

Pennsylvania Telegraph

"INDEPENDENT IN ALL THINGS—NEUTRAL IN NONE"

VOL. XIV. HARRISBURG, PA. FRIDAY AFTERNOON, APRIL 12, 1861. NO. 84.

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before Marriage and Deaths, FIVE CENTS PER LINE
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Marriages and Deaths to be charged as regular
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Pennsylvania Legislature.

SENATE.
Thursday, April 11, 1861.

The Senate met at 10 o'clock, A. M., Mr. PENNEY in the Chair.
Prayer by the Rev. D. Gans.
The reading of the Journals of yesterday was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. YARDLEY (Judiciary), as committed, an Act to extend Paradise street in the borough of Turberville, Northumberland county.

Also, (same), as committed, House bill No. 901, entitled "a supplement to the Act relative to courts in Union and Snyder counties."

Also, (same), as committed, House bill No. 1089, entitled "an Act to authorize the burgess and town council of the borough of Tioga, Tioga county, to levy an additional tax."

Also, (same), as committed, House bill No. 688, entitled "an Act relative to assessors and assessments in the city of Philadelphia."

Also, (same), with a negative recommendation, House bill No. 682, entitled "an Act for the more convenient dispatch of public business in the courts of Philadelphia."

Also, (same), with a negative recommendation, an Act relating to appeals from Justices and aldermen.

Mr. FINNEY (Finance), with amendments, House bill No. 420, entitled "an Act to provide for the ordinary expenses of government and other general and specific appropriations."

Mr. HALL (Judiciary), as committed, an Act relative to "suits at auction in Northampton county."

Also, (same), with a negative recommendation, House bill No. 717, entitled "a supplement to an Act to incorporate the borough of New Columbus, Luzerne county."

Also, (same), with a negative recommendation, House bill No. 700, entitled "a supplement to the Act incorporating the managers of the poor of the township of Germantown, and changing the manner of electing managers of the poor, and auditors."

Also, (same), as committed, House bill No. 619, entitled "an Act relative to the pay of jurors in Centre and Clinton counties."

Also, (same), as committed, House bill No. 690, entitled "an Act to vacate certain portions of Thompson street, in the city of Philadelphia."

Also, (same), with a negative recommendation, House bill No. 488, entitled "an Act to regulate intelligence office in this Commonwealth."

Also, (same), as committed, House bill No. 817, entitled "an Act to authorize the Board of Managers of the Marietta and Maytown turnpike road company to borrow money."

Mr. KETCHAM (same), as committed, a supplement to an Act to consolidate, revise and amend the penal laws of this Commonwealth, approved March 31, 1860.

Also, (same), as committed, an Act to authorize the removal of the burying ground located to a society of the Church of England, August 27, 1772, by Patterson and Lerodin, south east corner of King and Second streets in the borough of Northumberland.

Also, (same), as committed, an Act repealing the Act of April 18th, 1858, repealing an Act appointing Commissioners to review and lay out a State road from Waynesburg in Greene county, to Beavertown in Fayette county, and revising the Act of April 12, 1858.

Also, (same), with a negative recommendation, a supplement to the Act to consolidate, revise and amend the penal laws of this Commonwealth, approved March 30, 1860.

Also, (same), as committed, House bill No. 1086, entitled "a supplement to an Act approved April 17th, 1848, entitled a further supplement to the Act to incorporate the district of South-western Luzerne county."

Also, (same), as committed, House bill No. 918, entitled "an Act to repeal an Act appropriating certain taxes towards the making of a certain road in Jefferson county."

Also, (same), as committed, House bill No. 795, entitled "an Act appropriating part of monies arising from fines and forfeitures in Schuylkill county."

Also, (same), as committed, House bill No. 647, entitled "an Act authorizing the Chair and Assistant Burgesses and Town Council of the borough of Middletown, Dauphin county, to erect a lock-up house in said borough."

