BREVIER

LEGISLATIVE REPORTS:

EMBRACING

SHORT-HAND SKETCHES

OF THE

JOURNALS AND DEBATES

OF THE

General Assembly of the State of Indiana.

Meeting in the Capitol, in the Town of Indianapolis, in regular session under the Constitutional provision, January 8th, 1863.

By ARIEL & W. H. DRAPIER, Reporters.

VOL. VI.

South Bend, Indiana.
PRINTED IN THE SOUTH BEND FORUM JOB OFFICE.
1863.

Resolved, That the Doorkeeper be directed to contract with W. H. DRAPER, for six hundred copies of the BREVIER LEGISLATIVE REPORTS—being the usual number furnished for the use of the Senate every session since 1857—the same to be sent by express, an equal number of copies to each Senator, as soon as possible after the adjournment of the session; *Provided*, said Reports shall not cost more than one dollar per copy; that one copy for each Senator be bound, and that said Reports shall not be paid for till printed.—*Senate Journal, February* 27, 1863.

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☞ Postoffice address of W. H. DRAPER, South Bend, St. Joseph county, Indiana.

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In Senate, 42d General Assembly, Indianapolis.

DIAGRAM of the INDIANA SENATE-CHAMBER

1863.

1863.

DOOR K.

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In the 42d General Assembly, Indianapolis, 1863.

HALL OF REPRESENTATIVES of the PEOPLE OF THE STATE OF INDIANA.

Speaker.

Clerks. Reporters

DOOR KEEPER.

| | | |

SKETCHES

OF THE

JOURNALS AND DEBATES

OF

The 42d General Assembly.

Convened in the Capitol, Regular Session, in the Town of Indianapolis, 1863

INDIANA LEGISLATURE.

IN SENATE.

THURSDAY, January 8, 1863.

This being the day prescribed by the Constitution of the State of Indiana for the regular biennial meeting of the Legislature, Senators assembled in the Senate Chamber of the Capitol at ten o'clock, a.m., and were called to order by THOMAS M. BROWNE, Esq., Principal Secretary of the last session.

Senators holding over answered to their names as follows:

From the counties of Clark and Scott—Charles P. Ferguson.
From the counties of Delaware and Blackford—Walter March.
From the counties of Elkhart and Lagrange—Chas. L. Murray.
From the counties of Fayette and Union—Benjamin F. Claypool.
From the county of Fountain—Henry Campbell.
From the counties of Gibson, Dubois and Pike—Thomas Shoulders.
From the counties of Hamilton and Tipton—George B. Grubb.
From the counties of Hendricks and Boone—Solomon Blair.
From the county of Henry—Joshua H. Mellett.
From the counties of Jennings and Jackson—Medy W. Shields.
From the counties of Johnson and Morgan—Franklin Landers.
From the counties of Laporte and Starke—Abram Teegarden.
From the counties of Miami and Fulton—Daniel R. Bearss.
From the county of Montgomery—Michael G. White.
From the counties of Noble, DeKalb and Steuben—Timothy R. Dickinson.
From the counties of Putnam and Clay—Archibald Johnston.
From the county of Rush—Edward H. M. Berry.
From the counties of Shelby and Hancock—Martin M Ray.
From the counties of Vigo and Sullivan—Henry K. Wilson.
From the counties of Washington and Harrison—Simeon K. Wolfe.

Senators elect were then called, and the following appeared, presented their credentials, and took the oath of office at the hand of Judge SAMUEL E. PERKINS, of the Supreme Court, (which is in the following words: "You and each of you do solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Indiana, and that you will faithfully discharge your duty as Senators during your continuance in office, so help you God.")—to-wit:

From the counties of Adams, Jay and Wells—Geo. S. Brown.
From the county of Allen—Pliny Hoagland.
From the county of Bartholomew—Francis T. Hord.
From the counties of Benton, Warren and White—Alfred Reed.
From the counties of Carroll and Clinton—Leander McClurg.
From the counties of Cass, Howard and Pulaski—John Davis.
From the counties of Crawford and Orange—Henry Jenkins.
From the county of Dearborn—James W. Gaff.
From the county of Decatur—J. D. Pleak.
From the county of Floyd—Augustus Bradley.
From the county of Franklin—Thomas Gifford.
From the counties of Huntington and Whitley—A. J. Douglass.
From the counties of Jasper, Lake and Newton—Ezra Wright.
From the county of Jefferson—John L. Mansfield.
From the counties of Kosciusko and Wabash—Wm. C. Graves.
From the counties of Knox and Daviess—James D. Williams.
From the counties of Lawrence and Martin—Thos. R. Cobb.
From the county of Marion—John C. New.
From the counties of Madison and Grant—John D. Marshall.
From the counties of Monroe and Brown—Paris C. Dunning.
From the counties of Ohio and Switzerland—Alex. C. Downey.
From the counties of Owen and Greene—GW. Moore
From the counties of Parke and Vermillion—Oliver P. Davis.
From the counties of Perry, Spencer and Warrick—Benjamin L. Fuller.
From the counties of Posey and Vanderburg—Geo. W. Finch.
From the county of Randolph—Thomas M. Browne, (to fill a vacancy.)
From the county of Ripley—Wm. L. Hartley.
From the county of Tippecanoe—Moses C. Culver.
From the county of Wayne—Othniel Beeson.

ORGANIZATION.

On motion by Mr. JOHNSTON, it was—

Ordered, That the Senate now proceed to election of a President to preside over the deliberations of this body.

Mr. WILLIAMS nominated PARIS C. DUNNING, of Monroe.

Mr. MELLETT nominated OTHNIEL BEESON, of Wayne.

No other nominations being made—

The Secretary called the roll, and the result of the first ballot was as follows:

Senators voting for Mr. Dunning were—

Messrs. Bradley, Brown, of Wells, Cobb, Davis, of Cass, Douglass, Downey, Ferguson, Finch, Fuller, Gaff, Gifford, Graves, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, McClung, Marshall, Moore, Ray, Shields, Shoulders, Williams, Wilson, Wolfe—27.

Senators voting for Mr. Beeson, were—

Messrs. Bearss, Berry, Blair, Browne, of Randolph, Campbell, Claypool, Culver, Davis, of Parke, Dickinson, Grubb, Mansfield, March, Mellett, Murray, New, Pleak, Reed, Teegarden, White, Wright—20.

Mr. Dunning having received a majority of all the votes cast, was declared by the Secretary, to be duly elected President of the Senate, and Senators Beeson and Williams were appointed to conduct him to the chair.

The PRESIDENT, having been conducted to the Chair, said: Gentlemen of the Senate, in return for the destinguished compliment just conferred upon me by this election to the Presidency of the Senate, I promise you, in the discharge of the arduous and responsible duties which the Constitution imposes, all the ability of which I am possessed.

The Senate of Indiana has assembled on this occasion under inauspicious circumstances. Our country which was once happy and united—which was prosperous, which was the greatest among the nations of the earth—is now involved in civil war the like of which the history of the world gives no account. The Constitution of the United States has been imperrilled, the integrity of the Union has been lost, and every attempt which a powerful people can make for the purpose of prostrating this government, is now going on.—These things should admonish us, that in our deliberations we should have harmony and co-operation—that we should throw aside partizanship and act as statesmen. I trust that the legislation of this session will be characterized by statesmanship, and by the enactment of such laws and the expression of such opinions as will tend to put down this rebellion, as will tend to uphold the Constitution of the country and to the reconstruction of this government. I promise you, Senators, co-operation on my part, and I trust there will be co-operation on the part of every member of this body.

Your duties are responsible—I repeat, your duties are responsible: Your constituents are looking to you with anxiety, and not only your constituency, but the people of the world are looking to the legislation of Indiana as well as to the legislation of every loyal State of this Union to see what direction that legislation may take.

I trust, I say, that our legislation may be characterized by such a spirit and by such tendencies as will restore peace and harmony to this once glorious country, but now divided and now distracted.—That such may be the result of our legislation, if I may be permitted, I pray Almighty God, who rules the every destiny of men, as well as the destinies of nations, to inspire us with the proper spirit for the station we occupy. I thank you, gentlemen, kindly, for the honor you have conferred upon me.

I can say upon this occasion truly to my Republican and to my Democratic fellow-senators, that I take this place without ever having uttered a word directly or indirectly, by way of seeking the intervention of any friend, for my election to the seat you have given me.

The Senate pursued the organization.

Mr. COBB nominated for Principal Secretary James H. Vawter, of Jennings.

Mr. CLAYPOOL nominated Azel P. Newkirk, of Fayette.

Mr. Vawter received 27 votes, and Mr. Newkirk 22 votes. Mr. Vawter was declared duly elected.

Mr. WILSON nominated for Assistant Secretary Samuel R. Hamill, of Sullivan.

Mr. MARCH nominated John R. Cravens, of Marion.

Mr. Hamill received 27 votes, and Mr. Cravens 22. Mr. Hamill was declared duly elected.

Mr. SHIELDS nominated for Doorkeeper W. H. Montgomery of Martin.

Mr. BERRY nominated Samuel G. Thomson, of Wabash.

Mr. Montgomery received 27 votes and Mr. Thomson 22. Mr. Montgomery was declared duly elected.

Mr. WILSON nominated for Assistant Doorkeeper Bruce Shields, of Jackson.

Mr. BROWNE of Randolph nominated Frederick F. Needham, of Randolph.

Mr. Shields received 27 votes and Mr. Needham 21. Mr. Shields was declared duly elected.

As each officer was elected he came forward and was sworn by Solomon Claypool, Judge of the Sixth Judicial District.

On motion by Mr. RAY, it was—

Ordered, That the Secretary inform the House of the organization of the Senate.

PARTIZAN DECLARATION.

Mr. CLAYPOOL offered the following:

WHEREAS, The suppression of the rebellion, the restoration and preservation of the Union of all the States is the great and paramount object of all loyal citizens. Therefore, be it

Resolved, That the members of this Legislature will vote for no man for office who is not in favor of a vigorous prosecution of the war, and who is not unalterably opposed to the severance of any State or States from this Union.

Mr. COBB moved to postpone any action on the resolution until next Tuesday week.

Mr. MARCH had not come here to shirk from any duty nor to avoid or dodge the expression of any opinion. While he had no disposition to pass judgment in advance, upon rumor, as to the loyalty of any candidate to be presented, yet it could not be denied that there were rumors out, and it was proper that the Senate should now define its views. He was prepared to vote for it now, but would consent to the postponement of the resolution until members could have time for consideration.

Mr. WOLFE had no objection to a resolution on that subject, properly worded. There were some things in it that were proper, but there were other subjects that ought to be in that are not.

Mr. CLAYPOOL thought there was nothing in the resolution that ought not to meet with a proper response now. If gentlemen wished to amend it, now was the time. Its object was that when it became necessary to elect officers none but those of undoubted loyalty should be voted for.

Mr. McCLURG said the resolution should be more comprehensive in its wording. It should be definite and positive in its sentiments. No one could object to the war, if it be not prosecuted in a profligate manner.

Mr. COBB explained his reasons for moving to postpone. He supposed that, at so early a stage of the session, members would not be prepared to vote. He intended no gagging, and what he accorded to others he expected in return. While he was in favor of an expression upon this subject, he wished it understood that he was in favor of prosecuting this war within the bounds of the constitution. He regarded the resolution as an implication upon the majority that they would vote for a man who was not for a vigorous prosecution of the war, or for restoring the Union.

He withdrew his motion upon the suggestion of—

Mr. WILLIAMS who moved to refer the resolution to the Committee on Federal Relations.

Mr. MELLETT was not uneasy about being gagged. He was ready to vote for the resolution because it was a simple proposition and right in itself.

Mr. MANSFIELD, as one of the minority, would throw no obstacle in the way of the majority, but this question was a simple expression, and if gentlemen were willing to postpone elections until an expression was had on this resolution he would consent to postpone action on it now. He offered an amendment providing that the present Legislature shall not enter upon the election of United States Senators until action is had upon the subject embraced in Mr. Claypool's resolution.

The PRESIDENT (Mr. Johnson in the chair.) deemed the amendment out of order.

Mr. RAY advocated the reference to the Committee on Federal Relations. The resolution was not full enough, and should go there to be perfected. There were many patriotic and loyal Senators who were in favor of a vigorous prosecution of the war, who thought the olive branch should accompany the sword. Others were satisfied that war alone could never restore the Union. He could assure Senators that no man whose loyalty had a shade upon it would ever be elected to any high or responsible office.

Mr. CLAYPOOL, to test the question, made an ineffectual motion to lay the motion to refer on the table—yeas 22, nays 27.

The motion to refer was then agreed to—yeas 27, nays 22.

Mr. MANSFIELD offered the following:

Resolved, That the present Legislature enter upon no election of officers, until the resolution defining the position of the nominees for office, upon the questions involved in the resolution, offered by the Senator from Fayette [Mr. Claypool] shall have been acted upon.

The resolution was rejected by yeas 23, nays 26, as follows:

YEAS—Messrs. Bearss, Beeson, Berry, Blair, Browne, of Randolph, Campbell, Claypool, Culver, Davis, of Parke, Dickinson, Downey, Graves, Grubb, Mansfield, March, Mellett, Murray, New, Pleak, Reed, Teegarden, White, Wright—23.

NAYS—Messrs. Bradley, Brown, of Wells, Cobb, Davis, of Cass, Douglass, Dunning, Ferguson, Finch, Fuller, Gaff, Gifford, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, McClurg, Marshall, Moore, Ray, Shields, Shoulders, Williams, Wilson, Wolfe—26

NEWSPAPERS.

On motion of Mr. COBB, it was—

Ordered, That the Doorkeeper be directed to contract for and place upon the desks of Senators and officers of the Senate, three copies of the Daily *Sentinel* and *Journal*, Provided they report and publish the proceedings of the Legislature in full: two of the aforesaid papers to be wrapped and stamped ready for mailing.

A message was received from the House announcing the organization of that body.

NOTICE TO THE GOVERNOR.

On motion by Mr. RAY, it was—

Ordered, That a Committee of three be appointed to act with a like Committee on the part of the House to wait upon his Excellency the Governor, inform him of the organization of the General Assembly, and inquire of him when it will be convenient for him to deliver his Message to the General Assembly.

The PRESIDENT made the Committee to consist of Messrs. Ray, Hoagland and Davis, of Parke.

8TH OF JANUARY.

Mr. MARCH offered the following:

Resolved, That on this day rendered ever memorable and glorious by the victory achieved at New Orleans over the trained armies of a foreign foe, by American citizen soldiers under the lead of Andrew Jackson, we here renew our pledges of loyalty to the national constitution and Government, and of unalterable devotion to the Union of all the States, and adopt as our motto the living words of the hero of New Orleans: "The Union, it must and shall be preserved."

Resolved, That in honor of the day, and of the living and departed heroes whose deeds have made their names immortal, the Senate do now adjourn until to-morrow morning at nine o'clock.

On motion of Mr. RAY, all after the word "adjourn," in the last resolution, was stricken out, and the resolutions as amended were adopted—yeas 28, nays 19.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock.

On motion of Mr. MOORE a call of the Senate was ordered and being taken 29 members answered to their names.

There being no quorum present—

Mr. BROWNE, of Randolph, hoped that the Senate would excuse the Republican Senators who were absent. It was the anniversary of the battle of New Orleans, and the absent gentlemen desired to celebrate it with appropriate ceremonies.

Mr. COBB stated that the Republican Senators would not be present this afternoon. Of this he was well assured. He therefore moved that the Senate adjourn, until nine o'clock to-morrow morning.

The motion was agreed to.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 8, 1863.

This being the day required by the Constitution for the biennial meeting of the Legislature, at 10 o'clock, the members elect of the House of Representatives of the forty-second General Assembly of the State of Indiana were in their places in the Hall, and Henry Crawford, Esq., Clerk of the former House of Representatives, called to order.

Members of the House of Representatives came forward to the area in front of the table, & received the oath to "support the Constitution of the United States and the Constitution of this State, and to discharge their duties faithfully as members of the General Assembly of the State of Indiana," presenting their certificates of election, as follows:

From the county of Adams—P. N. Collins.
From the county of Allen—Ochmig Bird, John P. Shoaff.
From the county of Bartholomew—O. H. P. Abbett.
From the county of Boone—Sherman Hostetter.
From the counties of Boone and Hendricks—Thos. J. Cason.
From the county of Brown—Stephen V. Cook.
From the county of Carroll—John B. Milroy.
From the county of Cass—Charles B. Lasselle.
From the county of Clark—Jonas G. Howard.
From the county of Clinton—Cornelius J. Miller.
From the county of Clay—Adam C. Veach.
From the county of Crawford—absent.
From the county of Daviess—N. S. Given.
From the county of Dearborn—O. F. Roberts, Alf. Bregan.
From the county of Decatur—David R. Van Buskirk.
From the county of Delaware—Alf. Kilgore.
From the county of DeKalb—Miles Waterman.
From the county of Dubois—B. R. Kemp.
From the county of Elkhart—Matthew Rippey.
From the counties of Elkhart and Lagrange—Amos Davis.
From the counties of Fayette and Union—Russell B. Perry.
From the county of Fountain—Samuel Hatfield.
From the county of Floyd—Geo. V. Howk.
From the county of Franklin—Redin Osborn.
From the county of Fulton—N. G. Shaffer.
From the county of Gibson—Silas M. Holcomb.
From the county of Grant—Henley James.
From the county of Greene—John Humphreys.
From the county of Harrison—John Lemmon.
From the county of Hancock—Geo. Y. Atkison.
From the counties of Hancock and Shelby—James L. Mason.
From the counties of Hamilton and Tipton—James O'Brien.
From the county of Henry—Charles D. Morgan.
From the county of Hendricks—James M. Gregg.
From the county of Howard—J. M. Leeds.
From the counties of Huntington and Whitley—Samuel McGauchey.
From the county of Jackson—Jason B. Brown.
From the counties of Jasper and Pulaski—Paris Robinson.
From the county of Jennings—J. W. Hutchings.
From the county of Jefferson—David C. Branham, J. L. Roe.
From the county of Johnson—A. V. Pendleton.
From the county of Jay—Samuel A. Shoaff.
From the counties of Johnson and Morgan—Thos. W. Woolen.
From the county of Kosciusko—Henry J. Byerle.
From the counties of Kosciusko and Wabash—Jos. Marshall.
From the county of Knox—William E. Niblack.
From the county of Lagrange—Francis P. Griffith.
From the county of Lake—D. K. Pettibone.
From the county of Laporte—James Forrester, W. W. Higgins.
From the county of Lawrence—Nathaniel Williams.
From the county of Madison—Richard Lake
From the county of Marion—John S. Tarkington, W. H. Kendrick (contested.)
From the counties of Marshall and Starke—M. A. O. Packard.
From the county of Monroe—Samuel H. Buskirk.
From the county of Montgomery—James F. Harney.
From the county of Morgan—J. J. Johnson.
From the county of Martin—John R. O'Brien.
From the county of Miami—R. F. Donaldson.
From the county of Noble—Timothy Baker.
From the counties of Ohio and Switzerland—R. N. Lamb.
From the county of Orange—George H. Hon.
From the county of Owen—Jacob V. Wolfe.
From the county of Parke—Casper Budd.
From the county of Pike—Wm. H. De Bruler.
From the county of Perry—James Harden.
From the county of Porter—L. A. Cass.
From the county of Posey—E. M. Spencer.
From the county of Putnam—Austin M. Puett, Geo. W. Priest.
From the county of Ripley—Edwin P. Ferris.
From the county of Randolph—John H. Moorman.
From the county of Rush—Wm. S Hall.
From the county of Scott—Daniel Blocher.
From the county of Spencer—James W. Lemmon.
From the county of Sullivan—Stephen G. Burton.
From the county of Shelby—Jacob Mutz.
From the county of Steuben—Enos B. Noyes.
From the county of St. Joseph—Andrew Anderson.
From the county of Tippecanoe—Joseph M. Hershey and Samuel Mustard.
From the counties of Vanderburg and Posey—John A. Reitz.

From the county of Vanderburg—Thos. E. Garvin.
From the county of Vermillion—absent.
From the county of Vigo—Bayless W. Hanna, John Kemp.
From the county of Wabash—John L. Stone.
From the county of Warren—Benjamin F. Gregory.
From the county of Washington—Jamison Lee.
From the counties of Washington and Harrison—Aaron L. Hardin.
From the county of Wayne—Israel Woodruff, Oliver T. Jones, E. B. Newman.
From the counties of Wells and Blackford—Geo. S. Howell.
From the counties of White and Benton—John T. Richardson.
From the county of Warrick—Abram Chambers.

ORGANIZATION.

On motion of Mr. NIBLACK, the House proceeded to the election of Speaker.

Mr. NIBLACK nominated Samuel H. Buskirk, of Monroe.

Mr. WOODRUFF nominated D. C. Branham, of Jefferson.

