Peunsylvania Daily Telegraph, Friday Amernoon, February 22, 1861.

Pennsylvania Legislature.

HOUSE OF REPRESENTATIVES. AFTERNOON SESSION. FRIDAY, February 15.

2

COMMUTATION OF THE TONNAGE DUTIES

The House went into Committee of the Whole (Mr. SHEPPARD in the Chair.) on House bill, No. 248, entitled "an Act for the commutation of tonnage duties." The bill was read as follows :

AN ACT for the commutation of Tonnage Du-

Whereas, By a provision of the Act to incor-porate the Pennsylvania Rail Road Company, approved the thirteenth of April, eighteen hun-dred and forty six, and a supplement thereto, approved the twenty-seventh of March, eigh-teen hundred and forty-eight, a tax or duty was imposed on all tonnage loaded or received at Harrisburg, Pittsburgh and intermediate points and carried or conveyed on the Railroad of the said company more than twenty miles, which said tax was intended to compensate for any probable diminution in the receipts of the Main Line of the Public Works, (then owned by the State,) by reason of the construction and opera-tion of the said Railroad.

And whereas, It was provided in the third section of the Act for the sale of the Maine Line of the Public Works, approved the sixteenth day of May, eighteen hundred and fifty-seven, that if the Pennsylvania Railroad company should be-come the purchasers of the said works, the said company, in addition to the sum of seven mil-lions five hundred thousand dollars (\$7,500,000), the price limited by the said Act should pay the sum of one million five hundred thousand dollars (\$1,500,000), in five per cent. bonds of the company, and that thereupon the said com-pany, and the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad company should, Joy and Lancaster Rainoad company should, in consideration thereof, be discharged by the Commonwealth forever from the payment of all taxes upon tonnage or freight carried over said Railroads, and the said Pennsylvania of such freight and tonnage by any Company accepting the provisions of this Act : Further, the Pennsylvania Railroad Company shall not at any time charge or collect rates on any de-Railroad company should be released from the payment of all other taxes or duties on its cap-ital stock, bonds, dividends or property. And whereas, It was subsequently decided by scription of freights from any eastern or sea-

And whereas, it was subsequently decided by the Supreme Court of this Commonwealth, that while the Legislature had full authority to re peal the provisions of the said Acts, by which the said tonnage tax was imposed, yet, inas-much as part of the said last-mentioned section in the Act for the sale of the Main Line placed all the property of the said company beyond the reach of the taxing power, it was therefore, to that extent, unconstitutional and void.

And whereas, It was the clear intention of the Legislature, by the said Act for the sale of the Main Line, in case the said Pennsylvania Rail-road company should become the purchaser of the same, to exhonerate and release the said company from further liability for the payment of said tonnage tax, and for the additional consideration therein named, all other taxes; and as the said tonnage tax now falls indirectly on flour, grain, cattle, iron, mierals and other mestic products, transported on one line of improvements, while similar products, transportplace of shipment : And further, all shippers of western products, under through bills of lading, on other lines, are exempt from the same : and as the reason for the imposition thereof ceased to exist on the sale of the works it was intended to protect, the right of the State any longer to demand the payment of the said tax is denied, and said demand has led to litigation val at that point, to the transfer agents of the between the State and the company, and will probably involve the parties in litigation with Pennsylvania Railroad company, and by deliv-ering up their through bills of lading, thus re-leasing the Pennsylvania Railroad company citizens of other States, to the injury of our in-ternal trade and commerce, which it is the duty of the government to encourage and protect, by all lawful means.

And whereas, The said company has proposed And whereas, 'the said company has proposed a compromise and final settlement of the ques-tion, by paying into the Treasury, in commuta-tion of the said tonnage tax and in discharge thereof, such additional sum semi-annually, over and above the instalments of principal and the interest on its debt to the State, as may be accurated to make addit normant to

entitled to demand in payment of their bonds, on to mortgage our resources anew for the preon tonnage, imposed by any laws heretofore enacted, shall make a reduction of their charges for transportation on their local freight, as fixed by their respective toll sheets, on the first day of February, one thousand eight hundred and sixty one, equal to the full amount of the tax or duty chargeable upon such freight or tonnage by the laws aforesaid; the present winter rates between first day of December and the first day of May, shall be considered as fixed at 90 cents per 100 lbs. for first class, 75 cents per 100 lbs. for second class, 60 cents per 100 lbs. for third class, and 40 cents per 100 lbs. for fourth class. Summer rates between the first day of May and first day cents per 100 105. for fourth class. Summer companies may respectively be held—to appoint bill now before us, 1 find that this is really the meaning of the bill, and calling it a "communication" is a pretence to deceive the people—to shall be for first class, 60 cents per 100 lbs. for third that of a majority of them, when confirmed by the contempt which such subterfuges merit.—to shall be for fourth class, 1 the said Court, shall be final and conclusive. said rates as so reduced shall be the highest rates that can be charged for the transportation

