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Pennsylvania Telegraph

"INDEPENDENT IN ALL THINGS—NEUTRAL IN NONE."

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Pennsylvania Legislature.

SENATE. MONDAY, Feb. 25, 1861. The Senate met at 3 o'clock, P. M. Opening prayer by Rev. Mr. Kramer, of Philadelphia.

REPORTS OF STANDING COMMITTEES. Mr. IMBRIE, (Election Districts), as committed, an Act to change the place of holding elections in Sadsbury township, Chester county.

Mr. IRISH, (Private Claims and Damages), as committed, House bill No. 226, a supplement to the Act to extend the limits of the borough of Prompton, Wayne county.

Mr. NICHOLS read in place, a further supplement to the Act to perfect the charter of the Samaritan Beneficial Society of Philadelphia. Referred to the Committee on Corporations.

Mr. GREGG, an Act to incorporate the Bald Eagle Valley Railroad company. Referred to the Committee on Railroads.

Mr. PENNEY, a supplement to an Act incorporating the Monongahela water company. Referred to the Committee on Corporations.

Mr. IMBRIE, an Act for the more efficient collection of debts due the Commonwealth. Referred to the Committee on Finance.

Mr. BENSON, an Act for the collection of additional taxes in Homer township, Potter county. Referred to the Committee on the Judiciary.

Mr. IRISH, an Act for the removal of a tollgate of the Lawrenceville and Sharpesburg Plank Road company, from the borough of Lawrenceville. Referred to the Committee on Roads, Bridges and Canals.

Mr. FULLER, an Act to change the name of Mary Elizabeth Eighen. Referred to the Committee on the Judiciary.

Mr. HESTAND, an Act to incorporate the Oxford and Peach Bottom Railroad company. Referred to the Committee on Railroads.

Mr. WHEATON, a further supplement to the Act to incorporate the Bedford Mineral Spring Association. Referred to the Committee on Corporations.

Mr. SMITH, a further supplement to the Act incorporating the city of Philadelphia. Referred to the Committee on the Judiciary.

Mr. CONNELL, Under the resolution, as originally proposed, I would not get half as many as I need for those documents.

On the question, Will the Senate agree to amend as proposed? The yeas and nays were required by Mr. WELSH and Mr. IMBRIE, and were as follows: YEAS—Messrs. Clymer, Hamilton, Mott and Welsh—4.

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sage of the bill providing for the erection of new public buildings in the city of Philadelphia. Laid on the table.

Mr. WELSH, on leave, presented two remonstrances of citizens of Philadelphia, against the passage of the bill providing for the erection of new public buildings in the city of Philadelphia. Laid on the table.

Mr. CONNELL, on leave, presented a copy of the resolutions adopted by the City Councils of Philadelphia, relative to the passage of the bill providing for the erection of new public buildings in the city of Philadelphia. Laid on the table.

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sentiment of Philadelphia, I must oppose this bill. When it was printed I sent about seventy-five copies, and subsequently twenty-five more, making one hundred, to some of the leading men in my district.

When I received any answer, it was a very decided instruction for me to oppose this bill. I know of but one gentleman throughout the whole of my Senatorial district, one who has voted for the bill, and that is the gentleman who has asked me to vote for it.

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It is very similar to one of the sections of the bill proposed. Mr. Speaker, where is this matter to end? I have read this letter because I considered it to be pregnant with meaning, or as Senator Benton once said of a clause in Judge Douglas' Kansas Nebraska bill, "it has a speech in its belly." If we take the step proposed by this Act, it will be followed up by others.

There is the same necessity for others as for this. In regard to the bill of last session, I have only to say that it has already produced hopeful action in our Councils. An ordinance has passed each branch of that body in relation to the subject, though it has been impossible to obtain an entire agreement in regard to the cost of those new buildings; one branch appropriating the sum of four hundred thousand dollars, the other a larger amount. But I have full confidence that Councils will surmount this difficulty and be able to agree in the matter.

