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at would deliberately fix upon a vast and important public improvement like the Pennsyllarian public improvement like the Pennsyllarian particular and a lawyer, construct an argument to justify a vote in its favor, either on the part of justify a vote in its favor, either on the part of justify a vote in its favor, either on the part of justify a vote in its favor, either on the part of justify a vote in its favor, either on the part of justify a vote in its favor, either on the part of justify a vote in its favor, either on the part of justify a vote in its favor, either on the part of the Constitution and in forgetfulness of the law of 1858, enacted by a Legislature which did respond, in that instance, to the call of constitutional duty.

Sir, I dread the power of this corporation. I was in public life when the Bank of the United States was described as a monster. inflict with every just view of State policy, cially when we regard ourselves in the po-m of competitors for the great trade of this from west to east, from east to west. both sides we have gigantic enterprises—sof public works proposing to do a certain g. Now, sir, why is this Company pursued his manner? Why are their interests continuously accorded to the c y regarded as in conflict with those of the monwealth? I ask gentlemen on this to look back to what would have been the tion of this Commonwealth, with regard ther public works, if the Pennsylvania Rail-ad had not existed as an enterprising corpo-tion and (happily for the Commonwealth,) come the purchaser of these public works? hat would have been the position of Pennsyla, as compared with the State of New York, the States on the southern border, but for be enterprise of this road? I ask gentlemen reflect upon this subject. And then, sir, why is it to be supposed that the

ital invested in this company is so eminently uncrative? I do not see that gentlemen, are disposed to pursue this road, are ind by any means to invest their capital in or any similar line. Here are lines of latroad that would remain unfinished, and ably the superstructure would be demolishby the elements and by time, but here is a erous proposition to apply this money in you please, between the Common-Ith and the road to these purposes. w. Sir, capital is not invited to invest it-

fin our public works by view of agrandize-int, by view of immense profit. It is, sir, public spirit the intelligence of the busi-men of Pennsylvania, that give encourent to these works. It is a desire to ena disposed, year after year, to induce men to cold their capital in this direction and to re the State of Pennsylvania in a beggarly dition, with regard to the facilities for trade.

out perhaps I am enlarging beyond what I uld do. In what I have said, I have dete of Pennsylvania may well sanction, with ull maintenance of its dignity, its character ad every principle of justice.

Mr. BLISS moved that the House do now ad-

The motion was not agreed to.

Williams. My worthy friend from the city of Philadelphia (Mr. Ansorr) suggests that it is entirely impossible for him to look at this entirely impossible for him to look at this question from the same point of view as any triend from Lycoming (Mr. Armstrono). Well, sir, we are all, to a great extent, the creatures of circumstances. My friend from Philadelphia looks from a different stand point from the country. He sees the content of the subject. I know the Constitutional amendment provided also that these funds, together with such as might be designated from time to cally and exclusively to the one object of reducing the public debt of this State until that debt should be reduced to the sum of five millions of dollars.

Perhaps it is better I should enlighten gentlement on the subject. I know the Constitutional amendment provided also that these funds, together with such as might be designated from time to during the public debt of this State until that debt should be reduced to the sum of five millions of dollars.

her purposes, ten millions of the money of cople, particularly if I were fully advised fact that the corporation that was to rethis immense voluntary, gratuitous donaat our hands, belongs in a great measure e city of Philadelphia, and that fivehs of this money goes into her treasury of your appropriations of this day in the tion of the Sunbury and Eric railroad comtake precisely the same course. I do not Mr. Annor,) a very intelligent and excellent man snow him to be-is a little blind upon this sion, or sees only one way, because I

upon its face, amongst other things, to donate to a mammoth corporation eight hundred thousand dollars of your money, already sacredly appropriated to the purposes of the sinking fund to the payment of the public debt of this State. And then this money is to be lent out you what what they did. In obedience to the ty this grand monopoly to this railroad, and direction received from the people, in the terms State. And then this money is to be lent out What is the proposition which is submitted

