THE TELEGRAPH

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(SUNDAYS EXCEPTED,)
By GEORGE BERGNER.

TERMS.—SINGLE SUBSCRIPTION.

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Pennsylvania Telegraph.

"INDEPENDENT IN ALL THINGS—NEUTRAL IN NONE."

VOL. XIV. HARRISBURG, PA., TUESDAY AFTERNOON, APRIL 16, 1861. NO. 87.

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Pennsylvania Legislature.

SENATE.

FRIDAY, April 12.

The Senate was called to order at 10 o'clock, A. M., Mr. PENNEY in the Chair.

Prayer by Rev. DANIEL GANS.

On motion of Mr. IMBRIE, the reading of the Journal was dispensed with.

PETITIONS &C. PRESENTED.

Mr. NICHOLS presented a remonstrance of citizens of Philadelphia against the passage of the bill to incorporate the Navy Yard, Broad street and Fairmount Passenger Railway Company.

Referred to the Committee on Railroads.

Mr. SERRILL presented a petition of citizens of Chester county, in favor of a law, authorizing the erection of State scales in the twenty-fourth ward of the city of Philadelphia.

Referred to the Committee on the Judiciary.

Also, a prtition of citizens of Chester and Delaware counties, in favor of a new school district near the line of said counties.

Referred to the Committee on Education.

Also, a remonstrance of similar import.

Referred to same Committee.

Mr. THOMPSON presented three petitions of citizens of Montgomery county, in favor of the repeal of an Act abolishing the office of sealers of Weights and Measures in said county.

Referred to the Judiciary Committee.

Mr. CLYMER presented two petitions of citizens of Maidencreek township, Berks county, in favor of the passage of an Act to prevent the running at large of cattle, horses, hogs, &c.

Referred to the Committee on Agriculture, &c.

Mr BENSON presented a petition of citizens of Lock Haven, Clinton county, in favor of a law to authorize the banks to issue small notes.

Referred to the Committee on Banks.

Also, one of similar import from citizens of Jersey Shore, Lycoming county.

Referred to the Committee on Banks.

Mr. GREGG presented a petition of citizens of Williamsport, Lycoming county, in favor of an Act requiring the resumption of specie payments and authorizing the issue of small notes.

Laid upon the table.

Mr. BOUND presented a petition of citizens of Columbia county in favor of a law to tax unseated lands for the support of the poor.

Referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of citizens of Juniata county in favor of law for the destruction of noxious animals in said county.

Referred to the Committee on Agriculture and Manufactures.

Mr. HALL presented a remonstrance of citizens of Cambria county against the bill to allow the Commissioners of said county to borrow money.

Laid upon the table.

Mr. IRISH presented a remonstrance of citizens of Allegheny county against the passage of a supplement to an Act to incorporate the Pittsburg and Steubenville Turnpike Road company.

Laid upon the table.

REPORTS FROM STANDING COMMITTEES.

Mr. CONNELL, (Corporations,) as committed, House bill No. 864, entitled an Act to incorporate Cove Lodge, No. 368, Independent Order of Odd Fellows.

Also, (same,) as committted, House bill No. 867, entitled a supplement to an Act to authorize the Governor to incorporate the Mauch Chunk Water company.

Mr. IMBRIE, (Election Districts,) as committed, House bill, No. 1079, entitled an Act to change the place of holding elections in Perry township, Snyder county.

Mr. FULLER, (sime,) as committed, House bill, No. 1076, entitled an Act to change the place of holding elections in Texas township, Wayne county.

Mr. MEREDITH, (Agriculture and Domestic Manufactures,) as committed, House bill No. 1074, entitled an Act relating to the killing of game in Adams county.

Mr. HAMILTON, (Roads and Bridges,) with a negative recommendation, House bill No. 1088, entitled an Act to appoint viewers to vacate part of a certain road in Juniata county.

Mr. THOMPSON, (same,) as committed, House bill No. 527, entitled an Act to lay out a State road in Berks and Lebanon countids.

Mr. FULLER, (Compare Bills,) presented a report which was read and engrossed upon the official records of the Senate.

