FORTY-FIRST CONGRESS—First Session.

[CLOSE OF YESTERDAY'S PROCEEDINGS.]

SENATE.—The bill to repeal the Tenure of Office act came up.

Mr. Morton resumed his argument in favor of repealing the law. The proposal to amend it was really a confession that there was no constitutional principle involved, the only question being whether it should be repealed, suspended or retained was merely a question of expediency.

Mr. Davis would vote for the repeal of the law, not because it was unconstitutional, but because it was for his good, because he believed it to be unconstitutional and void.

Mr. Brownlow had a speech read opposing the repeal of the act.

Mr. Scott (Pa.) took the floor, but immediately after yielded for a motion to adjourn.

Mr. Trumbull announced that he would press the Senate to a vote before adjourning to-day. Adjourned.

HOUSE.—Mr. Farnsworth, from the Committee on Reconstruction, reported a resolution for the Senate joint resolution as to the removal of civil officers in Virginia and Texas. The substitute provides that the officers commanding in the States of Virginia and Texas shall have thirty days to complete the removal from office of the civil officers, or cannot take the test oath.

Mr. Butler opposed the resolution.

The House refused to suspend the previous question, yeas, 50; nays, 70—and the joint resolution and amendments were referred to the Committee on Reconstruction.

Mr. Bingham introduced a bill to amend the act of July 29, 1850, providing for holding United States Courts in the District of Oregon—other districts of the Judge. Also, a bill to secure and protect the freedom of transportation and commerce within the United States. Referred to the Judiciary Committee.

The Public Credit Act.

A bill to strengthen the public credit has become a law, and it is entitled, &c. That in order to remove any *re-is-ranced*, &c. That in order to remove any doubt as to the purpose of the government to discharge all just obligations to its public creditors, and to entitle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared, that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States, notes bearing interest, known as United States bonds and all the United States bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of such obligations shall be paid sooner than they shall be redeemed or legalized to be already due shall be redeemed or paid before maturity, unless such payment be made upon the option of the holder, or unless at such time or of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin, and the United States shall thereby pledge its faith to make provisions at the earliest practicable period for the redemption of the United States notes in coin.

JAMES G. BLAINE,
Speaker of House of Representatives.

Vice President of the United States, and President of the Senate.

This was signed by these officers on the 16th of March, and was approved by the President as follows:

Approved March 18, 1869.
U. S. GRANT.

Pennsylvania Legislature.

[CLOSE OF YESTERDAY'S PROCEEDINGS.]

SENATE.—The act creating a Board of Public Charities came up for consideration, and was discussed at length by speaker Worthington, Mr. Frevert and others in favor, Mr. Davis and (North-ampton) against it. It was finally passed.

This bill is the one reported by Messrs. Worthington, Frevert and Superintendent of Common Schools, Wickersham, a Commission appointed under act of last session.]

The act providing for the abolition of certain classes of the insane into hospitals for the insane and their classes of their protection, was considered, amended and passed.

An act relating to dower passed.

The Registry Law for the State, excepting Philadelphia, was considered, amended and passed the Whole.

The Senate agreed to return the bill to the House, incorporating the Sheep Drovers' Association.

HOUSE.—The bill relative to the inspection of distilled spirits was passed. Its purpose is to which was passed in the Senate in the early part of the session.

A House bill authorizing oil and other companies formed under the General Mining law of 1863 to wind up their affairs was considered, amended, considered, as follows:

"That it shall be lawful for any company organized under the act to which this is a supplement, upon a vote of two-thirds of not less than three-fourths of the paid-up capital stock of said company, to sell all or any part of its real estate or personal property of said company, in such manner and upon such terms as they may decide, for the purpose of paying off the debts or making a final distribution to the stockholders thereof. That notice shall be given, printed or in writing, by mail or otherwise, to each stockholder, at the weeks prior to such sale. The proceeds of the sale shall be placed in the hands of the Treasurer for distribution.

Mr. Myers moved to require the assent of two-thirds of the stockholders (instead of three-fourths), which was agreed to. The bill passed.

Mr. Myers introduced a bill to construct a telegraph line from Pittsburgh to Philadelphia, under the Bills of the Central Telegraph Company. Referred to the Committee on Corporations.

Mr. McGinnis offered a resolution to recall from the Senate a certain bill (which had already passed the House and gone to the Senate) entitled "An act to incorporate the Sheep Drovers' Association."

The resolution, and much noise and confusion (so much so as to render it almost impossible to decide accurately), was declared by the Speaker passed.

Objections having been made to this ruling, the Speaker said he put the question to the House, and that the decision had been correct.

Twenty-five members rose, the members that they had objected in a loud tone to the original introduction of the resolution, but, as already stated the noise and confusion had been so great as to render it almost impossible for any single voice to make itself heard. The excitement was caused by the assertion on the part of one of the members that the "Sheep Drovers' bill," which was recalled, was the so-called "Cattle bill," so bitterly opposed a few years since.