ntatives of the people of this great State? That we shall not merely wipe out an annual revenue of from three to five hundred thousand dollars—of an indefinite amount in the distant future—but that we shall make a present, a gratuity to this manupoth expression of that we shall make a present, a present, a gratuity to this manupoth expression of that the distant future—but that we shall make a present, a gratuity to this manupoth expression of that gratuity to this manupoth expression of that gratuation of the public works that to inquire what was the consideration of that gratuation of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of that gratuation of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future what was the consideration of the public works that the future where we was the consideration of the public works that the future where we want to be a public work that the future where we want to be a public work that the public works that the public work that the public work that the public work that the public work that the pu future—but that we shall make a present, a gratuity to this mammoth cocporation of eight monwealth, and the proceeds of the sale of the care thousand delivers are bereafter made and yet remaining due, or mondred thousand dollars, on the condition that said company condescend to lend it to these several unfinished, incomplete, abortive railroads in Western Pennsylvania, without the shadow of a hone that any of mit."

Individually the shadow of a hone that any of mondred thousand dollars, on the condition that said company condescend to hereafter made, and the income or proceeds of what was the consideration of the judgment, and we propose to give the proceeds of the judgment, and the proceeds of the judgment, and the proceeds of the judgment we propose to give the proceeds of the judgment revenues derived from the following sources, to pose to release this debtor for any consideration? those roads can ever be perfected or brought into use by means of these appliances. If they should, however, be rendered serviceable they "Tonnage tax paid by "Tonnage" "Tonna be but feeders of this Company. We are allowing them to lend this money to do their vided we work and to fill their own treasury. the from any other district than the city of paid in may justify, apply the same to the payment of the accrueing interest of the public debt and the veil would have fallen from his could have fallen from his co annual payments thereof may become due; and

pany's voluntary offer. This case has a history, with which my worthy friend is not perhaps familiar. I recollect something about it, although my memory is not a good one. When the Pennsylvania Railroad made its application for this charter that application arose out of a feeling of rivalry and competition between the two cities of Philadelphia and Baltimore. Philadelphia had no idea of building such a road; but Baltimore came here to obtain a renewal of the charter of the Baltimore and Ohio Railroad company, which would have furnished another and an independent means of communication, giving to the city of Baltimore, however, some advantage over Philadelphia. Philadelphia re-sisted; she offered to build a railroad of this de-

scription herself. She offered in addition there to, looking to the probable rivalry and the injury that might be sustained by the Public Works in consequence thereof—she offered to pay a revenue of five mills upon the dollar, uppay a revenue or nve mills upon the dollar, upon all tonnage carried over that road forever. I thinks a more mistaken in saying it was five mills; it is now three. It was ner own ofter, and she succeeded by these means in procuring the charter, and in defeating the application of the Baltimore and Ohio Railroad Company to obtain a right of way through this State.—
The jealousy of Philadelphia defeated that application. She obtained all she desired upon those grounds. We were shut out; we were dethose grounds. We were shut out; we were de-nied the privilege of taking any other means of transmit to the eastern sea-board, except those to be furnished by the Pennsylvania Railroad company. There was a provision, if I recollect aright, in the charter of the Pennsylvania Railroad company, enacted in 1846, that if they would put under contract, in good faith, so many miles of their road adjacent to the city of

And now it is alleged that to relieve the trade of this State from the results of the monopoly onot comprehend this policy. As I observed of this State from the results of the monopole of this hard enough to this capital to thus acquired at this price, all this enormous before, it is hard enough to this capital to creve itself in the line of policy, looking to the largement of the interests of the State. We should not discourage it; we should rather included in the should rather included in the should rather included it was an offer made by the company and accepted by the State. The proceeds of that tax were dedicated to the purpose of paying the public debt of this State. By the amendment to your Constitution made in 1857, entiously feel. I believe that the proposition public works, with other sources of revenue this bull is a just proposition. It is one that the named therein, and such additional ones as named therein, and such additional ones as might be indicated by the Legislature, to this single object. By the terms of those amendments the Legislature was required, at its first session thereafter, to enact a law creating a sinking fund, and indicating the revenues by which it was to be supplied. The constitutional amendwas to be supplied. The constitutional amendment provided also that these funds, together with such as might be designated from time to

did put their road under contract for that pur

together with other funds or resources that may be designated by law. The said sinking fund may be increased, from time to time, by assigning to it any part of the taxes, or other revenues of the State not required for the ordinary and current expenses of government; and unless in ase of war, invasion or insurrection, no part of the said Sinking Fund shall be used or applied otherwise than in the extinguishment of the ider that my worthy friend from Philadelphia | public debt, until the amount of such debt is reduced below the sum of five millions of dollars.'

