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Pennsylvania Legislature.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 14, 1861.

The House was called to order at 10 o'clock A. M. by the Speaker.

The Clerk read the Journal of yesterday.

RECONSIDERATION.

Mr. BREWSTER moved to reconsider the vote on the final passage of the bill entitled an Act relative to the claim of James Condron of Blair county.

The motion was agreed to; and,

The question recurring on the final passage of said bill,

The yeas and nays were required by Mr. HILL and Mr. BRODHEAD, and were as follows, viz:

YEAS—Messrs. Abbott, Alexander, Ashcom, Austin, Bartholomew, Bisel, Blair, Blanchard, Brewster, Burns, Byrne, Cowan, Craig, Duncan, Elliott, Frazier, Gibboney, Goehring, Gordon, Graham, Happer, Harvey, Hayes, Hofius, Irvin, Lawrence, Leisenring, Lowther, M'Gonigal, Marshall, Mullin, Patterson, Peirce, Preston, Randall, Ridgway, Robinson, Roller, Schrock, Seltzer, Shafer, Smith, (Philadelphia,) Stehman, Teller, White, Wilson and Davis, *Speaker*.—47.

NAYS—Messrs. Acker, Anderson, Barnsley, Bliss, Boyer, Brodhead, Butler, (Carbon,) Caldwell, Clark, Collins, Cope, Dismant, Divins, Donley, Douglass, Eilenberger, Gaskill, Hill, Huhn, Kline, Koch, Lichtenwallner, M'Donough, Manifold, Moore, Morrison, Myers, Osterhout, Reiff, Rhoads, Smith, (Berks,) Stoneback, Taylor, Thomas and Wildey.—35.

So the question was determined in the affirmative.

THE PRIVATE CALENDAR.

Agreeably to order the House resumed the second reading and consideration of bills on the Private Calendar, when the following were disposed of as stated:

No. 363. An Act to repeal so much of the fourth section of an Act, approved the twenty-third day of March, A. D. 1859, incorporating the borough of Schuylkill Haven, as relates to the election of supervisors.

Passed finally.

Sen. 116. An Act relative to the cemetery of Miners' Lodge, number twenty, of the Independent Order of Odd Fellows of the State of Pennsylvania.

Passed finally.

Sen. 74. An Act to alter and amend the Act, entitled "an Act to establish a public ferry across the Clarion river, at or near Armstrong's mills, in the counties of Jefferson and Forest, and for other purposes," approved the second day of April, 1850.

Passed finally.

Sen. 189. An Act to incorporate the Olney library company.

Negatived.

No. 370. An Act to incorporate the Excelsior Steam Forcing Hose company of Philadelphia.

Passed finally.

No. 389. An Act for the protection of dogs in Delaware county.

Passed finally.

No. 391. An Act to repeal an Act to tax dogs in the county of Allegheny.

On the final passage of the bill,

The yeas and nays were required by Mr. HUHN and Mr. WILDEY, and were as follows, viz:

YEAS.—Messrs. Alexander, Anderson, Ashcom, Austin, Ball, Bartholomew, Bisil, Bixler, Bliss, Boyer, Brewster, Burns, Caldwell, Cope, Cowan, Craig, Dismant, Divins, Donley, Douglas, Duncan, Eilenberger, Elliott, Gaskill, Goehring, Gordon, Graham, Happer, Harvey, Hayes, Heck, Hill, Hillman, Hofius, Koch, Leisenring, Lichtenwallner, Lowther, McDonough, Manifold, Marshall, Morrison, Mullin, Myers, Osterhout, Patterson, Pierce, Preston, Pughe, Randall, Rieff, Rhoads, Roller, Schrock, Seltzer, Shafer, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stehman, Strang, Walker, White and Wilson—62.

NAYS—Messrs. Abbott, Barnsley, Brodhead, Huhn, Reily, Wildey and Davis, *Speaker*—7.

So the question was determined in the affirmative.

AFTERNOON SESSION.

Mr. BARTHOLOMEW offered the following resolution:

Resolved, That for the purpose of considering bill on the file of the House of Representatives, No. 411, entitled "an Act to incorporate the People's Passenger Railway company of Philadelphia," and such other business as the House may direct, this House will hold an afternoon session, commencing at three o'clock.

On the question,

Will the House proceed to the second reading of the resolution?