Mr. THOMPSON, (New Counties, &c.,) as committed, an Act to run and fix a portion of the boundary line between Columbia and Luzerne counties.

Mr. SMITH, (Judiciary,) as committed, an Act supplementray to the penal code, passed in 1860.

Mr. NICHOLS, (Militia System,) as committed, House bill No. 891, entitled an Act to change the name of the first Regiment of Artillery, first Brigade, Pennsylvania Militia.

Mr. GREGG, (Railroads,) as committed, House bill, No. 738 entitled a supplement to an Act to incorporate the Phillipsburg and Waterford Railroad company.

REPORT OF A SELECT COMMITTEE.

Mr. M'CLURE from the Select Committee to which was referred the Governor's message relative to arming the State, presented the following report, viz:

To Hon. R. M. Palmer, Speaker of the Senate:

SIR—The undersigned, a select committee to which was referred the message of the Governor relative to the militia of the State, with instructions to confer with a similar Committee from the House of Representatives, and report by bill or otherwise, report that they have discharged the duty assigned them, and that the Joint Committee of the two Houses have unanimously concurred in a bill for the better organization of the militia of the Commonwealth, which bill will be promptly reported to the House of Representatives for its consideration.

A. K. M'CLURE,
JEREMIAH NICHOLS,
JOHN P. PENNEY,
JEREMIAH SCHINDEL,
LEWIS W. HALL,

Harrisburg, April 12, 1861.

REPORT OF A COMMITTEE OF CONFERENCE.

Mr. IRISH, from a committee of conference, presented the following report:

The committee of conference appointed by the Senate to confer with a similar committee appointed by the House of Representatives, on the subject of the difference between the two Houses on bill No. 104, on the file of the House, entitled "an Act relating to executors and other trustees," have adopted the following report:

That the Senate be recommended to recede from so much of the amendments made by the Senate, as strike out the first section, and that the said section be amended in the twentieth line by adding after the word "Judge" the words, "and one Associate Judge in vacation," and in the twenty-first line by striking out the words "President Judge," and insert after the word "said," the word "Judges." And that the House concur in the amendments made by the Senate, introducing an additional section, and the same be made the second section of the bill.

ELIAS H. IRISH,
MAHLON YARDLEY,
HIESTER CLYMER,
Senate Committee.

BILLS READ IN PLACE.

Mr. BENSON read in place an Act authorizing the Commissioners of Potter county to borrow money.

Referred to the Judiciary Committee.

Mr. CRAWFORD, an Act relative to the destruction of certain animals in Juniata county.

Referred to the Committee on Agriculture and Domestic Manufactures.

Mr. GREGG, an Act to divide the borough of Williamsport into two wards

Referred to the Judiciary Committee.

Mr. CONNELL, a further supplement to the Act incorporating the city of Philadelphia.

Referred to the Judiciary Committee.

Also, an Act to enable Edwin W. Lehman, executor named in the last will and testament of James A. Lehman, to sell and convey certain real estate.

Referred to the Committee on Estates and Escheats.

Mr. FULLER, an Act to incorporate the Sewickley Mutual Fire Insurance Company.

Referred to the Committee on Corporations.

Mr. WELSH, for Mr. PALMER, an Act to regulate the selling of second-hand iron, &c., in Schuylkill county.

Referred to the Judiciary Committee.

Mr. SERRILL, an Act to prohibit the importation of porgies and sea bass into Philadelphia and other ports adjecent at improper seasons.

Referred to the Judiciary Committee.

AMENDMENTS TO THE STATE CONSTITUTION.

Senate bill No. 127, entitled "Resolutions proposing amendments to the Constitution," came up in order on second reading.

The first, second and third sections were read and agreed to.

The fourth section was read.

Mr. YARDLEY. I move to amend by striking out, in the second line, the words "granting or." I am of the opinion that the case herein set forth is entirely covered by the first section.

Mr. FINNEY. In explanation of the section I would state that the Legislature of the State of New York, as long ago as 1826 or 1830, passed a general banking law; and in 1846 they found it necessary to enact such a clause as the one now before this Senate, in order to prevent an extension of special privileges. The object of the section is to eventually bring all special charters under the general law.

