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THE LAW OF NEWSPAPERS

Pennsylvania Telegraph

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VOLUME XLV. HARRISBURG, PA., WEDNESDAY AFTERNOON, FEBRUARY 20, 1861. NO. 41.

Pennsylvania Legislature

SENATE

Tuesday, Feb. 19, 1861.

The Senate met at 11 o'clock, A.M., the SPEAKER in the Chair.

Opening prayer by Rev. T. H. Robinson. The Journal of yesterday read.

The SPEAKER laid before the Senate the report of the Auditor General and State Treasurer on the claim of John Kennedy, Sr., of Lewisburg, Mifflin county, referred to them by the Act of April 2, 1860.

Also, a communication from the Attorney General in reply to a resolution of the Senate, calling upon him for information as to the progress made in the collection of tonnage tax due by the Pennsylvania Railroad company.

The communication was read; and, on motion of Mr. PENNEY, ordered to be printed in the Record.

It is as follows: To the Hon. Robert M. Palmer, Speaker of the Senate.

The resolution of the body over which you preside, passed yesterday, calling upon me for information as to the progress which has been made in the collection of tonnage tax due the Commonwealth by the Pennsylvania Railroad company, was this morning received.

Leaves was granted. Mr. LAWRENCE. It is very evident that the Auditor General desires to call our attention to some remarks made, several days since, in reference to the bill which was then presented, and which passed this Senate, providing for the payment of the clerk to the committee in the contested election case of Luzerne county.

On Saturday, the 16th inst., for the first time, and greatly to my surprise, I was informed the bill was actually upon its passage, but did not for a moment suppose that final action would be pressed until the information asked should be received.

A bill of such magnitude, involving millions of dollars, it was reasonable to expect, would have been thoroughly discussed, and maturely considered, before the final vote would be asked for, even by its warmest friends.

Two appeals from the settlement of two separate accounts made by the Auditor General and State Treasurer against the Pennsylvania Railroad company, relative to tax on tonnage, were taken by said company and entered, as provided by law, in the Court of Common Pleas of Dauphin county, to Nos. 197, April Term, 1860, and 73, November Term, 1860.

The following statement from the records of the said Court, will show the progress made in the prosecution of said appeals, to wit:

The Commonwealth vs. the Court of Common Pleas of Pennsylvania, in which Fayette county, No. 197, April Term, 1860.

Appeal, &c., from the settlement of the Auditor General and State Treasurer, September 1, 1859, verdict and judgment for plaintiff for \$91,190 61; September 24, 1859, writ of error from Supreme Court received and filed. October 13, 1860, certificate from Supreme Court received and filed. Judgment affirmed. No. 82, November Term, 1860.

Same vs. In Dauphin Court of Common Pleas, No. 73, November Term, 1860.

Appeal, &c., from the settlement of the Auditor General and State Treasurer, January 25, 1860, verdict and judgment for \$164,276 58. Writ of error from Supreme Court received and filed, October 13, 1860. Certificate from Supreme Court received and filed. Judgment affirmed. No. 180, November Term, 1860.

Same vs. In addition to the above writs, of error were also issued out of the Supreme Court of the United States.

The writs above mentioned were levied upon the rolling stock of the company. These are the only acts of which I have any knowledge instituted against the Pennsylvania Railroad company to recover arrears due for tax on tonnage, in which judgments have been recovered, and the above statements show their condition at the time I entered, upon the discharge of my official duties.

The delay attendant upon the trial of causes in the Supreme Court of the United States was also duly considered by me in making an arrangement which I have every reason to believe will be faithfully carried out by the prompt payment of the money at the appointed time, unless the company, by the interference of legislation, should be released therefrom.

In conclusion, then, allow me to suggest as I did in my communication from Pittsburgh to the House of Representatives, that the judgments referred to, for which a specific arrangement has been made, should not be embraced in any legislation which may be had, but that their payment should be left to depend upon the agreement made, by which the faith of the company stands solemnly pledged.

SAMUEL A. FURVIANCO, Attorney General.

Referred to the Committee on Election Districts

Mr. PARKER presented a petition of citizens of Philadelphia, in favor of the erection of public buildings in said city.

Referred to the Committee on Agriculture.

Mr. SMITH presented one of like import.

Referred to the Committee on the Judiciary.

Also, the petition of citizens of North Manheim township, Schuylkill county, praying for the extension of a certain road law to said township.

