legally or morally responsible for these losses? We think not. It was not a riot, but an insurrection extending over the whole country. Nearly every state in the union was involved, and not only the militia of these several states, but the Federal troops were called out to suppress the insurrection, and preserve public order. In this state the outbreak occurred at Pittsburgh, but this was simply an accident, and it might have occurred anywhere else in the commonwealth. It has been ascertained that less than five per centum of those who contributed most to the destruction on that black Sunday, were citizens of Allegheny county.

The local authorities finding their efforts at restoring order ineffectual, called upon the state for aid. The state assumed control, and the troops marched into Allegheny county, were accompanied by the Adjutant general of the state, the Attorney general and the Secretary of the commonwealth. The civil and military representatives of the Executive of the state with the National guard were on the ground, and there were no assaults made, no bloodshed, nor plundering, nor incendiarism, nor destruction of property, until after the State troops appeared, and the State authorities had assumed absolute control of affairs; and, therefore, the responsibility for the suppression of the riots, and failing in that, the responsibility for the losses consequent on them, devolves upon the state.

But, apart from the legal responsibility of Allegheny county, the payment

of the amount of these losses (\$4,000,000) would fall upon that county with crushing weight. Its payment would involve the county in bankruptcy and ruin. Allegheny county cannot be so completely isolated, that this burden can be inflicted upon her people, and not felt by the rest of the state. As the second city in the state, and the busy mart of the people of the entire western region, Pittsburgh cannot suffer financial ruin, and the people all around her escape from its effects. If an important member be paralyzed by such a stroke, the whole body must suffer.

There should be no subterfuge in this matter. It will not bear trifling with. Whatever may be the duties and responsibilities of the state to those sufferers by the riots who were under the protection of her laws, it is plain enough that Allegheny county cannot bear the burden.

The easiest and quickest way out of the dilemma, at this time is the best way, and the proposition now pending before the legislature should receive the sanction of every honest man within the borders of our great state.

This is no more than simple justice. No more than good citizenship and neighborly fairness demand.

We ask the representatives from this county to think this matter over carefully, and see if both justice and public policy will not be subserved by extending a helping hand to Allegheny. Certainly, if we were caught in so bad a trap—and any county is liable to be so caught—we would cry out for help, and would think it hard, indeed, if we could get neither aid nor sympathy.

The following extracts from the address of ex-Chief Justice Agnew, are presented for the consideration of our readers:

"Without entering into all the details necessary to approach a judicial tribunal, many of which you already know, may state the leading features of the subject, so as to submit proper views clearly, freely, and fully.

"On the twenty-first and twenty-second days of July, 1877, the city of Pittsburgh was visited by an extraordinary 'strike' of railroad employees, extending over a vast area, and throughout many States. Among the cities disturbed by its ebullitions were Chicago, St. Louis, Indianapolis, Newark, Martinsburg, Denniston, Reading, Harrisburg, Baltimore, Cumberland, Scranton, Syracuse and Buffalo. Whether the grievances complained of were just or unjust it is not our province, or perhaps yours to determine. It is sufficient to know that their wages were reduced when times were hard, and the country depressed; and they had cause to take the remedy into their own hands. Rightfully or wrongfully, they did so. As a mere 'strike,' the public had no immediate connection or privacy with it. Refraining from labor was the right of each individual, and when criminal by combination, it was but a mere conspiracy, punishable at law.

"But the misfortune of all such great and combined movements, is their growth into a tumultuous and public character, caused by the very multitude and heterogeneous mass of materials. That which at first was but a mere cessation from labor, became an insurrection or uprising over the country, by men banded together by a common interest for a common purpose. Such uprisings must have a place of beginning or first outbreak. This happened in the city of Pittsburgh, where it rose suddenly, like a water-spout or a cyclone, small in its first whirlings, but increasing as the forces of the pent up spirit of insurrection found themselves loosed from the bonds of order and social duty. A mixed and motley multitude gathered, the natural concomitant of the disorder. Wisely, or unwisely, we do not say a military force appeared upon the scene. Intentionally, or unintentionally, by command or without, it is now immaterial which, the work of death began. It is not for us, probably not now for you, to determine whose the fault. We neither of us possess the attributes of punitive justice, and can not try the offense. We now consider the terrible consequences only which have fallen upon a portion of the citizenry of the State. Lives were lost of the innocent and the guilty, millions of property were destroyed. Owners, distant and near, were involved in common violence, and a common ruin. Delicate questions of relationship and liability have arisen, confined to no narrow limits but co-extensive with the residence of distant owners, having redress in other courts, than our own, and embracing the origin, progress, and culmination of the insurrection, the relationship of some of the parties as common carriers, and as bodies enjoying privileges, and owing duties to the State.

