MINORITY REPORT.

Mr. LOWRY, from the Committee appointed to investigate whether any corrupt means have, at any time, been employed by the Banks, or their agents, or any of them, directly or indirectly, for the purpose of influencing the action of the Legislature, or any other department of the government of this Commonwealth, in regard to any legislation for their benefit, respectfully submits the following

Report:

The undersigned agrees with the majority of the Committee, that there is no EVIDENCE, direct or indirect, of any corruption on the part of the Executive or any member of the Legislature, but considers it due to himself, his constituents, and the people of the Commonwealth generally, to state more fully and explicitly than has been done by the rest of the Committee, the facts connected with the transactions of 1840 and the manner of investigation adopted by the Committee.

In pursuance of their appointment, the committee has been in session from time to time since shortly after the period of its construction on the 9th of February last, up to the present date. A vast number of witnesses have been examined. The utmost latitude has been extended to them in their examination, and in all cases, except where reports related to a member of the committee, hearsay testimony was freely admitted. What the witnesses alleged they had heard from others was freely received in evidence. The ordinary rules of evidence were not only thus openly violated, but a most anxious spirit has at all times manifested itself in a majority of the committee, to raise even by suspicion, or hearsay evidence, ground to suppose that the Executive of our Commonwealth and members of the Legislature had been dealt with corruptly. Not content with this, the private affairs and business matters of individuals, not members of the Legislature, or otherwise connected with these transactions, were pryed into and made the theme of irrelevant inquiry, and which was protested against on more than one occasion by the minority.

From the entire evidence and examination the undersigned has come to the conclusion, that in consequence of the situation in which the banking institutions of the Commonwealth were placed, and their inability to meet their engagements, from the mismanagement of those who were entrusted with the administration of their affairs, they deemed further legislation necessary to avoid the necessity of an immediate resumption, and determined to get the time postponed as long as possible. The Institution, the management of whose affairs most tended to produce this state of distress and embarrassment, under which the monetary concerns of the Commonwealth suffered, was the Bank of the United States. Yet subsequent events have shown, that other large institutions located in the same city, have been conducted with scarcely more discretion, and with as little integrity. The charter of the institution named, was obtained in an evil moment from the Commonwealth, when an unfortunate division in the Democratic party let their adversary into power, when corruption completed the work which party dissension had permitted to be commenced. The community has realized by bitter experience the seeds thus sown, and the reckless spirit of speculation and corruption with the expansion consequent on the doubling of the nominal banking capital of the State, and the improper means to accomplish it, has done as much to injure the morals of the citizens as it has to sap the prosperity, and paralize the business energies of the community.

As a part of the evils growing out of the manner in which the charter of the bank of the United States was obtained, this investigation has proved that those having the management of that institution were willing to use its funds to purchase legislation in its behalf in the year 1840, and that it empowered its agents, and gave them the command of large sums of money to effect this object. That George Handy, one of the directors of the bank, and through whose hands the funds were directed to pass, drew for that purpose what money he pleased. That he employed Daniel M. Brodhead, Jos. Solms, George Read and others to proceed to Harrisburg—that the persons sent wrote from time to time numerous letters to Mr. Handy and a Mr. George W. South, who was a part of the machinery through which this unparalleled fraud was practiced, representing in their various communications their alleged success in influencing members of the Legislature to come into their views, and placing their exertions and intimated expenditures in as strong a light as possible, in order, as some of them have avowed, to obtain the largest amount of money possible from their employers. The undersigned is pleased to be able to state, that there has not been established one single fact tending in the slightest degree to implicate the Executive of the Commonwealth, or showing that he had any knowledge whatever of the course of procedure pursued by George Handy, Daniel M. Brodhead, Joseph Solms, George Read and other persons in the employ of the bank of the United States. If ever there was a public functionary, who has been unjustly slandered and abused, without the shadow of foundation, by his political adversaries, it has been the Executive of Pennsylvania in regard to these transactions. Every witness examined when put to the test, has fully and expressly EXCULPATED and ACQUITTED the Executive from the remotest suspicion of knowing any thing of, or encouraging those proceedings of the bank of the United States and its agents.