Here, Mr. Speaker, is the fundamental law mow he looks through a peculiar medium. He of this Commonwealth, which every member of of this Legislature is sworn to maintain and in the country, as it is called—outside of the support. By the terms of that law, the fund city at all events— who have interests in common with the people of Pennsylvania, which in indicated. There is to be no exception but in the case of insurrection or invasion. Per haps it will be said by my worthy friends on sir. I was amazed when I saw this bill reported by a Committee of this House, proposing at this moment. Why, this giant corporation is sitting at the gates of our Capitol and endea-

voting to undermine it.

Well, sir, has the Legislature done its duty We are asked to disregard ours. How was it with the Legislature of 1858? Sir, let me show

public debt." They say that.
"That for the purpose of paying the present very gravely by a Committee of this indebtedness and the interest thereon, and such further indebtedness as may hereafter be contracted on the part of the Commonwealth, the following revenues and incomes are hereby spe-

I will not read this enumeration, except one

"Tonnage tax paid by railroads."

By the sixth section of this Act it is pro

confess I was amazed when I discovered missioners to open books in the State Treasurer's department, keep separate and distinct accounts of all monies received and disbursed under this ta proposition gravely reported and recomdepartment, keep separate and distinct accounts of all monies received and disbursed under this account, specifying the source of revenue and their value. And now they come here telling their value, and from time to time, as the funds of the public works of the State would largely impair their value. And now they come here telling us that because the Company has purchased the tonnage the tonnage of all monies received and disbursed under this account, specifying the source of revenue and when paid, and from time to time, as the funds us that because the Company has purchased the tonnage of all monies received and disbursed under this account, specifying the source of revenue and when paid, and from time to time, as the funds us that because the Company has purchased the tonnage.

I desire to cay in really to my friend from the ARROTT. Against what?

an anaconda-when our Democratic brethren were in the habit of expressing the opinion that it was winding its snaky coils around us, strangling us to death as the serpent strangled Laocoon. Now, what have we here? Why this immense corporation overshadowing the whole State—binding with an iron chain, the city of Philadelphia and the city of Pittsburgh—with all its ramificatious, and its proposed extension of ramifications—dwarfs that monster bank into nothingness. It can bring enough of its troops here to invade the Capital and I was almost disposed to say, to defend this State in case of an invasion from the South. If we are helpless, this company is not.

I dread this irresponsible power, which overshadows this State and dwarfs everything beneath it. I think our liberties are not safe under such influences. I think the time has come to summon the people of Pennsylvania to the rescue, to proclaim the alarm from the top of this Capitol in such a way that it shall

top of this capitol in such a way that it shall reach every hill and valley of this Commonwealth. The people will respond to that call—my life on it.

But, it is said, these moneys are not in the Treasury. That argument has been well answered in advance by my worthy friend from Lycoming (Mr. Armstrong). If they are not in the comming (Mr. Armstrong). Lycoming (Mr. ARMSTRONG.) If they are not there, it is not because they ought not to be there, but because of the default of this comment to these works. It is a desire to enmany filter of their road adjacents of their road adjacents

seen the answer I would like to have it read in connection with this matter.

sylvania Railroad Company, in consequence of their default, or their failure to take a writ of error from the Supreme Court of the United States, and to enter bail in such a manner that was to be supplied. The constitutional amendament provided also that these funds, together with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as might be designated from time to the with such as a supersected of the united that this is a fund appropriated by law under the been made; that an application was thereupon made to the Supreme Court of this State for a supersected of the execution of the Constitution, and which this of the with operate as a supersect that this is a fund appropriated by law under the writ of that Court of the state for a supersect of the Commonwealth net to raise—that this is a fund appropriated by law under the been made; that an application was thereupon made to the Supreme Court of this State for a supersect of the Commonwealth net to raise—that this is a fund appropriated by law under the writ of that Court of the supersect of the Commonwealth net to raise—that this is a fund appropriated by law under the supersect of the officers of the Commonwealth net to raise—that this is a fund appropriated by law under the writ of that Court of the Supreme Court of this State for a supersect of the Onstitution, and which this of the officers of the Commonwealth net to raise—that this is a fund appropriated by law under the writ of that Court of the Supreme Court of the United States. The Supreme Court of the United States and to enter the officers of

a principle which is indisputable) in your Treas-

ed of them, they surely will not trample the constitutional barriers under foot at the bidding of this gigantic Company, vote into their pockets without consideration, as a mere gratuty, \$800,000 of the public money which belongs to the public creditors, and which they are sworn to keep sacred for that purpose. Why, I am sure they will not do it.