I perceive the force of the objection made by the Senator from Bucks, (Mr. YARDLEY,) and am willing that the words indicated shall be stricken out.

Mr. GREGG. I suggest that under the operation of this section, those banking institutions which desire to have their charters renewed under the banking system lately inaugurated in this State, could not obtain such a renewal.

Mr. FINNEY. I call the attention of the Senator from Centre to the fact that this subject is to be passed to the Legislature of next year, and then to the people, which process will occupy about three years. If the next Legislature, and then the people agree to the amendments, their enactment will be necessary. And if banking institutions desire to be chartered under the present law, there is nothing to prevent them, as they will have sufficient time.

The amendment was then agreed to.

The section as amended was agreed to.

The fifth section was read.

On motion of Mr. WELSH, some verbal amendments were made to the section.

Mr. HALL. There are two distinct propositions embodied in this section—the last of which, relative to calling the yeas and nays upon the final passage of every bill, I believe to be right and proper. The first of these propositions requiring that a majority of all the members of the Senate and House (whether or not those bodies contain their full complement,) shall be recorded in favor of the passage of each bill which becomes a law, I believe, is not right. I move to amend by striking out all that part of the section which requires that no bill shall become a law unless it receives the votes of a majority of the members of the Senate and House of Representatives.

Mr. WELSH. I trust that the amendment will not prevail. I do not intend to occupy the Senate by any discussion on this point, as I think its propriety or impropriety will strike this body at a glance. Its object is to require that, upon the final passage of each bill, there shall be seventeen votes recorded in its favor in the Senate, and fifty-one votes in the House. Several of the States have amended their constitutions, in order to provide for this same purpose. I have before me the constitution of the State of Ohio, in the ninth section of the second article of which, is set forth the following provision:

"SECTION 9. Each House shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal, and on the passage of every bill, in either House, the vote shall be taken by yeas and nays, and entered upon the journal, and no law shall be passed, in either House, without the concurrence of a majority of all the members elected thereto."

I have received several letters from citizens of Ohio and Maryland, (in the Legislatures of both of which States a similar provision prevails,) in reference to this subject.

In the Legislature of Maryland, the yeas and nays must be required upon the final passage of every bill, and it requires a certain number of votes—the consent of, I believe, twelve Senators—to pass every bill. The information which I have received from these States is, that the object has worked most beneficially in the Legislature, that the effect of its operation is to compel members to be more vigilant and careful, not only as regards the votes they may give, but with reference to the discharge of their legislative duties. I believe that if this section is added to the Constitution of our State, the result would be that while members of the Senate and House were forced by a strict sense of duty, which would show itself upon the records of the Senate and House, to attend faithfully and with more assiduity to the labors imposed upon them by their constituents, the sessions would be shortened, and the expenses of the Legislature greatly diminished. If the object designed by this section be accomplished, it would certainly be an achievement of great consequence and importance to the people of Pennsylvania, not only in shortening the session and preventing unwise, hasty and unjust legislation, but at the same time, in diminishing the expenses of the government. I see no reason why the motion of the Senator from Blair should prevail, as the whole section appears to me to be wise and proper, and I hope it will meet the approval of the Senate.

Mr. HALL. The amendment to the Constitution suggested by the Senator from Crawford met the approbation of the Committee on the Judiciary, although it was not reported by them, being acted upon by the Senate before they had time to report. The amendment of the Senator from York did not meet their approbation.

The SPEAKER, *pro tem.* The Chair desires to correct the Senator. No resolutions on the subject have been reported by the Committee.

Mr. HALL. I have not so stated. I was merely referring to the opinion of the Judiciary Committee with regard to the amendments.

I am opposed to the first part of this section for the reason that it is anti-Democratic, anti-Republican, and contrary to that principle of our Government which says "the majority shall rule." I propose to show this. With regard, however, to the latter portion of the section, which provides that on the final passage of every bill, in each branch of the Legislature, the yeas and nays shall be called, I am inclined to believe it is right. The Senator from York says that all that is necessary for the passage of a bill is that seventeen Senators and fifty-one members of the House vote for it. I would call the attention of the Senator to the fact that although sixteen votes may be recorded in favor of the passage of a bill, the absence et one vote may defeat the measure. Does the Senator propose to sit here and vote all the time?