And the undersigned is also pleased to be able to state, with equal truth, that no fact has been established to show that any member of either branch of the Legislature was induced by corrupt or improper means to vote for, or advocate, the extension of the period for the resumption of specie payments. The whole matter developed appears to have consisted in a regular and systematic, as well as successful, attempt, on the part of those employed by the bank, under the usual denomination of BORERS, to make an impression upon their employers, that they were men of great consequence at the seat of government, and successful in their attempts to corrupt members of the Legislature and officers of the government, and that they needed large sums for this alleged object, which they readily obtained. That the allegations of their influence and success were WHOLLY UNTRUE? That they themselves pocketed the amount thus obtained by means of these unjust representations, the undersigned thinks no man who is free from suspicion and desirous to do justice, will after a fair examination deny.

Whether these conspirators, after thus obtaining the money from the bank, made a division of this ill-gotten gain, the undersigned is not prepared to say, and it is perfectly immaterial to the public, whether the money was divided by them or it was principally paid over to Daniel M. Brodhead, as would appear from the testimony of George Handy, or whether Handy received his share of the spoils by an extensive sale of real estate which he made to Brodhead, or in some other way. This the undersigned deems altogether immaterial. The immorality of those who thus obtained the money, which belonged to the stockholders and creditors of the bank, cannot be too highly reprobated; but their criminality in a moral point of view, is but little greater than that of those who did pay them with money which they knew belonged to others, for the nefarious purpose to which it was alleged it was to be applied.

It is clearly shewn by the testimony of George Read, with other concurrent facts and circumstances, disclosed during the investigation, that the main object in writing the various letters which were produced before the committee by George Handy, was to magnify in the eyes of the bank the importance of those who were acting their prominent part at Harrisburg. If the testimony is at all to be relied on, or if circumstances can prove any fact, at least the President and some of the directors read them, and knew their contents. That they were written for the purpose of inducing the bank to pay as great an amount of money as possible, cannot be doubted. No evidence is given which warrants a suspicion that the Executive, or any member of the Legislature, knew of the existence of this conspiracy. If the Executive, or a majority of the members of the Legislature, were favorable to the law passed in 1840, giving an extension of the period for a resumption of specie payments by the banks, it was because they honestly believed it would promote the general interest of the State, and save many men from the ruin which an immediate contraction would inevitably produce, and not from any corrupt management or dishonest motive. Nor is there any thing in the testimony which will warrant any other conclusion.

A desire to complete the improvements of the Commonwealth, upon which millions had already been expended, and without which millions would be lost to the State—a desire to keep those already completed in repair, without which they would be useless—a desire to pay promptly the public creditors of the State—all of which it was thought that bill would accomplish, brought local interests of no ordinary character to its support, and induced members of the democratic party in both branches of the Legislature to yield to expediency. By that lever, and that alone, a few men of the one party were induced from good motives, to side with those of opposite political opinions, the latter of whom supported it with entire unanimity. From these considerations members of the democratic party yielded to what they deemed the imperious requirements of duty, and sided with the advocates of a party that has always sustained the banking system, so disastrous to the interests and morals of our country.

The undersigned concurs in opinion, he thinks with every member of the committee, that criminal prosecutions should be instituted against Daniel M. Brodhead, Joseph Solms, and George Read, but he is not satisfied to let George Handy escape under the act of assembly directing a *nolle prosiqui* to be entered, upon condition he would tell the whole truth.

To repine over the past is useless, but for the cause of justice itself, as well as in justice to the Executive, I cannot but express my regret, that his determination as expressed in his message to both branches of the Legislature, on the 5th day of April, was thwarted by those who had charge of the letters, in not producing the evidence of the guilt of those men before Judge Barton. A failure to produce those letters, to be read in court, has enabled the principal in these transactions to escape temporarily, if not forever. Had those letters been produced, Daniel M. Brodhead would now be within the reach of the law, in which event it would have been shown, that he too wrote just such letters as would induce the bank to pay the most money.