The ballot resulted as follows:

Those who voted for Mr. Buskirk, were—

Messrs. Abbett, Bird, Blocher, Bregan, Brown, Burton, Collins, Cook, De Bruler, Donaldson, Ferris, Garvin, Given, Hall, Hanna, Harden, of Washington, Hardin, of Perry, Harney, Hatfield, Holcomb, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Lake, Lasselle, Lee, Lemmon, of Harrison, Lemmon, of Spencer, Mason, McGauchey, Miller, Milroy, Mutz, Niblack, O'Brien, of Martin, Osborn, Packard, Pendleton, Priest, Puett, Reitz, Richardson, Rippey, Roberts, Shaffer, Shoaff, of Allen, Shoaff, of Jay, Spencer, Veach, Waterman, Williams, Wolf and Woolen—57.

Those who voted for Mr. Branham were

Messrs. Anderson, Atkison, Baker, Budd, Byerle, Cason, Cass, Chambers, Davis, Forester, Gregg, Gregory, Griffith, Hershey, Higgins, Hostetter, Hutchings, James, Johnson, Jones, Kendrick, Kilgore, Lamb, Leeds, Marshall, Moorman, Morgan, Mustard, Newman, Noyes, O'Brien, of Hamilton, Perry, Pettibone, Robinson, Ree, Stone, Tarkington, Van Buskirk and Woodruff—39.

Mr. Buskirk was declared elected, and was conducted to the chair by Messrs. Niblack and Branham.

The SPEAKER said:

Gentlemen—I shall endeavor, by a prompt, faithful and impartial discharge of the varied, arduous and responsible duties of the Chair, to make to you some slight return for the high and distinguished honor that you have conferred upon me, by selecting me to preside over your deliberations. I fully appreciate the responsibility that you have imposed upon me, and I earnestly solicit your support and co-operation.

I confidently trust, that at a time like the present, when our once united, happy, peaceful and prosperous country is distracted, divided and involved in civil war—when the Constitution, the Union of the States and the liberties of the people are imperilled—when the land is filled with mourning—when a hundred thousand of the brave and patriotic sons of our beloved State are exposed to the dangers, hardships and privations of the tented field—when the people are embarrassed with individual indebtedness and oppressed with taxation—when our financial, commercial, agricultural and industrial pursuits are deranged—and when our country demands our wisest, best and most patriotic efforts, that we, the honored and trusted Representatives of the sovereign people, will not be influenced and controlled by local, personal, selfish and partizan considerations, but that we will act the part of statesmen and patriots, and will take an enlarged, comprehensive and national view of all questions, affecting the interest, honor and prosperity of our common country.

Gentlemen, the House is now ready for further business.

On motion by Mr. BIRD, the House proceeded to the election of Principal Clerk.

Mr. HOLCOMB, nominated A. T. Whittlesey, of Vanderburg.

Mr. VAN BUSKIRK nominated Henry Crawford, of Floyd.

The whole number of votes cast was 98; Mr. Whittlesey received 59 votes; Mr. Crawford, 39 votes. Mr. Whittlesey was declared elected.

A message from the Senate was received by the hand of W. H. DRAPIER, Esq., Assistant Secretary of the last session, announcing that the Senate had completed its organization and was ready to proceed to legislative business.

On motion by Mr. FERRIS the House proceeded to the election of Assistant Clerk.

Mr. HOLCOMB nominated J. J. Davis, of Fulton.

Mr. BYERLE nominated Oliver Musselman, of Kosciusko.

Whole number of votes, 97; Mr. Davis received 59; Mr. Musselman, 38. Mr. Davis was declared duly elected.

On motion by Mr. OSBORN, the House proceeded to the election of Doorkeeper.

Mr. HALL, nominated Benedict Burns, of Rush.

Mr. GRIFFITH nominated Elisha B. Spellman, of Lagrange.

Whole number of votes, 96; Burns received 61 votes; Spellman 35. Mr. Burns received a majority of the votes cast, and was declared duly elected,

On motion by Mr. NIBLACK, the House proceeded to the election of Sergeant-at-Arms.

Mr. HANNA nominated Michael Griffit of Vigo, who was elected without opposition—receiving 62 votes, blank 24.

The Doorkeeper received his oath of office at the hand of the Speaker; the other officers received their oath at the hand of Solomon Claypool, Judge of the sixth Judicial District.

On motion by Mr. NIBLACK, it was—

Ordered, That the Senate be informed of the organization of the House.

PARTIZAN DECLARATION.

Mr. JONES offered a resolution indentical with the one offered by Mr. Clay-

pool in the Senate the same hour. (See pages 8 and 9 of these Reports.)

Mr. ROBERTS urged the reference of the resolution to the Committee on Federal Relations. He endorsed the resolution, but this was not the proper time for its introduction.

Mr. ATKISON hoped a square vote would be taken on the resolution, and that it would pass.

Mr. MILLER demanded the previous question, which was sustained, and under its operation the resolution was referred by yeas 58, nays 38—a strict party vote.

ARBITRARY ARRESTS.

Mr. HANNA offered the following resolution which was adopted:

WHEREAS, The Secretary of War of the United States, in his late official report has declared that the political arrests that have been made in the various States were made by the advice, and with the consent of the several Governors thereof, therefore,

Resolved, That his Excellency, Governor Oliver P. Morton, be requested at an early day, to furnish this House with the facts in relation to the political arrests that have been made throughout the State of Indiana.

Mr. BROWN. If not out of order I desire to give notice that I will at an early day, or as soon as an opportunity affords introduce a resolution or resolutions asking that a special committee be raised with power to send for persons and papers and compel attendance, whose duty it will be to ascertain the number of political arrests that have been made in the State of Indiana, and report the character of the same to this House, and also to report by bill, or otherwise, the proper and necessary legislation to prevent such outrages, as in my opinion they are, from being committed in the future.

SOLDIERS VOTE.

Mr. GRIFFITH offered a resolution directing the Judiciary Committee to enquire as to the expediency of amending the election law so as to allow soldiers serving in the field the privilege of voting, which was adopted.

TO WAIT ON THE GOVERNOR.

Mr. MOORMAN offered a resolution which was adopted, appointing a joint committee of the House and Senate to inform the Governor of the organization of the Assembly.

Messrs. Moorman, Branham and Hanna were appointed such committee on the part of the House.

ELECTION OF U. S. SENATORS.

Mr. MILLER offered a resolution providing for a joint convention for the election of United States Sentors at 2 p.m. to-morrow.

Mr. BRANHAM objected. He wanted a little time to look around. Already had an important resolution bearing on this question been introduced and referred to the Committee on Federal Relations.—He hoped the resolution would be withdrawn.

Mr. PACKARD thought that the election of Senators was a matt r most important, and he was in favor of attending to important business first. He urged therefore the adoption of the resolution.

Mr. BRANHAM made an ineffectual motion to adjourn.

The resolution was adopted without a division.

AFTERNOON SESSION.

The House met at 2 p.m.

Mr. ABDILL, of Vermilion, presented his credentials and took the oath of office.

OUR SOLDIERS.

Mr. MORGAN offered a resolution tendering the thanks of the House to Major Gen. Rosecrans and the officers and privates who served under him for their heroic conduct at the late terrible battle at Murfreesboro, and that we sincerely sympathize with the friends and relatives of the many patriots who there sacrificed their lives on behalf of their country, and that the Clerk transmit a copy of this resolution to the commander of each regiment engaged in that battle.

The resolution was adopted by yeas 92, nays 0.

Mr. HOLCOMB offered a joint resolution instructing our Representatives in Congress to pass a law reducing the pay of all commissioned officers in the service of the United States at least 25 per cent. and raising the pay of privates at least $4 per month.

Mr. BRANHAM moved to amend by striking out all that part relating to officers.

Mr. BROWN moved to table the amendment.

The motion was agreed to by yeas 65, nays 29.

The resolution was adopted by yeas 78, nays 15.

THE EMANCIPATION PROCLAMATION.

Mr. BURTON offered a joint resolution instructing our Senators and representatives in Congress to oppose by all honorable means the passage of every bill or proposition which endorses the President of the United States in his infamous abolition proclamation, and which may look directly or indirectly to its faithful execution.

Mr. HARNEY opposed the adoption of the resolution at present, as both parties would prefer to make a more mature and deliberate record. He favored its reference to the Committee on Federal Relations.

Mr. NOYES made that motion and it was agreed to by yeas 64, nays 35.

IN SENATE.

FRIDAY, January 9, 1863.

Mr. WOLFE presented a memorial from W. H. Dill, claiming the seat of Mr. Dickinson for the Senatorial district composed of the counties of Noble, DeKalb and Stuben; and—

Mr. COBB presented the memorial of Alexander White, contesting the seat of Thomas M. Browne, of Randolph, which were read and referred to the Committee on Elections.

On motion by Mr. SHOULDERS, it was—

Ordered, That each member of the Senate be furnished with three dollars in Postage Stamps.

THE SENATORIAL IMBROGLIO.

On motion by Mr. JOHNSTON—

The resolution of the House of Representatives inviting the Senate to a joint Convention at 2 o'clock p.m. this day, for the purpose of electing two United States Senators, was taken up,

Mr. BROWNE moved to concur in the resolution with an amendment fixing the time at 2 p.m. on Monday.

Mr. COBB moved to lay the amendment on the table, but no quorum voting—

On motion by Mr. JOHNSON, a call of the Senate was ordered and proceeded, and 31 Senators answered, as follows:

Messrs. Bradley, Browne, of Randolph, Brown, of Wells, Cobb, Davis, of Cass, Douglass, Downey, Dunning, Ferguson, Finch, Fuller, Gaff, Gifford, Graves, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, McClurg, Marshall, Moore, Murray, Ray, Shields, Shoulders, White, Williams, Wilson and Wolfe—31.

Mr. WOLFE moved that the absentees be sent for.

The motion was agreed to.

Mr. McCLURG moved to reconsider the vote ordering the doorkeeper to send for absentees.

Mr. MURRAY. I regret that party has been brought into this contest, at all. I do not believe that the Democracy are traitors to the government, but I do believe they are, as a party, just as patriotic as the Republican party; and I came here with the expectation of meeting Democrats as patriots. My friend from Shelby [Mr. Ray] has exceeded in his patriotic efforts in behalf of the Constitution; I give him credit for that, and I give credit to the Democratic party for the same patriotism. I could vote for the gentleman from Shelby were he nominated for United States Senator and I could vote for the President of the Senate [Mr. Dunning,] after hearing his speech upon taking the chair, just as I could vote for a republican; but there has been some doubts expressed about the patriotism of one of the candidates for United States Senator, and for the simple reason that he has made no declaration in behalf of upholding the government in this war. He has not lent his conceded abilities in the effort to sustain the government in this trial of strength between the traitors of the south and the loyal people of the north; but I believe him patriotic, and shall until some act of his defines his position to the contrary in this matter. I hope the Democracy will show, upon this occasion, some disposition for conciliation and compromise, for I really think that if they do not there will be no proceedings—no election; nothing done this winter. Now in regard to the candidates, the Republican press expected these very men to be elected, and the people expected it; but it is seized upon as an opportunity to make you define your position upon other points.

Mr. HORD. These parties seem determined to bind the Democracy to carry out their purposes and their will irrespective of the wishes of the majority in this State. They seem disposed to compel us to pass the revenue bills, to thwart the will of the people, and drive us to measures, without coming and asking us upon equal terms; and I can say for one that I am unwilling to vote one dollar upon the revenue bills, or the military bill or any other bill, on any of the conditions they have annexed until we have elected our officers. We cannot be driven into measures, and I stand here in favor of bringing these parties into the Senate by the seargeant-at-arms. If they are determined upon revolution let it come, we are prepared to meet it. The Democratic party having a majority in this State—a majority in both Houses of the Legislature, let them stand to this question and not yield to the dictation of men who are in the minority here. It is no time for any wavering. It is our business as patriots to stand up to our duty. If we waive now they will continue these revolutionary measures during the session.—If they are determined to break up the Legislature and prevent a quorum here let it be known to the people and let the people act upon it accordingly. I am for no half measures and I am opposed to reconsider the measure, adopted here requiring the doorkeeper to bring in these gentlemen who have proved delinquent to their duty.

Mr. WOLFE. If these gentlemen will show that the majority are attempting to interfere with the rights of citizens, I will say I am ready at any time to make to these gentlemen every assurances that their fears are idle upon this subject.—They have conjured into their heads an erroneous idea when they think that the Democratic party is not as loyal to the government as they themselves are; and yet they ask us in advance of any action, that we shall come in and make to them a pledge. I, for one, will never

consent to making any terms of that humiliating character. My programme is that we meet here day after day during the 61 days of this session and make every effort to bring these gentlemen up to their work, and if we cannot do it it will not be our fault. It shall go out throughout the length and breadth of this great country, and even to the shores of Europe, that the *union* men of Indiana—God save the mark—that the *union* men, the *only* Union men of the State of Indiana, were the men that came here upon this floor and pursued such a policy as to revolutionize the State of Indiana. At the proper time I am willing to endorse the resolution of the Senator from Fayette [Mr. Claypool] upon this subject; and I think before we get through with this Assembly we will have a record that will be no reproach. But we are no more interested in legislation than they are—if they can get along without legislation we can. As far as their rebellion is concerned, they can get together in their king caucus and let them take their own course. If they fail to meet us on this floor for the purpose of legislation, and the legislation of the State is stopped, and great evil comes upon this people in consequence, who will undertake to charge that the men who sit here every day endeavoring to legislate, are responsible for the result? Let them take the responsibility and make their record and let it go out from day to day, through the papers and by telegraph that the Democratic party of the State are here in obedience to their sworn oaths, anxious to go on with legislation, but that the fault is in consequence of the non-attendance of *union* men of Indiana. I have at heart the interests of this country as much and more, I am satisfied, than any set of gentlemen that will so conduct themselves.

As far as the loyalty of the candidates we have presented for United States Senators is concerned I take it that their record is above reproach, and if gentlemen want to make a point in regard to that matter, and if the standing of our candidates is not a sufficient pledge of the course they intend to pursue, nothing we could say would make it more so. They stand upon their reputation as statesmen, patriots, and loyal citizens. I am in favor of this motion not being reconsidered for this reason: we must make an honest effort to bring these gentlemen in. And if they intend to come in they had better come in very soon because the longer they put it off the harder it will be to come back—

Mr. MURRAY (interposing) I would ask if the gentlemen speaks from experience. [Laughter.]

Mr. WOLFE. I have but little experience, and I am not in favor of following any precedent unless they are good ones, even the precedents set by my party friends. I am in favor of letting by-gones as far as that matter is concerned, be by-gones. But I will say to those gentlemen who stand in opposition to us on this floor they need apprehend no danger that the Democratic party of Indiana will pursue any course that will compromise in any degree the interests of this great union. I take it for granted that the Democratic party is as true to the Union as the needle to the north pole, I might say upon this subject, sir,—and only do it for the purpose of explaining my own position—that I have made more speeches for the purpose of assisting the present administration in raising men and money for the prosecution of this war, than every single republican in the county of Harrison: and it is a known fact at home. I am willing to pass a proper resolution pledging the State of Indiana to a vigorous prosecution of the war for proper purposes, but not to pledge unconditionally the State of Indiana to prosecute this war for the liberation of negroes. And the reason I will not do it for that purpose is that I believe such policy is detrimental to the Union and is a disunion scheme. Everything I do, as far as federal relations are concerned shall be with an eye single to the restoration of the Union.

Mr. BROWNE, of Randolph. Mr. President: I am not here as an embassador or minister plenipotentiary of the members of the republican party who I discover this morning, as I did yesterday afternoon, are absent from their seats in the Senate; and I do not propose to discuss that matter, although I know some of the reasons why they are not present in the Senate Chamber at this time.

I can say to you and to the Senate that I came here hoping to see a harmonious session of the General Assembly, that the Legislature would proceed promptly with its legitimate business, and that nothing would be done by either party to embarrass a proper action upon the part of the people's representatives. I was very much pleased with the harmony which characterized the organization of the Senate, and I was pleased with the patriotic address delivered by the President of the Senate [Mr. Dunning,] upon assuming his duties as the presiding officer. Our republican friends had hoped that this harmony would continue to characterize the deliberations of this body. They regret, as I regret, the apparent necessity of following an exceedingly bad precedent that gentlemen have established until it has almost run so long that the memory of man runneth not to the contrary. I doubt very much whether any Senator can conscientiously absent him-

self from the legislative body for the purpose of embarrassing the action of the the people's representatives. I think the representatives of the people, for the purposes of legislation, are the people themselves; and if you attempt to force them to legislate contrary to their convictions you strike at the foundation of republican institutions itself.

But, gentlemen, don't tell me, if you please, that you have only sought to inaugurate this policy in trying times and when public liberty is at stake. I remember to the contrary. There are Senators around me who know this to be true, that in 1855 you refused to elect United States Senators by inaugurating this same system of revolution, and that too when there was but a bare Democratic majority of one in this Senate; and Indiana was not represented in the Senate of the United States in consequence of that action. I do not say these things in a spirit of recrimination, sir, but you remember, in 1857, when Hugh Miller was in his seat and Kline G. Shryock was contesting it, after the papers in the case had been referred to the Committee on the Judiciary, and after that Committee had reported it back for the consideration of this Senate, every time the majority attempted to bring you to a vote upon that question you broke a quorum. And you remember further, that upon the last night of the session you dictated to my republican friends and told them that they should not pass the general nor special appropriation bills until they agreed to pass over this contested election case, and my friends came down upon their knees and permitted you to put the collar upon their necks and let you call them your dogs, to come when you whistled. And in 1861, when certain measures were about to be passed, you retired, and when we sent our doorkeeper to politely ask you to come in, you politely told him he could go to —— a warmer climate than this. [Laughter.] Finally you sat down and wrote out written propositions embodying the terms upon which you would come in, and my republican friends, acting conservatively or because they could not help it—I am rather inclined to think it was because they could not help it—granted the conditions you named, and you returned to your places and permitted legislation to proceed.

But because you inaugurated a system of revolution it don't justify my republican friends in following it. I believe in a higher law of *individual* responsibility. I am here for the purpose of discharging an honest duty to my constituents and to the country, as I understand it, and I shall do that without regard to party caucuses or party dictation. The Republican party have not succeeded in their elections for the very reason that they have refused to entertain the idea of the immaculate conception of the party. Whenever we conclude that our party can do no wrong we can then accomplish our purpose.

But what are the circumstances by which we are surrounded? I think I understand a little more of the purposes of my Republican friends than some gentlemen upon the floor. It is said we want to prevent the election of United States Senators. Gentlemen, let me say the people of Indiana expected this Legislature to elect United States Senators and public feeling indicated very certainly that Thomas A. Hendricks would be the man elected for the long term. My Republican friends expected it. But it was somewhat doubtful who would be sent for the short term. It was thought by many that you would put Jesse D. Bright in. [Voices—"No," "No."] My Republican friends said to me, Let them do that thing—that is just what we want them to do—we will bring the action of the party for endorsement before the people; we will meet them there. There is where these questions ought to be met. I know my friend from Putnam [Mr. Johnston] would be glad to have it put in this shape. We got Democrats so anxious on that question that in the contest in my county they pledged themselves, as far as the election of United States Senator was concerned, that that *patriot martyr* should not be elected.

The Constitution of this State makes it the duty of this Legislature to elect United States Senators, and my Republican friends do not propose to shrink from it.—Something has been said about this election. Gentlemen, I am———

Mr. LANDERS (interrupting.) Didn't I understand the gentleman to say that his friends were bolting because the Democrats refused to nominate Jesse D. Bright?

Mr. BROWNE. I don't know what the gentleman understood me to say. But, Mr. President, inasmuch as you have to nominate an objectionable man, I regret you did not make choice of the most objectionable one you had. I practice upon the rule that when I cannot get you to do a decent thing, I want you to do the very meanest thing you can. But you have disappointed me in doing it a little more decently this time than I had expected.

But I was about to say something concerning the question of loyalty, when the gentleman interrupted me. The heart of Indiana is loyal. It's every pulsation is true to the Union of these States. Demagogues and politicians only, affix conditions to their fealty. I have always entertained this idea, but believe you differ in the peculiar manifestation of that principle. You think that the Union ought

to be maintained within the limits of the Constitution. And I believe, as I believe I have to answer to God, that the war ought to be prosecuted for no other purpose than to maintain the perpetuity of the Constitution and the integrity of the Union as it was. [Applause on the floor and in the galleries.] But you and I differ when we come to define what is within the meaning of the Constitution—what will constitute the "Union as it was."—You believe it is in violation of that instrument to deprive rebel masters of their slaves; and you believe that the President's proclamation is not a legitimate war measure. I believe as much as I believe any other thing, that by the same power you deprive the rebel of his gun, with which he shoots down loyal, Union soldiers, by that same power we must strike down the relation which exists between him and his slave. But gentlemen say it can't be done. I suppose, Mr. President you will tolerate the widest discussion upon this point. You say the Constitution of the United States recognizes the institution of slavery and we have no right to interfere with that institution in the States. If I apprehend the position we assume, we don't propose to destroy the law by which slavery is recognized in any State, but simply propose to deprive the rebel of his slave, leaving the right as it is, so that whenever the Union is restored he may return as to the local law, to the same position he held previous to the commencement of hostilities. The Constitution guarantees the right of life, and yet you and the Senator from Lawrence [Mr. Cobb] have sent bayonets and muskets to destroy their lives—and why? because they are in rebellion against the Constitution of the United States. Let me ask you if the negro is to be held more sacred than the life or liberty of white men? and yet you make slavery more sacred than the right of life and liberty to the white rebel. I never thought a negro was better than a white man, and I am an ultra Republican in politics. Thomas A. Hendricks is a loyal man of *that conditional school* that don't come up to my ideas of what a loyal man should be, but you may elect him as far as I am concerned. I would avert the calamity, if I could do so by legal and Constitutional means. He is nominated—you have the power to elect, you are willing to assume the responsibility; do so, and I shall hold you answerable to that high tribunal, public opinion.

