

MORNING TELEGRAPH.



BY GEORGE BERGNER.

HARRISBURG, PA., TUESDAY MORNING, FEBRUARY 11, 1862.

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THE TELEGRAPH
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Pennsylvania Legislature.

REPORTED EXPRESSLY FOR THE TELEGRAPH.

HOUSE OF REPRESENTATIVES.

MONDAY, Feb. 10, 1862.

The House was called to order at 3 o'clock, P. M.

A large number of petitions were presented and properly referred.

REPORTS OF COMMITTEES.

Mr. SCOTT, (Judiciary General), with amendment, Senate bill entitled a supplement to an act relative to bringing suits by creditors and others against assignees and others.

Also, (same), with amendment, an act to prevent the fraudulent use of castings.

Mr. SMITH, (Chester), (same), with a negative recommendation, a supplement to an act relative to courts.

Also, (same), with amendments, an act relative to co-partners and joint debtors.

Mr. VINCENT, (same), with amendment, an act granting the supreme court jurisdiction of the courts of chancery in certain cases.

Also, (same), as committed, an act relative to operators and others in the employ of telegraph companies.

Mr. BROWN, (Northumberland), (same), as committed, an act to attach Erie and Crawford counties to the eastern district of the supreme court.

Mr. M'COY, (Election Districts), as committed, an act to restore the boundaries of Luzerne township, Fayette county for election purposes.

Mr. M'ULLOCH, (same), as committed, an act to change the place of holding the elections in the second ward, city of Harrisburg.

CONTROVERSED ELECTION CASE.

Mr. SMITH, (Chester), from the special committee to inquire into the alleged undue election of Charles T. Abbot to a seat in the House from the seventeenth representative district, Philadelphia, made a report which was read as follows:

To JOHN ROWS, Esq., Speaker, and the members of the House of Representatives of the Commonwealth of Pennsylvania:

The committee selected upon the petition of certain citizens of the Seventeenth representative district of Philadelphia, complaining of the undue election of CHARLES T. ABBOT, the sitting member from that district, to determine said contested election, respectfully report: That in obedience to a resolution of the House, they met in the east committee room on the sixteenth day of January, A. D. 1862, and sat from day to day, Sundays excepted, until the seventh day of February, A. D. 1862, inclusive; their sittings on the fourth and fifth days of February having been by the leave of the House, in the city of Philadelphia.

The sitting member, with his counsel, A. Simpson, Esq., and the contestant, Robert M. Carlisle, with his counsel, T. L. Husband and J. M. Spruill, Esq., were before the committee and fully heard by them.

The material allegations in the petition before that committee are mentioned, are as follows: viz: That "the tally list and other return papers" of the Fourth or Thirty-third regiment were not signed by the judges and other officers; there was no allegation however that these papers were not genuine.

In the opinion of the committee the mere failure to sign these papers did not invalidate their election, inasmuch as the names of the judges and other officers were in fact noted in them, which is to be presumed in the absence of an averment to the contrary.

Second: That for Robert M. Carlisle was cast eighteen hundred and fourteen votes, including one hundred and five "votes cast in the army"; that for Charles F. Abbot there were cast eighteen hundred and thirty-seven votes, including fifty-nine "votes cast in the army"; leaving an apparent majority of twenty-three votes for Charles F. Abbot; but that twenty-seven of the votes cast for said Abbot were illegal, and that therefore said Carlisle was elected by a majority of four votes; the names of the alleged illegal voters being specifically set out, and the allegation being valid, if established by proof.

It appeared from the evidence and the admissions of the parties by the petition and otherwise, that for the sitting member there were in fact, cast, eighteen hundred and thirty-seven votes. So that if there be deducted, from that number, the twenty-seven votes alleged to be illegal, he would still have eighteen hundred and ten votes.

Upon an examination of the contestant's case, the election papers showed that six votes were cast for the contestant by the regimental staff officers in Colonel Ballou's regiment; and that the officers of said election were the Colonel of said regiment and other persons, whose character did not appear, and not the company officers of any "troop or company," as is provided by the act of Assembly.

The same documents showed also that in the Twenty-seventh regiment, all the companies voted together; that a single set of officers conducted the election of all the companies; that the character of the election officers, whether company officers or not, did not appear and that at this election, regimental and staff officers and members of the band voted.