Mr. Speaker, my friend from Lycoming anticipated an objection that occurred to me upon the very reading of this bill. I thought his amendment was right. I think his argument is Certainly it has not been answered. If gentlemen intend to vote the other way, I shall expect them to give "a reason for the faith which is in them." When it is charged that the result of their vote is to viothe fundamental law of this State and their own obligations as members of the

Legislature, the people will demand that reason if it is not given here.

Mr. ARMSTRONG. I think it probable, sir, that the learned gentleman from Philadelphia, ty this grand monopoly to this railroad, and direction received from the people, in the terms which I have just read, they passed on the 22d of April, 1858, an Act, entitled "an Act to stablish a sinking fund for the payment of the what is the proposition which is subject to the what they did. In obedience to the direction received from the people, in the terms which I have just read, they passed on the 22d of April, 1858, an Act, entitled "an Act to establish a sinking fund for the payment of the what is the proposition which is subject to the stablish a sinking fund for the payment of the payment of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself, sir, to the general consideration of this bill. I have not addressed myself and when the proposition which is a sinking fund for the payment of the same which is a s relieve this company from the payment of the tonnage dues. This is not tonnage dues. What is it? It is a debt of this Company. Can you go behind the judgment for \$750,000, more of White, Wildey and Davis, Speaker—50. udgment? It stands now the judgment of the The gentleman has referred to the consideration which induced the imposition of this tonnage

tax. Does he not know that the public works of Pennsylvania have cost more than \$40,000,000 and out of that the largest proportion was sold to this Company for \$7,000,000. The tonnage tax was imposed upon them, because the construction of a vival road along the line of the public works of the State would largely impair their value. And now they come here telling us that because the Company has purchased the works subsequently, therefore the tonnage duties should fall. Does not the gentleman forget to tell you that the company purchased these works at the diminished value created and caused by this competing work that ran side by this competing work that ran side by the sensidation, the last at some future day. I desire to gat the public works of the State would largely impair this importance on the sension is to be a protracted one, I have no objection. I think my powers of endurance are equal to those of almost any one.

I desire to say, in reply to my friend from Philadelphia (Mr. Abbort) that I was very glad that we were promised some argument, if not caused by this competing work that ran side by the sensidation, the last at some future day. I desire to require the public works of the State would largely impair their value. And now they come here telling us that because the Company has purchased the works as ubsequently, therefore the tonnage duties should fall. Does not the gentleman forget to tell you that the company purchased these works at the diminished value created and caused by this competing work that ran side by the sensitive that an side by the sensitive that the claim. I ask, how is the money to be made?

ILL PERSONS are hereby notified that we will defined to us!

ALL PERSONS are hereby notified that the claim. I ask, how is the money to be made?

II desire to say, in reply to my friend from the works at the claim. I ask, how is the money to be made?

II desire to say, in reply to my friend from the works at the claim. I ask, how is the m