Because the Maryland Legislature may see proper to have a constitutional enactment requiring that unless ten Senators shall do so and so, all the rest of the Senate cannot do so, is no reason that the Pennsylvania Legislature should be compelled to act likewise. I am opposed to the section because I believe it to be contrary to that principle of our government which says that the majority shall rule. At any time at all, it leaves a factious minority, no matter how full the Senate may be, if it does not happen that seventeen votes are cast in favor of a measure, to defeat it.

Mr. WELSH. The Senator from Blair states his objection to a portion of this section to be based upon the supposition of its being anti-Democratic and anti-Republican. Now, I think this part of the section is entirely Democratic. I do not know, however, whether it is either Republican or anti-Republican.

The presumption of the people of Pennsylvania is that when they elect Senators and Representatives to the Legislature of Pennsylvania, those officers thus elected will occupy seats on this floor and attend to the business before them. The presumption is that there is always thirty-three gentlemen upon the floor of this Senate and one hundred in the House of Representatives, and that it requires but a simple majority of the number elected by the people, and supposed to be here at all times, unless prevented by some extraordinary cause—the presumption is that it simply requires a majority of the number elected to secure the passage of any bill. As regards that point, I think the section is eminently Democratic.

But the main point which I have to make is that which I have already stated—the necessity for each Senator and Representative to be at his post, discharge his duty and get away from the seat of government as soon as he possibly can. I think that the amendment to the Constitution proposed by myself, will have that effect. It has worked in the most salutary manner in those States in which it has been tried. The Constitution of the State of Ohio, which I have read carefully, provides a number of other safeguards in reference to Legislation, which would be wise and well for the people of Pennsylvania should they insist on having them incorporated in the Constitution of this State.

Mr. FINNEY. In treating of questions of organic law, we should talk about things as they are. Party considerations have nothing to do with this question whatever. I regard it as eminently Republican; for this country is a Republic—it was never a Democracy, though unfortunately there has been for a long time a party in this country called the Democratic party. But this is a Republic; and the theory of a Republic is a representative government.

The section proposed as an amendment by the Senator from York provides that the laws passed by the representatives of the people shall reflect the sentiments of each portion of the State. This idea is certainly Republican, whether Democratic or not. If the amendment of the Senator, of which I am very much in favor, be sustained, then in the enactment of every law each portion of the State is represented. Some one portion may be misrepresented, or it may be properly represented, still it is represented according to Republican principles, which are that the representative is elected in order that he may exercise his judgment upon the passage of every Act. His constituents have chosen him because of a real or supposed capacity to discharge the functions of a legislator, in accordance with a Republican government, and when his vote is cast upon the passage of a bill, he represents that constituency, whether they agree with him or not. When we are all required to vote, it will obviate or remove to a great extent, this system of shirking responsibilities with regard to legislation, and will develope a Republican system—call it Democratic or what you please. I am not speaking now in a party sense.

There can be no loss of time in consequence of the adoption of the proposed measure, because if these amendments are sustained, the business of legislation will be considerably shortened and members will have plenty of time and can afford to go through with the operation of calling the yeas and nays upon the final passage of every bill. Many of the evils that result from this system of covering up the actions of members—of avoiding responsibility, when their conscience does not allow them to vote for a measure, and is weak enough to cause them to avoid taking the responsibility of voting at all, would be avoided under the operation of these provisions. On every principle of leOislative morality and Republican doctrine—or rather Republican principles of government—I think this amendment ought to be adopted.

Mr. HALL. I did not anticipate that any Senator would suppose I had referred to this matter in a party sense.

Mr. FINNEY. I desire to explain. I had no reference to the Senator from Blair, but was merely stating a general proposition.