The yeas and nays were required by Mr. RIDGWAY and Mr. SHEPPARD and were as follow, viz:

YEAS.—Messrs. Armstrong, Ashcom, Bartholomew, Bisel, Bixler, Blair, Bressler, Brodhead, Clark, Cope, Cowan, Divins, Donley, Duffield, Duncan, Dunlap, Elliott, Gibboney, Heck, Hill, Kline, Lawrence, Lowther, M'Gonigal, Manifold, Marshall, Myers, Patterson, Peirce, Pughe, Randall, Reiff, Rhoads, Ridgway, Roller, Strang, Taylor and Davis, *Speaker*—38.

NAYS.—Messrs. Abbott, Acker, Alexander, Anderson, Austin, Barnsley, Blanchard, Bliss, Brewster, Burns, Butler, (Carbon,) Butler, (Crawford,) Byrne, Caldwell, Collins, Craig, Dismant, Douglass, Frazier, Gaskill, Goehring, Graham, Happer, Harvey, Hayes, Hillman, Hood, Hofius, Huhn, Irvin, Koch, Leisenring, Lichtenwallner, M'Donough, Moore, Morrison, Mullin, Ober, Osterhout, Preston, Reily, Schrock, Seltzer, Shafer, Sheppard, Stehman, Teller, Thomas, Tracy, Wildey, Williams, and Wilson—52.

So the question was determined in the negative.

PRIVATE CALENDAR.

The House resumed the second reading and consideration of bills on the private calendar, when the following were disposed of as stated:

No. 392. An Act to prevent catching fish in Slipperyrock creek, in Butler county.

Passed finally.

No. 394. A supplement to an Act relative to the selling of the repairing of the public roads in certain townships in Schuylkill county, approved 19th January, A. D. 1860.

Passed finally.

No. 395. An Act relating to roads in the townships of Hartley, Lewis and West Buffalo, in the county of Union.

Passed finally.

No. 396. An Act declaring Jackson's run, in Warren county, a public highway.

Passed finally.

Sen. 36. A supplement to an Act appointing Commissioners to lay out and open a State road in the counties of Potter and M'Kean, approved on the eleventh day of April, A. D. 1859.

Passed finally.

Sen. 86. A supplement to an Act authorising the Governor to incorporate the Larrie's Creek Plank Road company, et cetera, approved the eighth day of May, 1850, and the several supplements thereto.

Passed finally.

No. 401. An Act extending the provisions of an Act relating to the selling of the repairing of the public roads in certain townships in Schuylkill county, approved 19th January, A. D. 1860, to the township of North Manheim.

On motion of Mr. COLLINS the further consideration of the bill was postponed for the present.

No. 402. An Act to extend the time for completing the Butler and Freeport turnpike road.

Passed finally.

No. 407. Supplementary to an Act to incorporate the North Philadelphia Passenger Railroad company.

Mr. SHEPPARD offered the following amendment:

Add at the end of the first section the following:

Provided, That no cars propelled by steam upon said road shall be permitted to run south of Columbia Avenue.

The amendment was agreed to.

The bill and title was agreed to; and

On the question,

Will the House suspend the rules and read the bill a third time?

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

YEAS—Messrs. Abbott, Anderson, Austin, Bartholomew, Blair, Burns, Butler, (Carbon,) Cowan, Divins, Douglass, Duncan, Elliott, Gaskill, Gibboney, Gordon, Happer, Heck, Huhn, Irvin, Kline, Lawrence, Leisenring, Lowther, McDonough, Manifold, Marshall, Moore, Morrison, Osterhout, Patterson, Peirce, Preston, Randall, Rhoads, Roller, Seltzer, Smith, (Berks,) Smith, (Philadelphia,) Thomas and Davis, *Speaker*—40.

NAYS—Messrs. Acker, Alexander, Ashcom, Barnsley, Bisel, Bixler, Boyer, Brodhead, Butler, (Crawford,) Byrne, Caldwell, Clark, Collins, Donley, Duffield, Dunlap, Eilenberger, Frazier, Harvey, Hayes, Hill, Hillman, Hood, Hofius, Lichtenwallner, Mullin, Myers, Ober, Pughe, Reily, Schrock, Shafer, Stoneback, Taylor, White, Williams and Wilson—37.

Less than two-thirds not having voted in the affirmative, the question was determined in the negative.

Mr. DUFFIELD. I desire to submit a motion for the reconsideration of the vote just taken; and if that motion be seconded, I desire to make a statement of facts connected with this bill which I think will exhibit its propriety to those gentlemen who have been disposed to vote against it. I move that the vote just taken be reconsidered.