Whereupon,

The Committee rose and the Chairman re-ported the bill to the House without amendient.

The first section of the bill was again read. board cities to Pittsburgh, higher than the gross rates charged or collected by the same Mr. BLISS moved to amend by adding the ollowing proviso :

Pittsburg to Philadelphia, Baltimore, New which said sum of one million and five hun-York or other scaboard cities, higher than the dred thousand dollars shall be secured as a pergross rates that may be charged by the same manent fund for the support of the Common source from any point west of Pittsburgh to the same points on the same description of proper-ty. The local rates from Pittsburg or Philadel-phia to stations on the line of the Pennsylvania points on the same description of proper-ty. The local rates from Pittsburg or Philadel-phia to stations on the line of the Pennsylvania points on the same description of proper-ty. The local rates from Pittsburg or Philadel-phia to stations on the line of the Pennsylvania

The yeas and nays were required by Mr. BARNSLEY and Mr. WILSON, and were as phia to stations on the line of the Pennsylvania Railroad shall at no time exceed the gross rates charged through between Philadelphia and two stations on the road between Philadelphia two stations on the road between Philadelphia

two stations on the road between Philadelphia and Pittsburgh exceed the through rates as made from time to time under the provisions of this Act, nor shall the rates charged to any local greater distance in the same direction from the place of shument. And further shi between any the same direction from the late of the same direction from the place of shument. And further shi between any the shument of the same direction from the late of the same direction from the shument of the shument of the same direction from the late of the shument of the same direction from the shument of the s

NAVS-Messrs. Abbott, Acker, Alexander western products, under through bills of many, from any point west of Pittsburg, by river to Blair, Bressler, Brewster, Burns, Butter, Contour, Pittsburgh, to the seaboard cities, shall have the numivilege of disposing of their property at Pitts-Craig, Douglass, Duffield, Dunlap, Eilenberger, Craig, Douglass, Duffield, Dunlap, Eilenberger, Grabam, Craig, Douglass, Duffield, Dunlap, Eilenberger, Elliott, Gaskill, Gibboney, Goehring, Graham, Harvey, Heck, Hillman, Hofius, Huhn, Kline, Koch, Laurance, Lairapring, Lorthan, Mount Joy and Lancaster Railroad companies, from all liability on account thereof. If the property is not sold at Pittsburg, the owner, consignee or shipper of said property shall have the right to deliver the same to the transfer

and the interest on its debt to the State, as may be required to make said payment amount to four hundred and sixty thousand dollars (\$460, 000) annually, until the year eighteen hundred und ninety, at which time the entire balance of the range of the range of the range on boal freight. There is one more serious objection. It looks to me semi-annual first the general revenue laws of the state, and gree to make reductions of hocil trade, as hereinatter pro-vided, and to aid, also, in the comparison of which the State Treasury as is here hereby pledged to, and the same shall be reference in the contract of the state to the state to the state to the state to be paid into the State Treasury as is herein provided. The semi-annual first the same shall be paid to cortain lateral railroad, the general revenue laws of the state, and agree to make reductions of the state treasent pro-vided, and to aid, also, in the completion of which is essential as a means of facilitating the settle