In this regiment the contestant received nine votes.

The committee are of opinion that the votes given in said regiment are illegal, because the election was not held by the officers directed by law to hold them, and are, in fact, of no more value than if given at a poll held by the voters, or even by persons in no way connected with the militia. Besides, it seems to be reasonably clear that the scope of the act of Assembly regulating the vote of the military, does not include persons who are not members of some particular troop or company, commanded by an officer of no higher rank than a captain. However this may be, the first reason given seems to be indisputable, and on that the committee bases their determination.

These five votes then being deducted from the number which the contestant claims to have received, reduce that number to seventeen hundred and ninety-nine, and leave a majority of eleven for the sitting member, assuming that all the votes alleged to be illegal are properly to be deducted from his count.

As regards the allegation yet to be considered: It was admitted that all the votes cast for the contestant, were for "Representative," that nearly all the votes cast for the sitting member were for "Assembly," a few being cast for him also for "Representative," and that the votes cast for the contestant for "Representative" were outnumbered by the votes cast for the sitting member for "Representative." The alle-

gation was that "Assembly" is an office not known to our laws, and that "Representative" is, and therefore all the votes for "Assembly" should be rejected; and this would result in the election of Robert M. Carlisle. Granting the contestant's postulate, his conclusion is necessarily correct.

The constitution declares that the General Assembly shall consist of a Senate and a House of Representatives; and the acts of Assembly referring to the General Assembly, speak of the persons composing the two bodies as Senators and Representatives.

But the contestant did not point out to the committee, nor have the committee found any law mandatory or directory, declaring the manner in which the votes for this office are to be designated.

When it is considered that the election laws are for securing the exercise of our most valuable rights, a right resting on the foundation of our political system, and when it is considered that both the voter and the officers of the election, in the vast majority of instances, are not familiar with the construction of statutes, the committee believe that when the voter has fairly and clearly indicated for what office he designs to vote, neither he nor his candidate should be deprived of the weight of the vote, because the office is not named in the precise words used in the law.

From time immemorial in many, if not all the districts in this State, members of the House of Representatives have been voted for by the name "Assembly," clearly declaring the common judgment of the people that by that name they sufficiently manifested the office they intended.

It may be further remarked that whilst the laws with regard to many other matters have specifically directed in what terms the voter should indicate his choice, in this case there has been no such direction, although it was, and had been for a long time, the general and notorious practice to vote for Representatives by the name "Assembly," both when the constitution has been amended, and acts of Assembly passed in relation to this subject.

Other reasons might be suggested, showing that the term "Representative" may not be a more certain designation of office than "Assembly," and that the argument of the contestant from this uncertainty might prove too much for his own case.

The committee, therefore, report that Charles F. Abbot, the sitting member, had the best of the law, and that the contestant, Robert M. Carlisle, the sitting member from the Seventeenth district of the city of Philadelphia, and ought to be admitted to said office.

All which is respectfully submitted,

B. B. STRANG,
JOSEPH CALDWELL,
F. FRAZER SMITH,
JOHN A. HAPPER,
E. M. SCHROCK,
A. E. GROSS,
W. M. ROSS,
JAMES CHATHAM,
JOHN SCOTT.

BILLS IN FLIGHT.

The following are among the bills read in place and properly referred:

Mr. GROSS, joint resolutions relative to the recruiting service in the army.

Mr. FREELAND, a bill to change the place of holding elections in Millersburg, Dauphin county.

Mr. KAINE, an act to authorize the Supreme Court and the several courts of this Commonwealth to renew and extend charters of incorporation.

Mr. BROWN, (Mercer), a joint resolution relative to the income tax provided for by the forty-ninth section of the act of Congress, 1861; which was read as follows:

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the representatives of this State, in each branch of the Congress of the United States, are hereby requested, to use their influence to secure such modification of the act of Congress, approved the fifth day of August, 1861, entitled "An Act to provide increased revenue on imports to pay the interest on the public debt, and for other purposes," as may be necessary to enable this Commonwealth to assume, assess, collect, and pay into the treasury of the United States, the income tax provided for in the forty-ninth section of the above cited act of Congress, according to its own laws, and by its own officers.