Referred to the Committee on Roads and Bridges.

Also, a remonstrance of citizens of West Brunswick township, Schuylkill county, against a further extension of the limits of the borough of Orwigsburg.

Referred to the Committee on Election Districts.

Mr. SMITH presented a petition of commission merchants, receivers of and dealers in domestic distilled spirits, in the city of Philadelphia, asking for such a modification of the inspection laws of Pennsylvania as will conform to the laws of New York city, and to the Federal laws of the United States.

Referred to the Committee on the Judiciary.

Mr. SCHINDLER, a petition of citizens of Northampton county, asking for the incorporation of the Bethlehem, Railroad and Mining company.

Referred to the Committee on Corporations.

Mr. CLYMER, a remonstrance signed by 500 citizens of Reading, against the passage of the Act regulating the sale of meat in said county.

Laid on the table.

Mr. MOY, by request, presented a remonstrance of citizens of the 1st, 2nd and 3d precincts of the 5th ward, Philadelphia, against being annexed to the 4th ward.

Referred to the Committee on Election Districts.

Mr. LANDON presented two petitions of citizens of Bradford county, asking for further legislation to facilitate the collection of damages on the North Branch Canal.

Referred to the Committee on Finance.

Mr. KETCHAM presented eleven petitions of citizens of Luzerne county asking for the erection of a new county to be called Lackawanna.

Referred to the Committee on New Counties, &c.

Mr. GREGG, a remonstrance of citizens of Lycoming county, against the re-annexing of an portion of Brady township, said county, to Union county.

Referred to the Committee on New Counties, &c.

Mr. BOUND, a petition of citizens of Derby township, Montour county, asking for a change in the place of holding their general, special and township elections, to the Eagle Hotel, in Washingtonville, said county.

Referred to the Committee on Election Districts.

Also, two petitions of citizens of Lycoming county, asking for authority to construct a Dam and Boom between Larries Creek and Pine Creek in the West Branch of the Susquehanna River at or near Jersey Shore.

Referred to the Committee on Canals and Navigation.

Mr. HATCHER presented a remonstrance, signed by citizens of Lykens Valley, Dauphin county, against the repeal of the tonnage tax on the Pennsylvania Central Railroad.

Referred to the Committee on Finance.

Also, the petition of the Central Association of Banks, for the suppression of counterfeiting.

Referred to the Committee on Banks.

Mr. WELSH, a remonstrance of citizens of Westmoreland county, against the passage of the Act to incorporate the Pennsylvania State Agricultural Society, signed by citizens of Lykens Valley, Dauphin county, against the repeal of the tonnage tax on the Pennsylvania Central Railroad.

Referred to the Committee on Finance.

Mr. WEAVER, three remonstrances of citizens of the borough of Huntingdon, of like import.

Referred to same Committee.

Also, a petition of citizens of Bedford county, in favor of the same.

Referred to same Committee.

Mr. HALL presented the remonstrance of the Executive Committee of the Highland Agricultural Society, of Johnstown, Cambria county, against the passage of the bill entitled "An Act to incorporate the Pennsylvania State Agricultural Society, referring to local societies in Greene and Cambria counties."

Referred to the Committee on Agriculture, &c.

Also, a petition of citizens of Elensburg, Cambria county, asking for the passage of the bill providing compensation to owners of fugitive slaves when rescued, &c.

Referred to the Committee on the Judiciary.

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Also, two petitions of citizens of Blair county, of a similar import.

Referred to the Committee on the Judiciary.

Mr. FULLER, a petition of citizens of Fayette county, in favor of the repeal of the tonnage tax on the Pennsylvania Central Railroad.

Referred to the Committee on Finance.

Mr. LAWRENCE presented a petition of citizens of Philadelphia, asking for the passage of the bill incorporating the Guarantee Express Company.

Referred to the Committee on Corporations.

Also, a petition of citizens of Centre township, Greene county, asking that their annual school appropriation, which has been withheld from them, may be paid.

Referred to the Committee on Education.

Also, the memorial of the Jefferson Guards, of Washington county, asking to be stricken from the regiment to which they are at present attached, and that the name of their company may be changed.

Laid on the table.

Also, a petition signed by 200 citizens of the borough of Bellefonte and the township of East Bethlehem, Washington county, asking for a change in the borough limits of said borough.

Referred to the Committee on Election Districts.

Also, a petition of citizens of Centre township, Greene county, asking for power to elect four additional supervisors.