is the interests of the commonwealth, is the interests of the commonwealth as the many pretext bat simply that of compon wealth that public works. It is not only just sir, but it is exceedingly impolitie to the files, wait a few days, and there will a storm of indignation burst up from every quarter of any period during the existence of this State, and unconstitutional under that will shake this capital twould deliberately fix upon a vast and impulsion improvement like the Pennsylvania Railroad Company to the files, wait a perpetual tonnage tax. No, in Railread, a perpetual tonnage tax. So, in Railread, a perpetual tonnage tax. So, in Railread, a perpetual tonnage tax and upon the sound policy of the files, and upon the sound policy of the definition of the constitution and in forgetfulness of the Constitution and in forgetfulness of the Constitution and upon the sound policy of the files, wait a few days, and there will a storm of indignation burst up from every quarter of indignation burst up from every quarter of the files, wait a few days, and there will a storm of indignation burst up from every quarter of the files, wait a few days, and there will a storm of indignation burst up from every quarter of the files, wait a few days, and there will a storm of indignation burst up from every quarter of the files, wait a few days, and there will a storm of indignation burst up from every quarter of the files, wait a few days, and there will a storm of indignation burst up from every quarter of the files, wait a few days, and there will a storm of indignation burst up from every quarter of the files, as a to men, it would be something, it is nothing to the dillerance of the same thousand would use on the third arguments as the bues of the hundred thimses a thousand would use one theur arguments as the bues of the care to those of the files, as a to men, it would be something, it is nothing to this to more the decidence of the constitution of the Constitution of the Constitution of the Constitution of the Constitut Legislature for the very purpose of strengthening their cause—they tell us:—"The Tonnage now and forever. In that Act there was a surrax is, therefore, a burden upon every citizen of the Commonwealth who does business over the Pennsylvania Railroad, and upon our citizens or illustration could be furnished of the enormination of the commonwealth of the commonwealth who does not receive the commonwealth who doe shall be upon all tonnage, but the Company than the fact that a Pennsylvania Legisla-cannot assess it upon freight carried from points ture—(it is not out of place to speak of it in the West, where the transporter has the for it is not this Legislature)—a Pennsylvania

reights by any rule of this Legislature? Those rates are regulated solely by the rates of competing roads; and every railroad corporation charges as much as the competition of their road will permit them to charge. That is the principle which underlies it. In this very argument they tall us the duty is roat involved. be relieved from this tonnage tax upon the ground that it is a charge upon the freight from other States. This is their consistency.

Now, sir, let me refer again to this constitu-It is said, these moneys are not in the provision. It has already been read.—
It is not because they ought not to be but because of the default of this comitties the maxim of the law—a maxim it is the maxim of the law—a maxim it is the maxim of the law—a maxim ity—that no man shall take advantage of ance with the requirements of the Constitution. pany. It is the maxim of the law—a maxim of equity—that no man shall take advantage of his own default; and of course no corporation can do so. A resolution was offered a few days ago, which I supported, to inquire what was the amount of arrears incurred by the Pennsylvania Railroad Company, which they refused to pay, what steps had been taken, what progress made in the suits instituted by the direction and provision of the Legislature against this corporation? That was a simple question. It seems to me it might have been answered.

The SPEAKER. It was answered the next morning.

Mr. WILLIAMS. Was it? Then I have not seen the answer I would like to have it read seems to me are a simply the equestion whether or not the bonds of the Legislature of Pennsylvania, looking to the interests of the public, ought never volunteers. The Legislature of Pennsylvania, looking to the interests of the public, ought never to have strengthened the hands of such an institution as this byconferring upon them such an every such a power—by putting them in the posses-in the Supreme Court allow this to be taken out of the State Treasury, to be appropriated to the Company—by their own fraud, shall I say—will the Supreme Court allow this to be taken out of the State Treasury, to be appropriated to the Company, by whom it is due? They chose to buy those works. When the Speaker of the supreme Court itself declared a part propriated to this Company, by whom it is due? They chose to buy those works. When the speaker of the state Treasury, to be appropriated to the supreme Court itself declared a part of that Act to be invalid, they regarded the bargain as so good a one to themselves, that they were very willing to take it with the incursion of the Legislature of the Supreme Court itself declared a part of the supreme Court a simply the question whether or not the bonds which shall be issued, shall be paid to the Cor-

in connection with thus matter.

The SPEAKER. The Chair merely gave that information in order to show that the Auditor General had attended to his duty. The communication was sent in the next morning.

WILLIAMS. There was also a direction of those \$850,000? Not for one morning to work the state. Is it to be supposed that this railroad company, when we propose to release to them six millions of dollars, will stand quibbling with the Legislature as to the appropriation of those \$850,000? Not for one morning. to the Attorney General to report the state of the legal proceedings with regard to those arrears of tax. I was advised but three or four weeks ago by the late Attorney General, that an execution had been issued against the Pennsylvania Railroad Company, in consequence of Now, I feel that this amendment ought to

which will inevitably meet them—which it great attribute of sovereignty could not be survival be a dereliction of duty on the part of the officers of the Componwealth pat to raise—rendered. Did the Company refuse to take the

