

Mr. TELLER. This seems to me a strange proceeding. If the Auditor General neglected to give the proper notification, by which neglect the sureties suffered, that would be a proper case for the consideration of the Courts. It does not, as I think, constitute a good reason for special relief, as contemplated by this bill. To exonerate the surety in this case would, I consider, be a bad precedent.

Mr. BARTHOLOMEW. In answer to the gentleman from Erie (Mr. TELLER) I would state that the reason the surety cannot obtain relief from the Courts is that no laches operates to defeat the claim of the Commonwealth. Notwithstanding the lapse of time, the Commonwealth can sue and recover. Mr. Strunk cannot have any remedy in a Court of law. But the circumstances of the case are such as to raise a strong equity in his favor—an equity which should induce the House to pass this bill. Had the officer of the State given that notice which the law required, Mr. Strunk could have saved himself to a great extent, because at that time Mr. Zeigler and the co-sureties had property which could have been made liable. I think the circumstances are such as to commend this bill to our sense of justice and right.

Mr. WILSON. I would like to enquire whether some of the sureties besides George Strunk had not at the time real estate upon which the bonds, when filed up, became liens and are still liens.

Mr. GIBBONEY. This case has been fully examined by the Committee on the Judiciary, (general), and they have reported it unanimously with an affirmative recommendation. As the questions involved are purely of a legal nature, this affirmative recommendation would, I should suppose, be the most convenient mode to induce the immediate passage of the bill.

Mr. WILSON. What I wish to inquire is whether Zachariah Rittenhouse and Samuel Belford had not real estate at the time the bonds were entered up, upon which real estate those bonds became liens.

Mr. GIBBONEY. I do not know as to that fact; but the whole responsibility for the claim fell upon Mr. Strunk, the other two sureties being found to be worth nothing. The claim was entered against the sureties of Daniel Zeigler; but Mr. Strunk was the only solvent party. As has been stated, if the Auditor General had promptly entered up the bond, it would have become a lien upon the property of the Treasurer, Daniel Zeigler, and it was in evidence before the committee that Daniel Zeigler put his property out of his hands between the time the settlement was made with him and the time when the notice was given to the sureties. It was in evidence that the property, thus assigned by Mr. Zeigler, would have been sufficient to cover the whole claim of the Commonwealth against him.

So the question was determined in the negative.

Mr. ARMSTRONG. I am not entirely familiar with this case in all its details; but I would like to state to the House the views which influ-

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