Whatever diversity of opinion the public may have at one time entertained, as to the propriety of that prosecution, subsequent events have clearly demonstrated the wisdom as well as the purity of the motives of the Executive in ordering it.—The means used for political effect to defeat it, have stamped the matter to all future time with its true character, and the slanders poured forth on this account against the Executive, like all other imputations on that functionary will speedily correct themselves in the minds of the public. But justice is left to suffer by permitting the guilty to go to parts unknown, with a view to found upon mere partial statements, imputations designed to live when the actors in these scenes shall be numbered with the dead. The honest historian, in recording the facts connected with the downfall of the greatest moneyed institution this Union ever witnessed must of necessity advert with unmingled satisfaction to every act of the Executive of our State in relation to it, and dwell with peculiar delight upon his efforts to bring those who have sucked and plundered to the bar of justice.

It is a striking fact and one which strongly illustrates its enormous wickedness, that the very individuals who by fraud and corruption brought it into power as a Pennsylvania Institution, after the Union had rejected, have turned abruptly round and charged their own high offences on the democratic party, which, from principle and high policy, has uniformly contended in opposition to it. The undersigned, however, conceived this a fruitless task, and thinks that these men will have to share the responsibility of its rise and downfall among themselves. The verdict of an impartial posterity will say the whig party created it; its advocates and agents plundered its stockholders and creditors, and the democratic party had neither part nor lot therein.

The undersigned takes this occasion, in self defence to say that the majority of the Committee, without any good results subpœnaed a vast number of witnesses from remote parts of the Commonwealth at a very heavy expense to our exhausted treasury, without the knowledge or consent of the minority. In this as in all other abuses, let the blame be cast where it properly belongs.

The undersigned cannot close this report without remarking, that in as much as testimony of a hearsay and irrelevant character in any quantity was received concerning the Executive, he considered it due to that functionary, and to the public, that he should be subpœnaed and examined on oath, in order that he might exculpate himself from the unjust implications attempted to be fixed upon him.—Accordingly the minority requested to have Governor Porter subpœnaed, but the majority refused. They did agree after much consideration that the Executive of Pennsylvania might make himself a witness and consequently a party to the examination and that they would then condecend to hear him. The undersigned considers this discourtous towards the minority, particularly so, as this was the only favor requested, or witness whom they solicited the authority to examine.—This refusal the undersigned regards as especially unjust towards the public, and infinitely unfair towards the Execvtive.

M. B. LOWRY.

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Mr. DEFORD from the same committee submitted the following:

I deem it an act of Justice to state, as one of the Committee of Investigation, that there was no evidence before us whatever of any authority from the Governor to any one to use his name in the manner in which it is done in some letters before us; nor does it appear from the evidence before us that he had any knowledge of agents being employed by the Banks to use any corrupt means for the purpose of effecting legislation for their benefit. And I desire this further statement to be entered on the Journal, in addition to the report already made by the majority.

J. H. DEFORD.

July 12, 1842.

Horrid and Barbarous Murder.

A most horrid and Barbarous murder was committed in the vicinity of Ebensburg, Cambria county, on the night of Sunday the 31st ult., upon the body of an inoffensive old woman, named *Elizabeth Holder*, who kept a cake-shop by the roadside. The "Mountaineer" gives the following particulars:—

On Sunday last two Irishmen, said to be the name of Flanagan, made their appearance in the neighborhood, and spent the day in a suspicious manner, sometimes in deep consultation together, and sometimes drinking and lurking about the taverns. About eleven o'clock at night they broke into the house of Mrs. Elizabeth Holder, a lone widow, who resided near Ebensburg, and who was thought by some persons to have some money in her house. At their first attack she screamed a few times very violently, and her next neighbor a Mr. John Rainy, who had retired to bed, heard her and ran to her assistance, but ere he got there the struggle was all over and she was no more, and they plundered the house.—Mr. Rainey was afraid to venture into the house alone, and ran off for more assistance—four or five men soon came along with him, and they arrived there just as the murderers were about leaving, after having tried to set fire to the house.

The citizens endeavored to take them, and fired a rifle at one of them, but missed him; they made their escape in the darkness of the night into the neighboring woods. The citizens of this neighborhood are greatly excited, and immediately after the alarm was given of the deed having been committed, they turned out to a man to have the murderers taken, but they have yet escaped

They were frequently seen on Monday and very nealy taken two or three times. Before they commenced the work of murder, they took off their hats, and one of them his coat, and left them outside of the house, lest as supposed they should be besmeared with the blood of their innocent victim. They had not time to get their garments when they escaped. They are consequently, one of them at least, running without hat or coat. The other got an old chip hat at a farm house early on Monday morning. It is thought they could not have got more than three or four dollars in the house.