"But our question does not concern these. The law and the courts may deal with the immediate parties, whether as employers and employed, insurrectionists,

owners, carriers, officers, soldiers, or rioters. Our questions concern an innocent people, living outside of the two great cities of Pittsburgh and Allegheny—a rural population of a populous county, whose relations are only as citizens and tax-payers. The city of Allegheny, it is said, preserved the peace, though unable to control the 'strikers' who retained and held possession of the railroad property and freights. But her concentrated population and force only illustrate more forcibly the utter impotence and want of organized power of a rural population, scattered over numberless farms, small towns, and a wide territory. The city of Pittsburgh, it is said, did not its duty in its organized capacity, though its best and most leading citizens, roused by the fearful danger, met in an unorganized form, created committees of safety, raised \$51,000 in money, and arms for the defense of property and restoration of the peace. Yet, even this devoted city, whose officials may not have performed their whole duty, cannot give law to the innocent people of Allegheny county and Allegheny city, or deprive them of that just protection which the justice, conscience, and welfare of this great State owe to them as a part of its common citizenship.

"This is no debt which the State is asked to assume for another. It is a damage—a loss sustained by owners of property through the trespass and violence of lawless men. Throughout the act of 1841 all the terms express this: its words are 'property destroyed,' 'attacked or threatened to be attacked,' 'destruction,' 'injury,' 'loss,' 'damages,' 'party injured.' The tenth section calls it a trespass: 'the same shall to all intents and purposes be treated as actions of trespass brought by owners of such property;' again, 'damages finally fixed and ascertained.'

"The county of Allegheny has committed no injury; it has incurred or contracted no debt. It has not been convicted of the trespass and the damages fixed and ascertained. Until trial, verdict, and judgment against the county the owners have but a claim, not a debt. The only suits brought against the county are yet pending on writ of error, and the verdicts amount in all to less than \$7,000. In no sense does the county owe a debt which the State is asked to assume. She is asked to save litigation, prevent injury to innocent tax-payers, and promote the best interests of the State by primarily and of her own accord compensating the owners of the destroyed property. It will thus be her own voluntary contribution to the public good, and protect the innocent from harm.

"There is, it is true, a moral principle lying at the root of such legislation, but it is a principle which must exist in some sense, as the basis of all enlightened and comprehensive jurisprudence. It is a part, and probably the vital principle of all that code which binds into one great family all the nations of the earth; which mitigates the horrors of necessary warfare, and renders intercourse between the most distant regions of the globe practicable and desirable. In a word, it is nothing more than the application to affairs of government and state of that maxim of divine authority which enjoins us upon all occasions, to do unto others as we would that they should do unto us. Being therefore firmly planted upon foundations of moral right, and of comprehensive but perfectly intelligible equity, it partakes in no wise of the nature of charity, benevolence, or improper assumption of the liabilities of others, but is stamped with the essential attributes of political justice.

"In conclusion, we submit that sound policy, righteousness, and the general welfare of the State, require payment of these losses out of the common treasury of the people."

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COURT PROCLAMATION.

WHEREAS, the Hon. Charles A. Mayer, President of the Court of Common Pleas of the 25th Judicial District, consisting of the counties of Centre, Clinton and Clearfield, and the Hon. Samuel Frank and the Hon. John Eiven, Associate Judges in Centre county, having issued their process, bearing date 8th day of February, 1879, to me directed, for holding a Court of Oyer and Terminer and General Jail Delivery and Quarter Sessions of the Peace in Bellefonte, for the county of Centre, to me to commence on the Fourth Monday of April next, being the 28th day of April, 1879, and to continue two weeks. Notice is hereby given to the parties to said Court, that they be then and there in their proper persons, that they be then and there in the forenoon of said day, with their records, inquiries, examinations, and other documents, to do those things which to their office appertain to be done, and those who are bound in recognizances to prosecute against the prisoners that are or shall be in the custody of said court, be then and there to prosecute against them as shall be just.

Given under my hand, at Bellefonte, the 8th day of February, in the year of our Lord 1879, and the one hundred and second year of the Independence of the United States.

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