Laid on the table, (as the bill granting such authority passed the Senate yesterday.)

Mr. PENNEY presented a remonstrance of citizens of Pittsburg, against the repeal of the law authorizing the widening of Virgin alley, in said city.

Referred to the Committee on the Judiciary.

Also, a remonstrance of citizens of Elizabeth township, Allegheny county, against any law taxing dogs in said township.

Referred to the Committee on Agriculture, &c.

Mr. IRISH presented a memorial of citizens of Allegheny county, against the repeal of the tonnage tax.

Referred to the Committee on Finance, &c.

Referred to the Committee on the Judiciary

Mr. ROBINSON presented a petition of citizens of Mercer county, asking for the passage of a law to encourage the raising of sheep, and the taxing of dogs in said county.

Referred to the Committee on Agriculture, &c.

Also, three memorials, signed by citizens of Pennsylvania, praying for the passage of an Act to secure the enjoyment of personal liberty to every resident not charged with crime.

Referred to the Committee on the Judiciary.

Mr. BLOOD presented a petition, signed by citizens of Saint Mary's, Elk county, praying for the repeal of the law prohibiting Judges, Justices of the Peace and Aldermen from taking cognizance in the case of fugitives from labor; and asking for the restoration of a certain Act of March 1859.

Referred to the Committee on the Judiciary.

Mr. BOUND presented two petitions, namely, one signed by workmen and others, praying for a law to compel the iron manufacturers of Montour county to pay working men weekly.

Referred to the Judiciary Committee.

Mr. BOUND obtained leave to make a statement as follows:

Although the prayer of those petitioners cannot be answered in the manner indicated in their petitions, yet, that the wants and necessities of the laboring men in all our large manufacturing counties, demand some measure of redress, some guarantee, some security from the oppressions and outrages which are heaped upon them, I have a letter from one of the working men from whom those petitions come, an extract of which I beg leave to read in this connection, stating the manner in which the laboring men in all our large manufacturing establishments and corporations of different descriptions, are imposed upon. Their labor is unrewarded, unproductive and unremunerative. They feel that their families are oppressed and in need, and especially in times, like these when all feel the need of money, and when labor men, with the iron shovels of manhood, who have single take orders upon stores for all the goods and necessities which their families require. A laboring man writes in this connection: "Outside the store, we get orders for flour; orders for meat; orders for boots and shoes; and the men who take these orders, except the flour man, allow our boys from ten to twenty percent. Now, if they make a good profit after taking 'cut' and what do we get for the working man's work? We also get orders for medicine and for the doctor. If a man dies we have to bury him with an order; so you see we live, die and are buried with orders. Do you not think it is a disgrace to America? I think so, and the sooner such a proceeding is abolished, the better."

Mr. Speaker, although I do not think this Legislature can make a law requiring any man or set of men to make weekly payment, or to make any other kind of payment, aside and in violation of private contract, yet I wish to see a bill passed by this Legislature, throwing additional guarantees and securities around the rights of the laboring man. What Mr. Speaker, is labor? It is the solid basis of a nation's wealth, and the laborer develops your material resources; that goes into your mountains of coal and fills of iron and brings forth therefrom the accumulated treasures of bygone centuries, and that converts those treasures into bars of iron and stretches them throughout every section of our common country. Now, while labor is thus necessary and tends to develop the internal resources of the country, why should not the laboring man receive some guarantee that his right will be respected. When times like the present come, when he obtains employment and wastes his energies, to receive no adequate compensation for that waste of his best powers, that guarantee is imperatively demanded. Although I think the prayer of the petitioners cannot be answered, yet I trust that the bill presented by my friend from Fayette county, (Mr. Fullam) entitled "An Act for the better security of the wages of laborers," will be so amended as to meet the wants and necessities of the laboring men, in this crisis of public affairs.

REPORTS OF STANDING COMMITTEES

Mr. IMBRIE (Election Districts) as committed, House Bill No. 120, entitled "An Act to change the place of holding elections in the township of Texas, Wayne county."

Also, (same) as committed, House Bill No. 119, an Act to change the place of holding elections in the township of Cassan, Wayne county.

Mr. NICHOLS, (same) with a negative recommendation, an Act to change the boundaries of the fourth and fifth wards, city of Philadelphia.

Mr. CRAWFORD, (same) as committed, an Act to change the place of holding elections in Parkerton township, Montgomery county.