Also, (same), as committed, House bill No. 1018, entitled "a supplement to an Act to incorporate the borough of Patterson, Juniata county."

Mr. HAMILTON (Corporations), as committed, a supplement to an Act to incorporate the borough of Weston, Northampton county.

Mr. GREGG (Railroads), as committed, a supplement to an Act to incorporate the Second and Third Streets Passenger Railway company of the city of Philadelphia.

Also, (same), as committed, an Act to incorporate the Nesquehoning Valley Railroad company.

Also, (same), as committed, House bill No. 740, entitled "a further supplement to an Act to incorporate the Erie and Pittsburgh Railroad company."

Also, (same), as committed, House bill No. 784, entitled "a further supplement to an Act to incorporate the Fayette County Railroad company."

Mr. PARKER (same), as committed, House bill No. 842, entitled "an Act relative to changes of locations of railroads in certain cases in Berks county."

Also, (same), as committed, House bill No. 787, entitled "an Act to extend the charter of the Greenwich Improvement and Railroad company."

Also, (same), as committed, an Act to incorporate the Navy Yard, Broad street and Fairmount Railway company.

Mr. BLOOD (same), as committed, House bill No. 818, entitled "an Act to incorporate the Delaware and Schuylkill Passenger Railway company."

Also, (same), as committed, House bill No. 880, entitled "an Act to incorporate the Nittany Valley and Lick Run Railroad company."

Also, (same), as committed, House bill No. 476, entitled "an Act to incorporate the Mifflin and Centre County Railroad company."

Also, (same), as committed, a supplement to an Act to incorporate the Philadelphia and Olney Railroad company, approved April 1860.

Also, (same), as committed, a supplement to an Act to incorporate the Schuylkill and Susquehanna Railroad company, approved April 1, 1860.

Also, (same), as committed, an Act incorporating the Wyoming county Railroad company.

Mr. BOUND (Compare Bills), presented a report which was read and approved.

Mr. SMITH (Finance), as committed, an Act for the relief of the sureties of Jacob M. Strickler, late collector of tolls at Columbia, Lancaster county.

BILLS READ IN PLAGES.

Mr. IRISH read in place an Act conferring upon Caroline Elizabeth, Kate and Nicholas W. Hughes, minor children of John Hughes, all the rights and privileges of children born in lawful wedlock.

Referred to the Committee on the Judiciary.

Mr. NICHOLS, a supplement to an Act consolidating the city of Philadelphia.

Referred to the Committee on the Judiciary.

Mr. PARKER, a supplement to an Act to authorize the Controller and City Treasurer of the city of Philadelphia to audit and settle the military accounts of H. B. Yeager, late Brigade Inspector, approved December 6, 1860.

Referred to the Committee on the Militia System.

Mr. SMITH, a supplement to an Act to consolidate, revise and amend the penal laws of this Commonwealth, approved March 31, 1860.

Referred to the Committee on the Judiciary.

Mr. PARKER, an Act to incorporate the Great Council of Improved Order of Red Men of the State of Pennsylvania.

Referred to the Committee on Corporations.

ORIGINAL RESOLUTIONS.

Mr. FINNEY offered the following resolution: Resolved, That the Committee on Finance be instructed to consider and report, by bill or otherwise, upon the appointment of commissioners, whose duty it shall be to examine into the condition and necessities of the several institutions of the State to which money has been appropriated by the Legislature, and to report to the next session of the Legislature as to the propriety and necessity of such appropriations, and whether, and to what extent, the same should be continued.

The resolution was twice read, considered and agreed to.

Mr. MCCLURE offered the following resolution, which was twice read:

Resolved, That the Senate will hold a session, commencing at half past seven o'clock on the evening of the 12th inst., to consider the bill providing for the proper defence of the State.

Mr. MCCLURE. I would state that the Select Committee, to whom was referred yesterday, together with the subject which is set forth, will be prepared to report to the Senate at the session of either this afternoon or this evening. I need not remind Senators of the necessity which exists for our early consideration of this question.