well, st we are all, to a great extent, the creation of the purpose, which mes of circumstances. My freed from Philas and the Philas of those of the purpose, which mes of circumstances. My freed from Philas to complain of the persecution with which his unfortunate company, receiving a revenue for the subject. I know the Counting of the persecution with which his unfortunate company, receiving a revenue freed than that of the whole Commonwealth of reasylvanis, pageed that the six of the purpose, which all of the purpose, which the Counting of the persecution with which his unfortunate company, receiving a revenue freed than that of the whole Commonwealth of reasylvanis, pageed that the subject than that of the whole Commonwealth of reasylvanis, pageed that the nature about the proposed of the purpose, which all of and when they shall do it, and how the point of the purpose, which we have suggested that the way in which we likely to look at a thing depend very mach and the proposed that the sand than the point of the purpose, which we have suggested that the way in which we likely to look at a thing depend very mach and the proposed that the sand than the point of the purpose, which we have suggested that the way in which we likely to look at a thing depend very mich and the proposed that the payment of the purpose, which we have suggested that the way in which we likely to look at a thing depend very mich in the payment of the purpose, which we have the point of the payment of the p whether it ever could be put there.

Again, Mr. Speaker, the gentleman from Allegheny and the gentleman from Lycoming, up, sir, on its third or general reading, I presume that the disposition to argue this ques-tion will be gratified, at any rate to a sufficient bearings. There is a great deal to be said, that has not yet been said, in favor of the proposition contained in this hill.

Mr. HILL moved that the House adjourn. On the motion, The yeas and nays were required by Mr. ollows, viz :

general consideration of this bill. I have not Hofius, Huhn, Lawrence, Leisenring, Lowther, liscussed how far it is or is not expedient to M'Donough, M'Gonigul, Moore, Morrison,

So the question was determined in the ne-The question then recurred on the amend-

ment offered by Mr. ARMSTRONG.
Mr. WILLIAMS. It seems obvious that in the judgment of the House of Representatives, Supreme Court of the United States should isit is much more important that the interests objects of the Pennsylvania Railroad Company and and cannot do. I think the Pennsylvania Railroad Company vania Railroad Company can hardly dictate the House shall be fed. We are to be driven, it law at Washington at all events. I feel very House shall be fed. We are to be driven, it law at Washington at all events. I feel very seems, to the point of point of physical exhaustion and starvation. We are expected to meet to-night and to have no respite. Even the respite which would be indulged to a criminal is denied to us!

Well sir I are accustomed to long sessions.

cannot assess it upon freight carried from points in the West, where the transporter has the choice of routes for reaching the Eastern markets. If they did this, business would be driven from their road, and would necessarily seek an outlet by way of Baltimore or New York."

This is in precise accordance and strict analogy with the whole principle of internal trade. Will any one suppose that this Railroad Company regulate their tariff of charges and their freights by any rule of this Legislature? Those rates are regulated solely by the rates of competing roads; and every railroad corporation peting roads; and every railroad corporation of their legislation to which I refer, there was that at which even the Supreme Court of Pennsylvania Railroad Company, with its Briarean arms grasping all this State, and with a revenue of \$2,600,000 a year, has no property to be levied upon—that it is to come into our Courts as an insolvent! I do not understand what the gentleman means. The except where its own powers were involved, has affirmed the omnipotence of the Legislature) boggled. There was that which even that Court could not affirm in the surrender of this eminent attribute of sovereignty—this exclusive mover—exclusive, as I under the surrender of this ing stock is mortgaged in this way?

It is a new thing if there can be a mortgage rolling stock. It must be a doctrine introgument they tell us the duty is not imposed eminent attribute of sovereignty—this exclupion through freight, yet they go before the sive legislative power—exclusive, as I under stood, by publicists and statesmen, but not as at present understood by she Supreme Court of Pennsylvania. For, I believe, they do claim and are now exercising a right of imposing taxes themselves. Well, sir, my worthy friend says that the

purchase was somewhat compulsory; that they were denied the benefit of the bargain; they lost the advantage of this provision in the Act of Assembly. There was no compulsion. They were volunteers. The Legislature of Pennsylcompulsion. They the action of the Legislature of this State, the stockholders of a company, erected for one purpose, could be made the stockholders of another company erected for another purpose; whether a stockholder could be compelled to part with his property in the stock by a vote of a majority of the stockholders; and that position the Su-preme Court of Pennsylvania affirmed.