Mr. ROBINSON, (same) as committed, an Act to change the place of holding elections in Allegheny township, Venango county.

Mr. MEREDITH, (Agriculture and Domestic Manufactures) as committed, House Bill No. 69, entitled "A supplement to an Act, relating to certain townships in Chester county, and for other purposes."

Mr. CLYMER, (Compare Bills) made a report, which was read and approved.

BILLS READ IN PLACE

Mr. PENNEY read in place an Act relating to the distribution of the proceeds of Sheriff's sales of real estate.

Referred to the Committee on the Judiciary.

Mr. IRISH, an Act relative to executors and administrators.

Referred to the Committee on the Judiciary.

Also, an Act to incorporate the Oakland Park Association.

Referred to the Committee on Corporations.

Mr. ROBINSON, for the SPEAKER, read in place an Act to set off a portion of the borough of Mineville, Schuylkill county, as a separate ward.

Referred to the Committee on Election Districts.

Mr. PARKER, an Act to incorporate the Union Passenger Railroad company of Philadelphia.

Referred to the Committee on Railroads.

Mr. YARDLEY, an Act relating to forged mortgages.

Referred to the Committee on the Judiciary.

Also, an Act to authorize surviving executors and administrators to execute deeds of conveyance in certain cases.

Referred to the Committee on the Judiciary.

Mr. CLYMER obtained leave to make a statement as follows: "Mr. Speaker, I desire at this time to ask a question of the Chairman of the Committee on the Judiciary. It is well known that at an early period of our session certain questions touching the proposition whether there were laws on the statute books of this State conflicting with the Constitution and laws of the United States, were committed to that Committee for investigation. It was done at the request of thousands of petitioners, who in a respectful form and manner petitioned the different branches of the Legislature of Pennsylvania that certain portions of our laws in regard to fugitives from labor might be repealed. These petitions expressed the views of what I believe to be a vast majority of the people of this State in relation thereto. With a desire, sir, and with the intention on the part of this Senate to comply with this request, this question of absorbing interest to the people of this State, and to the nation at large, was referred to that Committee, in whose judgment this Senate and this State has, I believe, full confidence. These who desired to hear from this Committee have waited a long period of time; longer than it was thought necessary to have allowed that Committee time to arrive at some conclusion. I have learned from the public prints, and it has been telegraphed abroad, through the length and breadth of this land, that the Committee, or at least a majority of them, has arrived at a conclusion in regard to this matter. I know not whether this report be true or false; and I regret at this time, in this crisis of our country's danger, to ask the Chairman of that Committee whether such report is true, whether a majority of the Committee has arrived at any conclusion in regard to this question, and if they have determined upon the course they intend to pursue, why that determination has not hitherto been reported to this Senate for its action. Sir, if they have arrived at a conclusion, I have intimated, I believe this Senate, casting aside all other questions of importance, would immediately go to work and settle upon and forever this subject, which, to every man in this Senate, is greater and of far more importance than questions of any State policy now before it. If they have not arrived at that conclusion, I would have that fact stated, in order that, finally, the majority of this Senate may reach this question by some more direct means than through the medium of a Committee. I have the utmost respect for that Committee, for its Chairman and every member composing it, but I do trust that the waiting people of Pennsylvania, and the waiting Senators on this floor, may no longer be deterred by the inaction of the Committee, from doing what they believe to be right and necessary. With the utmost respect for the rights of the Judiciary Committee, I have asked this question, and I have also asked it with a view to vindicate the rights of the people of this State.

Mr. PENNEY. I am not surprised at the manner in which the question has been put by the Senator from Berks. (Mr. CLYMER) certainly it was a rather long question, and I think a very candid speech.

Mr. Speaker, I know not by what right the Senator from Berks, or any other Senator, is to assume any position in reference to the Judiciary Committee, or any other Committee of the Senate, from the outside telegraph reports that may be circulated in the newspapers.

I have no hesitation, however, in answering the Senator's question with the utmost frankness. The subject to which he refers has been the subject of the Judiciary Committee for a considerable time. Its investigation, in the first place, was necessarily delayed, in consequence of the absence of two members of the Committee, who were called home on business. I can say, for the information of the Senator from Berks, however, and for the Senate generally, that the question has been fully investigated by the Committee, and a conclusion, preliminary, arrived at by a majority of the Committee; the report, in preparation, and will be made. I do not know to what conclusion the Senator from Berks refers, nor anything definite in regard to that conclusion; nor am I permitted to speak for the Committee in regard to that matter. All I have to say is, that the Committee have investigated the question submitted to them, and will make such a report upon it as they deem just and right.