Company, or on that of any other company in-corporated by this State; and the said compa-nies shall be, by the proper officers of the Com-nies shall be, by the proper officers of the Com-need in the state on account wealth, exonerated, released and relieved from every lien and liability to the State on account thereof. SEC. 2. That from and after the passage of this Act, all rallroad, canal and slack-water navigation companies incorporated by his State. and liable for the payment of takes on duties on tonnage, imposed by any laws heretofore entitled to demand in payment of their bonds, shall be added *provata* to the purchases to be made of such of the said Companies as shall comply with the provisions of this section. Size, 5. That if any stockholder or stock-holders of any rail road, canal, or slack-water navigation Companies shall be dissatisfied with, or object to any of the provisions of this such stockholder or stockholders, within six months after the passage of this Act, to apply by petition to the Court of Common Pleas of the county in which the chief office of the said companies may respectively be held—to appoint three disinterested persons to estimate and ap-

of this Act, under a like penalty, file in the office of the Auditor General, under the oath of the President or other proper officer, a toll sheet of their rates of charges for transportation of local freights, upon the first day of February, one thousand eight hundred and sixty-one, accompanied by a statement of the reduction to be made in pursuance of this Act, and the the same are hereby repealed. The several sections of the bill were agreed to. y provides that the company shall pay, by way of commutation, for these items, the sum of no more forever.

\$460,000, the exact amount that they would have to pay the coming year under the condi-tion of sale. But it does not stop here, but goes on to say that they will pay this sum an-nually until the year 1890, when the aggregate will amount to \$18,570,000. Well, this looks route from same points to any point west of Pittsburgh; nor shall the said Pennsylvania Railroad Company at any time charge or col-lect rates on any description of freights from thousand dollars for the term of twenty years; will confess I was startled whon I first saw these important of the said the said the said the said company shall pay into the like an enormous sum when held up to the gaze of the people. Just think of it! Why I lect rates on any description of freights from mposing figures; but when we come to considthat the greater part of this sum is made up of the yearly interest, it does not seem quite so

grand. Some of us, I presume, have had some experience in paying interest; and we have found out that when we have paid interest un in. til it amounts to the principal, we may still

owe the principal sum. But to test this commutation business, let us enquire what the interest on the debt owed to

or this bill.

But there is one generous provision in this bill, which provides that the company shall foan to certain other companies therein named, all

Again it is stated in the preamble to this bill priate this money in any other that the tax now falls on flour., grain. cattle, Th charter provides that it shall be levied on all

the freights carried over the road. It would seem from this that the company have, in defiance of the law, discriminated against our citizens, and now come here and offer to quit this practice for the sum of two hundred or five hundred thousand per year. Last, it is urged they cannot contend with

a small tax from a wealthy corporation, which is likely soon to crush out the voice of the people, whenever her interest shall conflict with theirs.

In conclusion, Mr. Speaker, allow me to apheal to the majority of this House to pause be-fore they pass this bill. Allow me to remind them that we were placed in power because the people had lost confidence in the Democratic party on account of their desertion of the in-

terests of the toiling masses, for the purpose of supporting an institution which was undermin-

right, the people will believe that their inter-est has been sacrificed, and they will hold us to a strict accountability; and I tell you that the of 1857—the Act for the sale of th + y members from my section of the State, who of the Public Works. It will be found to the section of the state, who support this bill, will be known to these Halls

Mr. SHEPPARD. I desire to ask the gentleman a question; whether, if this amendment be man a question; whether, if this amendment be al payment \$1,500, the company way incorporated in the bill, the bill will receive to be released from further payment his support ? Mr. BARNSLEY. I am not prepared to an-

swer that question. Mr. SHEPPARD. I hope the amendment

will be voted down. Mr. BARNSLEY. [After a pause.] I will the company's property from State tar state this, however; if the gentleman will vote that as the purchase by this company for inserting this amendment, and a majority of Main Line of the Public Works, catter for inserting this amendment, and a majority of this House will place it in the bill, I will sup-port the bill. I say this on reflection. Mr. SHEPPARD. I will not vote for putting

On Mr. BARNSLEY'S amendment.

The yeas and nays were required by Mr. PEIRCE and Mr. BARNSLEY, and were as follows. viz :

us by this company will amount to. You will find it amounts to \$8,410,000. Add to this the sum of \$1,000,000 to be paid yearly, and the re-sult will be three million dollars, which, added to the amount of interest, makes \$11,410,000. Add to this the sum for which the Commonwealth now hes indement against against a which added to the amount of interest, makes and to the sum for which add to the sum for which the Commonwealth now hes indement against against a whoth the Commonwealth now hes indement against against against a whoth the commonwealth now hes indement against agai