A few days ago, we passed a bill, reducing the number of our Council from ninety-six, down to about half that number, which I have no doubt will prove a working body and will do all that the people want in this matter. This, too, is not the time to ask for the passage of this bill, when half the people of Philadelphia are crying out for the repeal of the law, when embourgeoisment, ruin and distress pervade the whole community, when there is actually \$900,000 of city warrants outstanding, with no funds in the treasury, no incoming revenue to provide for them.

We are required by this bill to create an additional debt of an unlimited amount, because, as the bill now stands, there is no limit to the amount to be expended by the passage of this bill. At any other time its introduction might be excusable, but now it is not so.

Mr. Speaker, an insupportable objection to this bill. I take it that as by the First Section of Article Ninth of the Constitution, the Legislature is forbidden to impose a debt upon the State of a greater amount than \$750,000, this bill cannot impose upon the people of any portion of the Commonwealth a debt exceeding that amount.

Although not in direct violation of the letter, it is in direct violation of the spirit of the Constitution. Mr. SMITH has said, but one word to say in reply to my colleague's remarks. In the first place, I will say that had I chosen to read a letter on the subject, I would have discriminated between those that were respectfully addressed to the Senate, and those that were not. So much for the letter.

I will remark with regard to the prospect for the passage of the bill for the erection of public buildings in the city of Philadelphia, by the Councils of the city, in the event of a reduction of their number, that I think, less than twenty members of Councils for the last twenty years prior to a late change in the number. It has only been within the last six years that the number of members of Councils of Philadelphia has been increased by the Act of consolidation.

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that new ones are required, is it for us to say where they should be located? Do you, Mr. Speaker, does any one Senator, saving perhaps the Senators from the city, (and even amongst them there is a difference of opinion) have a clear, well-confirmed opinion as to where in all that great city the proposed buildings should be located? I certainly have no such opinion. I have had no means upon which to base it. It is true, sir, I might, with map before me, ascertain what is the geographical center of Philadelphia. I might possibly with the census returns determine, with some degree of accuracy, its center of population; but, sir, geographical centers, centers of population, do not, with unerring exactness, determine the will and wishes of the people. There are considerations of habit, custom, convenience and business necessity, to which we are not so strangers. These are controlling elements in the question of location, before which the two patent facts which we might possibly ascertain, sink into insignificance. They are elements which we do not now nor ever can understand; and even if we did, we have no earthly right to decide for the clear, simple and unanswerable reason that it is none of our business. To do so would be to decide for the people of Philadelphia, and to do so would be to usurpation of power never contemplated, which would be discredit to us as legislators, and which, if submitted to, would humiliate and degrade. I have, sir, the pleasure to know many of the people of that city. I know them to be honorable, high minded and independent men; and, sir, I have much mistaken their character, if they will tamely submit to a yoke which is not only galling, but degrading.

suppose, for the sake of argument, that we had the power, justly and fairly, in accordance with the opinions of a vast majority of the people of Philadelphia, to determine the question of location, there still remains the greater enormity, the greater wrong, to be executed. We, sir, place it in the power of the commissioners, to be appointed by this bill, to tax the people of Philadelphia to the amount of millions, if they deem proper. We grant to them the arbitrary exercise of the most dangerous and most odious power known to a free people—the right to tax without representation. Their immediate representatives, the councils, have no power to interfere, their Courts have no power to relieve—a free people are bound hand and foot, person and property, by the uncontrolled and uncontrollable power of an irresponsible commission, constituted by strangers to their feelings, their views, their wishes and their interests. When, sir, the people of these States were colonies, and but five hundred in number, they fought a seven years' war for a greater grievance of a like nature, than that threatened in this bill; and would it be wonderful if you attempt to force the descendants of those patriotic rebels under a similar yoke that they should rise up and fight for the same law; that you give them power not only over the property of the people of Philadelphia, but that you also clothe them with the terrible right to deprive the representatives of those people of their personal liberty should they disobey your commands. Yet, sir, it is also true, and I ask you and the Senate to remember that the people are the source of all power, all authority, and that you cannot create and enslave the free people of a free city. They know their rights, and I doubt not they will dare maintain them. If they do not they would be unworthy of that glorious ancestry whose blood courses in their veins. To show that I have not mistated or overdrawn the feeling of deep indignation, and of determined resistance to this bill which exists in the minds of the people of Philadelphia, I have only to refer the Senate to the following extract from the last annual message of the Honorable Alexander Henry, Mayor of that city.