A reward of $100 is offered for their arrest, or $50 for either of them, by the Sheriff of the county. An additional sum will doubtless be offered by the Governor. —*Hollidaysburg Register.*

From the York Republican.

Balloon Ascension.

Agreeably to previous notice, Mr. JOHN WISE, the experienced and successful Æronaut, ascended in his Balloon on last Saturday afternoon from the Commons appurtenant of this borough. The wind blowing a prety violent gale from the South west at the time appointed to commence the inflation of the air-ship, the preparations were necessarily postponed, and the ascension took place at a later hour than the time appointed by advertisement. Nevertheless Mr. WISE made his arrangements with great judgment and skill, and a few minutes after 4 o'clock, P. M. rose buoyantly from the enclosure in which the inflation took place, and after throwing over some ballast rapidly ascended to the regions of upper air, his course being North of East. In some fifteen minutes from the time of departure, he was lost to sight in consequence of his having passed through a cloud and assumed a position above it. The direction of his journey after he reached the upper starta of our air become more southwardly; and he crossed the river Susquehanna nearly over the Columbia Bridge, passing above Wrightsville and Columbia and near Lancaster, and decending in the vicinity of New Holland, in Earl Township, Lancaster County—a distance of about thirty eight miles from his starting point, which he traversed in fifty eight minutes. The whole affair passed off to the entire satisfaction of the very numerous concourse of people who assembled to witness the novel spectacle; and not the slightest injury happened either to the adventurous Æronaut—his balloon or any of the spectators.

The following account of incidents of, and the impressions produced by his Ærial Voyage, furnished by Mr. WISE, will prove interesting:

MESSRS COCHRAN:—

In furnishing you the particulars of my 36th Atmospheric voyage, made from your Borough on Saturday last, permit me to remark, that this occasion has afforded me a greater degree of gratification, than it has yet fallen to my lot to enjoy, whilst pursuing the occupation of a professional Æronaut, knowing as I did, the perjudices I should meet with, occasioned by the recent failures of those who proposed to make ascensions from York; and then unfortunately hitting upon an unfavorable day myself, which caused me to defer the inflation for three hours.—I cannot avoid making a public acknowledgement of the obligation I owe to the immense mass of people gathered on the occasion, for their decorum and forbearance towards me under such unfavorable circumstances.

At 15 minutes past 4 o'clock the Aerial Ship United States was released from her moorings, under a heavy gale from the S. W., gliding swiftly from the surface of the earth, until the ascending power was increased by the discharge of ballast to the amount of forty pounds. When at a distance of several miles from the common, the ascent became very rapid. At 8 minutes after my departure I passed behind some filmy clouds, going nearly in a parallel line with the Railroad, and in a few minutes after overtook the Locomotive which had started about a quarter of an hour before. At 4 o'clock 30 minutes I commenced penetrating a dense stratum of clouds. Having now enjoyed a splendid view of the country, for a distance of 30 miles in every direction, bringing to view over 50 towns and villages, innumerable rivulets, with the splendid scenery bordering on each side of the Susquehanna. At the time of entering the clouds the atmosphere grew extremely cold; but after passing through the lower stratum, and entering into the shadow of the upper LAYER, it became so intense, that my breath was freely converted into hoar frost. I did not suffer much from this cold atmosphere—in consequence of a sufficent degree of excitement kept up by a combination of causes, (and it would be a senseless being indeed that could pass through such scenes without excitement.) At the time of penetrating the clouds, an incident occurred which gave rise to the most beautiful Phenomenon that I have ever yet beheld. In attempting to try the condition of the valve, I discovered that the rope which works it had become matted in a fold of the Balloon, and in giving it a sudden jerk to release it, a strip of about 5 feet long and about 7 inches wide was torn from the lower side of the Balloon. After having passed entirely above the clouds the atmosphere felt congenial, and a most brilliant cloud scene lay beneath me, a spacious snow white cavity, with a great many prominences, and projections, jutting up from the surface. To the S. E. an immense precipice came towering up above the surface, and immediately I heard a report like heavy Artillery, but soon discovered from the vivid flashes of lightning, that a thunder storm was raging beneath. I took particular notice that all these projections, pointed and rose towards the Sun. Whilst contemplating this majestic grandeur, I involuntarily burst forth in a fervent prayer of thanks to the Creator, for the trancendent privilege I was enjoying. The shadow of the Balloon was all the time visible on the surface of the clouds; but after getting to such a hight, that it became completely distended, I discharged gas from the valve, at the same time a copious discharge was going out at the rent. Here I discovered the phenomenon mentioned above. Around the shadow of the Balloon there appeared a bright blue ring, and on the outside of the ring, there was a brilliant halo of fiery red, and when I neared the surface of the clouds, by a gentle decent, there appeared another shadow inverted, both of which faded away slowly as I sank into the clouds. This was the most splendid sight I have ever yet beheld.