\$11,410,000. Add to this the sum for which the Commonwealth now has judgment against this company, which according to the Gover-nor's message is about \$700,000, and we have the sum of \$12,100,000. In addition to this the sum of \$12,100,000. In addition to the sum of \$12,100,000. In addition to this the sum of \$12,100,000. In addition to the sum of \$12,100,000. In Oraig, Douglass, Duffield, Dunlap, Eilenberger, Elliott, Gaskill, Gibboney, Goehring, Graham, Harvey, Heck, Hillman, Hofus, Huhn, Kline, Koch, Lawrence, Leisenring, Lowther, M'Don-ough, M'Gonigal, Marshall, Moore, Morison, Mullin, Ober, Osterhout, Pierce, Preston, Pughe, Randall, Reiley, Ridgway, Robinson, Roller, Seltzer, Shafer, Sheppard, Smith, (Philadelphia,) Strang, Taylor, Teller, Thomas, Walker White, Wildey and Davis, Speaker-65.
Mr. WILSON moved to amend the twantilate the of the state two. of this bill. Douglass, Duffield, Duncan, Dunlap, Eilenber-So the question was determined in the nega

ive. Mr. BOYER moved to adjourn. The motion was not agreed to.

The question recurring on the first section, it ras agreed to.

The second and third sections were read and greed to.

The fourth section was read. Mr. ABBOTT moved to amend by inserting after the word "bonds" in the sixteenth line

the words "at their par value." The amendment was agreed to. Mr. ARMSTRONG moved to amend by insert-

ing after the word "acquired," in the eigh-than insisting upon a continuance of the interest and ungity of the Con-than insisting upon a continuance of ment of this tonnage tax. I ask, so hiver the said bonds to the State Treasurer, who

that which the law has already d Now, why should this be down

enough to this Company when is ing execution and compelling th this money in cash to the State, we to make their own arrangement companies and to pay it to then those companies may agree

It might be a question site would have a right to divert the n tribunal to which we must all answe be demanded of us by the people of monwealth why we have given a lie money to a corporation already sil-largely to control the Legislation of the Markowski and the Markow

marks before this Legislature t Pennsylvania Railroad Company tage of the plea which they have a defence for non-payment δt they are all know that the amount, such that the amount, such specified, or near that, has certainly s by form of law due to the ly

Commonwealth. We know also, Pennsylvania Railroad company have against its payment. They have hast has been deemed to be a very close that in consideration of the purchase of -

Line by the Penna., Railroad compary at of \$7,500,000, and in view also of an a nage tax, but, that their property was

emoted from taxation for State purpose sir, it is a fair inference that that \$1 had reference particularly to a compenthe State in consequence of the release all claim on the part of the Commonw the ground of competition, therefore

in justice, in equity, the claim of the wealth for the tonnage tax ought to fill Now, sir, there was no fault found w Act. It did clearly propose to release ly and at once the Pennsylvania Railrea ny from all further tonnage tax : be consequence of that Act going still : proposing to release the property at we well know that the Act failed to approval of the Supreme Court, it bein unconstitutional and invalid.

But, sir, I ask does the decision of necessarily or properly apply in equipayment of the tonnage tax? It does, or pretend to decide that the relevant Commonwealth of Pennsylvania of the tax to the Pennsylvania Railroad Col.

gentleman from Lycoming that this ca-cided properly. I am not at all success the Company have not recourse to a Li bunal; nor am I sure at all that the d. the tribunal will not be in favor of the sylvania Railroad Company. It seen sir, that a very good case could be not favor of the Railroad Company and the constitutionality of this tax.

But, sir, at all events. this matte pute, and this bill proposes to settle thin a very amicable and just manner a hend, and in a manner far more consol the interest and dignity of the Comm

the Commonwealth yet undeveloped. And whereas, In the opinion of this Legislature,

it is expedient to accept the said proposition, and to relieve all agricultural, mineral, and industrial products, and other property passing over any railroad. canal. or slackwater navigation in this Commonwealth, from the payment of tonnage-tax or duty to the State ; therefore,