Mr. HALL. If the Senator stated a general proposition, then it had nothing to do with the subject before the Senate. I spoke of this principle as being contrary to those on which the Government of any Republican or Democratic country is to be founded or of any country governed by the people where the will of the majority must prevail, which I think should always be the case in assemblies of the representatives of the people,

I desire to ask the Senator from York a question, and I put it to the judgment of the Senate. Suppose there are twenty Senators here to-day, and on the final passage of a bill which is in charge of the Senator from Huntingdon or some other Senator, sixteen votes are recorded in its favor and four against it, would the defeat of that bill be according to Democratic, Republican or any other principles that are right? The Senator from York seemed to think that the latter portion of this section was according to a Democratic idea and did not possibly partake of a Republican nature. He seemed to be hinting at party.

Mr. WELSH. I rise to explain. I did not hint at a question of party, in any manner. The Senator himself presented that feature of this discussion; by making some insinuations relative to Democratic principles. I do not know whether or not he referred to party.

The Senator asks a question, that if twenty Senators being present and a bill receives sixteen votes on its final passage and four in opposition to it, would the defeat of that bill be in accordance with right principles? In the beginning of my remarks upon this bill, I stated that if the measure was adopted it would require the attendance of twenty-three instead of twenty Senators. That is the object of that portion of the section which I have offered as an amendment.

Mr. HALL. Does the Senator from York believe that the history of past sessions presents any grounds upon which an expectation can be based that by a method of this character he can compel the attendance of every Senator all the time? Can we by any legislative enactment make every Senator be present all the time?—The Senator from Crawford (Mr. FINNEY) certainly does not think so. The portion of the section to which I refer would not have any other effect than that of allowing a factious and small majority of four to defeat the passage of any bill in favor of which sixteen votes are recorded.

The Senator from York says that I have raised a party question by talking about the Democratic party. I did not say anything about that political party.

Mr. WELSH. I said that the Senator alluded to anti-Republican and anti-Democratic principles. I do not know what he meant—whether he referred to existing parties, or whether in an abstract point of view.

Mr. HALL. I did not refer to the Republican or Democratic party. But if the Senator from York chooses to place himself, with regard to this particular question, in the position of favoring anti-Republican principles or anti-Democratic principles, then I have nothing further to say.

Mr. WELSH. I desire to explain. The Senator from Blair stated, a moment ago, that he had not alluded to this as a party question; but now, when he thinks he can make a point, he turns around and takes a different position.

Mr. HALL. I consider that Democratic principles and Republican principles are synonymous terms; and did I wish them applied to any party, it would be to the party to which I have the honor to belong.

But I say that it is wrong for a small minority to control the will of the majority. The final adoption of this section, as an amendment to the constitution, must have that effect if it does not produce the other effect of compelling the attendance of every Senator during all the time the Senate is in session.

Mr. FINNEY. It is no answer to an argument to cite an extreme case. Now, the extreme case of sixteen Senators in this body voting for a measure and one defeating the action of the whole sixteen is barely supposable.

It is a case which, whenever it shall occur, will be found to be right and proper, because no law ought to pass when there are but seventeen Senators present, and that factious minority is doing its duty perfectly well when it prevents such a course.

Mr. HALL. I desire to ask a question. Suppose there are twenty-nine Senators here, as has been the case one hundred times this session; suppose that fifteen Senators vote in favor of the passage of a bill, and fourteed against it, should the bill be defeated because the other two Senators, whose votes would be necessary in order to make a majority of the Senate, did not attend?

Mr. FINNEY. I think so. The principle that I have mentioned is then asserted. Ordinarily in legislation, there would be no difficulty, because the great majority of the bills proposed do not meet with any particular opposition. They generally have the consent of a majority of the Senate, when there may be but eighteen Senators present; but where there is an honest difference of sentiments with regard to a law which is to affect the whole of the people of the State. There is no impropriety in having a representation of the entire people in the passage of that law, when it shall become so, and the misfortune of one or two members being absent cannot be provided against. We are aware of the imperfection of human institutions and the impossibility of making a mere machine out of anything that depends upon human action. We may make a machine to do a thing exactly in accordance with certain fixed laws, but when we come to act together as a body politic, we never can reduce our action to to system of a mere machine. We cannot devise anything that would be exactly perfect which is to depend upon the combined action of men; but we will approximate as near as we can to the principle of government which we wish to sustain. It has been asserted by the Senator from York, that in the Legislatures of other other States, no fault has been found with regard to the existence of such an amendment as he proposes, and that it is in accordance with the idea of a republican form of government. I think the subject ought to be seriously considered by the Legislature with a view to the main principle of a republican government; which is, representation in legislation.