That in fact, no such bill had passed, being a portion of the Philadelphia delegation.

Evening Bulletin.—The evening session of the House was entirely occupied with the discussion of the Fifteenth Constitutional Amendment, the Republican and Democratic members lashing each other alternately. The discussion will be prolonged for one or two days, as each evening adjourns at 10 o'clock.

Treasury Decisions.

The Secretary of the Treasury has made the following decisions:

Coffee imported in vessels of the Netherlands, from Rotterdam to Amsterdam, being the growth of Java, one of the possessions of the Netherlands, must pay the duties prescribed by the act of per cent. ad valorem, under the sixth section of the act of March 1, 1862. Coffee not the growth of Java, imported in such vessels, the voyage must be direct or continuous from Java. Its place of growth or production.

All cigars, cigarettes and cheroots must be put up in boxes and duly stamped, before leaving the custody of the officers of the internal revenue. The only stamp now prepared for cigarettes is one related for a box containing fifty hundred cigarettes and those heretofore packed in bundles must be packed in boxes of one hundred, and be stamped as aforesaid. Manufacturers of cigarettes cannot put more than three pounds per thousand are liable to a penalty.

Railroad cars built in the United States and brought into the United States to be used only in the through business between Canada and the United States, are, when brought into the country, in and for such employment, not imported, and, therefore, not chargeable with duty.

Congress having repealed that part of section 34 of the national currency act, which requires national banks to publish quarterly reports to the Comptroller of the Currency, the national banks are relieved from the necessity of making any further reports until called upon by the Comptroller of the Currency to make them.

Under the new law relating to that subject vessels carrying domestic and dutiable goods may clear direct for Wenigo Indian and Tongass without going to Sitka. The custom officers at Tongass are authorized to enter and clear vessels from and to foreign ports, and to receive duties.

Raw cotton, or any other, when the fabric is of such a texture that the threads cannot be counted by the glass commonly used for that purpose, are properly assessed to duty under the sixth section of the act of June 30, 1864, at 50 per cent. *ad valorem*.

The tax of $50, provided for by section 158 of the internal revenue laws, is paid for a valuable consideration, the privilege of stamping the instrument unstamped, and it cannot be remitted by the Secretary of the Treasury.

Registered vessels may engage in the herring or other fisheries. Fish caught by them, and cured with foreign salt, are duty free.

CITY BULLETIN.

CITY COUNCILS.—A stated meeting was held yesterday afternoon.

Select Branch.—Mr. Shermer presented a petition signed by 5,000 persons residing in the northwestern part of the city, asking for the opening of Fifteenth street through the Baltimore depot. He said that the signers owned from $1,000,000 to $1,000,000 worth of real estate. The petition was referred to the Committee on Railroads.

The Committee on Water reported a resolution to lay water pipe on Fairhill and Third streets, Nicholas street, and Lawrence and Eighteenth streets. Adopted. Adopted.

Mr. Francisco, of the Committee on Markets, reported in favor of an extension of the time for the removal of the railroad tracks from Broad street. The Committee asked for a report of written pledges of the Pennsylvania Railroad Company and the merchants doing business on Broad street that no further extension will be asked for. In the discussion of the question the committee have reported favorably. If this pledge be not granted the movement will be greatly inconvenienced, and trade will be taken from this city to New York. The committee say that they have been able to discover no way in which the improvements can be made to keep the tracks in the street, and recommend the passage of the resolution. Accompanied by a report to postpone the removal of the tracks on Broad street until July 1, 1869.

The resolution was adopted—yeas 21, nays 6.

The Mayor's clerk presented the following message from the Mayor relative to the street cleaning contracts.

MESSAGE FROM THE MAYOR OF THE CITY OF PHILADELPHIA, March 18, 1869.—*To the Select Council of the City of Philadelphia*—Gentlemen: I return without my approval "A Resolution of Request to the Mayor to Suspend the Contracts for Cleansing."

The subject of cleansing the streets is one to which too much importance cannot be attached. Health and comfort are so closely allied to the proper discharge of this measure, and those who undertake the work must be prepared to do it, or the duties they have undertaken, at hazards. If they have made an imprudent bargain; if unforeseen difficulties have interposed and unexpected obstacles are presented, the duty of the contractors is plainly to make the best of a bargain by them. And then, after a faithful performance of their obligations, they might present for favorable consideration an appeal to the fair dealing and liberal spirit of the governing authorities of the city. But if the contractors have entered into the present agreement without a determination to comply *faithfully and fully* with all the requirements of the contract, I do admonishes us that they should meet the most rigorous penalties that can be visited upon them.