Mr. DUNLAP seconded the motion for reconsideration.

Mr. DUFFIELD. I do not submit this motion with any intention of being factious, and I do not propose to offer any inducement for the passage of the bill, except such as may honestly convince the judgment of this House. Some members may be disposed to regard all these railroad bills as liable to suspicion—as being traps or snares. I can assure them that this bill is not of that character.

This road is built over the plank road, with which gentlemen living in the neighborhood of Philadelphia are familiar, running from Broad street and Turner's Lane to Germantown. In 1858, a charter was granted for laying a plank road under the name and title of the "North Philadelphia passenger railway company." The track of that road was laid by Emanuel Peters, whose name appears in the second section. In order to construct that road, he expended of his own means about eighty thousand dollars, and by this expenditure he was reduced from comparative affluence to beggary. He lives in my town; I have known him from childhood; he is one of the most honest and upright men in our community. He has a large family, who are dependent upon the success of this bill. If we refuse to pass it, they will be beggared, and, I think, without any just cause. The manner in which Mr. Peters became involved in this difficulty was, that he was induced to take the stock of the company as his remuneration. This was a foolish proceeding on his part, for the stock is now worth nothing, because the road cannot be put into operation without the introduction of steam as a means of propulsion.

We, who live in the neighborhood of this railroad know, perhaps, more in regard to this proposed introduction of steam, than some others. It is not proposed to draw the cars by locomotives. It is intended that there shall be attached to the car what is called a "dummy," which runs along without making any noise. In the section of country through which this road runs, there is no objection from propertyholders. Cars propelled by steam go through that section three or four times a day. The Reading road is on one side, the North Pennsylvania on the other, and the Pennsylvania railroad not far off. These all come further into the city and make a noise by their locomotives. This is a section of country which requires just such a road to be put in operation. It is a road beautifully adapted for the purpose of riding out of the city into the suburbs.

By allowing steam to be used on this road, the company will be placed in such a position that this man will be able to reimburse himself for his great outlay. The bill is altogether a relief bill. It contains a provision, the effect of which is that his claim cannot be superseded by bond-holders coming in and sueing out their bonds.

I appeal to members personally, for the sake of this man, who has been, I was about to say, robbed of nearly all his property. Perhaps this is to some extent the result of his own imprudence; but human nature is not infallible. I hope the House will place reliance upon my statement, and will support this motion to reconsider and then pass the bill.

Mr. BARNSLEY. The only objection which I have to this bill is founded upon the provision which allows the use of steam on our public highways. If that provision be stricken from the bill I shall not object to its passage. I have no doubt that, if the gentleman will withdraw his motion and allow this bill to lie over for a day under the rules, it can be put in such a form as to be entirely unobjectionable. I hope the gentleman will withdraw his motion. A delay of one day certainly cannot be of any great consequence to him or those interested in this bill.

Mr. DUFFIELD. If I could see any necessity for such a course I should be perfectly willing to withdraw my motion; but I cannot see any such necessity. The objection offered by ly, but it is not applicable to this bill. The bill will not interfere with the interests of the people of Bucks county or any other county. This road is one which was constructed more for a private road than for public use; it is more of a pleasure road than any thing else. Every body knows that who is acquainted with the subject.

Mr. BARNSLEY. I rise to explain. This road is one of the most public roads in that part of the rural districts of Philadelphia. It is much traveled by my constituents. I state this from my own knowledge. I myself have traveled over the road for the purpose of transacting my own business.

Mr. DUFFIELD. I think the gentleman is mistaken with regard to its being this road. In addition to that, all the locomotives, at any rate, cross Broad street right in the neighborhood. So that I do not think the gentleman's objection is valid. I hope he will not urge it.

The motion of Mr. DUFFILD was agreed to; and,

The question again recurring will the House suspend the rules and read the bill a third time by its title?

On the question,

The yeas and nays were required by Mr. BARNSLEY and Mr. SMITH, (Philadelphia,) and were as follows, viz:

YEAS—Messrs. Abbott, Alexander, Anderson, Armstrong, Austin, Bartholomew, Bisel, Blair, Bliss, Boyer, Brewster, Burns, Butler, (Carbon,) Byrne, Cope, Cowan, Craig, Divins, Donley, Douglass, Duffield, Duncan, Dunlap, Eilenberger, Elliott, Gaskill, Gibboney, Gordon, Graham, Heck, Hillman, Huhn, Irvin, Kline, Lawrence, Leisenring, Lowther, M'Donough, M'Gonigal, Manifold, Marshall, Morrison, Ober, Osterhout, Patterson, Peirce, Preston, Randall, Reiff, Rhoads, Roller, Schrock, Seltzer, Shafer, Smith, (Berks,) Smith, (Philadelphia,) Stehman, Strang, Thomas, and White—60.