Mr. WELSH. I trust that the resolution will not be adopted. It occurs to me as one of the strangest proceedings that has ever occurred in this Senate, that a resolution should be offered requiring us to proceed to a consideration of perhaps the most important bill that has ever been offered in the Senate of Pennsylvania, without that bill having been reported or printed, or its character and import known to a single Senator. I ask for no unnecessary delay, but merely that this measure, of so great importance and of such vital interest to Pennsylvania, will be permitted to receive a proper consideration.

Mr. SMITH. I hope that the resolution will be adopted, and that we will show we are not only in earnest about this matter, but that we are anxious to see it carried into effect as early as a day practicable. The delay of the National Administration in attending to this business, has given rise to all of the present general apprehension of dangers and difficulties, and I hope that we will not, by any delay of ours, aggravate the case. The object of the bill, in plain English, is to declare our determination to do all we can to protect our government.

Mr. HALL. I agree with the Senator from York that the subject for the consideration of which it is proposed to hold an evening session, is the most important of any which has occupied the attention of the Legislature during the present session. The Speaker of this body appointed a Committee to act in connection with a similar Committee of the House for the purpose of reporting to the Legislature what should be done in regard to the matter. As a member of that Committee, I feel called upon to state to you that we have no knowledge of any bill on the subject having been framed, and I am not willing to vote to fix a special session for its consideration until a bill is properly matured.

Mr. SCHINDEL. As a member of the Committee referred to, I must say that I have not attended any meeting.

Mr. IMBRIE. I agree with the Senators from York and Blair that this is a very important bill; and I think that is the strongest reason which can be given why we should proceed to the consideration of the bill to-night. The Legislature has already fixed the eighteenth inst. as the time for final adjournment; and we have barely time to consider other matters of importance. I consider this bill, however, of vast moment; far more important than the Appropriation bill.

Mr. LONDON said that he was ready to concur upon the bill at any time, whenever the speaker should be appointed for the purpose of considering the subject here reported, the result of their labors.

Mr. MCCLURE. I beg to state to the Senate, in explanation of that which might otherwise be deemed discourteous to the Committee, that I have no bill on this subject, and that there has been no meeting of the committee.

I would say in reply to the Senators from York and Berks, that this subject is not one of such vast importance. The bill does not concern the raising of means and supplies in order to carry on war, but simply provides that the State shall be put upon a respectable peace footing—nothing more. I have no doubt that the committee will be entirely harmonious in their action. It is a mistake to say that this is a question requiring great deliberation; it is merely a proposition to place the State in that position which her importance requires.

We now have a State without arms, a military organization without efficiency. We need to have both these requisites.

Mr. HALL. I desire to repeat what I said in regard to this subject, that it will be the most important of all the measures which I come before us during the present session. I do not mean to say that the bill which will be presented to us will of itself be so very important, but that the results flowing out of it will be extremely important. In answer to the Senator from Beaver, I would say that I am as a Senator, but I do not wish to act precipitately, willing to act upon this subject, as any man in the Committee appointed on this subject may report this afternoon, when we will be able to appoint a time for the consideration of this bill.

Mr. SMITH. I move to amend the resolution by striking out that part which refers to the consideration of the bill to be reported.

The amendment was agreed to.

VOICES RECORDED.

Mr. BLOOD moved that the Senate reconsider the final vote had upon bill entitled "an Act for the relief of the sureties of Jacob M. Strickler, late collector of tolls at Columbia, Lancaster county."

Mr. FINNEY. The passage of so many bills referring old claims against the Commonwealth to the Auditor General and other officers, constituting those gentlemen an arbitrary commission to settle all the claims of the Commonwealth, has so entrenched upon their labors that they have not time to discharge their appropriate official duties. The Auditor General complains of such a practice on our part. Here is a bill proposing to refer to him and his associates, claims that were examined by the proper officers of the Commonwealth twenty years ago. An investigation of them at this time, if properly attended to, will occupy several weeks. Moreover, they are, probably, claims never possessing any merit, which have become rancid to them as they have passed away and no knowledge can be obtained but what is received from interested parties.