Mr. IRISH. It seems to me that the objection of the Senator from Blair, in the extreme supposition to which he has resorted in order to find excuses for adopting a system of this kind, would apply to the present Constitution. Under our Constitution as it now stands, it is in the power of ten individuals, constituting a portion of a law making body, to defeat the will of one hundred and twenty-two members of the Legislature. If the House should pass a bill unanimously, and twenty-one members of this Senate would vote in favor of it, it would be in the power of the Governor and one man in the Senate, to defeat the will of this large number of the members of the Legislature. The adoption of this system would be merely carrying out the theory of checks and balances, and of proper safe-guards against improper legislation, which has been already inaugurated in the Constitution. It is only adding another useful feature to what already exists.

Mr. HALL. The veto power placed in the hands of the Governor of Pennsylvania has always been regarded by men everywhere as a very dangerous power, ought and to be very sparingly used. I shall, therefore, make no argument in favor of it; in answer to my friend from Allegheny. But the extreme case that I have cited, answered by the Senator from Crawford, as well as the Senator from Allegheny, does not answer any of the other questions at all. Suppose that forty-nine men voted in favor of the passage of a bill, in the other House, and forty-eight against. It is not a law, and why? Because a minority of three choose to stay away. Does not this amendment to the constitution allow a small minority to stay away for any purpose whatever, in order thereby to gain their purpose? Does it not allow that small minority, who leave the Hall, if you please, and do not choose to vote, to control the will of those ninety-seven members?

Mr. WELSH. The Senator from Blair is talking about the will of ninety-seven members. According to his own statement of the case, forty-eight of the members of the House present are opposed to a particular bill and forty-nine in favor of it.

Mr. HALL. But a majority of the whole House, (a portion of the members being absent at the time,) are in favor of the passage of the bill, and it should therefore be passed. I submit whether this amendment to the Constitution ought to be adopted in view of these facts.

If the amendment would have the effect of producing the constant attendance of every Senator on this floor, and of every member of the lower House, I would vote for it, because then the majority would govern in all cases; but is there a Senator here who thinks that it will have that effect? How many bills have been passed this session by a close vote which did not get the votes of seventeen Senators? Reverse the proposition, and how many bills would have passed if they had not got seventeen votes?

Mr. FINNEY. It appears to me that the argument of the Senator from Blair with regard to majorities, is wrongly conceived. If this section passes, it will require always a majority of the representation of the whole State, to pass a bill. At present, a bill may be passed by a majority of the number of Senators present voting for it, without respect to whether or not a portion of the Senate is absent. This amendment to the Constitution proposes the Democratic idea of a majority, considered in the light of a representation of the whole State. With regard to majorities, practicable and proper ideas should obtain, in the passage of laws affecting the people of the whole State.

On the motion of Mr. HALL, to amend the fifth section,

The yeas and nays were required by Mr. HALL and Mr. WELSH, and were as follow, viz:

YEAS.—Messrs. Benson, Connell, Fuller, Hall, Hamilton, Landon, Meredith, Nichols, Serrill and Palmer, *Speaker*—10.

NAYS.—Messrs. Blood, Boughter, Bound, Clymer, Crawford, Finney, Gregg, Hiestand, Imbrie, Irish, Lawrence, Mott, Parker, Penney, Robinson, Schindel, Smith, Thompson, Welsh and Yardley—20.

So the amendment was not agreed to.

Mr. IMBRIE. I move to amend by inserting the word "public" after the word "every" in the fourth line of the fifth section.