Mr. CLYMER. I wish to ask the Senator from Allegheny a question. He has informed the Senate that a majority of the committee have arrived at a conclusion. Would I be trespassing on his kindness to ask him to inform the Senate when that conclusion will be reported to this body?

Referred to the Committee on the Judiciary

Mr. PENNEY. I presume it will be reported in a few days.

ORIGINAL RESOLUTION

Mr. PENNEY offered the following resolution.

Resolved, (if the House of Representatives concur,) that when the two Houses adjourn on Friday, the 22d inst., they will adjourn to meet on Wednesday the 6th of March at 8 o'clock, P. M.

Mr. CLYMER called for an explanation of the same.

Mr. PENNEY. I offered the resolution believing that it will be adopted, as a similar resolution under like circumstances, has been adopted heretofore. It is very well known that many members of both Houses, during the coming week and the week succeeding, wish to be present in Washington in order to attend the inauguration ceremonies on the 4th of March. The purpose of the resolution is to afford those members an opportunity of so doing. I think that very little time will be lost by an adjournment at this time.

Mr. IMBRIE. I would like to inquire of the Senator from Allegheny, whether, after the adjournment, he will meet in extra session?

Mr. PENNEY. The Senator may consider it an extra session if he chooses. The adjournment proposed is merely temporary.

Mr. HALL. I cannot understand the motion to adjourn for the length of time stated. I do not see the necessity for it. There may be a propriety in an adjournment about the fourth of March.

Mr. CLYMER. I am in favor of the Senate doing as much work, as any Senator on this floor, yet in favor of the adjournment. I do not think the people will lose anything by an adjournment of the Legislature.

Mr. M'CLURE. Has the Senator from Berks taken into consideration the perilous condition of the State and the trembling anxiety of the Senate with regard to personal liberty bills, when he proposes that we adjourn for two weeks?

Mr. CLYMER. If the Senator from Franklin, who has the people under his especial charge, has no anxiety, I certainly need have none.

Mr. M'CLURE. I have not expressed any such anxiety, neither do the people.

After the intense excitement manifested by the Senator from Berks with regard to some action being had upon a question now under consideration in the Judiciary Committee, he now proposes that we adjourn for two weeks, at a time too, when, perhaps, if some of his own party friends could accomplish their object, the government would be subverted.

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Referred to the Committee on the Judiciary

Mr. CLYMER. If I had been absent from this Senate chamber during a good portion of the present session, I would possibly have no desire to leave it at this time; but I have been here during the whole session, a portion of the time confined by sickness. I have stated here continuously, waiting anxiously for something to be done in regard to the matter to which I believe to be a vast majority of the people of this State in relation thereto. With a desire, sir, and with the intention on the part of this Senate to comply with this request, this question of absorbing interest to the people of this State, and to the nation at large, was referred to that Committee, in whose judgment this Senate and this State has, I believe, full confidence. These who desired to hear from this Committee have waited a long period of time; longer than it was thought necessary to have allowed that Committee time to arrive at some conclusion. I have learned from the public prints, and it has been telegraphed abroad, through the length and breadth of this land, that the Committee, or at least a majority of them, has arrived at a conclusion in regard to this matter. I know not whether this report be true or false; and I regret at this time, in this crisis of our country's danger, to ask the Chairman of that Committee whether such report is true, whether a majority of the Committee has arrived at any conclusion in regard to this question, and if they have determined upon the course they intend to pursue, why that determination has not hitherto been reported to this Senate for its action. Sir, if they have arrived at a conclusion, I have intimated, I believe this Senate, casting aside all other questions of importance, would immediately go to work and settle upon and forever this subject, which, to every man in this Senate, is greater and of far more importance than questions of any State policy now before it. If they have not arrived at that conclusion, I would have that fact stated, in order that, finally, the majority of this Senate may reach this question by some more direct means than through the medium of a Committee. I have the utmost respect for that Committee, for its Chairman and every member composing it, but I do trust that the waiting people of Pennsylvania, and the waiting Senators on this floor, may no longer be deterred by the inaction of the Committee, from doing what they believe to be right and necessary. With the utmost respect for the rights of the Judiciary Committee, I have asked this question, and I have also asked it with a view to vindicate the rights of the people of this State.

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