House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is here-by enacted by the authority of the same, That if a majority of the Directors of the Pennsylvan-nia Railroad Company, who, for the pur-road Company, (between Hopewell and Bed-road Company, Content of Company), the Bedford Rail-road Company, (between Hopewell and Bed-to and Company, Content of Company), the second Company of Company and Company and Company and Bednia Railroad company, who, for the pur-poses of this act are hereby vested with all needful authority, shall at a meeting called for that purpose, resolve to accept the Company, (between Tyrone and Brookville;) provisions of this Act, and shall authorize the The Tyrone and Lock Haven Railroad Company; execution ef a written contract under its cor- The Mifflin and Centre County Railroad Compaporate seal with the Commonwealth of Pennsylvania, to pay into the State Treasury on account of its indebtedness to the Commoncount of its indebtedness to the Common-wealth, by reason of the purchase of the Main tion with the Bedford Bailroad near Hopewell;) or Line of the Public Works, on the thirty-first their successors or assigns, in sums proportion-Line of the Public Works, on the inity-inity their successors or assigns, in sums proportion days of January and July in every year, until the thirty-first of July, eighteen hundred and ninety, inclusive, such sum, in addition to the interest on its bonds owned by the State, and interest on its bonds owned by the State, and in addition to its annual liability to the State nually, secured by a first mortgage created for on account of purchase money for said line of the purpose on their property, real and personon account of purchase money for said line of improvements, as will increase each semi-an nual payment on account of said debt and interest to the sum of two hundred and thirty interest to the sum of two hundred and thirty interest to the sum of two hundred and thirty thousand dollars, (\$280,000,) and the aggre-gate of all such payments to the sum of thirteen millions five hundred and seventy thousand dollars, (\$13,570,000,) and shall agree holders present at a meeting to be called for to pay, on the said thirty-first day of July, eighteen hundred and ninety, into the Treasury, the balance then unpaid of the princi-pal and interest of said bonds, and shall further agree to reduce its local charges for the transportation of grain, flour, cattle, iron, minerals, and other property, as hereinafter provided; and if the said company shall, in the manner aforesaid, on or before the first day of July next, make and enter into with the Commonwealth said purposes—and the said purchases of bonds, of Pennsylvania a written contract to that ef- shall be required to be made of each of the said fect, and shall on or before the said day deliver the same to the Commonwealth, by depositing the same in the office of the Auditor General, then and in such case, and in consideration thereof, the Commonwealth of Pennsylvania shall not at any time hereafter lay, impose, levy, or collect any tax or duty upon, or in respect to freight or tonnage passing over the said Pennsylvania Railroad, or the Harrisburg, Portsmouth, Mount Joy and Lancaster Railroad, or any part of them, or either of them, unless a like tax shall at the same time be imposed, laid or levied upon all other railroads or railroad companies of this Commonwealth; and all laws tificate so given, then the pro rata proportion of navigation companies, for the use of the Com- payable to the said companies shall be exhaust-

is essential as a means of facilitating the settle- ment of the principle and interest of the fundment and improvement of valuable districts of ed debt of this Commonwealth, and to no other

ed debt of this Commonwealth, and to no other purpose whatsoever. SEC. 4. That, for the purpose of developing the resources of the State, the Pennsylvania Railroad Company is hereby authorized and re-quired to expend the sum of gight hundred and fifty thousand dollars in aid to the Chartiers Valley Railroad Company; The Pittsburgh and Valley Railroad Company; The Pittsburgh and of tonnage tax or duty to the State; therefore, Steubenville Railroad Company; The Fayette SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Burg and the Youghiogheny River;) The West

ford;) The Tyrone and Clearfield Railroad Compa-ny, and the Phillipsburg and Waterford Railroad Company, (between Tyrone and Brookville;) The Tyrone and Lock Haven Railroad Company; The Mifflin and Centre County Railroad Company; Neller, Seltzer, Shafer, Sheppard, Smith, (Phil-adelphia,) Strang, Taylor, Teller, Thomas, Naker, White, Wildey and Davis, Speaker 60. mbersburg and Allegheny RailroadCompany,

that purpose, of which notice shall be given,

a competent tivil engineer, appointed by the in the state, meanings memoers would pause can never consent to permit, until we have re-Governor for that purpose—and who shall be and inquire anxiously whether there were no paid for his services by the said companies re-ceiving aid under the provisions of this Act— We have passed exemption laws for all debts But what are the arguments brought forward gation? ceiving aid under the provisions of this Act-and when each section of five miles so graded from each such end of the said roads respective-