My reason for offering the amendment is this: I believe that it will be taking up too much of the time of the Legislature to call the yeas and nays upon every little bill, especially in the House of Representatives, where it takes considerable time to go through with that process. If this amendment does not pass, the yeas and nays will have to be called upon every bill, no difference whether any objection be made to its final passage or not; hence the time of the Legislature is unnecessarily taken up at the expense of the Commonwealth. If any bill is objectionable it is very easy for Senators to call the yeas and nays.

Mr. HALL. If this section is adopted at all, it should be without any distinction between public and private bills. I am opposed to the whole idea of calling the yeas and nays on the passage of every bill. The most important measures upon which we have acted this winter have been private bills; and those which have met the most hostility in this Senate, and the only bills to which this rule would not apply, if the amendment is adopted, have been private bills. The bills for the commutation of the tonnage tax, and for the relief of the Sunbury and Erie railroad company, were of that class, and the only ones which caused a full attendance of this Senate. Will we cause the subject to be litigated for the purpose of testing the constitutional question of whether a bill is of a public or a private character? Such questions will arise. If the section is to be passed at all, let it be passed as a whole. As for myself, I intend to vote against it.

Mr. IMBRIE. With regard to the bills for the commutation of the tonnage tax and the completion of the Sunbury and Erie Railroad, I hold that they were public bills. There will never be any danger of bills of such a character passing either branch of the Legislature without the yeas and nays being called. I believe that every bill which affects the interests of the whole Commonwealth should be ruled as being of a public nature.

Mr. FINNEY. In respect to the idea of public and private bills, there is no well defined distinction between them. We frequently call a bill a public bill, which may be private, or a private a public bill; or one having a general effect. A member may ask for the enactment of a law creating a bank. The bill is of a local character, and we call it private because it relates to a certain county; nevertheless, it affects the whole Commonwealth. Every little election law has relation to a principle which obtains all over the Commonwealth, so that there is no well-defined limitation as to what are public or what are private bills.

Another matter which the Senator from Beaver seems to forget is that if the amendments prevail these local bills will not be before the Legislature, and that the necessity for a great majority of such bills will be obviated by one general law, which will create a mode of arriving at the same end without direct Legislation or interposition. In such an event, private or local bills, which interest only a particular section of the State, will not be objected to, and the calling of the yeas and nays will not be as much a matter of course as the action of the Speaker in directing the attention of the Senate to a suspension of the rules, in order to read a bill a third time. It seems to me, as has been stated by the Senator from Blair, that this section is more important, perhaps, in its application to private bills than to those termed public bills. Most of the important measures that have been passed here have been subjects matured by persons outside of these halls, and have reference to principles of action that are not best understood by the Legislature; being based upon the opinions of the Courts—general laws that come into requisition in the Judicial department of the Government. They receive the assent of the Legislature because their propriety is obvious or because the experience of those who sent them here is acceded to, as the proper rule for enacting the law. I think that the application of the principle of this section is more proper when applied to both public and private bills.

Mr. WELSH. I hope the amendment of the Senator from Beaver will not be adopted, because it destroys the effect of the whole section.

Mr. PENNEY. It is perfectly apparent to me that it would be wholly inconsistent with the requirements of the Constitution, should the amendment of the Senator prevail. It strikes me as inconsistent with the provisions of all organic law, to use terms which would be the subject of very doubtful litigation. No Senator is able to decide whether a certain bill is public or private, and almost every day we have a discussion on this question. There is no such distinction.

The amendment of Mr. IMBRIE was not agreed to.

The section was then agreed to.

Mr. CLYMER offered the following to come in as a new section, to be numbered section six of the bill, and section twenty-eight of the Constitution.

SEC. 28. That no bill making an appropriation of money (except for the ordinary expenses of the Government) releasing or compromising any claim or demand of the Commonwealth against individuals or corporations, or authorizing a loan or exchange of securities belonging to the Commonwealth, shall become a law unless upon its final passage it shall receive the votes of two-thirds of all the members of the House of Representatives; but should the Governor of the Commonwealth, by special message to the Legislature, recommend any appropriation or the release or compromise of any claim or demand, or a loan or exchange of securities belonging to the Commonwealth, then the bill authorizing such appropriation, release, compromise, loan or exchange, shall become a law upon its receiving the votes of a majority of all the members of the Senate and a majority of the members of the House of Representatives.