Well, sir, I am not in the habit of being much surprised at any thing that is done now-a days, either by Courts or Legislatures, and I shall not be astonished if this bill passes. But I confess: I was amazed when pass. It avoids to the company this question which will inevitably meet them—which it Public Works on those terms? No sir, they chose to take them with the burthen. They afterwards ratified the contract.

But that is not all; gentlemen say that the Company gave more for those works than they were worth. How is this? Were there none

Suppose they made a bad bargain, whose fault is it? Are we to relieve them? What is a principle which is indisputable) in your Treasury dedicated to these holy purposes; and this Legislature can do no act to take it legheny and the gentleman from Lycoming, talk as lawyers upon this question, but to me, that fund. While they are denying to the suffering and perishing people of Kansas the miserable little pittance that has been ask.

Again, Mr. Speaker, the gentleman from Allegheny and the gentleman from Lycoming, talk as lawyers upon this question, but to me, str, they do not appear to talk as Pennsylvanians. This is all the argument I wish to urge just at this point. When this bill shall come the miserable little pittance that has been ask.

NAYS—MESSIS. ADDOUT, Acker, Alexander Ashcom, Austin, Ball, Bartholomew, Brew the tonnage tax worth now funded? Of how much capital will it pay the interest? It is capital will it pay the interest? It is worth some \$300,000 per year, which at five per cent would make a capital of \$6,000,000. Huhn, Lawrence, Leisenring, Lowther, M'Don ough, M'Gonigal, Marshall, Moore, Morrison William and the gentleman from Allegheny and the gentleman from Lycoming, talk as lawyers upon this question, but to me, str, they do not appear to talk as Pennsylvanians. This is all the argument I wish to urge just at this point. When this bill shall come up, sir, on its third or general reading, I pre-In a few years, looking to the increase of the business of the country—to the increase of trade on this road—this tax would bring into the Treasury a net revenue of \$600,000 per year; it will be worth a capital of \$10,000,000.

All this my worthy friend proposes to bestow extent to test the equity, the propriety of this year; it will be worth a capital of \$10,000,000. whole measure in all its parts and in all its All this my worthy friend proposes to bestow

Well, Mr. Speaker, so much in regard to the compulsory nature of this obligation. It was an obligation voluntarily assumed, and which he Company desired to assume, but which think, it was against the policy of the law to MITH (Berks) and Mr. MOORE, and were as allow to be assumed under the circumstances But the worthy gentleman says that this

Follows, viz:

YEAS—Messrs. Alexander, Anderson, Armstrong, Barnsley, Bixler, Blanchard, Bliss, Boyer, Bressler, Brodhead, Clark, Collins, Cope, Dismant, Donley, Elliott, Frazier, Happer, Hayes, Heck, Hill, Hood, Irvin, Kline, Lichtenwallner, Manifold, Myers, Osterhout, Reiff, Rhoads, Robinson, Schrock, Shafer, Smith, (Berks,) Stehman, Stoneback, Tracy, Williams and Wilson—39.

NAYS—Messrs. Abbott, Acker, Ashoom, Austin, Ball, Bartholomew, Bisel, Blair, Brewster, Burns, Butler, (Carbon,) Byrne, Caldwell, Cowan, Craig, Douglass, Duffield, Duncan, Wester and Sone of the Attorney General; it may be colemant to the strength of the worthy gentleman says that this question is undecided; we do not know whether the money belongs to us or not. This is a point in his argument which I overlooked. The Company refused to obey the judgment of their own Court. I do not pretend to claim that that Court is infallible, by any means; but still the presumption is in their favor. Thereis a judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and as my friend from Lycoming suggests, as to the consideration of that judgment, and construction, as determined by judicial authority, and precedent and practice, or derived from stuttional provisions of the extra this tothe enduring prosperity of our country. The money is, that the money is not not in the friend from Lycoming suggests, as to the consideration of that judgment, and construction, as determined by judicial authority, and precedent and practice, or d hands of the Attorney General; it may be collected; the corpus of the fund itself may be, in point of fact, and not merely by construction law, in the treasury within a few days. Why is it kept out? Is there anything in the writ of error allowed by the Supreme Court to prevent its collection? If there be, I have not heard of it. Mr. ABBOTT. I would ask the gentleman

how he could proceed to collect? Mr. WILLIAMS. The Attorney General has sue a writ which would operate as a superse

works at the diminished value created and at no time or in no manner shall any portion of Philadelphia has involved here, I think I except us herein provided, under a penalty of presentatives of the slightest interest will disqualify a with the slightest interest will disqualify a with the court. Shall these moneys be taken the court of the