NAYS.—Messrs. Ashcom, Barnsley, Bixler, Brodhead, Butler, (Crawford,) Caldwell, Collins, Dismant, Frazier, Happer, Hayes, Hill, Hood, Lichtenwallner, Myers, Reiley and Williams—17.

So the question was determined in the affirmative.

The bill was then read a third time by its title.

Mr. ABBOTT moved that the House go into Committee of the Whole for the purpose of special amendment, viz:

To strike out in the first section after the word "cars" in the 8th line, the words "any law or ordinance to the contrary notwithstanding."

The House gave its unanimous consent to the amendment, and

The bill then

Passed finally.

No. 408. An Act to incorporate the People's Passenger Railroad company.

Passed finally.

No. 410. An Act to incorporate the Harrisburg City Passenger Railroad company.

Passed finally.

No. 413. An Act declaring the West Fork of the Clarion river, above Buena Vista, in Elk county, a public highway.

Passed finally.

No. 421. An Act to regulate proceedings in foreign attachment, in the city of Philadelphia.

Mr. RANDALL offered the following amendment:

In the first section, after the word "writing" in the 8th line, insert "under oath or affirmation."

In the sixth line of the 2nd section, strike out the word "thirty" and insert "sixty."

In the eighth line of the same section, strike out the word "thirty" and insert "sixty."

The amendment was agreed to, and

The bill

Passed finally.

No. 426. An Act legalizing certain dockets of the justice of the peace of the borough of Brookville.

Passed finally.

No. 427. An Act to regulate the sale of stone coal in the city of Philadelphia.

On the final passage of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. SMITH, (Philadelphia,) and were as as follows, viz:

YEAS—Messrs. Abbott, Alexander, Anderson, Armstrong, Austin, Ball, Bartholomew, Bisel, Blair, Blanchard, Bliss, Bressler, Brewster, Brodhead, Burns, Butler, (Carbon,) Butler, (Crawford,) Byrne, Clark, Collins, Cowan, Craig, Douglass, Duncan, Eilenberger, Elliott, Frazier, Gaskill, Goehring, Graham, Happer, Harvey, Hayes, Hill, Hillman, Hood, Hofius, Huhn, Koch, Leisenring, Lichtenwallner, M'Donough, M'Gonigal, Manifold, Marshall, Moore, Mullin, Osterhout, Patterson, Peirce, Preston, Reiff, Rhoads, Ridgway, Robinson, Roller, Schrock, Seltzer, Shafer, Smith, (Philadelphia,) Stehman, Stoneback, Taylor, Thomas, Tracy, White, Williams, and Wilson—69.

NAYS—Messrs. Acker, Barnsley, Caldwell, Dunlap, Gordon, Morrison, Randall—7.

So the question was determined in the affirmative.

Mr. MARSHALL moved that a Committee of two be appointed to conduct the members of the Senate into the Hall of the House of Representatives at 12 o'clock M., for the purpose of pro-ceeding to the election of a United States Senator, in the place of Hon. Simon Cameron, resigned.

The motion was agreed to,

And the Speaker appointed Messrs. MARSHALL and LEISENRING said Committee.

DIVORCE OF JOHN P. AND MARTHA PRINGLE.

No. 428. An Act to annul the marriage contract between John P. and Martha Pringle.

Mr. MULLIN. This is an application for divorce which does not come within the cognizance of our Courts; and the facts as they are exhibited in the testimony which was before the Committee, are such as to satisfy me that this House should pass this bill. It is certainly a very meritorious measure; and I trust that before the question be taken on its final passage, the testimony will be read for the information of the House. I have here the testimony which was produced before the Committee. [Several members suggested that the reading of the testimony was not necessary.] If the House do not wish to hear the testimony it is perhaps proper that I should state the facts.

John P. Pringle and Martha, who is now his wife, were united in the bonds of matrimony, on the 26th of January, 1860. They cohabited together until the 30th of August, of the same year, at which time Mrs. Pringle gave birth to a fully developed child. This was only seven months after their marriage. The physician who attended in the confinement, pronounced the child to be fully developed, and Mr. Pringle therefore disclaimed being its father.