WILSON and Mr. RHOADS, and were as fol-

NATS-Messrs. Abbott, Acker, Anderson, Ashcom, Austin, Ball, Bartholomew, Bisel, Boyer, Brewster, Burns, Butler, (Carbon,) Butler, (Craw-(ford,) Byrne, Caldwell, Cowan, Craig, Dou-glass, Duffield, Dunlap, Gaskill, Gibboney, Graham, Harvey, Heck, Hillman, Hofius, Kline, Koch, Lawrence, Leisenring, Lowther, M'Don-ough, M'Gonigal, Marshall, Moore, Morrison, Mullin, Ober, Osterhout, Peirce, Preston, Valker, White, Wildey and Davis, Speaker—60. make them pay. In looking over this whole So the question was determined in the nega-bill we find nothing that looks in the least to

ive. Mr. BARNSLEY moved to amend the first section, which provides for the reduction of the section by striking out, in the thirteenth line, the word "State," in the fourteenth line, the word "State," in the fourteenth line, the therein specified, which may or may not be as word "and" and the word "debt," and in the great or even greater after this reduction than fifteenth line, all between "said" and "enwhat is charged by other roads for freight carried over their lines. And farther, it most tered.

Mr. BARNSLEY. The effect of this amendgraciously provides that the company shall not charge the people more for carrying freights bement will be to make the Company pay into the treasury one hundred thousand dollars duties.

is certainly a boon which we in Pennsylvania Mr. Speaker, nearly the half of the real estate should appreciate. as provided by their charters or by-laws, re- of my county, and I believe nearly the whole spectively; said bonds, and the mortgages given to secure the same shall not exceed in amount ision of those who, on an average, are indebted These are all the points or provisions, I believe, that are contained in this bill. I have reviewed them I trust candidly and fairly, not for the purpose of creating prejudice against this Company, for I feel none. On the contrary, I to secure the same shall not exceed in amount the sum required for the cost of the superstructure of bridges, the rails, cross-ties, the chairs and spikes, and laying the track of the said coads, re-spectively—and the proceeds of all the said coads, re-they pay any less tax on their property than they have dome much they pay any less tax on their property than they have dome much they pay any less tax on their property than they have a they have dome much they pay any less tax on their property than they have a the The smouth already due is, I believe, \$761,000. cannot be convinced of the propriet of the commonwealth. But The amount already due is, I believe, \$761,000. cannot be convinced of the propriet measure, at least the body of the signature and the property of the State, as all are compelled to do—ask to be exempt from the consideration they themselves agreed to pay for the franchises, granted to them by the State, and the property of the State sold them for this measure is are expected at many handles in the State, methinks members would pause can never consent to permit, until we have a expression to permit, until we have a expression contributing to the state of the state of the state debt. By what authority what authority is the money of the state of the state debt. By what authority what authority is the mane propositions contained to the money of the state not. And is this a small amount that rests companies in installments, after sections of said roads, respectively of the length of five miles roads, respectively of the length of five miles hall have been duly and properly graded and the masonry completed, and after the said gra-ding and masonry shall have been approved by a competent Civil engineer, appointed by the Governor for that purpose—and who shall have in the State, methinks members would pause can never consent to permit, until we have re

gation? The Company can not pretend, sir, as to a part of it, that they have a defence against owed by citizens to each other; we have abol-in favor of this measure? Why that the causes ished laws for imprisonment for other debts; for the imposition ceased when the Company it, for it is already a definitive judg-ment, on a portion of which execution has issued, and for the balance of which exly, shall have been so completed and such cer. but for our taxes this power still remains; for bought the main line. The answer to this is tincate so given, then the pro rata proportion of the doctor, butcher, grocer, or mechanics' bill works, which cost twenty millions, because the said companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to companies shall be exhaust-monwealth, be and they are hereby repealed to the companies shall be exhaust-monwealth, be and they are hereby the the the said companies shall be exhaust-monwealth, be and they are hereby the the the tax-man pays his visit, hereby the the tax-man pays his visit, hereby the tax the t

navigation companies, for the use of the Com-monwealth, be and they are hereby repealed, and no further or other proceedings shall be thad or taken on the part of the Commonwealth to enforce the collection of any tax or duty, or ed, or obtained in pursuance of any existing laws on tonnage carried or conveyed on the the railroad of said Pennsylvania Railroad position to a constitutional enactment. This subject, this generous and proper constitutional objection will bring them and amicable view, will be taken by this lithis bill in review before the Supreme Court of that the gentleman from Lycoming with this State, upon the ground that the money is concur in it.

legislation is contrary to the Constitution which we have sworn to support. The fifth section of the second article provides that the credit of with all interest thereon, to the payment of the claim of the Commonwealth, which with all interest thereon, to the payment of the State debt in like manner as is now pro-vided by law for the application of the sinking fund.'