Mr. IRISH. It occurs to me, in regard to that amendment, that it is liable to the same objection as that of the amendment offered by the Senator from Beaver. Questions may often arise as to what is an ordinary, and what is an extraordinary expense in appropriations to carry on the business of the government. I suggest to the Senate that the exception, "except for jor ordinary expenses of the government," is not a sufficiently definite one to be made use of in that connection.

Mr. CLYMER. I would state, Mr. Speaker, that in preparing this amendment, a difficulty was to be surmounted. It was not intended by this amendment to embarrass the appropriations of money for the support of the Executive, Legislative or any other department of the government, or for the payment of the interest upon the State indebtedness. For all such purposes, I believe that a fair majority of the whole Senate, as required by the section just adopted, was right and proper; and yet, how to to make that distinct and clear, was the difficulty under which I labored. The nearest approach I could make to such a course, was to except the ordinary expenses of the government, in the amendment which I have offered. Long usage has so well defined what are the ordinary expenses of the government of this State, that it seems to me no difficulty could arise on this question. If any Senator would suggest any more precise or clear statement of the idea I desire to reach, I would be most happy to accept it as an amendment. I have, however, submitted this amendment, to a number of Senators in whose judgment I have much confidence, and they seem to agree with me that it was a precise and accurate statement, such as was required in a constitutional amendment. I may have been mistaken as well as they in regard to that matter.

Mr. FINNEY. I appreciate the motives of the Senator from Berks in the amendment he has offered. I am of the opinion that it is an unnecessary check and guard to the passage of a bill. Now the amendment which was proposed by the Senator from York is perhaps a sufficient check upon the passage of the bill. When we come to take into consideration that another department of the Government, in the exercise of the veto power, has its functions to discharge, then the principle asserted in this amendment by the Senator from Berks comes in. A vote of two-thirds is then required. The main objection to the amendment of the Senator, in my opinion, is that it is an unnecessary restriction and check upon legislation. The most of the money paid by the Commonwealth is disbursed through a general appropriation, and I do not think it will be policy to subject that bill to a greater restriction with regard to its enactments than other bills, because it is greater than any other bill. It is one of the essential duties of the Legislature and one of the necessities of the State. It ought to be relieved as much as possible from the mere action of party divisions, for in the animosity of party zeal and strife which exists in governments of this character the essential bill of the session may be defeated by the kind of legislation proposed to be adopted by the amendment. I know that these things are speculative, but nevertheless they are likely to occur.

Mr. CLYMER. I will suggest to the Senator from Crawford that as far as the general appropriation bill is concerned that is one which more immediately affects the necessities of the government, and is, by the operation of the amendment of the Senator from York, subjected to the same necessities that this amendment would subject it. It requires a majority of all the Senate and of the members of the House for the passage of that bill; therefore my amendment would not affect it. But, sir, the Senator from Crawford well knows and yesterday justly complained that there are a number of cases in which appropriations are asked from the State about which we know nothing and cannot of necessity know anything. It was intended by myself in this amendment to reach cases of that kind—cases in which the Legislature were not informed. If there are among these cases any that are really meritorious and can be so shown to this body, and are of such a nature that universal consent will be given them, it is not to be supposed that that consent could be withheld. But if there is any doubt in regard to appropriations then, by this amendment to the Constitution, we have placed within our power the means of *information* from a responsible source, from the Executive of the Commonwealth, who from his high position and from that known integrity which should ever characterize him, would lay before the Legislature such reasons which should induce this Legislature to pass such appropriations of that kind, upon the same footing as will be required by the amendment of the Senator from York, if it should become a portion of the Constitution.

I think it is evident to this Senate, and certainly it has been the complaint of the people of the State, that we unwittingly and without sufficient examination make appropriations for improper objects. We do not do it because of any bad design or improper motives, but for the reason that we have no source of information upon which to base our judgment. In order to enable us to act with discrimination and care in making these appropriations, I have designed by this amendment that no bills appropria-

[Continued on Fourth Page.]