Eight days after the birth of this child, Mrs. Pringle went before a Justice of the Peace and made information, on which the father of the child was arrested and held to bail for his appearance at Court, to answer the charge of fornication and bastardy.

Considering all the circumstances, I think it would be a great hardship to compel John P. Pringle to live with this woman and to father this bastard child. I hope the House will take this subject into serious consideration, and will pass this bill.

Mr. AUSTIN. As a general principle, I am opposed to Legislative interference with marriage contracts, and heretefore, I have almost invariably voted against bills before the House, for annulling such contracts. But, I have been made acquainted with some of the circumstances of this case, and I think it is one of extreme hardship to the husband. I have learned these circumstances from gentlemen who are well acquainted with the facts, and who, I know, would not state what was not strictly correct. I think this House should give its sanction to the annulment of this marriage contract. I shall vote for the bill, and I hope that it will pass.

Mr. GORDON. I suppose that it is not the disposition of this House to trifle with a case of this kind. The question of divorce is, I believe, considered by all right-minded persons, a very solemn subject; and I hope that this House will not sanction the divorce of these persons from the bonds of matrimony, unless sufficient proof be offered to demonstrate the propriety of such action. I, for one, as a legislator, cannot take the *dixit* of any one on a subject like this. I understand that there is some testimony which has been laid before the Committee, and which seems to have satisfied the Committee with regard to the merits of this case. Whether it will satisfy me and other members of this House, I am unable to say. I apprehend that this House will not sanction a divorce in this case, until they have that evidence read. I would, therefore, call for the reading of that testimony.

Mr. ROBINSON. As a member of the Committee on the Judiciary Local, it was my impression that this bill had been reported negatively.

Mr. GORDON. The bill appears to have been reported affirmatively.

Mr. REILY. In regard to this case, I will say, that the birth of this child seven months after the marriage, is not, in my judgment, *prima facie* evidence of the infidelity of Mrs. Pringle. Many a child is born at seven months and is, to all appearances, perfectly developed I know a family in which the wife—lawfully married—has given birth to six children; and never, in one instance, according to her statement, has the child gone more than seven months. I myself attended her in the birth of two of those children; they were matured, and have lived.

The idea that Mrs. Pringle has cohabited with another man is probably mere surmise. We know also that there are some women who will go before a Justice of the Peace and swear in such a way as to criminate men, for the purpose of getting money. This is probably a preconcerted plan to carry out their wishes. I know not what they are—I am not acquainted with the parties—but I think that the mere birth of the child within this time, is no evidence of the wife's infidelity—is no good reason why a divorce should be decreed.

Mr. ELLIOTT. I am a member of the local Judiciary Committee, but I am wholly unable to tell how this bill has come from the Committee with an affirmative recommendation. I understood that it was to be reported negatively, if at all.

These parties are both well advanced in years. Both had been married previously to this union; both had grown up children. It does seem to me strange that one of them should now seek a divorce for such causes as are here assigned.

[The above proceedings were occasionally interrupted by laughter among the members.]

Mr. GORDON. I rise to protest against the spirit of levity which is manifested in regard to this proceeding. It is perfectly shameful, that in the Legislature of Pennsylvania, we cannot discuss so solemn a case as a divorce case, which in a Court of Common Pleas would be treated in its right character, without having this House convulsed with laughter. I hope that there will be no more manifestations of such a spirit. It seems to me very strange that a case like this cannot be treated with the proper degree of seriousness. It is a case which appropriately comes before us and one which we lawyers consider a solemn case. I hope it will hereafter be treated in the proper manner.

The Clerk then proceeded to read the testimony; but was interrupted by the following proceedings:

IN CONVENTION.—ELECTION OF UNITED STATES SENATOR.

The hour of 12 M. having arrived, the Sergeant-at-Arms of the House announced the Speaker and members of the Senate; and they entered the hall, preceded by Mr. Harman Yerkes, Sergeant-at-Arms of the Senate, who made the following announcement:

Mr. Speaker, the Senate of Pennsylvania appears before your honorable body for the purpose of going into an election of United States Senator to fill the vacancy occasioned by the resignation of Hon. Simon Cameron.

Hon. R. M. PALMER, Speaker of the Senate, having taken the Chair, said:

Gentlemen of the Convention, you have convened for the purpose of electing a Senator of the United States for the State of Pennsylvania to fill the vacancy occasioned by the resignation of Hon. Simon Cameron. Is it your pleasure to proceed to that election? [The response was aye.] The Clerks will call the rolls of the names of the Senators and Members of the House of Representatives, and the Tellers will tally the vote.