These are stirring times in which we have fallen, and we have simply sought to enforce what is a very common method of legislation. If these gentlemen were elected to the United States Senate, it would be perfectly competent for this body to instruct them in reference to the prosecution of this great war. We simply propose to give them this instruction in advance. We ask to do what you Democrats always do; We ask to make a platform upon which we propose to elect men to the Senate of the United States. We intend to make it out of good timber, and if they fall through, it shall not be our fault. As a distinguished politician in the fifth district says, "if they don't stand on it we will use the timber to beat out their political brains." I say we don't ask gentlemen to humiliate themselves—we ask you to meet us in the spirit of conciliation. We are willing to meet you in that spirit of conciliation that ought to characterise men who are attempting to rise to the dignity of statesmen. We are willing to meet and confer with you in the spirit of kindness—we will state our fears and you can give us your assurances.

Mr. COBB (interposing.) You can meet us here.

Mr. BROWNE. We do not know but you may have an infernal machine—a political magazine and a slow match under the State House with which you want to blow us up after you get us in here. But if you will give us your pledge, we will take it, and trust to your honesty. I remember that the gentlemen from Lawrence [Mr. Cobb,] yesterday told us kindly, but in such a spirit that we believed he meant what he said, "You gentlemen had your feet upon our necks last session, and we have ours upon yours this session." We took it, that the Senator from Lawrence meant what he said, and we come back this morning and say to him. "We won't let you do as you please.—You mistake *me men* with whom you deal. We will not remain in this Senate except as the *peers* of the Senator from Lawrence and every other Senator."

Mr. LANDERS assured the friends of the gentlemen who had just sat down that the Democracy did not intend to blow them up with a slow match; that was not their way of doing business. The nigger was blowing up that party fast enough. [Laughter.]

Mr. WHITE. I suppose as there are but two Republican Union men in their seats, it will be thought that we are sent here for a certain purpose; but I will state that I am here to-day because in 1860 I was elected to serve in this Senate. I am not here for the purpose of spying out what you are doing, or anything of that kind. I am opposed to bolting—I am pledged against bolting—and it would have to be under the most extraordinary circumstances if I should bolt—It would be when the price of liberty is at stake. The contingency of the election of United States Senators never shall control my actions for one moment. As far as the people of my district are con-

cerned. we fought you, and fought you nobly, last October, to see who should have the United States Senatorship, and we failed. The people I represent, both Republicans, Democrats and Union men—there are some union Democrats in our county—expected Thomas A. Hendricks to be the man; although he might not get the vote of my county as represented by the Democratic members—Judge McDonald being named in that connection and he having been an old and respected citizen of that county. As to who should be the United States Senator for the forty days ensuing, I had no hesitation in saying that David Turpie was the man; having run in his district for the good of the party, and with no expectation that he would be elected. When I voted yesterday for the adoption of the resolution of the Senator from Fayette [Mr. Claypool] I supposed there could be no difference in opinion in regard to it; and at the extra session I am sure it would have been unanimously adopted by the Senate.

Mr. JOHNSTON. Does the Senator say that the war is prosecuted now for the same avowed purpose it was prosecuted for at the time the extra session was in progress?

Mr. WHITE. I may be carrying the question back to tender-ground but I ask, is there a gentleman here who understands that this resolution goes further than what was understood at the extra session we were to go to suppress the rebellion?

Mr. COBB. I will state I am one that does. If the Senator will permit me I will give a single reason. At the special session a proclamation had been issued by the President of the United States defining the policy to be adopted in the prosecution of the war. Since that time sir, that policy has been changed.

Mr. WHITE. What is changed?

Mr. COBB. The war policy of the administration, sir. For an interpretation of the resolution referred to by the Senator I take the public sentiment of the Republican party. I undertake to say the sentiment of that party to-day is that the war must be prosecuted for the suppression of the rebellion without regard to constitutional limits. The construction is clear that this resolution was intended to commit my friends in this Senate to a policy that in my opinion ought never to have been adopted by the party in power. I refer to the late proclamation of the President of the United States issued the 22d of September; the record of Congress in voting for the abolition of slavery in the District of Columbia, the confiscation act, and other matters of record claimed as war measures.

Mr. WHITE (resuming.) So the gentleman interprets that as being the cause why his friends will not support this resolution. So far as the Abolition of slavery in the District of Columbia is concerned, I have never treated that as a matter of any significance, but if the Republican party has erred in abolishing slavery in the District of Columbia what harm to this republic so far has accrued by that error? But I did not get up for the purpose of going into a general speech or of replying to anything that has been said here; but I may say further that whatever the action of members here may be I am not authorized to speak. I never sought such authority and don't ask it. I am opposed to bolting and I have no particular right to know upon what ground they will return. But sir, I will return to where my friend from Lawrence [Mr. Cobb,] diverted my attention. I wish to ask what there is in this resolution that any gentleman cannot endorse? There are but two plain propositions in it. Are you not in favor of a vigorous prosecution of the war? Are you in favor of a separation of any State from this Union? If you are you can show your hands plainly.

Mr. WOLFE. I believe there was no gentleman who spoke in reference to the resolution introduced by the Senator from Fayette [Mr. Claypool] who objected to a vigorous prosecution of the war. I think the gentleman must know the fact to be that the objection to the resolution was in regard to its peculiar phraseology. It was not full enough; it ought to have included matters that were not in it.

Mr. WHITE. I am not vain enough of my ability to suppose that I can place the Democratic party in a false position, but I may be indulged in saying that I suppose they wanted to go further and make a hit at abolitionists. Well sir, if the abolitionists are opposed to the prosecution of this war for the suppression of rebellion I pledge myself in perpetual hostility to abolitionists. As to the party properly called Abolitionists—they who have been in favor from time immemorial of interfering with slavery in the slave States—those one idea men who never had a thought except about the doctrine of abolitionism—I never have sympathized with them for one moment; but sir, if the abolition of slavery in the District of Columbia will tend to the suppression of this rebellion, then I endorse that. If the proclamation of the President of the United States dated the first of January will tend to suppress the rebellion, then I endorse that proclamation.

Mr. COBB (interposing.) If the suspension of the writ of *habeas corpus* will put down the rebellion are you in favor of it?

Mr. WHITE. I am in favor of anything within the reach of loyalty to the Con-

stitution to suppress this rebellion. There are times when Constitutional barriers must be got over.

Mr. COBB (interposing.) Are you in favor of breaking down the Constitution for the purpose of suppressing this rebellion?

Mr. WHITE. I am in favor of suppressing this rebellion at every hazard.

Mr. COBB (in his seat.) That is your resolution too.

Mr. WHITE. I do not understand it so. I will repeat that I am in favor of suppressing this unholy rebellion at every sacrifice—at every cost, I care not what it is—

A VOICE—"Sacrifice the liberties of the people?"

Mr. WHITE responded "No Sir," and then briefly referred to threats made in the Congress of the United States that there are States in this Union to be left out in the cold.

Mr. DUNNING [Mr. Williams in the chair.] Those acquained with my course, know that I follow no man and I will not suffer the remarks of the gentleman from Montgomery [Mr. White] to go unanswered. Such a sentiment the Democratic party never uttered and such a sentiment I would spurn.

Mr. WHITE. I am glad to hear this come from the source it does. I would no more let South Carolina go out of this Union than I would let Massachusetts—I would no more let California than I would let Indiana go out. No State is to be severed from this glorious Union as far as I am concerned. Therefore I say if this resolution does not go far enough, if it does not denounce the Abolitionists far enough, make your resolution as broad as you can, as deep as you can, as denunciatory of them as you please, and I stand ready to vote for the resolution with you. I do not care where my vote falls so it gives a moral effect conducive to restore the Union and suppress the rebellion—I do not care whether it is with you or my Republican friends. I repeat, my vote shall go in denunciation of any party which is against the suppression of this rebellion.

[Mr. White concluded his remarks by attempting to show that the President of the United States opposed the introduction of Abolitionism into the conduct of the war.]

AFTERNOON SESSION.

Mr. McCLURG. I discover from the empty seats that the Republican members have not come in. I am aware of the fact that it is within the power of the minority to defeat the will of the majority: and I am satisfied they are prepared at all hazards to carry it out and we are assured it is their intention to do so. If there is any one thing more calamitous in its consequence than another it is rebellion and anarchy, and I regard it as the first duty of loyal citizens to take such a course as will avoid it. Patriotic hearts all over this land are watching with interest every motion of this body, and they demand of us conservative Democrats to do all within the power of a sovereign State to bring about that word which would be so sweet to their ears, known in times past as "peace." There never has been a Legislature in Indiana since its organization, to whose action the citizens of the State look with so much interest. He recapitulated the action of the Republican party at the extra session, and reviewed the course pursued by the Executive in the appointment of Peace Commissioners. The people now look with intense anxiety to the action of the Legislature, and he eloquently pictured the ardent desire of the masses of the people, shrouded in mourning as many of them were, for some hope of some time hearing that sweet word peace. The Democratic party could afford to let by-gones be by-gones and indulge in no factious spirit. The untrammelled freemen of the State have resorted to the ballot box and we have been endorsed, and that covers a multitude of wrongs that have been inflicted upon us. We can afford to be generous and can today grant the boon the factious members on the other side demand of us. If they demand to know what we propose to do, in advance, we can tell them we propose to do what the Democracy have done since the days of Thomas Jefferson—we will mete out the greatest good to the greatest number. However obnoxious the laws which may be passed by the government of the United States, we will not violate them. We propose to say to them, that we will not violate the Constitution of the United States. We will do all in our power to legitimately conduct this war for the purpose of bringing it to an honorable close, whether by compromise, or treaty, or a vigorous prosecution. We will not violate the liberties of the citizen, the law of Congress or the Constitution—of all these things we can assure them. We can assure them, too, that we will elect a United States Senator for the long and the short term—men who are th embodyment of political truth and political veracity—Thomas A. Hendricks and David Turpie—and when they take upon themselves that proud position, the liberties of the people will not be infringed, the Constitution of the United States will be revered and all that can be done will be done to avert the calamities that now hang over us. We can afford, I say, in the abundance of our success to proclaim to them in broad light—as plain as the noon day sun—that which we propose to do.—When that is done if they still continue

factious, and treat with little regard the solemn oath they took one day ago, let the consequences be upon them and not upon us; but I appeal to Senators not to allow resentment, which is in every breast, to influence their acts, and when our country is groaning as it were in the agonies of death, not to allow personal considerations to step in and induce them to commit an act they would hereafter regret.

A message was received from the House of Representatives requesting Senators to repair to the Hall of the House to hear the Message of his Excellency the Governor.

The PRESIDENT. By consent of the Senate I will direct a call of the roll of Senators for the purpose of seeing whether there is a quorum present or not; and whether the Republican Senators will come in, and go with us to hear the Governor deliver his message to the General Assembly.

Mr. BROWNE, of Randolph. I do not think they want to hear it, sir. [Laughter.]

The roll was called and but 30 Senators answered to their names.

Mr. WILLIAMS. I see some Senators talk excitedly. I have been here long enough to take it coolly. I am satisfied that some time or other our friends will come in. Let us go along for a day or two at least. I will say to them if they will come in and go down to the House to hear the message we can go without doing them any harm. We have joint rules that prohibit us from doing anything in Joint Convention but the very business we assemble for. If we assemble for the purpose of hearing the Governor's Message there will be no danger of electing United States Senators. Without any authority I will pledge that the Democratic party will do that, then I think they might come in and hear the Governor's message.

Mr. BROWNE, of Randolph. I would take the word of the gentleman from Knox, [Mr. Williams,] as soon as any other man, but I do not know where the absent members are, and if I were to go out after them I am afraid that other man from Randolph county would come in and take my seat. [Laughter.]

The PRESIDENT. As far as the President of this Senate is concerned I have always been opposed to revolution. I had rather submit to a hardship for a time and rely upon the people at the ballot box to correct it, than to revolutionize. I would scorn to take advantage of the visit of Senators to the Hall of the House to go into an election of United States Senators. No such act should be done with my sanction.

Mr. COBB. I have no disposition to enter into this discussion, but I will ask why these vacant seats around us? Has the majority attempted to force upon the minority any action they have no right to have? I tell you, in a time like this, there is a terrible responsibility resting upon the heads of this minority if they intend to thwart the will of the people of the State of Indiana. Is there any reason for this action? I tell you there is none.—Now sir, what course should we pursue?—Should we bow in submission to these gentlemen who are so dignified that they will not come into the Senate? I can say frankly, for one, that I shall not let them dictate terms to us. I want to tell the Senator across the way [Mr. White] that I will hold up the Constitution as a beacon light and I ask him to follow it.

Mr. WHITE (interrupting.) I will. I suppose it would be Constitutional to suppress the rebellion. I cannot conceive of any Union without the Constitution, and when I spoke of that I meant the restoration of the Union under the Constitution. Gentlemen talk a great deal about the Constitution as it is and the Union as it was. I am that kind of a man. I want the same Constitution our fathers made without the crossing of a *t* or the dotting of an *i*. If in the debate this morning gentlemen may have misunderstood me, I wish to make this correction.

Mr. COBB. The Senator is much more Constitutional than I thought he was.—The Senator's assertion was very broad this morning. He now defines himself much better and more in accordance with my feelings upon this subject. But does not the Senator know that when this war commenced the Crittenden resolution embodied the sentiments of the people and the sentiments of his party, because that resolution was voted for by every Republican Congressman except two: and when Mr. Lincoln defined his position did'nt he tell us that he had no power under the Constitution to abolish slavery or to interfere with it? Did he not tell our ministers abroad that he had no Constitutional right to do it? And did not Mr. Seward tell our foreign ministers that when this war closed whether it closed in a reunity or disintegration, that the condition of every slave in the southern States would be the same as before the rebellion began? Why, sir, how has that party changed its policy? What is the sentiment now? Why, it is to prosecute this war for the purpose of abolishing slavery. The late proclamation of the President of the United States is clear upon that subject, and is it not in violation of his pledges? I speak in no disrespectful terms; but when the President has placed himself upon the record I have a right to discuss the merits and demerits of his course, and no man has more nerve to do it than I have. My voice in my county led on as many soldiers and as brave ones as that of any man in the State; and I will say that when my friends came to me and

sisted, on every occasion when they made up companies, that I should come forth and make speeches for them, I did it with the understanding that the Constitution of my country should be strictly adhered to. I will permit no man to go farther than I will in the prosecution of this war for the purpose of suppressing the rebellion under the Constitution.

Mr. WHITE (interrupting.) Are you in favor of amending the Constitution?

Mr. COBB. I will discuss living issues. The gentleman will not find me always adhering to things that may be wrong.

Mr. WHITE. I am always going to adhere to the Constitution. The truth of it is that I am so planted and grounded upon the Constitution that I never think of qualifying myself.

Mr. COBB. When the Senator will present his question in a shape that will make it apply to this rebellion, I can give him an answer. But there are living issues to talk about now. Then, sir, I will get back to the point; and I don't know how far I have strayed away. My course is marked out, sir. I will make no compromise with these gentlemen until they convince me I have done wrong. What right have they to come in here and say that we will disturb the military arm of the State of Indiana? Have we moved in that direction? When that question comes up they can act, and it is their duty to stand here until then. They have no right to come in here and compel us to place our signatures to a writing binding us not to do certain things, and for one I never will do it.

Mr. MURRAY (interrupting.) Did you have any more right to ask that two years ago than these gentlemen have now?

Mr. COBB. I waited until action was had by the gentleman's party. But I ask if there is any similarity between the two cases? Here is something to be acted upon in the future, but then action had been taken. It was well understood that the Senator from Elkhart [Mr. Murray] was the only man who had nerve to stand out against his party on that occasion, and I say with pleasure that he acted the part of a patriot. We looked upon him as a conservative man. But the argument against our action two years ago is an argument against these gentlemen now. There are certain acts in the history of legislation that may be resisted by revolution in that way, but I think the Senators upon the other side were convinced that we acted justly and therefore they conceded what we asked upon that occasion. But suppose we had not, our action then was different from the action of this minority now, as I have before shown, and I am content to let them keep the responsibility upon their own shoulders.

Mr. MURRAY. I shall give my humble efforts to bring about a compromise between these conflicting parties to this controversy. I am not here as the mouth piece of the absent Senators—I am here against their wishes—probably against their consent, sir. Assuming the prerogative of a Senator upon this floor I reserve the right to perform my duties as I see proper, and no party shall control my action where my conscience is in controversy. As I understand the grounds of compromise, I shall urge them from time to time, in order that we may get a quorum present. They ask a declaration of principles from the majority on this floor. Is there any thing wrong in that? When these gentlemen refused to vote for a simple resolution of support to this government the minority thought they saw a justification of their conduct. The Senator [Mr. Cobb] excuses his action by saying he could not vote for the resolution without amendment. Why did he not offer his amendment putting the word "Constitution" in it? I would have voted for it. And I would have voted for a more vigorous prosecution of the war.—And let me tell democratic Senators that it was for the want of a more vigorous prosecution of the war that you hold a majority here instead of being in the minority. That I believe to be God's Truth. As a republican from the commencement to the present time, I have been dissatisfied with the progress of this war, and the people have been dissatisfied. I speak the words of soberness and truth, sir. I know the sentiments of the people upon that subject, sir. I live among the masses and attend all their local meetings, and permit me to say there are but two republicans living in the school district in which I reside, and I am one of them, sir. I am surrounded by democrats such as would not vote for me though a near neighbor.

Mr. LANDERS (interrupting.) If the Democratic party is loyal, why offer these resolutions?

Mr. MURRAY. I say there is a suspicion abroad in regard to the leaders of the Democratic party, that their ultimate object is, sir, to take the North Western States from the present Union, urge the independence of the South and attach them to it.

Mr. LANDERS. I say that charge is not true.

Mr. MURRAY. I do not believe a word of it. But as affording a ground work for suspicion I will ask if your party is not voting in concert with Vallandigham of Ohio? Is he not a leader of the Democratic party upon the floor of Congress?—Yes sir. And he has absolutely offered a resolution to dismember this government.

Mr. COBB (interrupting.) I think the gentleman is mistaken on this subject.

Mr. MURRAY. He did offer a resolution, sir, to cut up this government into two or three Republics.

Mr. COBB. I have not seen it.

Mr. MURRAY. Who are your distinguished leaders in New York? At the first breaking out of this rebellion the Democracy of New York boldly recommended the dismemberment of this government the secession of the city of New York and the setting of it up as a little kingdom by itself. But let me come nearer home, and see if this suspicion is not well grounded. I find upon my table in yesterday morning's *Sentinel* a correspondence between Democratic Senators upon this floor and Jesse D. Bright, soliciting him to run as one of their candidates; and what does he say in regard to this war? Let me read it:

> I have never believed that war was any remedy for existing differences between the two sections.—As your agent in the councils of the country, I was opposed to all legislative acts in aid of this war, and if you were to offer me a seat in the Senate again, and I were to accept it, I would not during my stay there, contribute in any form to the support or encouragement of the inhuman crusade that those in power are waging, under the late proclamation of the President of the United States, against those who are "bone of my bone, and flesh of my flesh." On the contrary, I am for peace, peace, peace. I am now, as I have been from the hour of this inhuman, unnatural and anti-Christian war was inaugurated, in favor of a cessation of hostilities to the end that compromise might again, (as it has in times past,) perform its peaceful offices.

There is a declaration from a gentleman that honorable senators on this floor have solicited to become their candidate for Senator of the United States. Now may there not be some ground work for this suspicion? And the distinguished gentleman nominated for the long term, what has been his record? Where has been the effort of this distinguished candidate in aiding the government in this death struggle with traitors? Has he made one solitary speech in behalf of his country? In the name of God, if he has, produce the record here to-day. Has he brought to the assistance of this country the vigor of the talents he enjoys in a preeminent degree? If he has, where is his record, sir?

Mr. RAY (interposing.) I refer you to a letter of his in the *Sentinel*, early in the Extra Session of the Legislature of 1862—a letter which was called out by the circumstances of the country, and perhaps the appeal of his friends.

Mr. MURRAY. I am glad if there is a little letter somewhere, where that gentleman has made a scratch in favor of this war. I say he should have stood by the honorable Senator from Shelby [Mr. Ray] the President of this Senate [Mr. Dunning] and other gentlemen who have contributed to this war. I am in favor of the Constitution without any amendment whatever, and I do not like such talk as being for the Constitution with an "if" and an "and."