As I passed through this cold medium again, my spirits became painfully depressed. I was shivering from the effects of the cold atmosphere, and the transaction from so beautiful a heaven perhaps increased if it did not cause my morbid feelings. But my stay in this dismal abode was of short duration. I soon passed down through the clouds to behold as beautiful a country as the eye ever gazed upon.—The fertile soil of Lancaster county beneath, and I was fast approaching the place of my birth;—and a thousand recollections rushed upon my mind, and I looked upon the pleasure grounds of my youthful days. The city of Lancaster presented a handsome appearance. I could also again see York, and the towns were passed over. The crookedest of streams, the Conestoga, the many little rivulets, the water works, the long Rail-road bridges on each side of the town, the Locomotive puffing towards the city with a train of cars, the Lutheran Steeple with its snow white dress, and glittering ball and vane—all these objects appeared so familiar, and yet so beautiful, that my spirits were again invigorated, and felt cheerful and happy. Yet a solemnity prevails on these occasions that I cannot attempt to describe. My course was immediately over the town of Lancaster, and after having passed it, I commenced a gentle decsent at five minutes past five o'clock.

When within about half a mile from the earth, I again fell into the current from the S. W. which carried the Balloon in a direction between the village of New Holland and the Welsh Mountain, where I landed on the farm of William Heister, Esq. at 13 minutes past 5 o'clock, having travelled 36 miles in 58 minutes.

My course during this voyage possessed the advantage of two currents of air, varying about 70 degrees. The lower current blowing from the S. W. the upper current from W. by N. At the greatest altitude, which was about two and a quarter miles, the velocity of the wind being the greatest, moving at the rate of about 50 miles per hour.

The temperature varied with the condition of the clouds, growing colder as I neared the lower stratum, but varied as the clouds were more or less dense, but in passing entirely above them, the sun produced a degree of warmth around the Balloon which made the situation pleasant.

It appears to me that a field of unexplored Philosophy, sufficient to absorb the acutest and most searching minds, remains neglected. I should like to see an Aeronautic Society established in some of our large cities, for the purpose of prosecuting the investigation of those sciences, of which the success depends wholly upon the aid of Aerostation.

I would embrace this opportunity of returning my unfeigned thanks to the very respectable audience that honored me with their presence, and particularly the ladies of York. Also my obligations to the excellent Band of Music, under the able charge of Mr. Young.

I shall ever remain the public's most obedient servent.

JOHN WISE.

York, August 2, 1842.

STAY LAW.

The following is a copy of an act to stay executions, which has passed both Houses of the Legislature of this Commonwealth.

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AN ACT TO STAY EXECUTIONS.