There was a time when our city was remarkable for its clean streets. This was one of its asterisms and notable characteristics. The state of things no longer exists and the extreme of cleanliness has been followed by an extreme of uncleanliness, through the following reasons that can be assigned to justify this extraordinary change.

Money has been lavishly expended for the purpose, but without avail, and now the city has contractors who do not and will not perform the contracts of their contracts, which are based on a monopoly gratuity. To pay them for work which they have not done is to make them a gratuity.

In the sixth instant I sent Councils a communication on the subject, detailing the neglect of the contractor, and my refusal to pay them the monthly proportion for February claimed to be due upon their certificate, which I stated to be one upon the representation made to me by the Chief of Police, showing that the requirements of the contract had been utterly disregarded. I also submitted the official opinion of the City Solicitor, and to these papers I beg to invite your attention. The various contracts describe the work expressly agreed to be performed by the contractors pursuant to the directions of the commissioner of Cleansing. The contract also declares that *"the city agrees to pay to the said contractors the sum of $—— monthly, on the full and faithful performance of all the aforesaid work the same"* (agreed upon in each contract) *"per annum in warrants drawn upon the Mayor in the City Treasury, in equal monthly instalments, reserving one tenth of the amount, &c.* In this stipulation both parties are bound to writing, and the Mayor has no discretion. If he had the inclination, to draw a warrant for any monthly payment except upon a *"full and faithful"* performance of all the aforesaid work. He is represented that all of the work has not been *"fully and faithfully"* performed for the month of February, and I have no authority not given to him if he signed a warrant for payment, to say to the contractors directions of the agreement; and the opinion of the City Solicitor in very explicit in declaring that *"if the Mayor believes there has not been a full and faithful performance by the contractor of his contract, he may and ought to withhold payment of the warrant."* The contract, as I have so plainly indicated to me, that I would have been justly amenable to the Commonwealth, I consented to pay money out of the City Treasury to those who had no legal nor equitable right to receive it. The ordinance of Council imposes upon the Mayor a great responsibility in making the *exclusive* judge of the performance or neglect of duty by the contractors, and this power is expressly given by the terms of the written agreement. Most gladly would I avoid the exercise of my judgment on this subject if I could retain without violating my official obligation, but respect to decide all questions, both of law and of fact, relating to the contracts or to their performance, I have taken pains to ascertain the facts through the officers of police (the results of which you have in with my former communication), and to be instructed in the appropriate law by the law officer of the city, and—in discovery or neglect, very absolute—in expediency, in paying the contractors for neglect of duty the sum to which (unless performed) they are not entitled them. We should deal carefully and justly with our City's money, yet all do, but a worthless gitte; and, above, all, we should cautiously abstain from giving a bounty to delinquent contractors, and this act an example from which the most pernicious consequences and precedents would follow. While the Mayor is instructed to annul the contracts upon the emergency demanded in them, he is, according to the opinion of the City Solicitor, the sole and exclusive judge, without appeal, of the time and manner of doing this; and I should be unwilling to relieve the contractors from any unfulfilled obligation. I will in order to relieve the citizens from the such of the contracts of continued neglect, promptly annul the contracts and discharge the contractors whenever a competent and responsible party or successor is provided. We should deal with these contracts as we would with our own affairs, and we should not allow the public money to be paid under circumstances which would feel unjustly and legally justified in withholding our own; neither should we for the public money. Upon such as would not be acceptable individually, in relinquishing the contract, I would say that no man until we can supply his place with one more competent to act in accordance with the provisions of the contract, making it the duty of "the Superintendent of Street Cleaning, and also notify the contractor of the purpose, to overlook and supervise the work and report any neglect of the contractor to the Mayor and to the Committee on Street Cleaning, and also notify the contractor of such neglect; and if after such report and notice the contractor shall not immediately remedy the complaint, the Mayor, upon the request of said Committee, shall direct said superintendent or other person aforesaid to perform the work so neglected, at the expense of the Contractor, to be paid out of the last per cent. withheld from each monthly instalment," and about this the City Solicitor has said: *"This clause it seems was introduced to meet the occasional neglects on the part of the contractors, such as can be remedied by appropriating the proper sum, retained, and the Mayor can act only upon the request of the Committee on Street Cleaning."*

The reserved ten per centum was intended for a security to the city. It was to be retained until all the work under the contract was done; and it can be used, as was expressly agreed, in paying for such labor as may be directed by the Committee on Street Cleaning to supply the defects and omissions of the contractor. It was never contemplated that compliance with the clause requiring the ten per cent. to be reserved, gave to the Mayor any liberty or authority as to payment of the other portions of the compensation, or allow a relaxation of the terms of the contract.