Mr. COBB (in his seat.) I say so, too.

Mr MURRAY. It sounds like the talk of those hellians attempting to crush out the government. By these expressions and these acts of the leaders of your party there is given grounds for suspicion on the part of Union men that there are certain leading men in the north conniving in this rebellion and desiring the acknowment of southern independence———

Mr. COBB (interrupting.) Does the gentleman believe there is a Democratic Senator here who entertains any such sentiments?

Mr. MURRAY. No Sir.

Mr. COBB. Then where is your reason for justifying such suspicions?

Mr. MURRAY. I am giving them, God bless you! [Laughter.]

Mr. DUNNING (*soto voce.*) The Senator is making an argument for his friends and not for himself. [Renewed laughter.]

Mr. MURRAY. Yes, sir.

Mr. LANDERS (interrupting.) Do you not believe that the action of your Republican friends in revolutionizing this Senate is for the purpose of making political capital?

Mr. MURRAY. In my opinion it is the very poorest possible course to manufacture political capital. I do not think they are such fools as to have that idea. Mr. M. continued at some length, his remarks having especial reference to the Emancipation Proclamation.

Mr. SHIELDS. Gentlemen all state that the people expected before we convened here the election of Thomas A. Hendricks to the United States Senate, but that gentle man's course has been such they cannot suffer him to be elected.—Now, if you are determined to break a quorum, there is no Democrat in the Legislature but will, if you will do the same, lay down his resignation and go home to the people. [VOICES—"I will," "I will."] To call on us for a record the second day of the session! Was there any such thing ever done before?

Mr. MURRAY. Who ever heard of an election on the second day?

Mr. SHIELDS. There is a necessity for it. A man represents us in the United States Senate who has no right to.

Mr. MURRAY. Is he not a Democrat?

Mr. SHIELDS. No, sir. No more than the devil is an angel. [Laughter.] The people all over the State expected Hendricks and Turpie elected; and when the people want anything it must be done in this country.

GOVERNOR'S MESSAGE.

The regular biennial message of the Governor to the General Assembly was now announced and placed on the Secretary's table, by the hand of Wm. R. Holloway—his Excellency's Private Secretary.

His Excellency's Message (coming in irregularly) was never formally read in the

Senate. The document rehearses Governor Morton's external military administration for the past two years, under appropriate heads. Only that portion which relates to his internal administration is repeated here:

SOLDIERS' FAMILIES.

Notwithstanding all that was being done by public and private benevolence, toward supporting the families of soldiers, he evidence came to me from every part of the State, that many families were destitute, and that great suffering must ensue during this winter, unless active steps were taken to raise contributions and provide for the needy.

Accordingly, I issued an appeal to the people of the State, a copy of which is herewith filed, stating the necessity, and calling upon all who were able to contribute of their means. I am gratified to be able to report, that a very generous response has been made to the appeal, that active measures have been initiated in many counties in the State to relieve the necessities, and provide for the comfort of the families of our soldiers who have abandoned home and all its endearments to fight the battles of our country. The clergy of the State were especially called upon to engage in the work of visitation and collecting contributions, and have, as I am informed generally responded with zeal and energy.

It is, however, manifest that all efforts will fall short of meeting the necessities of the case, and that Legislative aid will be required.

The circumstances by which we are surrounded are novel and extraordinary, and should be met by prompt and extraordinary measures.

I therefore earnestly invite the early and favorable consideration of this subject by the Legislature.

LEGION.

At the extra session of the Legislature a militia law was passed, providing for the organization of the Indiana Legion.

Although this law was defective in many respects, and should be amended, yet it provided the frame-work of an organization which has rendered most valuable service during the war. To the officers and men of the Indiana Legion, the State chiefly owes the immunity she has enjoyed from invasion, plunder and murder, by the guerrilla and marauding bands which infested many of the adjoining counties in Kentucky. Not only so, their aid and protection has been cheerfully and successfully extended to the loyal citizens of Kentucky when it has been called for. On several occasions they met the enemy in battle, when they ably maintained the credit of the State, and behaved with that distinguished courage which has characterized the soldiers of Indiana throughout this war. Some have fallen in battle, and I earnestly recommend that their families be provided for, and placed on a footing at least equal to the families of those who fall in the Federal service.—They also rendered prompt and efficient service in guarding rebel prisoners when the Federal forces performing that duty were called into the field. Although the organization and operation of the Legion has been chiefly confined to the counties bordering on the Ohio river, yet much has been done in some of the interior counties, and among them I would especially notice the counties of Jennings, Decatur, Shelby, Tippecanoe, Putnam, Parke and Vigo. The response which was made from these counties, on sudden calls for military force, was of the most energetic and satisfactory character. For a full account of the operations of the Legion, I refer you to the able and interesting report of Major General Love. Your attention is also specially called to the recommendations contained in his report relative to the amendment of the Militia law. It is very important that provision be made presenting inducements to join the Legion, by proper exemptions and payment, and conferring the authority, and pointing out the manner, by which the members of companies shall be compelled to attend meeting for drill and response to call for service. Such authority is doubtless contained in the law now, but its mode of exercise in not determined. The Legislature appropriated, for the support of the Legion, $70,000 for the year 1861, and $70,000 for the year 1862. As will appear from the Auditor's report, only the sum of $7,352 23 has been expended on these appropriations up to the 31st day of October last. The distribution of the Fund among the counties and regiments, as required by the act was never made by the Adjutant General, because of insuperable difficulties growing out of defects in the law, and the organization of the companies. I trust the Legislature will make prompt provision for the payment of all claims growing out of the operations of the Legion, and for a proper distribution of the Fund.

Strongly impressed how much the peace and security of the State depend on the efficiency of the Legion in the month of October, I summoned the officers to this city to receive military instruction in a school temporarily organized and conducted by Maj. Gen. Love. Some 400 gentlemen were in attendance, and the spirit and devotion manifested by them, and their progress in military knowledge, were of the most encouraging and satisfactory character.

PROCLAMATION CALLING OUT THE MILITIA.

At the time of the invasion of Kentucky by Kirby Smith, the guerrillas infested

the Kentucky side of the Ohio river, from Lawrenceburg to Mount Vernon, and at several points large bodies of rebel cavalry were assembled, and seemed to be awaiting an opportunity to cross the river and invade the State. The river was very low; in many places fordable, and much alarm prevailed in our border counties.

Accordingly, I issued a proclamation, of which a copy is herewith filed, requiring all the able-bodied men, subject to military service, between the ages of 18 and 45 in the counties bordering on the Ohio river, to assemble at stated periods with whatever arms they could command, to organize themselves into companies and be instructed in military tactics.—This proclamation was very generally acquiesced in, and carried into execution by the people and was continued as long as the emergency seemed to require. The preparations thus made, in connection with the Legion, for repelling and punishing invasion, deterred the guerrilla and marauding parties who were plundering and murdering the Union men on the other side of the river, and protected the lives and property of our citizen.

ADJUTANT GENERAL.

I lay before you the able and interesting report of Adjutant General Noble.

It contains a brief history of the operations of the State in furnishing troops for the prosecution of the war and much more valuable information. I have instructed him to prepare another report, to contain the name of every officer and private soldier who has entered the army from Indiana, with the number of the regiment, company or battery to which he belonged. Such a report would be invaluable hereafter as a work of history.

STATE AGENCY.

The report of Hon. R. N. Hudson, the Agent of State, is herewith laid before you, and your attention invited to the recommendations contained in it, to change the form of indebtedness, by substituting coupon bonds for certificates of stock, and abolish the office of Agent of State, as at present organized. By the terms of the compromise with the bondholders, made in 1846, the State is required to keep an office in New York for the transfer of our stocks and the payment of the interest on them. But this agreement can be complied with fully by selecting some responsible bank, in such manner as may be determined upon by the Legislature, to perform the duties that are now devolved upon the Agent of State. Under the present system the risk attending the solvency of a bank has to be incurred, for the Agent, having no means of safe keeping the money remitted to him by the Treasurer of State, deposits it in bank, and in payment of interest to the holders of our stocks gives his checks upon the banks.

So much of the business therefore, being necessarily done through the bank, I am of the opinion that the rest of it could be devolved upon the bank, with increased safety and economy to the State.

In 1846 the State of Indiana made an adjustment with her creditors, under which the former State Bonds were to be surrendered and cancelled upon certain conditions, and new stocks issued in exchange. Out of this adjustment sprung the Indiana Five per cent. Stocks, as known in the New York market.

One of the conditions of the adjustment was, that the State should establish an agency in the City of New York for the transfer of these stocks and the payment of the interest upon them.

By express enactment of the Legislature, it was provided that these new certificates of stocks should be transferable only at the agency in the city of New York, on books provided for that purpose. When stock was transferred the old certificate was taken up and cancelled, and a new one issued, made payable to the person to whom the transfer was made. These certificates were not payable to bearer, did not pass by delivery from hand to hand, and were not negotiable in the sense of the law merchant. It was expressly intended they should not be. At and before the time of the adjustment spoken of it was claimed by the State that numbers of her bonds, which had been deposited in New York, or hypothecated for small sums of money, and for which the State had received little or no consideration, had been improperly and fraudulently put into circulation. But as they were genuine, made payable to bearer, and the property in them passed by mere delivery, she could not do otherwise than recognize them as valid obligations. These circumstances led to the peculiar provisions in regard to the new stocks. To carry out the new arrangement, printed forms of the certificates of stocks, signed by the Auditor and Treasurer of the State of Indiana, were deposited with the State Agent, in the City of New York, to be by him countersigned and filled up as to dates, amounts, names of parties, and registered in books provided by the State for that purpose. It is not improper to state here that this form and mode of transfer, before being enacted into a law, was submitted to and met the approval of Charles Butler, Esq., the agent and representative of the bondholders, at the time of the adjustment referred to, as I am informed and believe. Fears were entertained however, that by the fraud or connivance of the State Agent, false certificates, might be issued and frauds perpetrated. Accordingly, the State Legislature, by an act which

took effect on the 11th day of March, 1859, changed the mode and place of issue of certificates of stock.

By this act it was provided, that thereafter no certificates of stock should be issued by the Agent of State, but that on the presentation to him of certificates of transfer, he should receipt for them, and immediately transmit them to the Auditor of State, at Indianapolis; that the Auditor should cancel them and file them in his office, for preservation and reference, and issue, in the name of the person to whom the transfer was to be made, new certificates of stock, to be signed by him and the Treasurer of State, and after registering them in a book to be provided by the Auditor for that purpose, send them to the Agent of State, to be by him registered and delivered by a proper person, upon presentation of the receipt. The fourth section of this act declares that any certificate of stock issued or transferred in violation of the provision of this act shall be deemed fraudulent and void as against the State of Indiana. It will be perceived that this act throws additional and, in my opinion, abundant safeguards around the issue of the stock. To avoid the dangers and temptations which this change in the law was designed to guard against, as soon as the new law went into operation, the blank certificates, signed by the officers of State, in the hands of the State Agent, should have been promptly withdrawn by the officers of State and destroyed. This was not done.

When Col. Hudson the present State Agent, came into office, early in February, 1861, he found in the office in New York, three bound volumes of the forms, which he immediately cancelled, by punching a hole through the signature of each form.

STOVER FRAUD.

In this connection I invite your attention to the gigantic forgeries of Indiana five per cent. stocks which have been committed in New York.

The Hon. James A. Cravens was elected State Agent in February, 1859. He held the office about nine months, during which time D. C. Stover acted as his clerk. He then resigned, and Mr. Stover was appointed by Gov. Willard, to fill the vacancy. He continued in office under this appointment until February, 1861, when he was succeeded by Col. Hudson, the present incumbent, who had been duly elected by the Legislature. The forged certificates of stock were executed upon the blank forms left in the office of the Agent of State, which had been signed by W. R. Noffsinger as State Treasurer and H. E. Talbott as State Auditor. These gentlemen came into office early in 1855, and went out early in 1857, having served two years. The forgery consisted in falsely filling up the blanks as to dates, names of payees and amounts, and signing the name of James A. Cravens as Agent of State. The forged certificates, so far as I am advised, bear date in March, April and June, 1859, thus purporting to be executed during the period in which Mr. Cravens was State Agent, though I believe they were executed and issued at a latter date. I am informed by Col. Hudson that the forged certificates were all made payable to Samuel Hallett except about $100,000 payable to a person by the name of Deschaux. He further informs me that the whole amount issued, so far as he has been able to discover, is $2,538,000, of which amount $1,295,000 has been retired and destroyed. Col. Hudson states that he discovered the existence of this spurious stock in a few weeks after he came into office, and immediately charged the matter upon Mr. Stover, who confessed it all, but said there was only about $200,000 out, and if the matter were kept secret, he, and those operating with him, would take up and destroy them, so that nobody should loose anything by them.—Col. Hudson further says, not knowing what might be the liability of the State upon these certificates he deemed it highly important for her interest that they should be gotten off the market and destroyed, and, for that purpose, agreed with them, for the time; to communicate the matter to nobody, without, however, giving them any assurance that they should not be ultimately exposed and prosecuted.

The knowledge of this forgery was first communicated to me about the latter part of January last, by Messrs. James M. Ray and Jesse J. Brown, two of the Loan Commissioners, appointed by the State to negotiate her War Loan. They had learned it from Mr. Lanier, of the firm of Wilson, Lanier & Co., who had discovered it in some way about the first of December previous. I immediately repaired to New York, and in company with the Hon. John P. Usher, then the Attorney General of Indiana, and Esq. Jesse J. Brown, endeavored to investigate the affair. In the opinion and confidence entertained by Col. Hudson, and some other gentlemen who had been consulted, that Mr. Stover and those acting with him would retire the fraudulent stocks I did not share, and was not for that or any other reason in favor of delaying their exposure and prosecution a single hour.

Accordingly, I proceeded at once to place all the facts of which I had any knowledge in the possession of Mr Hall the District Attorney prosecuting the pleas of the State, for the city of New York.

The crime had been committed in New York, and to the laws and authorities of that State its punishment belonged.

Mr. Hall, after deliberation, and such investigation as he could make, determin-

ed that an exposure and prosecution of the parties at that time would be highly inexpedient, and informed me that he took the responsibility of defering any public disclosure and prosecution until such time as in his judgment it was proper to make them.

Matters thus stood from February until about the 27th day of May, when, learning that the affair had become public in New York, and believing that no reason could exist for further delay in the prosecution, I caused the arrest of Mr. Stover, who was then in this State, and sent him to New York. On his arrest he freely consented to go, and waived all process of formal authority. The Hon. John F. Kibbey, then acting Attorney General, by my direction proceeded to New York, and under the instructions of Mr. Hall, filed a complaint before the Grand Jury, in the name of the State of Indiana, and demanded an investigation

The Grand Jury returned bills of indictment against Stover and Hallett. At the September term of the Court in which the bills were pending, the Court quashed the indiements against Hallett, on the ground that it was no crime against the laws of New York to forge certificates or obligations purporting on their face to be executed by the State of Indiana. From this decision Mr. Hall has prosecuted a writ of error to the Court of Appeals, but no decision thereon has been had.

The indictments against Stover are still pending.

When this forgery was first made public, Indiana securities were suddenly depressed in the market from ten to twenty per cent., but soon after rallied to nearly or quite the former rates.

To avoid all embarrassment in the future, which might arrise from the existence of the forged certificates, I recommend that the Auditor of State be authorized to procure a new plate, differing in form and appearance from the old, upon which new certificates shall be printed, and that the holders of all genuine stocks be requested to surrender them and receive instead certificates of the new impression.

JULY INTEREST ON STOCKS.

Many of the Western States, among them Ohio and Illinois, were making provision in New York to pay the interest on their debt, in coin, in order to maintain the credit of their stocks.

As the credit of Indiana had received a shock by the development of forgeries of her stocks, and as the circulation of many of the Free Banks of Indiana was based upon Indiana stocks, it seemed to me especially important that she should take the same course, in order to assure her creditors and the public, that her ability and disposition to pay her debts, were in no wise disturbed or impaired by this assault upon her credit. Accordingly, I instructed Mr. Harvey, Treasurer of State, to provide if he could upon reasonable terms, the coin with which to pay the July interest upon our stocks. This he did, upon the terms and in the manner stated in his report. The announcement of the purpose of the State to pay her interest in coin, had an immediate and salutary effect in restoring confidence and bringing back the value of our stocks to its former standard.

At the time I directed the payment of the July interest in coin, the premium on coin was very small, but has since increased so greatly as to forbid the like arrangement for the January interest.

COMMON SCHOOLS.

The operations of the common school system for the past two years have been quite successful. The amendments made to the School Law at the last regular session, so far as I can learn, have worked well, and met with general approval. The report of Prof. Miles J. Fletcher, Superintendant of Public Instruction, for the year 1861, is laid before you, but the report of the present Superintendent, Samuel L. Rugg, for the year 1862, has not been completed. The Rev. Samuel K. Hoshour was appointed to fill the vacancy occasioned by the death of Mr. Fletcher, who held the office until his successor was duly elected and qualified.

DEATH OF MILES J. FLETCHER.

The death of Miles J. Fletcher was a misfortune to the State. Possessed of fine talents, highly educated, endowed with every accomplishment that can make a man attractive in society, with a heart full of the warmest affections and most generous impulses, he united with all these an indomitable energy of character that gave no rest, and ever pressed him forward in the path of duty. His industry was a marvel, and the amount of labor he accomplished wonderful. The duties of his office he discharged; not scantily as a task, but with a devotion and pleasure that were satisfied only with a full performance. The cause of education he regarded of the first importance, and the vocation and calling of the educator the most honorable and dignified, next to that of the Christian Minister. The misfortunes of his country deeply afflicted him, and notwithstanding the delight he took in the discharge of his official duties, and his untiring devotion to the education of youth, he would have resigned his office and gone to the field, had he not been dissuaded by his friends, who urged that he could serve his country better in the position he then held. He devoted much time, labor and money to the care of the sick and wounded soldiers. He visited the hospitals and the field of battle to hunt up and minister to the neglected and dy-

ing, and in carrying a wounded man upon a steamboat at Pittsburg Landing, shortly after the battle of Shiloh, suffered a bodily injury, from which most likely he could never recover. When he was killed, he had started upon another mission of mercy to the army. I was standing by his side at the moment of his death, and never before did I have brought home to me that passage of Scripture which declares, "That in the midst of life we are in death." Had I been asked a moment before who, among all the young men of Indiana, bade fairest for a life of great usefullness and fame, I would have answered, Miles J. Fletcher.

BENEVOLENT INSTITUTIONS.

The Reports of the Boards of Trustees of the Asylum for the Blind Institution for the Deaf and Dumb and Hospital for the Insane are herewith submitted. The management of these Institution for the past two years has been eminently successful and satisfactory. The Superintendents have displayed ability and fidelity, as well as the subordinate officers and teachers, and I commend the reports to your especial consideration and the Institutions to your fostering care and attention.

PRISONS NORTH AND SOUTH.

At the regular session of the Legisture in 1861, the sum of 10,000 dollars was appropriated for the purchase of material; and construction of the Northern Prison located at Michigan City, for the year 1861, and a like sum for the year 1862.—At the extra session in 1861, the sum of 30,000 dollars was appropriated for materials and construction of the Northern Prison, and for the support of convicts, and the payment of the expenses incurred for the month of January, 1861.

At the same session a law was passed for the transfer of 200 convicts from the Southern Prison, at Jeffersonville, to the Northern Prison, but no provision was made for their return in case their labor should not be required. At the same session an act was passed providing that persons sent to the penitentiary from counties north of the National Road should be confined in the Northern Prison. The work in the construction of the Prison was vigorously pressed in the summer and fall of 1861, and it was found necessary by the Board of Directors, in order to keep the convict labor employed, to anticipate, and draw upon the appropriation made for the construction of the prison in 1862; so that when the work for the year 1861 was closed up, there remained unexpended of the fund appropriated for the construction of the prison in 1862, but about 3,000 dollars. It was apparent, then, that the labor of the convicts could not be employed in the construction of the prison during the year 1862, for the want of means with which to purchase the necessary materials. The labor of the convicts could not be leased or hired out to contractors for the want of shops in the prison in which they could be employed. To work the convicts out of the prison and about the town, would be so expensive, in the employment of guards, as to make their labor unprofitable, beside there was no authority for doing so, except as connected with the construction of the Prison.