Mr. BOUND officiated as Teller on the part of the Senate.

Mr. STEHMAN officiated as Teller on the part of the House of Representatives.

The convention then proceeded to ballot for a United States Senator, which resulted as follows:

Messrs. Benson, Boughter, Bound, Connell, Finney, Fuller, Gregg, Hall, Hamilton, Hiestand, Imbrie, Irish, Ketcham, Landon, Lawrence, M'Clure, Meredith, Nichols, Parker, Penney, Robinson, Serrill, Smith, Thompson, Yardley and Palmer, *Speaker*—26 members of the Senate voted for David Wilmot.

Messrs. Blood, Clymer, Crawford, Mott and Schindel—5 members of the Senate voted for W. H. Welsh.

Mr. Welsh—1 member of the Senate voted for Wm. Wilkins.

Messrs. Abbott, Acker, Alexander, Anderson, Armstrong, Ashcom, Austin, Ball, Barnsley, Bartholomew, Bisel, Bixler, Blair, Blanchard, Bliss, Bressler, Brewster, Burns, Butler, (Crawford,) Clark, Collins, Cowan, Craig, Douglass, Duncan, Elliott, Frazier, Gibboney, Goehring, Gordon, Graham, Happer, Harvey, Hayes, Hood, Hofius, Irvin, Koch, Lawrence, Lowther, M'Gonigal, Marshall, Moore, Mullin, Ober, Patterson, Peirce, Preston, Pughe, Reily, Ridgway, Robinson, Roller, Schrock, Seltzer, Shafer, Sheppard, Stehman, Strang, Taylor, Teller, Thomas, Tracy, Walker, White, Wildey, Williams, Wilson and Davis, *Speaker*—69 members of the House voted for David Wilmot.

Messrs. Boyer, Brodhead, Butler, (Carbon,) Byrne, Caldwell, Cope, Dismant, Divins, Donley, Duffield, Dunlap, Eilenberger, Gaskill, Heck, Hill, Kline, Leisenring, Lichtenwallner, M'Donough, Manifold, Morrison, Myers, Osterhout, Patterson, Peirce, Preston, Reiff, Rhoads, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Thomas, White, Wilson and Wildey—33 members of the House voted for Wm. H. Welsh.

Mr. Hillman—1 member of the House voted for Wm. W. Ketcham.

DAVID WILMOT having received a majority of all the votes cast, was declared, by the President of the Convention, to be duly elected a United States Senator, to fill the unexpired term of Hon. Simon Cameron, resigned.

The President and Tellers having signed the certificates,

On motion of Mr. SHEPPARD the Convention adjourned.

The members of the Senate having retired,

Mr. STEHMAN, Teller on the part of the House to officiate at the election of a United States Senator in the place of Hon. Simon Cameron, resigned, reported the result thereof.

THE PRIVATE CALENDAR.

The House resumed the second reading and consideration of the Act to annul the marriage contract between John P. Pringle and Martha Pringle.

The question was on agreeing to the bill.

The CLERK concluded the reading of the testimony in the case.

Mr. TELLER. As a member of the Committee, I do not know how this bill come to be reported with an affirmative recommendation. It was certainly my impression that it was to be reported negatively.

I consider that this bill involves a very grave question—one that should not be treated with the least levity. To sever the bonds of matrimony is certainly a most solemn proceeding. What do we know about the circumstances of this case? What is the testimony before us? Is it such testimony as would convince an ignorant justice of the peace that there has been infidelity on the part of this woman? I presume that on such evidence a case could not be made out before any alderman of our State. I care not whether the Courts have jurisdiction in this case or whether they have not—I believe that there is not sufficient evidence to justify this divorce. If the Courts had jurisdiction, I do not think the the case could be made out on such testimony.

What are the circumstances as exhibited in this testimony? This Mr. Pringle is probably a very clever man, but perhaps a very weak-minded one. He is an old man—a man who has lived to raise a family. The testimony says that he became acquainted with this Martha at a camp-meeting. The evidence is vague as to the time when that camp-meeting was held. t must have been not later than September for these camp-meetings are not held late in the fall, as the nights are cold. It is also said that she had an acquaintance with McCann. No doubt she had known McCann, as she had known other men; but there is no proof of anything improper in the relations between her and McCann.