The office of Inspector of Streets has been abolished, and although its duties have been assigned to another city official, the Chief Commissioner of Highways, who, it is declared by the ordinance of 19 March, 1868, *"shall be ex-officio Superintendent of Street Cleaning; he shall supervise the work of the contractors and report any neglect on their part to the Mayor and to the Committee on Street Cleaning and notify the contractor or contractors of his or their neglect"*—this duty has not been performed, the Chief Commissioner of Highways having informed me that he had not taken charge of the matter, as that principle of supervision; and it was after frequent complaints made to me that the streets had not been cleaned that I directed the examination to be made through the agency of the Health Department. I trust that you will appreciate the necessity of providing some other suitable officer, whose whole time and attention will be given to this matter, and who will be required to perform the duty of superintending the work; for hitherto the contractors have been without supervision, and as the usual consequence, they have neglected to carry out their work. The near approach of the season when the safety of the citizens is imperilled by unclean streets will, I am sure, impress upon you the importance of immediate attention to devising some plan by which the streets will be cleansed under proper and authentic supervision, regularly and thoroughly. Upon this shall be effected by increasing the number of the districts, and thus reducing the area allotted to each contractor, opening the contracts to more extended competition, or by requiring an increase of force in the various districts as now arranged, or by other means. I am willing to aid you in devising a remedy. But this result cannot be attained by adopting as an example the indulgence to delinquent contractors. The experience of the past and present must secure security for the future, and the payment required by the ordinance (which is now returned) for work which the tribunal agreed upon by the contracting parties has decided has not been performed, would be a bounty to the citizens no promise of a more exacting rule would be applied hereafter.

I cannot, for these reasons, approve the resolution requiring the Mayor to pay the February instalment to contractors. If this reason were not sufficient I am unwilling to relieve the contractors from any unfulfilled obligation. I will in order to relieve the citizens from the such of the contracts of continued neglect, promptly annul the contracts and discharge the contractors whenever a competent and responsible party or successor is provided. We should deal with these contracts as we would with our own affairs, and we should not allow the public money to be paid under circumstances which would feel unjustly and legally justified in withholding our own; neither should we for the public money. Upon such as would not be acceptable individually, in relinquishing the contract, I would say that no man until we can supply his place with one more competent to act in accordance with the provisions of the contract, making it the duty of "the Superintendent of Street Cleaning, and also notify the contractor of the purpose, to overlook and supervise the work and report any neglect of the contractor to the Mayor and to the Committee on Street Cleaning, and also notify the contractor of such neglect; and if after such report and notice the contractor shall not immediately remedy the complaint, the Mayor, upon the request of said Committee, shall direct said superintendent or other person aforesaid to perform the work so neglected, at the expense of the Contractor, to be paid out of the last per cent. withheld from each monthly instalment," and about this the City Solicitor has said: *"This clause it seems was introduced to meet the occasional neglects on the part of the contractors, such as can be remedied by appropriating the proper sum, retained, and the Mayor can act only upon the request of the Committee on Street Cleaning."*

Whereas, Many citizens of our citizens who are not liable to said militia tax are also receiving similar notices, and thus are needlessly annoyed and unlawfully troubled and annoyed without just cause; and

Whereas, Said notices have upon them the name of John M. Molloy, Receiver of Taxes, which is unauthorized by law for the same, while the records of his office in very many of such cases show the above-stated facts of said payments already having been made, or non-liability thereto therefore, be it

Resolved, by the Select and Common Councils of the City of Philadelphia, that the Committee on Law be and are hereby authorized and directed to inquire into, investigate and report whether such abuses exist as above recited in the preamble of this resolution; and if so, to also report such remedy therefor as Councils may have power to adopt.

The resolution was adopted.

Mr. Campbell offered a resolution for the repeal of the ordinance over Willow street. Referred.

Mr. Shissler offered a resolution requesting the stationing of policemen on Passyunk road, above Moyamensing avenue, to prevent cruelty to animals. Agreed to.

Mr. Cullomo offered a resolution for the opening of Eighth street, from Watkins street to Moyamensing avenue. Referred to Commissioner of Highways.

Mr. Thomasset, from the Finance Committee, presented an ordinance appropriating $550 to defray the improvements in the Office of Receiver of Taxes. Agreed to.

Mr. Ray, Chairman of the Highway Committee, presented a resolution providing for the paving, &c., of Adams street, from Frankford road to Point Breeze, extending Broad street to Point Breeze, extending of Loverlog, Ashe, Ceres for the paving of Nineteenth, Nichols, Turner, Seventeenth Adams, Ashe, Ceres for the paving of Nineteenth, Nichols, Turner, Seventeenth Adams, Ashe, Ceres for the paving of Loverlog, Nichols, Turner, Seventeenth Adams, Ashe, Ceres for the paving of Nineteenth Adams, Ashe, Ceres for the paving of Nineteenth, Nichols, Turner, Seventeenth Adams, Ashe, Ceres for the paving of Loverlog, Nichols, Turner, Sevente