As the matter stood, it was inevitable that the convict labor should be almost wholly unimployed throughout the year 1862, and must so continue until the prison shops were constructed, when the labor might be hired to contractors as in other prisons. If the shops were constructed in 1862, this labor could be made remunerative through the year 1863, but if not constructed until 1863, this could not happen until 1864. It was evident that the State would sustain a great loss by the delay in the construction of the shops and accordingly the Board of Directors convened in this city in February last, and myself and other State officers invited to be present for consultation; and after full consideration of the subject it was believed by all to be clearly to the interest of the State that the work of construction of the shops should be commenced at the earliest moment, provided the contract could be let at fair prices, and the contractor, being fully advised of the condition of affairs, should be willing to await the action of the Legislature for his pay. The Board of Directors then proceeded to advertise for proposals for the work; and a public letting was had. I directed Mr. John B. Stumph, of this city reputed to be an honest and capable builder, to be present at the letting, and see that the contract was properly made, and in accordance with the plans and specifications before that time adopted by the State for the construction of the shops. The contract, I have every reason to believe, was fairly made, upon terms, as I am informed, fifteen per cent, below the original contract for the same work, and at least 20 per cent. below what the same work could not be let for in cash. The shops have been completed, and Mr. Stumph was again directed to examine and measure the work; his report of the letting, quality and measurement of the work is herewith submitted. In view of the early completion of the shops, the Board of Directors were able to lease the labor of the convicts upon terms highly favorable to the State. This business is a proper subject for Legisiative investigation, which I hope will be promply made and that means will be speedily provided to pay the contractor the amount which shall be found to be honestly due.

The report of the Board of Directors, together with that of the Warden and Su-

perintendent, are herewith submitted.—The general administration of the affairs of the prison have been satisfactory, and the Board of Directors have minifested much zeal and ability in the discharge of the important duties intrusted to them.

The report of the Board of Directors and Warden of the Southern Prison, at Jeffersonville, is herewith submitted. The affairs of this prison, I believe, have been well managed, and I know of no just grounds for complaint. I recommend however, that the management, condition and wants of both Prisons, receive the early and thorough consideration of the Legislature.

UNITED STATES ARSENAL AND ARMORY.

At the last session of Congress an act was passed appropriating $100,000 for the purchase of grounds and construction of buildings, and necessary machinery for an Arsenal and Armory to be located in this city.

The grounds have been purchased and the construction of the buildings will be commenced as soon as the Legislature shall have relinquished the jurisdiction over such grounds, so far as required by the laws of the United States.

CONGRESSIONAL DONATION.

On the 2d day of July, 1862, the Congress of the United States passed an act donating to each of the States not in rebellion against the Government, an amount of public lands equal to 30,000 acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860. This entitles Indiana to 390,000 acres. Whenever there are public lands in the State, subject to sale at private entry at $1 25 per acre, the quantity to which the State is entitled shall be selected from such lands, but if there are no such lands in the State, or not enough, the Secretary of the Interior is to issue to the State land scrip for the requisite number of acres This scrip cannot be located by the State to which it is issued, but must be sold; but the purchaser may locate it upon any of the unappropriated lands of the United States subject to sale at private entry at $1.25 or less per acre.

There being no public lands in this State for sale at private entry, held by the Government at 1.25 per acre, Indiana is entitled to receive her donation in scrip.

This donation is made upon the following conditions:

First—That all moneys derived from the sale of lands or script shall be invested in stocks of the United States, or of the States, or some other safe stocks yielding not less than five per centum per annum, on the par value.

Second—That the monies so invested shall constitute a perpetual fund, the capital of which shall never be diminished, except as hereinafter stated.

Third—The interest on the stocks to be inviolably appropriated by the State, to the endowment and support of at least one College in which the leading object shall be, without excluding scientific and other classical studies, and including Military Tactics, to teach such branches of learning as are related to Agriculture and the Mechanic arts.

Fourth—If any portion of the fund thus invested shall, by any contingency be lost, it shall be fully restored by the State.

Fifth—That no portion of the said fund shall be applied to the purchase, repair, or erection of any building, but that a sum not exceeding ten per cent. of the original amount may be expended for the purchase of sites or experimental farms.

Sixth—No State shall be entitled to the donation, unless the Legislature shall express its acceptance thereof, within two years from the date of the approval of the Act by the President.

I recommend that the Legislature promptly express its acceptance of the the grant, pledging the faith of the State for the performance of the conditions upon which it is made.

The necessity for scientific instruction in agriculture is generally acknowledged, and Congress intended by this magnificent donation to provide means for the permanent establishment of at least one efficient Agricultural College in each State.

The question presents itself as to the disposition which shall be made of the grant. Shall it be given to the State University, or apportioned among all the Colleges in the State, upon such terms and conditions as the Legislature may prescribe; or shall a new institution be created expressly designed to carry out the will of Congress? It may be difficult now to determine the question upon the fact that we cannot know how much may be realized from the sale of scrip. If an amount should be realized large enough to endow respectable and successful Professorships in each of the Colleges now in the State, attaching to them experimental farms, it would perhaps be the best disposition of it that could be made. But if it should not be large enough for such division, which I apprehend will be the case, then I recommend that it be appiled to the establishment of an Institution for Agricultural and Military instruction, to which the children of soldiers who shall die in the service during this war, shall be admitted free of charge.

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OLIVER P. MORTON,
Governor of Indiana.

January 9th, 1863.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 9, 1863.

Mr. MILLER offered a resolution, which was adopted, directing the Judiciary Committee to inquire whether further legislation is necessary for the enforcement of the 13th article of the Constitution of Indiana.

ARBITRARY ARRESTS.

Mr. GIVEN offered the following:

WHEREAS, Many citizens of this State have been arrested by persons acting, or pretending to be acting, under the authority of the General Government, and have been confined in military prisons or camps without any public charge being preferred against them, and without any opportunity being allowed them to learn or disprove the charges made or alleged to be made against them and refused a trial—there being no insurrection or rebellion or any other obstruction to the constitutional authority of the Government existing within this State; and

WHEREAS, It is a sacred right, guaranteed to every citizen by the Constitution of our common country, that he shall not be deprived of his liberty, unless by due process of law, and when arrested shall have a speedy and public trial by an impartial jury, be informed of the nature and cause of the accusation, and be confronted by the witnesses against him; therefore,

Resolved, By the House of Representatives, That the General Assembly of the State of Indiana do hereby denounce and condemn all such arrests as acts of tyranny, as flagrant violations of the rights of the people, as unwarranted by the laws and Constitution under which we live, and do hereby demand that all such arrests shall hereafter cease.

Mr. NEWMAN moved to lay the resolution on the table.

The motion was rejected by yeas 39, nays 56.

Mr. BRANHAM opposed the adoption of the resolution. A grave charge was brought against the Government in it. He had not heard of any arbitrary arrests. He thought that arrests enough had not been made of traitors against the Government.

Messrs. PACKARD, BROWN and FERRIS replied, bringing proofs of such arrests as indicated in the resolution, and denouncing them with indignant patriotism. They were for the resolution, because they were resolved to maintain the liberty of the citizen against all acts of despotism on the part of the Government. Bitterly did they denounce the acts of abolition demagogues and traitors in this regard—men who would overthrow the liberties of the white man, claiming everything for the "free American citizen of African descent."

After further debate, in which Messrs. BRANHAM, NEWMAN, VAN BUSKIRK, HARNEY, and others, took part—

Mr. ROBERTS argued at length in favor of the resolutions. He himself knew of arbitrary arrests. He brought two notable instances of such arrests, in his own section of the State, to the notice of the House. He wanted the facts brought here. He was for the most thorough investigation, and for protecting the liberty of the citizen at all hazards.

Mr. CASON inquired what right this body had to inquire into what other departments of the Government had done? These arrests had been made under the General Government. He undertook to say that when the facts came to light the Government would be fully justified. He knew of an arrest in Boone county of a man who, at a Democratic meeting, had hurrahed for Jeff. Davis. He richly deserved, not only being arrested, but being hung between heaven and earth—to rot.

Mr. MILROY was in favor of the resolution. If a government did wrong, and could not be assailed—could not be held to the Constitution and the laws—what sort of a Government have we? Was it the Government of a free people?

Mr. NIBLACK argued in favor of the resolution. Grave errors had been committed. Either arrests had been made despotically or guilty persons had been suffered to escape punishment. Nobody would deny this. A motion had been made to lay the resolution on the table, and a test vote was had upon it. He was for completing the record by the adoption of the resolution.

Mr. MILLER demanded the previous question.

Mr. ANDERSON moved to adjourn.

On this motion the yeas and nays were demanded by ten members, and being ordered and taken, resulted—yeas 40, nays 58.

So the House refused to adjourn.

The demand for the previous question being sustained, the resolution was adopted by yeas 58, nays 30.

Mr. BROWN offered the following:

WHEREAS, The Constitution of the United States and of the State of Indiana solemnly guarantees to the people thereof freedom of speech, freedom of the press, the sacred right of the writ of habeas corpus, security from arrest without due process of law, and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and have compulsory process for obtaining witnesses, counsel, &c., and,

WHEREAS, We have witnessed within the past twenty months the violation of all these provisions so indispensable to a free government and necessary for the enjoyment of public liberty, by means alike arbitrary, violent, insulting and degrading to a degree unknown to any Government on earth, except those avowedly and notoriously wicked, cruel and despotic; and,

WHEREAS, We, the representatives of the people, now assembled in legislative capacity, charged with the high duty of enacting laws for the protection of the people and the preservation of their rights, deem it our first duty to ascertain the facts connected with the criminal usurpations and wrongs which have been practiced by political arrests, and in order to give those who have unlawfully made them, or caused them to be made, the prominence to a position of lasting infamy their conduct merits alike as punishment and as a warning to others hereafter, and to enable us to act intelligently and efficiently in providing such legislation as will prevent their repetition; therefore

Resolved, That a committee of seven be appointed by this House, whose duty it shall be to report

to this body the number of arrests for political causes made within the limits of the State, and all the facts connected with each, showing by whose order, procurement or influence, either immediate or remote, the arrests were made, the place, time and manner of the same, and by whom made; the charges (if any) made against them, and the probability of their truth or falsity; the place and duration of their imprisonment, and their treatment; the trial, or opportunity for trial, which they may have had, if any; the circumstances of their discharge, if discharged; the injury to their persons or families (if any) which have resulted from their unlawful detention, and the damages or pecuniary loss sustained by them in consequence of their imprisonment.

Resolved, That said committee also inquire into and report if there have been obstructions to the free exercise of the liberty of speech or press, or any abridgement thereof within the past two years in this State, and if so, report the facts connected therewith.

Resolved, That said committee be authorized to report a bill that shall contain provisions adequate to protect the people from the arbitrary commission of unconstitutional acts, by such penalties and punishment upon those guilty of the same as may effectually prevent their repetition, and provide means for redress and restitution by damages or otherwise to requite their wrongs, while serving as an exemplary warning to other usurpers in all time to come.

Resolved, That said committee be and are hereby authorized and empowered to send for persons and papers, or visit any locality within the State, that may be deemed necessary to the full and complete discharge of their duty.

Mr. TARKINGTON moved to strike out the preamble.

On motion by Mr. PACKARD the motion was laid on table.

Mr. PACKARD demanded the previous question.

The demand was sustained.

The yeas and nays were demanded on the adoption of the resolution, and being ordered and taken resulted—yeas 60, nays 26—as follows:

YEAS—Messrs. Abbett, Atkison, Bird, Blocher, Bregan, Brown, Burton, Collins, Cook, Donaldson, Ferris, Garvin, Given, Hall, Hanna, Harden, of Washington, Hardin, of Perry, Harney, Hatfield, Holcomb, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Lake, Lasselle, Lee, Lemmon, of Harrison, Lemmon, of Spencer, Mason, Mc Cauchey, Miller, Milroy, Mutz, Niblack, O'Brien, of Martin, Osborn, Packard, Pendleton, Priest, Puett, Reitz, Richardson, Rippey, Roberts, Robinson, Shaffer, Shoaff, of Allen, Shoaff, of Jay, Spencer, Stone, Veach, Waterman, Williams, Wolf, Woolen, and Mr. Speaker—60.

NAYS—Messrs. Anderson, Baker, Beanham, Budd, Cass, Chambers, Forester, Gregg, Gregory, Griffith, Higgins, Hostetter, Hutchings, Johnson, Jones, Kendrick, Kilgore, Moorman, Mustard, Noyes, O'Brien, of Hamilton, Pettibone, Ree, Tarkington, VanBuskirk and Woodruff—26.

So the resolutions were adopted.

GOVERNOR'S MESSAGE.

Mr. MOORMAN from the select committee appointed to wait upon the Governor, reported that he would deliver his message this afternoon to the House of Representatives at such time as the House might designate.

The SPEAKER, citing from the Constitution, said that a question arose whether, under that instrument, His Excellency could deliver his message to the House alone, or must he deliver it to the General Assembly in joint meeting? This question had never arisen before, and the Chair was at present unable to decide upon it. It would be remarked that the report was from the committee appointed on the part of the House alone, and not from the joint committee.

AFTERNOON SESSION.

The SPEAKER said: Previous to the morning adjournment, a verbal report from the committee appointed to wait on the Governor to ascertain when he would deliver his message, had been submitted. That report had since, by the Chairman of the committee, been reduced to writing and now the Clerk would read it.

The report set forth that His Excellency would deliver his message to the House of Representatives whenever they desired to hear him.

Mr. NIBLACK offered a resolution, which was adopted, inviting the Senate to repair to the Hall of the House of Representatives instanter to hear the message of His Excellency.

NEGRO EMANCIPATION.

Mr ROBERTS introduced a bill [H. R. 1] supplemental to an act for the enforcement of the 13th Article of the Constitution, with reference to negro emigration; which was read the first time and passed to the second reading.

COMMON PLEAS COURTS.

Mr. MASON offered a resolution, which was adopted, instructing the Judiciary Committee to inquire as to the expediency of abolishing the Common Pleas Courts.

EMANCIPATION.

Mr. WATERMAN offered a joint resolution instructing Senators and requesting Representatives in Congress to use all honorable means to defeat the project known as the compensated emancipation scheme, vote for the repeal of all laws heretofore passed looking to that end, and against all like measures hereafter to be introduced, which was referred to the Committee on Federal Relations.

ARBITRARY ARRESTS.

Mr. GRIFFITH offered the following:

Resolved, That the unconditional Union men of Indiana do not endorse any act of the General or State Governments manifestly despotic in its character, relative to arrests made by such Governments, but that we hold it to be the duty of every citizen of the United States to support the constituted authorities thereof; therefore in this period of rebellion against such authority, we cheerfully submit to any acts of the General and State Governments, the object of which is the maintenance of the integrity of the Union and the supremacy of the law, though the act should work personal detriment to the individual, believing that the powers that be do not propose to trample upon the rights of any citizen, but otherwise to protect and preserve the prosperity of the whole people; and that as citizens we should be as ready to perform our duty to our country as we are to assert the rights and privileges which she has given to us.

On motion by Mr. HANNA the resolution was referred to the Committee on Federal Relations.

NOTICE OF CONTEST.

The SPEAKER laid before the House a communication from Messrs. James K. Plummer and James H. Kennedy; giving notice of contest of the election of Messrs. Tarkington and Kendrick, occupying seats on the floor of the House as members from Marion. The communication set forth at length the grounds of the contest, charging fraud, force and violence at the polls by the friends of said Tarkington and Kendrick; which was read and referred to Committee on Elections.

GOVERNOR'S MESSAGE.

The SPEAKER laid before the House a communication from the President of the Senate, setting forth that because of the absence of a number of Senators there was no quorum, and consequently the Senate could not comply with the invitation of the House to repair to the Hall to hear the Governor's message.

Mr. PACKARD offere the following resolution, which was adopted, and Messrs. Branham and Packard appointed a committee in pursuance thereof:

Resolved, That the House of Representatives, by a committee of two of its members, be requested to wait on His Excellency, the Governor, and say to him that: owing to the Senate having no quorum, it is unable to attend in the Hall of the House as a Senate; and that, as there is no General Assembly at this day in session, the House is unable to say when it can have the pleasure of hearing the message of the Governor of the State.

[Mr. FERRIS submitted a resolution asking the Governor for information relative to drafted troops, and matters relative to the army from Indiana generally which was referred to a select committee of five —viz: Messrs. Ferris, Brown, Kilgore, Shaffer and Johnson.]

A communication was received from His Excellency, the Governor, by his private Secretary.

The SPEAKER said the document communicated by the Governor was his annual message, addressed to the General Assembly. The Constitution of our State provided that the Governor should give to the General Assembly information upon the condition of the State, and should recommend such measures as he might deem proper. It is under this provision of the constitution the Governor transmits his annual message. The constitution further provides that a General Assembly shall consist of a Senate and a House of Representatives, and that all veto messages should be communicated to the House in which the bill originated. In addition, it had been the uniform and invariable practice, since the organization of the State, for the Governor to deliver his annual message to the Legislature in joint convention assembled. For these reasons he was satisfied that the annual message of the Governor should be delivered to the Legislature in joint convention. But if he was mistaken in that opinion, there was another reason why the message should not *now* be received. The House had been officially informed within an hour, that there was no quorum in the Senate. The House had thereupon passed a resolution, and which had been communicated to the Governor previous to the transmission of his message to the House, in which they declared that there was no *General Assembly* in session, and that the message could not be received until a quorum was present in the Senate. Wherefore the message could not be received and read.

Mr. LASSELLE moved that the message be received and the consideration of it postponed until to morrow morning. Let gentlemen, he said, act coolly and calmly. He had his doubts upon the question. If the Senate were in session the Governor might legally transmit his message to each House separately. But the Senate not being in session, he did not know that we could receive the message.

Mr. PUETT regretted that in high quarters efforts were made to defeat the action of this Legislature. It was an insult to every member who had taken the oath to support the Constitution, that such a communication should be transmitted by his Excellency. His Excellency had set the example to the bolters—the seceders—professing Union all the while. There was no Union, unless within the pale of the Constitution, where every Democrat stood. That message we should not receive as if from the Governor. He warned those who thought with him, that it was time to stop. It was time we were retracting our steps. The people were determined that the light of liberty should not be put out. Since those who are in power over us began to violate the Constitution and the laws, we have been on the down hill road. Our authorities must stop. The people of this great and free State have told them to stop. The message would have been delivered as usual were it not feared that the two Houses, once together, would go into an election of United States Senators. He was for no such arrangement. He was for no such trickery; no such clap trap. The honest way was the right way. The Governor could come in and deliver his message and no Democrat would attempt to go into an election of any sort. The bolters, loud professors of love for the Union, were now secessionists, were trampling upon all constitutions, laws and precedents. Let us behave as men ought to behave toward one another, reverencing our oaths, with an eye single to our duties, and all would be right.

Mr. NIBLACK protested at this juncture against endorsing any revolutionary

proceedings. He counseled moderation on all sides. He argued in favor of receiving the communication from the Governor for the future consideration of the House.

Mr. BRANHAM was willing to let bygones be by-gones. He was ready to meet the gentlemen, in this crisis of our country, in the performance of the great duties imposed upon us by the people. He was for no more revolutions.

Mr. KENDRICK indorsed every word the member from Jefferson, [Mr. Branham] had said. He admired the spirit of many of his Democratic friends on this floor. He admired the spirit of that old man from Putnam, [Mr. Puett]. He shook hands with him, in God's name, and acknowledging his responsibilities to the people who sent him here, he [Kendrick] would strike hands with every patriot, whether he called himself a Democrat or not.

IN SENATE.

SATURDAY, January 10, 1863.

The question pending at the adjournment was the motion to re-consider the vote directing the Doorkeeper to bring in absent Senators.

Mr. McCLURG withdrew his motion.

By the direction of the President the call was proceeded with and 39 Senators answered to their names.

On motion by Mr. BROWN of Wells, further proceedings under the call were dispensed with.

PARTIZAN DECLARATION.

Mr. BROWNE, of Randolph, offered the following:

WHEREAS, It is desirable in the present perilous and distracted condition of the country to secure harmony in legislation and unity in action, therefore be it

Resolved 1, That we are in favor of a vigorous prosecution of the present war within the limits of the Constitution and in accordance with the recognized usages of civilized warfare, for the suppression of the rebellion and the restoration of the union of all the States, and that all necessary appropriations should be made by this General Assembly to assist the State in answering all requisitions of the General Government in the prosecution of such war and for the payment of any proper expenses that have accrued that have not heretofore been provided for; and are opposed to obstructing, in any manner, whatever the General Government in the exercise of any of its legitimate powers.

2. That we are opposed to the creation by this General Assembly of a State Military Board, for the transaction of the military affairs of the State or to interfere with, or circumscribing the Constitutional military powers of the Executive of the State.

3. That we are in favor of a rigid economy in the public expenditures in every department of the Government, civil or military, and of a thorough and impartial investigation of all past public expenditures, and the exposure of fraud or corruption wherever found.

4. And, as it has been charged that loyal citizens of the State of Indiana have been arbitrarily arrested and imprisoned without legal process or just cause, we will therefore favor, to the extent of our power, the investigation of all such charges, and insist that all persons hereafter arrested, shall receive a prompt and impartial trial, so far as is consistent with public safety.

5. That it is the duty of this General Assembly to make a fair and equitable apportionment of the State for Congressional and Legislative purposes, making the Districts in regular and convenient form, and as near as may be with equal population, and without reference to their political character.

6. That it is the duty of this General Assembly to elect United States Senators and State officers, the election of which is imposed by law, at the earliest practicable moment.

On motion by Mr. WOLFE, the resolutions were referred to a select committee of nine.