Mr. ARMSTRONG. This section proposes to appropriate \$850,000 for the purpose of assisting certain railroad companies therein mentioned. Of that \$850,000, some \$750,000 is already the property of the State. It is the money now section, at the expense of the whole? And is not this clearly a case in point? Will any one earned belonging to the State, and but for the pretend to say that what the Constitution will not permit us to do directly we can do indirectfault of the, Company it would now be in the Treasury of the State, or would have been apy, that we can authorize this Company to furplied to the payment of the State debt. nish our money to certain companies when the

Now, sir, what right has this Company to pay Constitution would not permit us to do it were for these bonds, not with their own money, but with the money that belongs to the State? Is it now in the treasury? The fact that it is not there does not alter the case in the least ; for it this Legislature to sanction this proceeding, and is a debt that belongs to us; we have judgment for it in the highest tribunal of the State; the to say to the Company that they shall make profit out of their own delay? Having litigated parties are able to pay, and our only duty is to this case in the Courts of Pennsylvania, carry the proceeding to the Courts of the United

Stetes. They there set up a defence upon the ground that this tax interferes with the right of transportation between States. And now, afterthe money is earned, when every reason that can apply in equity or otherwise calls upon them to pay over the money, they propose to take it out of their own pockets with one hand and put it in with the other !

Now, sir, I am not opposing this bill particual, and franchises acquired and to be acquired, and the said Companies are hereby respectively anthorized and empowered to create and issue such bonds, and secure the payment there-of by such mortgages, by and with the com-sent of a majority of their respective stock-holders present at a meeting to be called for iduites. up \$350,000 a year out of the Treasury of the State, but we must add \$850,000 more, which now belongs to the State, and of which the

Company stands only as trustees. They stand as a debtor with this money in their hands—a perfectly solvent Company can we appropriate it in the manner proposed in

Do gentlemen say that this is a fund in liticially the equity of the case, the profi in view of the State policy, in view interests of the Commonwealth and the teresis of the country ; and I come l. ecution may issue at any moment. Now I session, honestly convinced that this

appeal to the members of this House that, by propose a proper, an equitable, a just such a disposition as is here proposed, of that ment of these differences which at

I feel, sir, that the policy which unit stitutional power of this Legislature to appro- ence to her public works, has been but

the claim of the Commonwealth, which ted in view of competition, was evi ed, there being no longer any competiagain I ask, why should this Comp

press severely upon this company ' upon the very last dollar ! Was Was the ment, the purchase of the public exceedingly attractive ? Was it not sory investment? Did not the con. off the hands of the Commonwealt. worthless property but an actual constraints is well known and understood public works, continuing in possess Commonwealth, constituted a grieves political and moral curse. Does and

tend, on this floor, that those works " one half of \$7,500,000 to any parties Pennsylvania Railroad company : that to them only in consequence of liar position.

Now, sir, I have no objection to monwealth availing itself of the pee sities and position with reference to works of the Pennsylvania Railroad. insist, in all equity and justice, that pany shall have the benefit of the rate that tonnage tax, when all compare ceased between the operations of that and the State works.

Now, sir, this is the plea; this is the There is no disguise ; that set up. We clearly say that tempt at disguise. the commutation of the tonnage back to the period of that Act. The we ask in the bill. The gentlema: coming (Mr. ARMSTRONG) declares to very unjust; that it is wrong, alteged I see the matter in a very different that in which it is viewed by the from Lycoming. I see nothing in the tion in behalf of the Pennsylvan

Company. that is not absolutely just. right, not only equitable but high tageous to the interests of the Community I will further say that even if the cannot be convinced of the propriet measure, at least the body of the this House are convinced-by relief. the reflection of a moment; but I the sult of years of reflection. I do not at this session of the Legislature, to 2 upon the general propositions contain-bill. I have revolved them over and in my own mind in view of the pr volved in the case, the law involved in so far as I can comprehend it, and m