What is the testimony? It appears that in January a child was born. That child was born within the bonds of wedlock. We cannot go back of the record. There are many things to be considered in this case. This man Pringle is said to be a man of property. Here is a child born; and it is entitled to a father. It has, by the laws of this Commonwealth, a legitimate father, and I hope that this House will not take any action which will illegitimate or bastardize that child.

The woman, too, seems to be a person of weak mind. She seems to doubt whether this child is the child of M'Cann or the child of her husband. At one time she looks at the child and she thinks she sees some of the features of M'Cann. At another time she thinks it cannot be M'Cann's child. I ask, can we arrive at any satisfactory conclusion, from those statements? At the time they were made, she was probably in a feeble state. Her mind had undoubtedly been harrowed by her husband, and she was probably weakened by confinement. What influences were brought to bear upon her, I am sure I do not know. Neither do the members of this House know. One thing I do know—that they were married. Another thing I know—there is a certain Book, by which most of us profess to be governed. In that Book it is decreed, "those whom God has joined together, let no man put assunder." I hope this bill will not be passed without the proof of the infidelity of the wife.

Mr. RANDALL. As a member of the local Judiciary Committee, I think it proper to state the course which this bill took before that Committee. The bill was before the Committee at every meeting during a considerable period of time. At several meetings the whole testimony was read for the benefit of one or another of the members of that Committee, who had not been present at previous meetings. There was, according to my recollection, a decided majority in favor of reporting upon the bill negatively, and like my colleagues on that Committee, I am unable to understand how the bill could be reported with a favorable recommendation.

Mr. WILSON. This bill was considered by the Committee, as the gentleman has remarked; and at one of the meetings, when there was a quorum present, a majority of those present voted in favor of reporting the bill affirmatively. There is no use of intimating that this bill was reported clandestinely.

Mr. RANDALL. In regard to the question whether the bill came from the Committee clandestinely, I have only to say that, if the Committee at one of their meetings determined to report the bill affirmatively, I was not present at that meeting.

Mr. WILSON. If I mistake not, the gentleman from Butler (Mr. ROBINSON) was present at that meeting.

Mr. BUTLER, (Carbon). I think the gentleman from Philadelphia (Mr. RANDALL) was also present when it was determined that the bill should be reported affirmatively.

Mr. COLLINS. That is correct. The gentleman from Philadelphia was present.

Mr. RANDALL. Then I must say that if that be so the action of the Committee must certainly have been taken in a very quiet manner, for the bill was certainly never reported affirmatively with my knowledge.

Mr. WILSON. So far as my recollection goes, the gentleman from Butler, (Mr. ROBINSON,) and the gentleman from Philadelphia, (Mr. RANDALL), were both present; but I may be mistaken.

Mr. RANDALL. All I can say is, that the bill was certainly reported without my knowledge. I presumed, when I saw the bill on the Calendar, that the words "negative recommendation" had been omitted. I expected that when the bill should be read it would so appear. I only rose for the purpose of saying that I believe this testimony was thoroughly examined by every member of that Committee; and so far as I heard them express their opinions, the majority of the Committee were decidedly opposed to reporting the bill with an affirmative recommendation.

Mr. ROBINSON. I merely wish to say, in support of what I have already said, that the chairman of the Committee is very much mistaken, if he thinks I was present at any meeting when the Committee determined to report this bill favorably. The bill was before us two or three times, and if it was passed upon at all, it was certainly passed negatively. I have no recollection of the final action of the Committee.

Mr. WILSON. I only speak from my recollection: but it may be possible that the gentleman understood the motion as being to report with a negative recommendation. The motion, however, was to report with an affirmative recommendation. I may further state that for my part I was not at the time favorable to reporting the bill affirmatively.

On the question,

Will the House agree to the bill?

Mr. ABBOTT moved that the bill be re-committed.

The motion was agreed to.

Mr. SELTZER moved that when the House adjourn it adjourn to meet at 3 o'clock, P. M., and adjourn at 5 o'clock, for the purpose of considering bills on the private calendar.