Resolved, That the Governor of this Commonwealth be requested to forward a copy of the foregoing resolution to our Senators and Representatives in Congress.

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BY TELEGRAPH.

ARREST OF GENERAL STONE.

FURTHER PARTICULARS.

TREASONER SENT TO FORT LAVAYETTE.

WASHINGTON, Feb. 10.

Brigadier General Charles P. Stone was arrested at two o'clock on Sunday morning at the residence of his family in this city, by a guard under the immediate command of Brigadier Gen. Sykes, of the Provost Marshal force, and sent to Fort Lafayette by the afternoon train.

Gen. Stone was the officer in chief command at the Ball's Bluff affair, and has been held, by many, as responsible for that disaster. He is from Massachusetts, and graduated from West Point in 1845. He served with distinction in the Mexican war. In 1856, when a brevet captain in the Ordnance corps, he resigned his commission.

Last Spring he was commissioned as a Colonel, and, in the three months' campaign, had command of the corps that marched from Washington up the Potomac. Lately he has had command of a large division in the same region.

General Stone is a fine officer. His loyalty was formerly regarded as above suspicion; but lately there have been sinister rumors affecting him. If these rumors are true, American history has had no such example of treason since the time of Benedict Arnold.

The following is the substance of the charges under which Gen. Stone was arrested:

First—For misbehavior at the battle of Ball's Bluff.

Second—For holding correspondence with the enemy before and since the battle of Ball's Bluff, and receiving visits from rebel officers in his camp.

Third—For treacherously suffering the enemy to build a fort or strong work, since the battle of Ball's Bluff, under his guns, without molestation.

Fourth—For treacherously designing to expose his forces to capture and destruction by the enemy, under pretence of orders for a movement from the commanding general, which had not been given.

Fifth—A court martial will be speedily ordered.

FROM WASHINGTON.

IMPORTANT FROM THE WAR DEPARTMENT.

The Correspondent of the New York Herald Arrested as a Spy.

HE IS SENT TO FORT M'HENRY.

WASHINGTON, Feb. 10.

The following order was issued from the War Department to day:

WAR DEPARTMENT, WASHINGTON, Feb. 10.

Ordered that a person calling himself Dr. Ives, a native of a rebel State, whose brother, lately in the military service of the United States, is now an officer in the rebel army; and who pretends to be a special representative of the New York Herald for Washington, be arrested and held in close custody at Fort M'Henry as a spy and for violating the rules and regulations of this Department in this respect. That on Saturday the 8th day of February, 1862, against the public and well known regulations for the safe transaction of Congressional business, he intruded himself into the War Department, and into the chambers where the Secretary and his assistants were transacting business with members of Congress, for the purpose of spying and obtaining war news and intelligence in regard to cabinet consultations, telegraphs, &c., for publication, which he knew was not authorized to be published, and having so intended, he conducted himself insolently, making threats to the Assistant Secretary, Peter H. Watson, of the hostility of the New York Herald against the administration of the War Department, unless he was afforded special privileges and furnished intelligence by the Department in respect to cabinet consultations, telegrams, official communications, and all news the moment it was received by the Department, in advance of all other papers.

The War Department is the place where the President, the Commander-in-Chief of the army and navy, and his subordinates, the Secretary of War and other public officers, are earnestly engaged in the business of overcoming treason and rebellion against the Government of the United States. It is not a place where spies, or traitors, or for any person, but for public purposes, can be suffered to enter or harbor. Newspapers are valuable organs of public intelligence and instruction, and every proper facility will be afforded to all loyal persons to procure, on equal terms, information of such public facts as may be properly made known in time of rebellion. But no matter how useful or powerful the press may be, like every thing else, it is subordinate to the national safety.

The fate of an army, or the destiny of the nation may be imperiled by a spy in the garb of a newspaper agent. The nation is in conflict with treason and rebellion, and may be threatened by a foreign foe. The lives and fortunes of millions of people, and the peace and happiness of their posterity in the loyal States—the fate of public liberty and Republican Government forever are staked upon the instant issue.