Mr. ABBOTT. The gentleman would not be willing to risk his own interest on such suppo-

Mr. WILLIAMS. I do not understand that this is upon a supposition. Does the gentleman mean whether where there is an execution, with a levy upon property adequate to pay the debt, I would risk my interest on that?

Mr. ABBOTT. The gentleman proceeds upon the supposition that there is property to be seized under that execution. Where is the property that can be levied upon and sold?

Mr. WILLIAMS. Has it come to this—that this powerful corporation, owning almost the whole Commonwealth, has nothing that can be sold? I do not believe that there is nothing in this Commonwealth strong enough to hold this

Mr. ABBOTT. Allow me, with all due deference, to say that the gentleman's reply is mere evasion. I merely wanted to bring it to that point.

on rolling stock. It must be a doctrine intro-duced for the benefit of the Pennsylvania Railroad Company—a doctrine against the policy of the common law, which makes the custody of the article in the hands of the mortgagee the only security he can have. It is a departure from well settled principles. I do not think that the supposition of such a mortgage is applicable to the case. But, at all events, there were the means as I have stated.

But now as to the fact that this matter is in dispute. If this money comes into the Treasury and the judgment should be reversed by the Supreme Court of the United States, it must be paid back again, I suppose. But how are they to claim it in any event? They say it is not levied upon them, but levied upon the peo-ple. And, in point of fact, by way of making this tonnage tax odious, they charge in their bills, which I have seen more than once, so much for freights, and so much for tax. This tax—which is not really a tax, but a bonus they assume to be collecting for the use of the Commonwealth, from the foreign and domestic tonnage, or, as they say in the Supreme Court of the United States, from the foreign tonnage exclusively. Well, sir, if they collect this in the name of the Commonwealth and for her use, they are the agents of the Com-monwealth, and are bound to pay it over, even though the State had no good title. That is a well settled principle of law. We have a case in Pennnsylvania which reaches that very question. I say, Mr. Speaker, that although the State may have no title, if the Pennsylvania Railroad Company has assumed to collect this money for and on behalf of the State, as a tax levied for her use, then the Company can have no defence against its payment, whether the

tonnage tax be or be not unconstitutional.

This, Mr. Speaker, is about all that I intended to say upon the subject. It is in answer to some part of the remarks of my friend (Mr. Abborr)

which I had overlooked.

Mr. SHEPPARD. I, sir, and the friends of this bill, have no desire to enter into a discussion of the merits of the bill upon any single section of it. When the bill comes before the House on its final passage, all the merits of the

NAYS-Messrs. Abbott, Acker, Alexander So the question was determined in the nega-

On motion of Mr. WILSON the House Adjourned.

"OUR GOVERNMENT."

66771HE unity of Government, which con-

Harrisburg, Pa.

AUDITOR'S NOTICE.

I \HE UNDERSIGNED, Auditor appointed to distribute the balance in the hands of Joseph Miller, Assignee of JOSEPH H. DAVII/SON, among creditors, will attend to the duties of his appointment on THURSDAY, the 28th day of February, 1861, at 70 clock A. M., at his office, in Third street, Harrisburg, when and where all interested may attend if they think proper JOHN 8. DETWILER, feb6-3tw feb6-3tw

NOTICE.

DETERS' MOUNTAIN TURNPIKE ROAD COMPANY.—The President and Managers of the Peters' Mountain Turnpike Road Company have this day declared a dividend of sixty cents per share on the capital stock of said company, say three per cent. per annum, and directed the same to be at this office of the stock holders, at the public house of J. D. HOFFMAN, in the city of Harrisburg, to the stock holders or their legal representatives after the 10th.

feb6 3tw*

BLANK BOOKS #Med.