Now we had better have a Board of Examiners appointed, in which case we might institute some other reference. The Canal Board having been abolished, we have no officers to whom we can refer these matters, except the Auditor General and his associates, whose duty is not to discharge these functions when they may properly be given; but, as they are not a strong necessity for their duties should not be imposed upon them.

On the motion of Mr. BLOOD to reconsider, The yeas and nays were required by Mr. BLOOD and Mr. HIRSTAND, and were as follows, viz: Yeas—Messrs. Blood, Crawford, Fuller, Gregg, Hall, Hamilton, Imbrie, Ketcham, Landon, Lawrence, Meredith, Mott, Nichols, Park, Robinson, Serrill, Wharton, Yardley and Palmer, Speaker—19.

NAYS—Messrs. Benson, Blood, Boughter, Connell, Gregg, Hamilton, Imbrie, Ketcham, Landon, Lawrence, Meredith, Mott, Nichols, Park, Robinson, Serrill, Smith, Thompson, Wharton, Yardley and Palmer, Speaker—20.

So the motion to reconsider was agreed to.

Mr. IRISH said. I desire to know if there is a single Senator on this floor who knows anything about the merits of this bill. Has there been even a prima facie case made out in favor of these claimants? I think it becomes the duty of the Senate to know whether there is such a claim against the Commonwealth, or whether there is a consideration of any mere alleged claim.

Mr. MERRIDITH. In answer to the Senator from Allegheny, I would state that I have charge of the bill before the Senate; and I ask that the same question may be extended to me which has been given to other Senators on the floor, who have had bills of precisely the same character passed during this session.

I believe that Mr. Bills has a just claim against the Commonwealth. I am not, however, aware of its extent, and I have full confidence in the gentlemen to whom it is proposed to refer this claim, and I hope that such reference will be made.

Mr. BLOOD. In explanation of my vote on the Chair I desire to state that one of the gentlemen named in the bill receives a sufficient justification from the citizens of Armstrong county to satisfy me that his claim is just and proper.

Mr. IRISH. I have always voted against bills of a similar character, which was not so apparent that there was really any claim against the Commonwealth.

The bill then passed finally.

A SUPPLEMENT TO THE PENAL CODE.

Mr. HALL called up Senate bill No. 945, entitled "a supplement to an Act to consolidate, revise and amend the penal laws of this Commonwealth, approved March 31, 1860."

In Committee of the Whole, Mr. HALL was in the Chair, and the bill first and only section was read and agreed to, so reported, and passed finally.

LACKAWANNA AND LANCASTER RAILROAD COMPANY.

Mr. THOMPSON moved to resume the consideration of Senate bill No. 447, entitled "a supplement to the Act to incorporate the Lackawanna and Lancaster Railroad company."

The motion was agreed to.

The bill being on second reading, the section was read.

Mr. KETCHAM moved to amend said section by reducing the number of acres of land from seven thousand five hundred to three thousand.

The amendment was agreed to, and the bill passed finally.

On the question, Will the Senate agree to the section as amended? The yeas and nays were required by Mr. KETCHAM and Mr. THOMPSON, and were as follows, viz: Yeas—Messrs. Benson, Boughter, Connell, Fuller, Gregg, Hamilton, Hestand, Imbrie, Landon, Lawrence, Meredith, Nichols, Penney, Robinson, Serrill, Smith, Thompson, Wharton, Yardley and Palmer, Speaker—20.

NAYS—Messrs. Blood, Clymer, Crawford, Ketcham, Mott and Welsh—16.

So the section was agreed to.

The second and last section was read and agreed to.

On motion of Mr. THOMPSON the rules were suspended, and the bill read a third time by its title.