The duties of the President and his secretary, of every officer of the Government, and especially in the War Department, and military service, are at this moment engaged in urgent and solemn duties, the most solemn and urgent that ever fell upon men, and no news gatherer nor any other person for sordid or dishonorable purposes can be suffered to intrude upon them at such a time, to procure news by threat, or spy out special acts which the safety of the nation requires not to be disclosed. For these reasons the aforesaid Ives has been arrested and imprisoned, and all persons so offending will be dealt with in like manner.

[Signed] EDWIN M. STANTON, Secretary of War.

Later From Mexico.

16,000 Allied Troops at Vera Cruz.

The Mexican Force 50,000 Strong.

THE ULTIMATUM OF THE ALLIED POWERS.

They Disclaim Any Intention of Conquest.

THEIR DEMANDS.

Provisions Scarce at Vera Cruz.

ADVANCE OF THE ALLIES TOWARDS THE INTERIOR.

The Mexicans Return Without Fighting.

WASHINGTON, Feb. 10.

On motion of Mr. GRIMES, (Iowa), the bill to incorporate the Georgetown and Washington railroad, was taken up.

The bill provides for the construction of a street railway from Washington to Georgetown and through the various avenues of Washington. The third section provides that ten per cent of the gross receipts shall be paid for the benefit of the public schools.

Mr. HAYS said he thought the common schools of the District required looking to. The government at present was occupying a manumission position, taxing a large class of citizens who received no benefit from the schools. He moved to amend so as to make the amount paid to the schools three per cent of the gross receipts. The amendment was adopted, and the bill passed.

The report of the committee of conference on the bill to raise certain troops in Missouri and Maryland was taken up. The report of the committee was agreed to and the bill stands passed.

On motion of Mr. SIMMONS, (R. I.) the resolution that the Committee on Finance inquire into the expediency of establishing a national institution for savings and the fiscal agency of the government was taken up, he said the resolution proposed to establish an agency to receive deposits of small amounts. If the currency of the country is to be of paper, it must be on a sound basis. He proposed by this form of an association of the people of the producers to furnish a currency for the country, and to have a currency based on gold and silver, which would pass in any part of the country. An institution of that kind would be most serviceable to the Government, in regard to the national debt, and also be of great advantage in its influence on the current rates of interest, and would bring out large quantities of coin now hoarded up. High rates of interest and exchange are a great damage to the country. He wanted the country and the people to get out from under such a grinding oppression as that of Wall street.

HOUSE OF REPRESENTATIVES.

Mr. DAWES (Mass.) presented the memorial of George B. Simpson, accused by the Potter Investigating Committee, of disloyalty, asking to be heard before the said committee.

The memorial was referred, and

On motion of Mr. SPOONER, (N. Y.) the House took up and passed the re-negotiated joint resolution, authorizing a detail of naval officers for the service of the War Department. It authorizes the detail of these competent officers for the inspection of transport vessels and other services as may be designated by the War Department.

Mr. DAWES called up the report of the committee, in which it is said that the only evidence of the election of Mr. SEGAR was the certificate of the judges at Hampton, together with the proclamation of Gov. Pierpont declaring him elected.

Mr. SEGAR based his claims on the twenty-five votes cast for him, contending that it was strictly a legal election, and the only inquiry is, did the memorialist receive more votes than any other candidate? Mr. Segar had frankly stated to the committee, that besides Hampton the polls could not be opened in the other precincts of the Congressional district, for the reason that they were in the possession of the rebel force. The committee say there was not a full compliance with the Virginia election code. They do not however rest their objections solely on that, but ask if only twenty-five persons voted for Mr. Segar, the polls not being opened throughout the district for the reasons stated, what evidence had they that if a full vote had been taken there would not have been an overwhelming vote against him.

Mr. SEGAR spoke in defence of his claims. At every threshold the question was raised whether loyalty should be stified and treason recognized, contented and rewarded—whether rebellion should drive loyalty to the wall and their transfer to another possession of the rebel force. The committee say there was not a full compliance with the Virginia election code. They do not however rest their objections solely on that, but ask if only twenty-five persons voted for Mr. Segar, the polls not being opened throughout the district for the reasons stated, what evidence had they that if a full vote had been taken there would not have been an overwhelming vote against him.

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