The PRESIDENT subsequently made this committee to consist of Messrs. Wolfe, Johnston, Williams, Hoagland, Cobb, Mansfield, Mellett, White and Davis of Vermillion.

On motion by Mr. MARCH, it was—

Resolved, That when the Senate adjourn it adjourn until Monday 2 o'clock p m.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 10, 1863.

GOVERNOR'S MESSAGE.

Mr. PACKARD from a select committee appointed to wait on the Governor and inform him of the readiness of the House, as a constituent branch of the General Assembly, to hear his message, reported that the duties enjoined had been performed, and that his Excellency declined to appear in person before the two houses in joint Convention, as the Constitution of the State provides.

Mr. PACKARD offered a resolution that the House respectfully decline to receive the message of his Excellency's private Secretary, and that the same be returned to his Excellency, to be delivered hereafter by him in person to the General Assembly of Indiana, the House meanwhile notifying his Excellency when it will suit its convenience to hear him.

Mr. PACKARD detailed the circumstances of the interview of the Committee with the Governor. The manner of transmitting the message was an act of discourtesy to the House. It was a positive insult. This House should demand of every co-ordinate branch of the Government not only respectful consideration, but an adherence to the Constitution and laws and all the precedents grounded thereon.

Mr. FORESTER went into a legal argument to show that the method proposed by the Governor in transmitting his message was in accordance with the practice in Congress by the President, and also obtained in many of the States. The communication, therefore, being respectful in its character, and not irregularly before the House, should be received and respectfully considered.

Mr. NEWMAN followed in a like argument

Mr. HARNEY argued to show that a long line of precedents had established the manner of delivering the Governor's Message. It was expected by the people that he should appear in person before the General Assembly and deliver it. This was a time which demanded of every man that he should do his duty. He would hold the Governor to his. He would tell him that this General Assembly was no mob, to have his communications contemptuously thrust in their faces by a clerk. He would hold that gentleman to precedent, usage, the Constitution and laws. No revolution should be attempted by him and his friends. In consideration of past usage, in consideration of the present crisis, in consideration of the character of this General Assembly, the Executive of this State must stand before the representatives of the sovereign people and give an account of the manner in which he had performed the momentous duties entrusted in his hands. The interests, the vital interests of the whole State, nay, of the whole country demanded this.—Upon this the majority on this floor would insist.

Mr. VAN BUSKIRK argued in favor of receiving the message as the Governor had transmitted it.

The SPEAKER, in explanation, said he had permitted the discussion to proceed thus far, although it was out of order, unless his decision of yesterday, that the message could not be received, was reversed by the House. The ruling yesterday was placed on two grounds; 1st. That the message should be delivered in joint convention. Although he had taken counsel of a number of gentlemen in high legal position, he had not yet been convinced that his position was erroneous. The second position was that there must be two Houses in session to constitute a General Assembly in the purview of the Constitution. Of this there is no doubt. This House, then, had been officially notified, yesterday, that the other branch of the General Assembly was not in session; so that, therefore, no session of the General Assembly was being held. The Speaker did not desire to assume any responsibility not imposed on him, but he would execute the orders of this House. The House had appointed a committee to inform his Excellency that there was no General Assembly in session, and that it would not receive his message. So long as the resolution adopted yesterday is not reconsidered, it is the duty of the Speaker to enforce it.

Mr. MORGAN doubted somewhat the propriety of transmitting the message in a manner not customary; yet as it has been done we should receive it. We should not, in disrespectful terms, send it back to His Excellency. He could see nothing which would justify us in returning the message. The practice in the National Congress was referred to by him in support of his proposition.

Mr. BROWN urged that the reception of the Governor's Message was a thing that could only be done in joint convention. That was written in the Constitution.—Some good had arisen out of this discussion—some good at least. It had caused Republicans to look into the Constitution, an instrument which they had been trampling on for the last two years. His Excellency had, by one of his hirelings—a man whom he kept to sweep out his office—sent his message to be flung contemptuously on the Speaker's desk.

Mr. KENDRICK called the gentleman to order; he should not speak disrespectfully of the Governor's private secretary.

Mr. BROWN repeated what he had said, and argued that the General Assembly must convene before, under the Constitution, the message could be received. If the Governor did not choose to give us his august presence, he should at least be held to the observance of the Constitution. He was not for running to Congress in these days of Abolitionism for precedents. The State of Indiana was one thing, and Congress was another. The message of the Governor of Indiana should be delivered to us as our fathers were accustomed to receive it. If we would but return to the practice of our fathers, the whole country brought to ruin by Abolition misrule, would soon again be reunited under one flag. This Legislature should pay respect to the construction which had been placed upon the Constitution and laws by Governors, Legislative bodies and courts of justice for the past twenty-five years.

Mr. VAN BUSKIRK replied, repeating his argument, relying upon Congressional precedents and customs in other States.

Mr. ANDERSON took a like view of the matter; going to Great Britain, and adducing the practice in the English parliament to show that his Excellency's message ought to be received.

Mr. BRANHAM said that the Governor was ready to deliver his message yesterday at two o'clock. There being no quorum in the Senate he could not deliver it in person. He (Branham) was confident no disrespect was meant toward the House by the manner in which circumstances had forced his Excellency to transmit his message.

Mr. BUSKIRK, (Mr. Holcomb in the chair) argued relying on precedents, that the message must be delivered not to the Senate, not to the House but to the General Assembly. Was there a General Assembly in session yesterday? What did this House legislatively say yesterday?—You said under oath there was no General Assembly in session yesterday. You said that you would not receive this message.

The presiding officer of this House must carry out your orders and resolutions.—He said to his republican friends that it was time for them to pause; to consider what they were doing. You come here, take an oath to support the constitution, and in twenty-four hours you secede from the Legislative halls, and by revolutionary conduct prevent all business. You denounce revolution in the South—and justly do you denounce it, for infamous traitors are engaged in attempting to overthrow the constitution—you do all this, yet you at home are revolutionists! Pause and consider, gentlemen, what you are doing. If you have a right to say that you will not have United States Senators elected, that you will revolutionize to prevent necessary legislation, has not the majority the same right to say that they are opposed to your measures—nay, even to the war itself? Because traitors had seceded from the Union in the South, it did not justify Republicans in seceding from the Legislature of Indiana. He had been told before this Legislature met that the election of United States Senators would be prevented by bolting. O yes! said his Republican friends, this would be revolution, but only on a small scale! Don't tempt us too far, gentlemen! If you determine that we shall not elect United States Senators, we may come to the conclusion that your Republican Governor may manage the affairs of the State of Indiana without money. The majority will not submit to dictation by the minority. You can't dictate to us. If there is no legislation you will be held responsible. We, the Democracy, are determined to do our duty to the people of the State, and, if necessary, every one of us will resign and appeal again to the people, confident of an endorsement of our conduct and an emphatic condemnation of yours.

Mr. GREGORY urged the reception of the message. A little informality should be overlooked. He was opposed to doing anything that would widen the breach between the Governor and the House.—He urged coolness, calmness and moderation.

Mr. MILROY argued in favor of the resolution. This was a time of all times when precedent should be enforced. This was a time of all times when the dignity and rights of the white man should be enforced. When it came to talking about the rights of the black man he had nothing to say.

Mr. NIBLACK supported the resolution. To say the least of it, the Governor, by the manner in which he sought to transmit his message, had violated all precedent, and had been guilty of an act of unquestionable discourtesy toward the House. The practice with regard to transmitting President's messages to the national Congress, referred to by gentlemen, was not applicable to our method of conducting affairs in Indiana. This was our State, and its government was our government, to be administered as it had been administered when the constitution and the laws were obeyed by all in authority. He indorsed fully the expressions of the Speaker [Mr. Buskirk] and he sincerely believed, as that gentleman had said, if this revolution should be persisted in by Republican members, and by his Excellency the Governor, and the Democratic members should resign, compelling also the resignation of the Republicans, appealing again to the people, in view of the conduct of the minority here, and especially since the President's emancipation proclamation of the 1st of January, there would not be returned here enough Abolitionists to break a quorum, prevent legislation, disorganize, revolutionize and secede, notwithstanding any oath of office they might have taken to support and obey the Constitution and the laws.

Messrs. KEMP, HUMPHREYS, HOLCOMB and others continued the debate.

Mr. BRANHAM, one of the Committee who had waited on the Governor said that he was sure his Excellency meant no disrespect to the House by the manner in which he had transmitted his message. Nothing should deter him from doing his duty as the representative of a free people? Never could he countenance revolution. The majority on this floor might elect every officer they wanted, but in his opinion the Constitution in certain circumstances justified the minority in bolting. He would bolt for one whenever in his judgment the public good demanded it. He would not bolt on a trifling occasion. But the right to bolt was guaranteed by the Constitution to the minority. He concluded, protesting his devotion to the Constitution and Union. He had but one motto: One country, one destiny or one graveyard. Being interrogated by several members he admitted that the right of revolution belonged to a State and also the right of secession.

Mr. ROBERTS. Two years ago the honorable gentleman from Jefferson [Mr. Branham) and myself occupied seats on this floor. I wish to ask him if then he did not declare against all bolting—against all revolution?

Mr. BRANHAM. I recognize under certain circumstances, the right of revolution. The only question is, does sufficient cause for revolution exist?

Mr. BROWN. Will the gentleman be kind enough to define the difference between secession and revolution?

Mr. BRANHAM. There is none at all. Secession is revolution.

Mr. NIBLACK. Now, who are to determine the question as to whether there is sufficient cause for revolution?

Mr. BRANHAM. The party proposing to revolutionize or secede.

Mr. NIBLACK. That is good enough secession doctrine, pronounced by a Republican.

Mr. MOORMAN demanded the previous question.

The demand was sustained by the House and under the operation of the previous question the resolution was adopted by the following vote:

YEAS—Messrs. Abbett, Abdill, Atkinson, Bird, Blocher, Bregan, Brown, Burton, Collins, Cook, Davis, Donaldson, Ferris, Garvin, Given, Hall, Hanna, Harden, of Washington; Hardin, of Perry; Harney, Hetfield, Holcomb, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Lake, Lasselle, Lee, Lemmon, of Harrison; Lemon, of Spencer; Mason, M Gaughey, Miller, Milroy, Mustard, Mutz, Niblack, O'Brien, of Martin; Osborn, Packard, Pendleton, Priest, Puett, Reitz, Richardson, Rippey, Roberts, Shaffer, Shoaff of Jay Shoaff, of Allen, Spencer, Veach, Waterman, William, Wolfe, Woollen & Mr. Speaker—61

NAYS—Messrs. Anderson, Baker, Branham, Budd, Byerle, Cass, Chambers, Forester, Gregory, Hershey, Higgins, Hostetter, James, Johnson, Jones, Kendrick, Kilgore, Lamb, Leeds, Marshall, Moorman, Morgan, Newman, Noyes, O'Brien, of Hamilton; Perry, Pettibone, Robinson, Stone, Tarkington, Van Buskirk, and Woodruff—32.

So the SPEAKER ordered the Clerk to return the communication to his Excellency the Governor, together with the resolution adopted rejecting it.

THE $200 EXEMPTION.

Mr. DONALDSON offered the following:

WHEREAS, The sixth section of the twelfth article of the Constitution provides that no person conscientiously opposed to bearing arms shall be compelled to do militia duty, but such person shall pay an equivalent for exemption, the amount to be prescribed by law.

Resolved, That the Committee on Military Affairs be instructed to inquire by what authority such equivalent was fixed at two hundred dollars and whether any legislation is necessary upon the subject, and to report by bill or otherwise.

The resolution was adopted.

NEW JUDICIAL CIRCUIT.

Mr. BIRD introduced a bill [2] creating the 16th judicial district, which was read the first time and passed to the second reading.

On motion by Mr. HARNEY, it was—

Resolved, That when the House adjourn it be till 2 p.m. on Monday.

IN SENATE.

MONDAY, January 12, 1863.

The Senate met at 2 o'clock p. m.

Mr. MELLETT presented the memorial of John H. Baker contesting the seat of Charles L. Murray, Senator from Elkhart and Lagrange, which was read and referred to the Committee on Elections with instructions to inquire whether said contestant held a lucrative office at the time of his election.

SOLDIER'S VOTE.

On motion by Mr. LANDERS, it was—

Resolved, That the Judiciary Committee be instructed to inquire into the constitutionality of a law providing for the voting of Indiana soldiers who may be absent from their respective townships and on duty outside of the State at the time of the election.

Hon. HORACE CORBIN, Senator elect from St. Joseph and Marshall, came forward presented his credentials, and was sworn in by Judge J. W. Chapman.

LEGISLATIVE EXPENSES.

Mr. BROWNE, of Randolph, introduced a bill, [S. 1] appropriating $25,000 to defray the expenses of the present General Assembly, which, under a suspension of the rules, was read twice and referred to a select committee with instructions to so amend the bill that no member shall receive any pay who shall absent himself from the Senate.

The PRESIDENT makes this Committee to consist of Messrs. Moore, Wilson and Browne, of Randolph.

HOUSE OF REPRESENTATIVES.

MONDAY, January 12, 1863.

The House met at 2 p. m.

Mr. RYAN, member elect from Crawford county, appeared, presented his credentials and was sworn in.

NEW PROPOSITIONS.

Mr. MOORMAN introduced a bill [H. R. 3] to appropriate $30,000 for the expenses of the present Legislature, which, under a suspension of the rules was read twice and referred to the Committee on Ways and Means.

Mr. MILLER introduced a bill [4] to amend the 406th section of the Practice Act, to facilitate the issuance of executions on judgements after the lapse of five years, which was read the first time and passed to to the second reading.

RAILROAD TARIFF.

On motion by Mr. BROWN, it was—

Resolved, By this House (the Senate concurring,) that a committee of two on the part of the Senate, and three on the part of the House, be appointed to examine and report at an early day whether certain railroad companies in this State are charging higher rates for the transportation of passengers and freights than is allowed by their charters; and also whether the same rate per mile is charged for transporting the same without regard to distance.

The SPEAKER makes this committee to consist of Messrs. Brown, Holcomb and Newman.

Mr. LAMB offered a resolution, which was adopted instructing the Committee on the Judiciary with regard to paying the Home Legion for services on the border

The bill [H. R. 1] to enforce the 13th Article of the Constitution, was read the second time and referred to the Judiciary Committee.

The bill [H. R. 2] creating the 16th Judicial District was read the second time and referred to a select committee.

EMANCIPATION.

Mr. WATERMAN offered a resolution, instructing Senators and requesting Representatives in Congress to use all honorable efforts to defeat the President's compensated emancipation scheme, which was referred to the Committee on Federal Relations.

Mr. PACKARD submitted the following, which was also referred to the Committee on Federal Relations:

WHEREAS, The President of the United States, at the second session of the Thirty Seventh Congress, submitted the project of a law or pledge for compensation to any State or States which may emancipate the slaves existing in or being inhabitants of, such States, and, whereas, such law, so passed, provides for the creation of a large and onerous public debt, by the issuing of the bonds of the United States, with interest running thereon till redeemed, in payment of said slaves so manumitted and set free, and—

WHEREAS, The said Congress, at its second session, did enact the same into the form of a law, with the approval of the President; and—

WHEREAS, This was done in derogation of all notice to the people of the several States; that the same was intended and contemplated, and against the solemn pledges of the President and Congress, that neither had the "lawful right or power" to interfere with slavery in any of the States of the American Union, therefore,

Resolved, By the General Assembly of the State of Indiana, that the said action of the President and Congress of the United States had no warrant in the Constitution—that it was an assumption of authority not delegated by the people, or the States, to the Executive or Legislative branches of the General Government—in bold and wicked defiance of the rights of the people, and the pledges made to the nation, and unjustly oppressive to the citizens of the several States having no connection or interest in the existence of African slavery

Resolved, That this General Assembly, in behalf of the people represented therein, do most solemnly protest against the enactment of that law or project by Congress; and that we deem it an act of common honesty to declare that the people of Indiana, already burthened by excessive taxation for the legitimate expenses of the existing war, will oppose by all lawful and constitutional means, every attempt to subject their property and industry to new and unconstitutional exactions, and for purposes so irreconcilable with the requirements of the National Constitution, and at war with the sacred rights of the citizens of the various States.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to vote for the prompt repeal of said law or pledge, at the present session.

Resolved, That His Excellency, the Governor, be requested to transmit, without delay, certified copies of this joint resolution to each of our Senators and Representatives in Congress.

ANNOUNCEMENT OF COMMITTEES.

The SPEAKER announced the following Select Committee on Arbitrary Arrests—one from each Congressional District—appointed in pursuance of Mr. Brown's resolution adopted on Friday: Messrs. Brown, Given, Howard, Ferris, Morgan, Gregg, Hanna, Gregory, Lasselle, Baker and Shoaff of Jay.

Also the following Standing Committees:

Elections—Messrs. Roberts, Howell, Atkison, Spencer, Abdill, Hall and Morgan.

Ways and Means—Messrs. Niblack, Puett, Branham, Harney, Bird, Waterman and Jones.

Judiciary—Messrs. Howk, Burton, Anderson, Lake, Lasselle, Packard and Kilgore.

Organization of Courts—Messrs. Brown, Shaffer, O'Brien of Hamilton, Mason, Garvin, Newman, Howell and Lamb.

Banks—Messrs. Puett, Shoaff of Jay, Harney, Woollen, Branham, Jones and Bird

Federal Relations—Messrs. Packard, Given Tarkington, Howell, Niblack, Anderson and Gregg.

Education—Messrs. Holcomb, Wolfe, Van Buskirk, Pendleton, Higgins, Given and Griffith.

The affairs of the State Prison South—Messrs. Howard, Holcomb, Williams, Bregan, Johnson, Burton and Roe.

The affairs of the State Prison North—Messrs. Packard, Milroy, Priest, Tarkington, Collins, Rippey and Kilgore.

Swamp Lands—Messrs. Shaffer, Richardson, Atkison, Davis, Forester, Puett and Waterman.

Military Affairs—Messrs. Hanna, Milroy, Baker, Roberts, Kemp of Vigo, Lemmon of Spencer, and Johnson.

Claims—Messrs. Howell, Lemmon of Harrison, Pendleton, Stone, Wolfe, Veach, Roe and Hutchings.

Trust Funds—Messrs. Burton, Hon. Hardin of Washington, Gregory, Cass, Hall, Lamb and Blocher.

Fees and Salaries—Messrs. Humphries, DeBruler, Higgins, Waterman, McGauchey, Hershey and Perry.

Sinking Fund—Messrs. Lemmon of Harrison, Osborn, Chambers, Bregan, Pettibone, Forester and O'Brien of Martin.

Rights and Privileges—Messrs. Ferris, Lake, Kilgore, Moorman, Spencer, Gregory and Miller.

Railroads—Messrs. Branham, Bird, Mutz, Abbett, Morgan, Newman and Donaldson.

Commerce and Manufactures—Messrs. Rippey, Reitz, Kemp of Dubois, Hardin of Washington, Hostetter, Woodruff and Marshall.

County and Township Business—Messrs. Miller, Priest, Stone, Shoaff of Allen, Pettibone, Perry and Cook.

Agriculture—Messrs. Milroy Harney, Van Buskirk, Collins, Hall, Blocher and Budd.

Roads—Messrs. Shoaff of Jay, Cook, Davis, Hardin of Perry, O'Brien of Martin, Hutchings and Hershey.

Scientific and Benevolent Institutions—Messrs. Woollen, Mason, Cass, Ryan, Richardson, Griffith, and Lemmon of Spencer.

Temperance—Messrs. Abbett, Hon. Van Buskirk, Williams, Noyes, Griffith and Priest

Mileage and Accounts—Messrs. Mutz, Hardin of Washington, Kendrick, Leeds, Hardin of Perry, James and Veach.

Corporations—Messrs. Garvin, Hanna, Mustard, Higgins, Tarkington, Howk and Woollen

Public Expenditures—Messrs. Donaldson, McGauchey, Abdill, Marshall, Lee, Hetfield and James.

Engrossed Bills—Messrs. Lasselle, Osborn, Cason, Byerle, Baker, Howard and Given.

Canals—Messrs. Hetfield, Shoaff of Allen, DeBruler, Humphries, Reitz, Budd and Mustard.

Public Printing—Messrs. Mutz, Ryan, Cason, Robinson, Kemp of Dubois, Brown and Chambers.

The Affairs of the City of Indianapolis—Messrs. Kendrick, Lee, Williams, Hostetter, Robinson, Hardin of Perry and Cook.

JOINT STANDING COMMITTEES.

Enrolled Bills—Messrs Wolfe, Pendleton, Ferris, Leeds, Noyes, Lake and Kendrick

Public Buildings—Messrs. Collins, Hardin of Washington and Hershey.

The State Library—Messrs. Pendleton, Anderson and Richardson.

The Canal Fund—Messrs. Spencer, Mustard and Donaldson.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading.

By Mr. GARVIN, [5] Granting to Circuit Courts concurrent jurisdiction

with Common Pleas Courts in all cases not exclusively within the jurisdiction of Justices of the Peace.

By Mr. NEWMAN, [6] To regulate the number of jurors required to agree on verdicts—two-thirds to be sufficient.