On the question, Shall the bill pass? The yeas and nays were required by Mr. KETCHAM and Mr. THOMPSON, and were as follows, viz: Yeas—Messrs. Benson, Boughter, Connell, Fuller, Gregg, Hamilton, Hestand, Imbrie, Landon, Lawrence, Meredith, Nichols, Penney, Robinson, Serrill, Smith, Thompson, Wharton, Yardley and Palmer, Speaker—15.

NAYS—Messrs. Blood, Clymer, Crawford, Ketcham, Mott and Welsh—16.

So the bill passed finally.

SURETIES OF JACOB M. STRICKLER.

Mr. SMITH called up Senate bill, entitled "an Act for the relief of the sureties of Jacob M. Strickler, late collector of tolls at Columbia, Lancaster county."

The first and only section of the bill was read.

Mr. CLYMER. I desire to have an explanation of the bill.

Mr. SMITH. I believe that the Senators from Franklin and Schuylkill are more familiar than I am with the facts of the case. The general facts, as I understand, are these: The sureties named in the bill were securities for Mr. Strickler, who became a defaulter to the Commonwealth. A portion of the amount in default, over \$31,000, has already been paid, leaving some eight or nine thousand dollars still remaining due. It has been deemed by the Finance Committee to be a proper bill and has so reported to the Senate.

Mr. MCCLURE. The facts of this case may be stated very briefly. Mr. Strickler was appointed collector of tolls at Columbia, by the Board of Canal Commissioners. The gentlemen for whose relief this bill is intended were his sureties. At the expiration of a year Mr. Strickler was re-appointed by the Canal Board, who were required to receive his bonds for a second time. The former sureties of the gentleman

came to the Canal Commissioners and inquired whether the accounts of Mr. S. were entirely square with the Commonwealth, and they were given the assurance that they were. When these officers of the Commonwealth, these gentlemen again went his security. At this time Mr. S. was in reality a defaulter to the Commonwealth in the large amount of \$35,000. I do not ask the Senate to take these assertions as facts, merely on my own statement. I have before me a report, made to this House by Charles B. Buckalew, who was then an officer of the Commonwealth. The report states that at the time of his re-appointment, according to the evidence from the Auditor General's office, Mr. S. was in default to the amount of \$19,977 96. I have also before me the evidence of Mr. S., given under oath, that at the time of his last appointment his default was thirty-five thousand, or thirty-six thousand dollars. I have also the statement of General Foster, of Westmoreland county.

It was upon the representations of the Auditor General that the sureties were informed that these gentlemen (Messrs. Shaffer, Kaufman and Crane) were induced to become the sureties of Mr. Strickler, at a time when that gentleman was a defaulter to the Commonwealth. I have, furthermore, a statement showing that the assets of Mr. Strickler were put into the hands of his sureties, and by them converted into cash, which was paid to the Commonwealth, as Mr. S. drew out of the pockets of these gentlemen. There is still a balance due of \$9,388; and I submit to the Senate whether it is right in law or equity to compel these sureties to pay such a balance.

Mr. CLYMER. I desire to ask the Senator from Franklin a question in order to understand this claim more fully, as I am desirous of voting for it. If Mr. Strickler was a defaulter during the first year and also during the two following years, and the gentleman named as his sureties for those two subsequent years became such through the misrepresentations of the accounting officers, they should not be required to pay more than the sum in which he was a defaulter the first year. I think that justice to the Commonwealth requires that they should pay that amount. Equity and fair dealing would induce us to relieve them from the payment of the amount in default during the last two years, but does not induce the State to demand that they should be held responsible for the amount of the first year's default.

Mr. MCCLURE. By a certified statement filed in the office of the Auditor General, I find that Mr. Strickler was a defaulter in the amount of \$24,445 25. The sureties have already paid over thirty-one thousand dollars.

Mr. CLYMER. I would suggest to the Senate that they have paid a great portion of that amount, but does not induce the State to demand that they should be held responsible for the amount of the first year's default.

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