SECTION. 1. That in all cases where lands, tenements or hereditaments have been, or hereafter shall be levied on, by virtue of a writ of fieri facias or other writ of execution, and an inquest of twelve men summoned by the sheriff or coroner of any of the cities or counties, agreeably to the existing laws of this commonwealth, shall find that the rents, issues and profits of such property are not sufficient beyond all reprises, within the space of seven years, to satisfy the damages and costs, or the debt, interest and cost of such writ mentioned, it shall be the duty of the same inquest to value and appraise the said property, and in all cases where the defendant or defendants shall consent to a condemnation, agreeably to an act entitled "An act relating to executions, passed 16th June, 1836," and in any case where an inquisition and condemnation of such estate as aforesaid, shall not be deemed necessary in law, it shall be the duty of the sheriff or coroner of the proper county, to summon an inquest of twelve good and lawful men of his bailiwick, who shall be under oath or affirmation, and shall receive the same pay as jurors are entitled to in similar cases, to value and appraise the same, and the sheriff or coroner shall make return of such valuation or appraisement, with the writ aforesaid, to the court from which the same issued; and which valuation or appraisement shall be conclusive in any future execution which may be issued on the same property; and in case any writ of venditioni exponas or other writ, shall issue for the sale of said lands, tenements or hereditaments, and the same cannot be sold at public vendue or outcry for two thirds or more of such valuation or appraisement, that then, and in such case, the sheriff or coroner shall not make sale of the premises, but shall make return of the same according to the court from which the execution issued, and that thereupon all further proceedings for the sale of such lands, tenements or hereditaments shall be stayed for one year, from and after the return day of the venditioni exponas:—*Provided*, that the sheriff or coroner shall not be entitled to poundage unless in those cases where the sale of the property shall take place.

SECTION 2. That in all cases where lands, tenements or hereditaments have been heretofore levied on and condemned or extended, or that hereafter may be extended by virtue of any writ of fieiri facias and in all cases where any lands, tenements or hereditaments have been or hereafter shall be, seized or levied on by virtue of any writ of levari facias, it shall be the duty of the sheriff or coroner before exposing the said property to sale, pursuant to any writ for that purpose issued, or in pursuance of such writ of levari facias, to summon twelve good and lawful men of his bailiwick, who being first sworn or affirmed, shall make a true valuation or appraisement of such property as directed by the first section of this act.

SECTION 3. That in all cases where estates for life or for term of years, in any lands, tenements or hereditaments have been, or shall be seized and levied on by virtue of any writ or execution, it shall be the duty of the sheriff or coroner, before he shall proceed to advertise and sell the premises aforesaid, to summon an inquest of twelve good and lawful men of his bailiwick, who being first duly sworn or affirmed, shall make a true valuation or appraisement of the same, and if such life estate, or for a term of years aforesaid after being advertised and offered for sale at public vendue or outcry, according to the laws of this commonwealth, cannot be sold for two-thirds or more of the amount of the valuation and appraisement to be made as aforesaid, the sheriff or coroner shall make return accordingly, and thereupon all further proceedings for the sale of the said premises shall be stayed for one year, from the return day of the said writ of execution.

SECTION 4. That in all cases where personal property shall be taken in execution by virtue of any writ of fieri facias issued out of the court of common pleas of this commonwealth, or by virtue of any execution issued by a justice of the peace, it shall be the duty of the officers to whom such writ shall have been directed respectively, when it shall be requested by the debtor to summon three respectable freeholders or citizens of the vicinage, who being first duly sworn or affirmed by the said officer shall value and appraise the personal property aforesaid, which valuation or appraisement, signed by the appraisers, together with a scedule of the property taken in execution, shall be annexed to the return on said writ: and in case such personal property or any part thereof cannot be sold for two thirds of the amount of said valuation or appraisement, at a public vendue of the same, of which notice shall be given to the plaintiff or plaintiffs, his, her or their agent or attorney, agreeable to the first section of this act, that then the sale of such property shall be stayed for the term of twelve months from that date: *Provided*, That the said defendant or defendants shall execute and deliver to the sheriff, coroner or constable as the case may be, a bond with one or more sufficient sureties, in a penalty of double the amount of said violation or appraisement, conditioned for the faithful forthcoming and delivery of all and every part of the said personal property upon the expiration of the stay of execution to the proper sheriff, coronor or constable or his successor in office, in like good order and condition, reasonable wear and tear being allowed, as when the same was so as aforesaid offered for sale, or other personal property equal in value and in like good order to be ascertained in the manner aforesaid, or in default thereof for the payment of the amount of the appraisement or valuation with interest and costs, or the amount of the debt, interest and costs for which the levy was made, and upon the execution and delivery of such bond, the said personal property shall be returned and re-delivered into the possession of the said defendant or defendants; *Provided also*, That nothing in this act contained, shall be construed to prevent any judgment creditor or creditors from having the property of any debtor or debtors exposed to sale at any time and as often as he, she or they may think proper after it may have once been exposed to sale as aforesaid, by paying off the costs, which may accrue in consequence thereof, except the time at which