IN SENATE.

TUESDAY, January 13, 1863.

The PRESIDENT announced the Standing Committees of the Senate, to-wit:

Judiciary—Messrs. Ray, Downey, Wolfe, Cobb, McClurg, Brown of Wells, March, Browne of Randolph, Claypool and Graves.

Finance—Messrs. Williams, Landers, Bradley, Hoagland, Wilson, Claypool, Davis of Parke, Mellett and Beeson.

Organization of Courts—Messrs. Wolfe, Cobb, Corbin, Downey, White, Dickinson and Mellett.

Elections—Messrs. Shields, Wolfe, Brown of Wells, Landers, White, Blair and Beeson.

Federal Relations—Messrs. Cobb, Wolfe, Johnston, Hoagland, Ray, Davis of Cass, March, Mansfield, Browne of Randolph, Mellett and White.

Education—Messrs. Douglass, Ferguson, Hord, Corbin, Gifford, White, Berry and New.

Corporations—Messrs. Davis of Cass, Fuller, Moore, Hartley, Culver, Reed and White.

Military Affairs—Messrs. Landers, Shields, Ray, Corbin, Downey, Mansfield, Davis of Parke, Beeson and Murray.

Roads—Messrs. Finch, Jenkins, Moore, Shoulders, Campbell, Pleak and Wright.

Canals and Internal Improvements—Messrs. Hoagland, Finch, Davis of Cass, McClurg, Culver, Campbell and Reed.

The Affairs of the Town of Indianapolis—Messrs. Jenkins, Gaff, Hartley, Berry, Pleak and New.

Claims—Messrs. Moore, Williams, Wilson, Shoulders, Blair, Grubb and Pleak.

State Prisons—Messrs. Ferguson, Bradley, Gifford, Shoulders, Cobb, Wilson, Wolfe, Hoagland, Graves, Bearss, Murray, Browne of Randolph, Culver, Teegarden and Wright.

Expenditures—Messrs. Marshall, Shields, Fuller, Douglass, Grubb, Bearss and Campbell.

Banks—Messrs. Wilson, Gaff, Landers, Johnston, Bradley, Beeson, Graves, Claypool and Teegarden.

Manufactures—Messrs. Fuller, Marshall, Williams, Gaff, Beeson, Grubb and New.

Agriculture—Messrs. Shoulders, Johnston, Moore, Williams, Marshall, Campbell, Murray, Berry and Reed.

Unfinished Business—Messrs. Graves, Hartley, Finch, Brown of Wells, Bearss, Teegarden and Wright.

Benevolent Institutions—Messrs. Corbin, Gifford, Douglass, Downey, Ferguson, New, Teegarden, Mellett and Mansfield.

Swamp Lands—Messrs. McClurg, Hord, Marshall, Shields, Culver, Dickinson and Reed.

Temperance—Messrs. Gaff, Jenkins, Finch, Cobb, Berry, New and Murray.

County and Township Business—Messrs. Johnston, Moore, Wilson, Graves, March, Davis of Parke and Blair.

Phraseology and Arrangement of Bills—Messrs. Gifford, Ray, Douglass, Dickinson and Bearss.

Printing—Messrs. Bradley, Wolfe, Williams, Davis of Cass, Murray, New and Mansfield.

Enrolled Bills—Messrs. Brown of Wells, McClurg, Hord, Grubb, Blair and Browne of Randolph.

Rights and Privileges—Messrs Downey, Ray, Hord, McClurg, Corbin, March, Claypool, Davis of Parke and Dickinson.

JOINT COMMITTEES.

Public Buildings—Messrs. Hartley, Jenkins, Landers, Pleak and New.

State Library—Messrs. Hord, Fuller, Ferguson, Mansfield and Blair.

Mr. MOORE reported back the bill [S. 1.] making appropriations to defray legislative expenses with an amendment "That no Senator or Representative shall be entitled to receive his per diem for such time as he may be absent, without leave from the Senate or House of Representatives."

The amendment was concurred in and the bill was read the third time and passed—yeas 32, nays 13.

COMMON PLEAS COURTS,

Mr. BROWNE, of Randolph, offered a resolution instructing the Judiciary Committee to report a bill abolishing Common Pleas Courts, increasing districts of Circuit Courts to twenty, and extending the jurisdiction of Justices of the Peace.

On motion by Mr. SHIELDS the consideration of the resolution was postponed until Friday next at 2 p. m.

IMMIGRATION OF NEGROES.

On motion by Mr. JOHNSTON, it was—

Resolved, That the Committee on Rights and Privileges of the Inhabitants of the State be instructed to inquire into the expediency of so amending the law on the subject of the immigration of free negroes, as to entirely prohibit the immigration of such persons into this State, and the removing of all such persons as are within this State in violation of the Constitution and laws of the State.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. DICKINSON, [2] to authorize the board of Commissioners of the several counties of the State of Indiana, and the authorities of any incorporate city or town in said State, to make appropriation for the protection and maintenance of the families of volunteers, and for the encouragement of volunteers, and to provide for wounded and disabled Soldiers, and for the disinterring, transportation and interring of the bodies of any deceased soldiers and for the erecting of monuments to their memories, and to make appropriations for the purchase of arms and equipments for the raising and maintaining of military companies for home defense, or for State or United States service, and for such other necessary expenditures for the defense of their respective counties, cities and towns, as the exigencies of the times may require, and to empower the County Boards and authorities of incorporated towns and cities, to make regulations for disbursements of same, to legalize any appropriations heretofore made, and to authorize a special tax for the same.

By Mr. BROWNE, of Randolph, [3] amending the 103d section of the practice act, approved June 17, 1852.

By Mr. BLAIR, [4] to amend the 1st and 3d sections of an act, regulating docket fees of District Attorneys, approved June 4, 1861.

By Mr. DICKINSON, [5] amending section six of an act approved May 20, 1862, touching the laying out and vacating towns, streets and alleys.

GOVERNOR'S MESSAGE.

Mr. BROWNE, of Randolph, moved to take up the message of the Governor.

The PRESIDENT said that no communication from the Governor was properly before the Senate. A communication had been sent in by the private Secretary of the Governor, but there was no quorum present in the Senate at the time; we could transact no business except such as would bring in absent members, and it could not, for that reason, be considered as before the Senate.

PAY OF SOLDIERS.

A message was received from the House informing the Senate of the passage of a concurrent resolution instructing our Senators and requesting our Representatives in Congress to vote for a law to reduce the pay of commissioned officers in the army at least twenty-five per cent. and to increase the pay of privates at least $4 per month.

On motion by Mr. JOHNSTON it was amended by increasing the pay of non-commissioned officers also $4 per month.

The resolution as amended was referred to the Committee on Military Affairs.

PARTIZAN DECLARATION.

Mr. WOLFE, from the select committee to whom was referred the resolutions of Mr. Browne of Randolph, reported them back with a recommendation that the first be referred to the Committee on Federal Relations, the second to the Committee on Military Affairs, the third to the Committee on Finance, the fourth to the Committee on Rights and Privileges, the fifth to a special committee, and that the sixth be adopted.

Mr. MANSFIELD presented the report of the minority, recommending the adoption of the resolutions with an amendment "that nothing herein contained shall be construed to imply an endorsement or censure of the course pursued by the President of the United States or the Governor of Indiana."

On motion by Mr. JOHNSTON, the amendment was laid on the table, by yeas 26, nays 22.

Mr. MARCH moved to concur in the majority report with an amendment adding to the last resolution the following:

After this General Assembly shall have briefly declared the principles by which such officers, especially United States Senators, should be governed in the discharge of their official duties in aiding the General Government in its efforts to put down the existing rebellion, preserve the Constitution intact and restore the Union of all the States.

On motion by Mr. COBB, the amendment was laid on the table—yeas 26, nays 22.

Mr. BEESON moved to amend by adding to the last resolution the following:

But no person will be supported for any office to be filled by this General Assembly, who shall not first have publicly declared his opinion in relation to the aid which ought to be rendered to the General Government in its efforts to put down the existing rebellion, preserve the Constitution and restore the Union of all the States.

The PRESIDENT decided the amendment out of order, a similar one having been just laid on the table.

The majority report was then concurred in—yeas 26, nays 22.

RAILROAD TARIFF.

A House resolution to appoint a joint committee to enquire if any and what railroads were charging higher rates for transportation and fare than by law they are allowed to do, was taken up and concurred in.

THE SENATORIAL IMBROGLIO.

The message from the House informing the Senate that the House would meet the Senate in joint convention at 2 o'clock p. m. to go into an election for United States Senators, was taken up.

Mr. MELLETT moved to postpone the resolution until 10 o'clock to-morrow.

Mr. DUNNING (Mr. Shields in the Chair.) I hope the Senate will vote down the proposition to postpone. If there is a conservative man in this Senate Chamber I believe I stand side by side with him for the Constitution of the Country. I would scorn to speak to a man who was opposed to the Constitution of his country and the unity and integrity of the best government ever given to man. What is the necessity of equivocating in this matter? There can be none. A caucus is called of the Republican members of the Senate and House of Representatives for to-night, and the Senator from Henry [Mr. Mellett] will not undertake to tell this Senate, nor will any Republican Senator, that they are not acquainted with the opinions and characters of the prominent republican men who are likely to become candidates for these high and important stations. Let us determine now the time we will go into this election. The people of the State demand there shall be an election and that at an early day. If the Republican Senators will agree now upon a time that the election of United States Senators shall be gone into, I have no objection if it is postponed till even a longer period than to-morrow; but it is high time the majority in this Senate shall know at what time their Republican fellow Senators intend to go into this election. Indiana is at this time without a representative of the mind of the majority, in the Senate of the United States, and an appeal has come from the loyal and conservative men of the State that we shall have Democratic principles rep-

resentated in the United States Senate by a staunch and reliable Democrat who will represent their interests at the proper time in the councils of the nation. And I can assure Senators on the other side they need have no fears that the Democratic party are going to elect a disloyal man. I do, in conclusion, earnestly appeal to Republican Senators that they will return to their seats upon this floor and meet this question manfully; let us as men who love the Constitution and Government of the country, if we cannot at all times and on all occasions have things go as we desire, show our patriotism by submitting to what shall be the voice of the people at the time, and trust to the ballot-box to remedy the evil.

Mr. MELLETT. Mr. President: I disclaim party. I was elected as a partizan but I am not now a partizan. I took grounds against party in the last election and voted for neither of our candidates for congressmen because they were partizans, and looked more to the advancement of party than to the good of the country. I have no use for such men in times like these. We have submitted propositions here to see if we can compromise. I am ready to compromise. I am for the Constitution as it is and the Union as it was. Now I ask you to be more magnanimous than I was two years ago. Two years ago gentlemen told us we must lay down a platform pledging our southern brethren that the Lincoln administration would not do thus and so. They said these southern gentlemen were alarmed. I said they had no right to suspicion us. Now certain Senators of the minority ask some pledges from the present majority. If the Democrats were right then, they are wrong now. At the extra session the parties were united in the prosecution of the war. Are the skies any brighter now than they were then? The country is in no better condition now than it was then. In my judgement it is not improved one particle. Senators say they have been deceived in Abraham Lincoln. That is very true; they may say it justly. And if they have, have they not been deceived in Joseph A. Wright and James Hughes and fifty others I might name? Have not the opinions of Senators on this floor undergone a change? Are they prepared to say Hendricks and Turpie will not change?

Mr. COBB (interrupting.) As far as I am concerned, my opinion of Wright and Hughes has changed, and for that reason I am anxious to see Wright removed from the Senate of the United States. I can see no change as far as Hendricks and Turpie are concerned, they are the embodyment of the Democratic sentiment of the people of Indiana and for that reason we desire to elect them. The Democratic sentiment is in a large majority in the State, and it should be represented in the Senate of the United States. That is why the election should be had at once. As to the views of Mr. Hendricks and Mr. Turpie, they are known. The banner of the party was thrown to the breeze with their platform inscribed upon it, and it triumphed. The gentlemen selected to represent us in the United States Senate endorsed that platform.

Mr. MELLETT. The gentlemen says their platform was put forth, but I apprehend there is more than one Democratic Senator who did not approve of their 8th of January platform. But to come back to the main point. This Democratic party ought to adopt a gentlemanly course. If gentlemen would fix their minds upon the great issues at stake and lay aside party a little while, I think it would be a great advantage to the country. The Republicans are as guilty in this respect as Democrats are. Perhaps their party prejudices are not so strong from the fact that they are not so old as the Democratic party, but for their age they have perhaps stronger prejudices. But I say in times like these we ought to come together. When I move to postpone the consideration of this resolution till to-morrow I do it in good faith. I cannot tell you just precisely what the minority will do at that time; but I say this, as far as I am concerned, on to-morrow the Senator from Monroe [Mr. Dunning] will know what I will do

Mr. DUNNING (interrupting.) I hope the Senator does not understand me as impugning his motives.

Mr. MELLETT. No sir, not at all. But you must remember, gentlemen, that the minority are human as well as you on the other side. You have voted down every proposition we have offered. We offered all sorts of propositions with a view of getting something, but we have got nothing. I can stand all that, too, but it might induce some Senators to act ugly on our side and I do not want to see that done. God knows I will have nothing to do with making a party record for the next two years.

Mr. WILLIAMS. The Senator from Henry [Mr. Mellett] proposes to postpone this resolution till to-morrow morning at ten o'clock. I can see no good to result from it. We have delayed this thing to the sixth day, and now are asked to postpone it. Is there not ample time given? How was it when there was an election two years ago? were we allowed this time? No sir. Gov. Lane was installed Monday and before the Senate adjourned on Wednesday he was elected U. S. Senator. We were not prepared, but we offered no opposition. I hope the motion will be voted down and that the Senate will go into the election.

The Senate then adjourned till 2 o'clock.

AFTERNOON SESSION.

Mr. JOHNSTON moved to concur in the House resolution with an amendment fixing the time of election for to-morrow at 3 o'clock p.m.

Mr. CLAYPOOL. At a time like this it becomes us to lay aside the partizan, and act the part of true friends of our country. I am not here for the purpose of thwarting the will of the majority in the election of United States Senators.—I grant it is the just privilege of Senators upon this floor to prefer the election of Thomas A. Hendricks to any other gentleman and as far as I am concerned I do not wish to place a straw in the way of the consummation of that object. I know that gentleman and admire his abilities and moral virtues, but there are those of us who are not acquainted with the position of that gentleman or his associate, who it is expected will be sent to the United States Senate, upon the vital questions of the day. It has been rumored upon the street and in the public press that these gentlemen entertain ideas that in my opinion will bring upon the State of Indiana anarchy and confusion. I trust in God I may be deceived in this, for I hope I have as much interest in the welfare of the State and country as any Senator upon this floor. I refer to the idea of suspending hostilities, and the further idea, following out the suspension of hostilities, of taking this State out of the Union under the guise of attaching it to the Southern Confederacy. But my personal associations here ameliorated my ideas and brought about a better feeling as far as I am concerned. I trust this thing will be delayed until we have a chance to confer and be one in the maintenance of the Union. This is the grand and controlling object of my action on this floor—the maintenance of this Union unbroken—the Union as it was before the rebellion commenced, without a single star erased. I say to Senators that I will go as far as the farthest in yielding up my own personal ideas for the maintenance of this Union.—Feeling and knowing the responsibility of my position, although I hate slavery as I hate the very devil himself, I would rather see the institution of slavery covering every foot of territory upon God's green earth than to see this government of ours broken up. On the other hand, I would rather see the shackles of every slave broken than to see this government broken up. The question of slavery or no slavery is a question of minor importance to me. I feel that we are on a slumbering volcano and a hasty action, a want of mature judgment, a single movement of an inflammatory character, may send us out in rebellion. It matters not whether A, B, or C is in the Senate of the United States; I would as soon see Thomas A. Hendricks there as any other Democrat in the State of Indiana acting with you now; but it is a matter of importance that there should be good feeling existing amongst us—that the people should be one in the maintenance of this Union. I trust, although I have been thus candid in expressing my apprehensions, that they may be groundless, but it is apparent to Senators that these apprehensions exist, whether ill or well founded I cannot say. I trust it will be delayed until next Tuesday, or if that be too long, give us a shorter time to become acquainted with each other.

Mr. LANDERS. I hope the amendment offered by the Senator from Putnam [Mr. Johnston] will be adopted. We have been here several days and have done nothing, and it is evident we will do nothing until something is done with this matter. The responsibility of legislation is upon the Democratic party and I am satisfied the opposition are aiming to make this legislation as odious as possible. I am astonished that so much fear of the Democratic party is expressed by gentlemen. They can find nothing to justify it, and this being the fact I am left to the conclusion that these gentlemen have been trying to make party capital. The main object of this party is to make out that the Democratic party is disloyal. I am inclined to defend the action of my party two years ago. I was one of the men that bolted.—Why did we bolt? Not to defeat the election of United States Senator; that was not the question. But they got up a bill for the purpose of disfranchising the people of the State—giving double, and in some instances treble to republican districts and only half, in many, to Democratic districts. Then it was that the Democratic party withdrew in order to preserve the rights of the people—the right of a fair and equal representation. It was not to defeat the will of the people, as is the object of these men now, but for the purpose of sustaining the rights of the people. These gentlemen profess to be afraid of rebellion. Now in order to avoid rebellion how should they act? Certainly that party is responsible for rebellion that will throw itself in the way of the will of the people and deny the people the right of having their will carried out through their representatives. Certainly the way to keep down rebellion is to let the government move on in the manner it always has done. The people are the government and that party that throws itself in the way of their desire will be held responsible for it. I hope we will proceed straight along with our business. There is no need of putting off this election. We have spent about one sixth of our time and done nothing. It is not our idea to have the wheels of government clogged

this way. I am getting impatient about this matter. If these men are going to revolutionize and break a quorum they have their minds made up now. I will carry out the will of the people that sent me here as far as I am able, I care not what the consequences will be. If these gentlemen are going to break a quorum they might just as well act it out now.—We may just as well talk plain about this matter.

Mr. BLAIR. Mr. President: I had hoped before this election for United States Senators was brought upon us, that we might get some expression from the majority on this floor that would dispel the apprehensions alluded to by the Senator from Fayette [Mr. Claypool.] I hope with him that these apprehensions are unfounded; but there are indications in the papers of their existence. Now it was but a day or two ago that my eye happened to fall upon an article in the *Sentinel* addressed to one Jesse D. Bright. That man was expelled from the United States Senate for treason and this communication solicits rather, that the peopies' representatives should send him back. He responds by saying that he has always been opposed to the coercive policy of this administration, and that he is now and ever has been opposed to all legislation in aid of the prosecution of this war for the suppression of the rebellion. And yet gentlemen tell us here, and I believe it, that the majority upon this floor, as a mere matter of policy dictated by their partizan tactics, purpose not to elect this man. Not because they do not endorse him. And have we not a right to have apprehensions that these men may not follow in the same footsteps of this gentleman who was expelled from the United States Senate?

Mr. COBB (interrupting) Does the gentleman mean to charge insincerity upon the majority here? If he does I would answer him that he has no right to demand of them that they define their position.

Mr. BLAIR. I do not mean to say these gentlemen intend any such thing, but I say that from what has been expressed in this Senate, these gentlemen do not propose to repudiate Mr. Bright on account of any principles he holds.

Mr. COBB (interrupting.) I will ask the Senator if he was not anxious that the Democratic party should nominate Mr. Bright?

Mr. BLAIR. I was not, and would not be willing to remain here and see these gentlemen elect him. But out of respect to the soldiers Indiana has sent into the field to aid in the prosecution of this war, and out of respect to the people who have apprehensions, I say it is nothing but just and fair that the election should be postponed until such a time as to afford us an expression of opinion upon these great questions. I did not come here expecting the minority would resort to a bolt to delay the action of the Senate, but I ask these gentlemen to delay this question a week or a few days, until we have time to see whether there are further indications.

Mr. WOLFE. Mr. President: This is not a question that ought to be lengthily discussed and I do not rise to make a speech. I think that discussion will amount to no good; but I do protest against the charges that are made by implication on the part of the minority to beg this question. I take it that these gentlemen have no right, and it is absolutely wrong for them to charge either directly or by implication, the intentions of what this body may be in regard to sustaining our country. I take it that the majority on this floor and throughout the State of Indiana have never done any act that should call upon them even these insinuations in regard to their loyalty. If I was disposed to bandy epithets or hurl back charges I could do so in the same language and with as much propriety, but there is no argument in that. I think gentlemen must see the impropriety of pursuing a course of that kind.