"Whilst it is believed that the erection of suitable public buildings can be best and most economically effected through a commission, and that local jealousies may long retard the favorable action of Councils, the direct interference of State legislation in a matter fully within the cognizance and authority of the municipal government, cannot be too strongly reprehended.

"The power conferred upon the Commissioners in the recent Act, by which they may add whatever sum they shall determine to the debt of the city, and may require the levy of an additional tax to provide for the interest and principal of the loan which they shall authorize, without regard to the wishes of the community, is dangerous as a precedent, and is oppressive as a measure of government."

He, sir, knows these people well; he is high in their confidence and esteem; and this deliberate expression as to the evils upon them, should not be unheeded by this body, which speaks for Philadelphia. I feebly re-echo his sentiments, and I believe the sentiments of the vast majority of that people, when I enter my solemn protest against the passage of this Act. Again, sir, I cannot divest my mind of the suspicion—indeed, sir, I had almost said conviction—that this whole bill is but the transparent veil which conceals an enormous job or contract, which certain parties are endeavoring to make at the expense of their fellow citizens. In maintaining this suspicion or conviction, I disclaim any intention to impugn the integrity or motives of the honorable Senator who has the bill in charge. I know him too well and esteem him too highly even to entertain any such opinion; but, sir, I fear he is unwittingly, and therefore, I know unwillingly, serving the purpose of selfish individual interest. The whole bill is framed upon the principle of a close corporation, unjust in conception, unfair in detail and wrong in principle. It strikes at the very root of self government; it ignores the great principle of the concomitant rights of taxation and representation, it endangers property and threatens personal liberty and may serve as an instrument of wrong, injustice and oppression.

Mr. SMITH, I just to explain. I dislike to interrupt the Senator in his speech; but he has asserted that the design of this bill is to give an enormous job or contract to somebody. That assertion applies to the very gentleman whom he has referred, and in whom he has expressed so much confidence. The gentleman named in this bill is Alexander Henry, (who has been so highly eulogized in the remarks of the Senator from Berks, and in all whose eulogy I concur) Theodore Cuyler, President of Select Council, Charles B. Trego, President of Common Council, George M. Stroud, Judge of the District Court of the city of Philadelphia, Oswald Thompson, President Judge of the Court of Common Pleas, Joseph Allison and James R. Ludlow, Associate Judges of that Court. Now, will the Senator say that these gentlemen have been guilty of the acts which he has insinuated?

Mr. CLYMER, I have to reply that the most astonishing fact is patent to the people of this State that one of the Commissioners named

in this bill asks that this Senate should not pass it. It may be that that gentleman has been overruled in his views of right and justice; and it is a notorious fact to the people of Philadelphia and to the people of this State, that the contract for erecting the buildings has been approved by a majority of the Commission.

Mr. SMITH, By every man composing the Commission. Mr. CLYMER, I care not for that. But it is notorious that the Commission has authorized the contract which was not awarded to the lowest bidder; and it is equally patent to the people of this State and of that city that the contract was awarded under circumstances which precluded men—honest and practical workmen—in the city of Philadelphia, from offering bids under those specifications. They were made in such a loose manner that it was impossible for any man who intended to live up to those specifications. It is the concurrent testimony of every architect or contractor who has had any thing to do with them that those specifications were of such a nature as to mislead anybody who is not in that "ring."

Mr. SMITH, I will inform the Senator from Berks, who takes such an interest in this bill; that that contract was signed by Alex. Henry, Theodore Cuyler, James B. Trego, George M. Stroud, Oswald Thompson, Joseph Allison and James R. Ludlow—all of the Commissioners named in the Act to which this bill proposes to be a supplement.