On the motion,

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

YEAS—Messrs. Abbott, Acker, Alexander, Anderson, Aschom, Austin, Ball, Bisel, Bixler, Blair, Blanchard, Boyer, Bressler, Brewster, Brodhead, Burns, Butler, (Carbon,) Butler, (Crawford,) Byrne, Caldwell, Clark, Cope, Cowan, Craig, Dismant, Donley, Douglass, Eilenberger, Elliott, Frazier, Gaskill, Gordon, Graham, Happer, Harvey, Hayes, Hill, Hood, Hofius, Irvin, Kline, Koch, Lawrence, Lichtenwallner, Lowther, M'Donough, M'Gonigal, Manifold, Myers, Ober, Osterhout, Patterson, Peirce, Pughe, Randall, Reiff, Reily, Rhoads, Ridgway, Robinson, Roller, Schrock Seltzer, Shafer, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stehman, Stoneback, Strang, Taylor, White and Wildey—73.

NAYS—Messrs. Armstrong, Bartholomew, Duncan, Leisenring, Morrison, Thomas, Williams, Wilson, and Davis, *Speaker*—9.

So the question was determined in the affirmative.

No. 429. An Act relative to sales at auction in the county of Beaver.

Mr. BUTLER, (Carbon,) moved to amend by including the county of Carbon.

The amendment was agreed to; and

The bill then

Passed finally.

Sen. 203. An Act to authorize the appointment of additional notaries public in the city of Philadelphia.

Passed finally.

No. 431. An Act to regulate the fees of justices of the peace of Cambria county.

Passed finally.

No. 432. An Act relating to the election of supervisors and overseers of the poor in Old Lycoming township, in the county of Lycoming.

Passed finally.

No. 433. An Act authorizing the county surveyor of the county of Somerset to transcribe the official record of the drafts of all surveys in said county.

Passed finally.

No. 436. An Act authorizing the Governor to commission auctioneers in the city of Harrisburg, Dauphin county.

Mr. HECK moved to postpone the bill for the present.

Mr. BUTLER, (Carbon,) moved to amend by postponing the bill indefinitely.

The amendment was agreed to; and

The motion as amended was adopted.

No. 437. An Act to authorize the erection of a poor-house by the township of Blakely, in Luzerne county.

Mr. BYRNE moved to amend by adding after the name of "James G. Stevens" the name of "John M'Coy."

The amendment was not agreed to.

Mr. PUGHE moved to amend by striking from the fourth line the name of "Patrick Welsh" and inserting "Michael Flynn."

The consideration of Mr. PUGHE'S amendment was postponed to afford the Speaker time to clear his table.

BILLS MESSAGED FROM THE SENATE.

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows, viz:

Sen. 177. An Act authorizing the State Treasurer to pay to the Towanda Bridge Company a balance remaining in the Treasury due them, in pursuance of a contract made with the Board of Canal Commissioners July 12th, 1856.

Sen. 239. An Act to exempt the Yates Institute of Lancaster county from taxation.

Sen. 242. An Act to exempt from taxation the American Protestant Hall building in Philadelphia.

Sen. 264. An Act to change the place of holding elections in Allegheny township, Venango county.

Sen. 271. An Act authorizing surviving executors and Administrators to execute and deliver deeds of conveyance in certain cases.

Sen. 292. An Act to incorporate the Oakland Park Association.

Sen. 298. A supplement to an Act to incorporate the Farm Stock Association of Delaware county.

Sen. 348. A further supplement to an Act in reference to running of locomotive engines and cars on connecting railroads, approved the thirtieth of March, one thousand eight hundred and forty-seven.

Sen. 359. An Act to amend the charter of the borough of Catasaqua.

Sen. 365. A further supplement to an Act to incorporate the city of Philadelphia.

Sen. 366. An Act to change the name of Mary Ann Margaret Eichar.

Sen. 400. A further supplement to an Act to perfect the charter of the Samaritan Beneficial society, of the city and county of Philadelphia.

Sen. 412. A supplement to an Act to incorporate the Potter County Railroad company, approved the 2d day of April A. D., 1860.

Sen. 426. An Act relative to the collection of taxes in the county of Lancaster.

Sen. 428. A supplement to an Act to incorporate the Northern Home for Friendless Children, passed the 28th of January, 1854.

Sen. 427. An Act relating to roads in Toboyne township, Perry county.

Sen. 431. An Act to change the limits of the borough of Bellsville, in the county of Washington.

Sen. 373. An Act relating to the office of Interpreter for the several courts in the county of Allegheny.

Sen. 439. An Act to incorporate the Farmer's Mutual Fire Insurance company, of Monroe county.

Sen. 442. An Act to incorporate the Jefferson Turnpike company.

Sen. 436. A further supplement to the Act relating to roads and bridges in the county of York, approved February, 1860.

He also returned bills from the House of Re-

[*Continued on Fourth Page.*]