Mr. CLYMER, I certainly have had the testimony of some of the most noted architects and contractors of the city of Philadelphia, setting forth that under the specifications laid before them by the architect first employed by this Commission, it was utterly impossible for any man to understand those specifications. I have almost the direct proof of this in the recent insinuation, that those specifications were gotten up for the purpose of enabling one set of men to secure this contract. I certainly can present the proof of the other startling fact that this contract was awarded to a person who was not the lowest bidder.

Mr. SMITH, It was never intended that it should be so awarded. Mr. CLYMER, I have the other patent fact which I present for the information of this Senate, if it is not already known to its members, that when this Commission called upon the contractor to whom the contract was awarded for his bill, that that bill consisted of the surties of sub-contractors of the city of Philadelphia. Everything points to the fact that this whole proceeding, from the day the specifications were first laid before the public, up to the hour when the contract was consummated, was but a plan whose consummation was to put this contract into the hands of particular parties.

But the worst feature of the whole thing is that the contract has no limit; that the people of Philadelphia in the long years it will take to build up these enormous piles of which we have had one picture after another put before us in the Senate, will be called upon to pay not only the original contract price, (and there is no limit to that), but an amount of two, three, four, or perhaps five millions of dollars.

It has been well said that by an amendment to the Constitution if it is wisely declared that we shall not increase the debt of this State beyond the sum of \$750,000, except to defend us in case of war, to put down startling invasion or insurrection. If this great State cannot insure itself against the possibility of a debt of \$750,000, is it right for this body to limit an unwilling city a debt which may amount to five millions of dollars? I have no right, constitutionally, by my vote, to impose any such burden upon the people of that city; and I never will impose that burden upon the people of any city or county.

I trust, sir, having been led into this digression, I may be permitted to close the argument I intended to make. I know, sir, none of the parties for or against this bill. I am not interested directly or indirectly for any location, or for any character of structure. I do not own one dollar's worth of property to be affected by it. I have considered it merely as an abstract question of right and of justice. I have endeavored to place myself in the position of those who are to be directly affected by its provisions, and with no other purpose than to secure and advance the general welfare. I have here given the Senate my reflections of this question. It is one that may, in some form, affect hereafter the rights and interests of the constituents of every Senator on this floor—and if they do not desire to be taxed without representation, if they do not wish to be bound by the irreversible decrees of a commission not self-imposed, if they are even unwilling to be taunted as conquered and subjugated provinces, let them destroy a precedent which may impose all these evils upon them.

Mr. SMITH, I have but a few words to say in reply to the able speech made on this subject by the Senator from Berks, in order to flatly contradict the statement made by him that there were parties specially and peculiarly interested in this matter. There is nothing to justify such a statement. Mr. CLYMER, I desire to ask the Senator a question; will he be so kind enough to name to me the securities of John McArthur? Mr. SMITH, They can easily be named, but I appeal to my colleague, (Mr. CONNELL) to every one who knows John McArthur, whether that gentleman would, for the sake of obtaining the whole amount which would accrue from the performance of such contract, be guilty of a mean or dishonest act?

Mr. CONNELL, It affords the great pleasure to say that I believe there is no more high-minded and honest man in the city of Philadelphia than Mr. John McArthur. Mr. CLYMER, Will the Senator from Philadelphia allow me to explain? I intended to cast no such aspersion upon John McArthur. I say that the fact that he is a higher bidder than others makes it patent to the world that he was honest in his intentions in regard to this contract; and the fact that he has the security of well-known contractors of Philadelphia, of which his surties may be a mere coincidence. They are well known names, and though a stranger in the city, I recognize amongst them the names of those who are widely known as contractors. If they are all his bail, it is surprising that the bail of the principal might be so late furnished him with stone, iron, work on stone, when it is known that Mr. McArthur himself is an architect and has never been a contractor. Mr. SMITH, I would remark that the first name given as the security of Mr. McArthur was that of John White. The notoriety which that gentleman has achieved is vastly to his credit. No contract which he has undertaken has ever failed, and no injury has resulted to the city of Philadelphia so far as he is concerned. The next name is that of William Struthers. I can appeal to my colleague. Mr. CLYMER, I know Mr. Struthers personally. He is a reliable man. Mr. SMITH, The name of the next gentleman