Mr. McCLURG. I stand upon this floor as one willing to go to the furthest mark to bring about unity of action on an occasion of this kind, but I think the demand made at this time, under the present circumstances, is unreasonable. I am decidedly in favor of the amendment proposed by the Senator on my left [Mr. Johnston] for I would not force nor urge the proposition as it came from the other end of the capitol, from the fact that I concede to the opposition the necessary rules that govern their party. I would not wish to force them into an election before they had sufficiently consulted one with another and presented their candidate, and to-night will afford them ample time and opportunity to act with the unanimity they may require. I am in favor of the majority ruling, and I recognize that principle in time of peace as well as in time of war. I regard it as being the heart and life blood of our institutions, and we must not only recognize it to-day and to-morrow but in all time to come. Whenever we disregard that great principle which underlies the foundation of our government, that the majority shall rule, we bring upon ourselves anarchy and rebellion. It seems to me the apprehensions of gentlemen on the other side are unfounded. As far as I am concerned they may dismiss for all time to come the apprehension that the State of Indiana will ever go out of this Union by the action of the Democratic party. We are for the Union of all the States, and two years ago

we plead with the majority here to avert the danger that stares us in the face to-day:—we would much less consent that Indiana should be blotted out from it.—Gentlemen need not entertain the thought that any candidate we will present for United States Senator will tolerate for a moment such an idea.

Mr. CLAYPOOL. If Thomas A. Hendricks was to favor the idea of Indiana joining the Southern Confederacy, would you go for him?

Mr. McCLURG. It is so preposterous a position I could not entertain it for a single moment.

Mr. MURRAY. If an amendment was before the Senate to postpone the election until next Tuesday I should vote for it, and if the next question turns upon the amendment offered, bringing on this election to-morrow at 3 o'clock, I should vote for that. We have had sufficient parley upon this question. We have had a committee of conference appointed by the President to take into consideration the difference between the two parties and they have conferred together and introduced propositions before the Senate and these propositions have been fairly and squarely met by both parties: and as a Senator willing to see the legitimate business of the State proceed, I am for getting rid of this question as soon as possible.

The amendment was agreed to by yeas 40, nays 6.

The resolution as amended was then adopted.

TO WAIT ON THE GOVERNOR.

The House resolution appointing a Joint Committee to wait on the Governor and ask when he will be ready to deliver his message was taken up and concurred in, and Messrs. Brown, of Wells, and Browne, of Randolph, appointed the committee on the part of the Senate.

THE STATE OF THE UNION.

Mr. COBB offered the following preamble and resolutions which were referred to the committee on Federal Relations:

WHEREAS, Disagreements may arise in the present imperiled and calamitous condition of our country as to the best means of restoring to it the former peace, prosperity and happiness which it so long enjoyed; and whereas, this Senate, and every member thereof, "banishing all passion and resentment," and appealing to the higher and loftier sentiments of love of country, do desire, in the presence of imminent danger to our sacred Constitution, to do no act not consistent with the obligations which they owe to the people of Indiana and to the people of the several States comprising the American Union; and whereas, it is essential to the rightful progress of legislation that a united effort should be made to give force and vigor to those great elemental principles of popular freedom so intimately interwoven with our National and State Constitutions, and so dear to our people everywhere; and whereas, it is the anxious desire of all loyal citizens that their representatives and servants shall so conduct the public affairs that peace shall be speedily restored, rebellion against the laws suppressed, the Union re-established as it was, the National tax gatherer withdrawn from the States, the liberty of speech and of the press recognized as the sacred inheritance of freemen, the several Commonwealths again bound together in a union of brotherhood never again to be shaken by the devices of Secessionists or Abolitionists, and our gallant soldiers again allowed to return to their kindred and friends; and whereas, this great good can only be accomplished by the aid of the several State authorities acting in concert with a patriotic National Executive and a Congress devoted to the Constitution; therefore,

Resolved, That this Senate, acting for and in behalf of the people of Indiana, regard the maintenance of the Union of the States as of the first importance, and that its members pledge to each other devotion to that sacred task, believing that while that Union exists we have the promise of present and future blessings for our beloved land; and we further declare that we are prepared to aid every department of our State Government in upholding that Union to the extent of our constitutional powers.

Resolved, That we are opposed to all acts of the National Executive which tends to subvert the liberties of the people or to interfere with the rightful powers of the States; and declare in the language of General Washington, that "it is important that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their proper constitutional spheres; avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus create, whatever may be the form of government, a real despotism. * * * *

* To preserve [free institutions] must be as necessary as to institute them. But let there be no change by usurpation:" We adopt this language of the father of his country, and ask and acknowledge no higher badge of loyalty to our beloved country.

Resolved, That this Senate acknowledges its obligations to aid in defending, supporting and obeying the Constitution of this State and of the United States, and of upholding the Union made under and by virtue of that Constitution—that, for this purpose, it is prepared to unite with the Executive and other branches of the State Government in every proper measure for these desirable ends; but it is the solemn purpose of this Senate to abdicate none of its powers of legislation, nor to abandon any of its unquestioned rights for giving a full and fair expression of that popular will by which it was invested. It will hear all suggestions for the peaceable compromise of disagreements, but *ultimatums*, coming from what source they may, must be rejected. In the choice of agencies, for accomplishing the safety of the people and the Union, this Senate must have a voice.

Resolved, That this Senate has witnessed with regret, for many months past, a disposition on the part of the Administration and Congress, to abandon the policy to which it was pledged at the beginning of this unhappy and deplorable civil war—that both the President and Congress have departed from their promises to the nation, and given sad and unmistakable proof that the country has been wronged in the objects for which this war has been conducted. The President declared in his inaugural message (and repeated the same in his annual message in substance) as follows: "I have no purpose, directly or indirectly, to interfere with the institution of slavery in States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." And the Thirty-Sixth Congress, by a unanimous vote, declared, "That neither the Congress of the United States, nor the people or Governments of the non slaveholding States, have the constitutional right to legislate upon, or interfere with, slavery in any of the slaveholding States of the Union." These sentiments of the President and Congress meet our hearty approval, and all acts in derogation thereof have our mature and decided condemnation.

Resolved, That the pledge of the present Congress, on the 22d day of July, 1861, in the face of

the dangers which threatened the Capital, "that this war was not waged, on our part, in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of these States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality and rights of the several States, unimpaired," brought six hundred thousand men into the field in defense of our sacred institutions; and that it was in our opinion, "most unjust and ungenerous to give any new character or direction to the war," especially for the accomplishment of any mere party or sectional scheme, and that so far as this has been done, it meets the unqualified disapproval of this Senate, as it has of the State of Indiana.

Resolved, "That (in the language of John J. Crittenden and the conservative members of the present Congress) the Constitution confers powers adequate to all the purposes of peace or war—that it is the same in war or in peace, on the battle field and in the halls of Congress, and ought to be sacredly observed everywhere—and the presumptuous idea that has been advanced by some of the Abolition leaders in Congress, that the existence of war invests Congress with despotic power, is a pretension as groundless as it is odious, and is to be utterly condemned by every man who has any regard for his own liberty, or for the Constitution of his country."

Resolved, That the frequent arrest and incarceration in prisons of persons resident in this and other States, without warrant or authority of law, and without trial or opportunity to confront their accusers, is a grave offense against the Constitutions of this and neighboring States, and one which calls for a speedy and effective remedy. Whether these wrongs have been perpetrated by National or State authority, makes but little difference; but the remedy is with the law making power, and that remedy must be asserted. The freedom of speech and of the press belongs to the citizen, and the *law*, and not the President or Governor, must regulate the abuse of those great agencies in popular discussion. We adopt the language of Daniel Webster (the great expounder of the Constitution,) and declare: "Important as we deem it to discuss, on all proper occasions, the policy of the measures at present pursued, it is still more important to maintain the right of such discussion to its full extent. Sentiments lately sprung up, and now growing popular, render it necessary to be explicit on this point. It is the ancient and constitutional right of this people to canvass public measures, and the merits of public men. It is a home-bred right, a fire side privilege. It has ever been enjoyed in every house, cottage and cabin in the nation. It is not to be drawn into controversy. It is as undoubted as the right of breatning the air and walking on the earth. Belonging to private life as a right, it belongs to public life as a duty. * * This high constitutional privilege we will defend and exercise within this House and without this House, and in all places—in time of war, in time of peace, and at all times. Living, we will assert it; dying, we will as ert it; and should we leave no other legacy to our children, by the blessing of God we will leave to them the inheritance of free principles, and the example of a manly, independent and constitutional defense of them."

Resolved, That the emancipation proclamation of the President of the United States is, in the opinion of this Senate, an executive usurpation, a measure of great injustice to the nation, and is calculated to bring upon the country the dire calamities of permanent disunion, murder, bloodshed, rapine, and other nameless atrocities, and that the same ought to be promptly withdrawn. We adopt the language of John Quincy Adams, the learned and able statesman, now no more, and declare: "The principle is, that the emancipation of enemies' slaves is not amongst the acts of legitimate war. As relates to the owners, it is a destruction of private property, no where warranted by the usages of war. * *

* No such right is acknowledged as a law of war by writers who admit any limitation. The right of putting to death all prisoners of war in cold blood, and without special cause, might as well be represented to be a law of war, or the right to use poisoned weapons, or the right to assassinate."

Resolved, That this war, so long desolating the land, and wasting the blood and treasure of a kindred people, ought to be speedily brought to a close, either by the active overthrow of the rebellion by force of arms, or by the more humane and Christian agencies of compromise and concession; and that we solemnly declare our conviction that one or the other mode must be soon successful, or the nation is undone. The majority of this Senate favored the latter mode of settlement, as the legitimate remedy for sectional passion; but the party in possession of the Government adopted the war policy, and its experiments have been attended with but little advantage. We suspect that the declaration of Secretary Seward is to be fulfilled, and that war and coercion is not the rightful remedy for our troubles. In his dispatch to Mr. Adams, our minister to England, under date of April 10, 1861, Mr. Seward said: "For these reasons, he (President Lincoln) could not be disposed to reject a card nal dogma of theirs [the seced ng States,] namely, that the Federal Government could not reduce the seceding States to obedience by conquest, even though he was disposed to question the proposition. But, in fact, the President willingly accepts it as true. Only an imperial or despotic Government could have the right to subjugate disaffected and insurrectionary States. This Federal Republican system of ours is of all forms of Government, the very one which is most unfitted for such a labor." This Senate neither controverts nor adopts the theory of Mr. Lincoln and his able Secretary, in regard to the despotism of coercion, nor the inability of the Federal Government to reduce to obedience the seceding States; but it may ask the world to decide, if that theory be true, for what has this carnage and desolation been inaugurated, and for what purpose do these graves open to receive the gallant soldiers of the republic? If it be for any purpose less sacred than the restoration of the Union, then this Senate declares that the war is unworthy the support of a civilized and Christian nation, and must end in the final overthrow of our present form of constitutional Government.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 13, 1863.

Mr. WILLIAMS presented a petition from certain citizens of Lawrence county, asking for legislation enforcing the 13th article of the Constitution, designed to prevent negro immigration.

Mr. ANDERSON presented a petition from sundry citizens of St. Joseph county, asking further legislation for the protection of wild game.

Which were read and severally referred to the Committee on Rights and Prileges.

OUR BRAVE SOLDIERS.

Mr. PUETT offered a joint resolution in regard to the armies of the United States, commendatory of their valor, and especially thanking the troops from Indiana. Also endorsing and approving the conduct of Gens. McClellan, Burnside, Buell, Rosecrans and other officers who have led our army to victory, and applauding their patriotic valor, which was read the first time and referred to the Judiciary Committee.

ELECTION OF U. S. SENATORS.

Mr. SHOAFF offered a resolution that

the House, the Senate concurring, will go into the election of United StatesSenators this afternoon at 3 o'clock.

Mr. NOYES made an ineffectual motion to insert 3 o'clock to-morrow instead of 3 o'clock to day.

The resolution was adopted.

FEES AND SALARIES.

Mr. HOLCOMB offered a resolution, which was adopted, directing the proper committee to inquire into the expediency of a bill to reduce fees and salaries of officers throughout the State, which may be ascertained to be too high.

HOUSE POLICE.

Mr. PUETT offered a resolution, which was adopted appointing a committee of three to inquire as to the number of officers and assistants necessary to aid in carrying on the business of the House, and reducing them to the lowest number.

NEGRO IMMIGRATION.

Mr. WOOLLEN offered a resolution, which was adopted, referring all bills and resolutions relative to the 13th Article of the Constitution to a select committee of one from each Congressional District.

COSTS OF MALICIOUS PROSECUTIONS.

Mr. HALL offered a resolution, which was adopted, relative to the reduction of fees and costs in cases of prosecution through spite and malice.

SICK SOLDIERS.

Mr. JOHNSON offered a resolution, which was adopted, instructing the committee on Military Affairs to inquire what legislation is necessary further to provide for the comfort of sick and wounded soldiers in the service of their country, and for the maintenance of those permanently disabled.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. GREGORY, [7] amending section 10 of the act defining the jurisdiction of Justices of the Peace.

By Mr. NEWMAN, [8] amending section two of the act relative to copartnerships—relative to the duties of surviving partners.

By Mr. MILLER, [9] repealing the act relative to fees and salaries of State officials, passed June 3, 1861.

By Mr. JAMES, [10] investing the title to the grounds of the County Seminary of Grant county in the County Commissioners of said county.

By Mr. GIVEN, [11] an act to enforce the 13th article of the Constitution prohibiting negro immigration and to provide for the registering of all resident negroes

By Mr. CASS, [12] for the relief of Joseph M. Dorr, of Porter county, perfecting the title of certain lands in him.

By Mr. NOYES. [13] to create the 14th Judicial Circuit, consisting of the counties of Elkhart, Lagrange, Steuben, DeKalb and Noble.

AFTERNOON SESSION.

Mr. HOSTETTER offered a resolution, which was adopted, that the Committee on Roads inquire into the expediency of exempting the volunteers discharged from the United States service for disability from working on the roads.

SWAMP LANDS.

Mr. COLLINS offered a resolution which was adopted, instructing the Swamp Land Committee to inquire whether additional legislation is necessary to enable claimants on the Swamp Land Fund to obtain their money.

AGRICULTURAL.

Mr. WATERMAN offered a resolution, which was adopted, relative to the act of Congress granting lands to Agricultural Societies and Colleges—instructing proper committee to inquire what legislation is necessary in order to obtain what may be due Indiana in the premises.

GOVERNOR'S MESSAGE.

On motion by Mr. BROWN, it was—

Resolved, That a committee of three on the part of the House and two on the part of the Senate, be appointed to confer with his Excellency, the Governor, and ascertain at what time it will suit his pleasure to deliver his annual message to the General Assembly of the State of Indiana.

The SPEAKER appointed Messrs. Branham, Brown and Niblack, to act on the part of the House.

TEMPERANCE.

Mr. BREGAN introduced a bill [14] amending the act regulating the retailing of spirituous and vinous liquors which was read the first time and passed to the second reading.

IN SENATE.

WEDNESDAY, January 14, 1863.

On motion by Mr. BROWN, of Wells, it was—

Resolved, That the Committee on Judiciary be instructed to inquire whether, or not, sufficient power is given by the Constitution to the legislative branches of the State government, to compel the attendance of their members; if not, whether or not an amendment or amendments to the Constitution, conferring such power be advisable; or, if such power is given by the Constitution, whether or not any legislation in pursuance thereof is needed, and that they report, at the earliest practicable period in the session, by bill or otherwise.

On motion by Mr. MOORE, it was—

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of abolishing the office of Attorney General, with power to report by bill or otherwise.

QUALIFICATION OF MEMBERS.

Mr. CLAYPOOL offered the following, which was adopted:

WHEREAS, It is said that the Senator from Henry, Hon. Joshua H. Mellett, the Senator from Laporte, Hon. A. Teegarden, the Senator from Shelby, Hon. Martin M. Ray, the Senator from Miami, Hon. Daniel R. Bearss, have since their election as Senators, been appointed and discharged the duties of Enrolling or Drafting Commissioners for their respective counties, therefore

Resolved, That the committee on Elections be instructed to inquire and report to this Senate whether the Senators aforesaid have vacated their seats in this Senate, by their acceptance of the position of Enrolling or Drafting Commissioner as aforesaid.

On motion by Mr. BRADLEY, it was—

Resolved, That the Auditor of State be requested to communicate to the Senate, whether the Taxes levied by the State from time to time upon the property of corporations for common School purposes, has been set aside and distributed to the Counties as Principal of the Common School Fund, or whether the same has been distributed under the head of Interest of Common School Fund.

Mr. MARCH introduced a joint resolution [S. 1] to amend the Constitution so as to empower incorporated cities and towns to levy special school taxes, which was read the first time and passed to the second reading.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and passed to the second reading:

By Mr. NEW, [6] ceding to the United States of America jurisdiction over certain lands and their appurtenances, in the county of Marion, and exempting the same from taxation.

By Mr. WILSON, [7] to amend sections 33 and 35 of an act to provide for a general system of common schools, approved March 19, 1861.

By Mr. BROWNE, of Randolph, [8] to repeal an act to provide for the election of the Attorney General of the State, approved February 21, 1855.

By Mr. BROWNE, of Randolph, [9] repealing the tenth section of an act entitled an act to establish Courts of Conciliation, approved June 11, 1852.

ELECTION OF STATE OFFICERS.

The House resolution to go into the election of Agent of State, President of Sinking Fund Commissioners, State Printer and State Librarian at 4 p.m., to day was taken up.

Mr. LANDERS moved to concur with an amendment striking out "State Printer." Last year the Democratic party contended that the office should be abolished, and he now wished the election for this officer to be deferred until it could be ascertained if economy would be promoted by abolishing the office.

Mr. MOORE feared a trick. The party in caucus decided to go into the election and nominated a candidate, and he wanted to adhere to that action.

The amendment was agreed to, and the resolution as amended was adopted.

On motion, the Senate took a recess till 2 o'clock, p. m.

AFTERNOON SESSION.

A message from the House announced the concurrence of that body in the resolution of the Senate to go into the election of President of Sinking Fund and other officers at 4 p.m.

FEES AND SALARIES.

Mr. WOLFE offered a resolution, which was adopted, that the Auditor of State be requested to lay before the Senate an abstract of fees and salaries on file in his office.

ILLEGAL VOTING.

Mr MARCH introduced joint resolution [2] to amend the 2d section of Article 2 of the Constitution—so that the Legislature can more effectually guard against fradulent voting, which was read the first time and passed to the second reading.

ANIMALS IN TOWNS.

Mr. TEEGARDEN offered a resolution, which was adopted, that the Committee on Corporations report on the expediency of so amending the act incorporating cities as to make the owners of stock running at large liable for damage done.

The hour fixed by the concurrent resolution having arrived upon the invitation of the House the Senate proceeded to the hall of the House to go into Joint Convention for the election of United States Senators.

When the Senators returned to their chamber the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 14, 1863.

The House resolution to elect United States Senators, with a Senate amendment that it be at 3 p.m. to-day was taken up and the amendment concurred in.

ROAD LAW.

Mr. NOYES presented a petition from citizens of Steuben county, for an amendment of the road law which was referred to the committee on roads.

Mr. ATKISON offered a resolution, which was adopted, in reference to requiring but four days' work on the road from those liable to road duty.

Mr PACKARD offered a resolution, which was adopted, that the committee on railroads inquire what legislation is necessary to secure prompt transportation of freight.

STATE OFFICERS.

Mr. HOLCOMB offered a concurrent resolution to proceed to the election of certain State officers at 4 p.m., to-day.

Mr. GRIFFITH made an ineffectual motion to amend by making the time 10 a.m. to-morrow.

The resolution was adopted.

STATE PRINTING OFFICE.

Mr. WOODRUFF offered a resolution,

which was adopted, that the committee on Benevolent Institutions inquire into the propriety of establishing a printing office in the Deaf and Dumb Asylum, to do the State Printing.

COURT OF COMMON PLEAS.

Mr. WATERMAN offered a resolution instructing the committee on organization of Courts of Justice to prepare a bill abolishing Courts of Common Pleas.

Mr. PUETT moved to amend by making the resolution one of inquiry and not of imperative instruction.

The amendment was agreed to, and the resolution adopted.

WITNESSES.

Mr. SHAFFER offered a resolution, which was adopted, instructing the Committee on Judiciary to inquire as to the expediency of certain amendments of the Practice Act, providing for the re-enactment of section 238, which had been repealed.

THE STATE OF THE UNION.

Mr. BURTON offered the following:

WHEREAS, Civil war has existed in the United States for the past nineteen months or more, calling forth all the energies of the Government and involving in the fraternal strife all that is sacred and dear to the American people; and

WHEREAS, Indiana has contributed largely and freely of both men and money to the demands of the Government, under the pledge of the Administration that the war should be waged solely for the maintainence of the Constitution and the enforcement of the law; and

WHEREAS, The Administration has proven false to that pledge, and under the tyrant's plea of "military necessity," has usurped powers unwarranted by the Constitution and unsanctioned by law, the exercise of which falls heavily alike upon the loyal and disloyal, the innocent and the guilty, thereby destroying all the safeguards of freedom and independence which the federal Constitution has thrown around the citizen; and

WHEREAS, under this plea of military necessity, the President as Commander-in-Chief of the Army and Navy, has issued an Abolition proclamation giving freedom to the slaves from and after the 1st day of January, 1863, and in order that the people of Indiana and other loyal States might not raise their voices against this fatal blunder and plead for the Constitution and the Union as our fathers made them, he thereupon issued another proclamation declaring martial law all over the United States, denying to the citizens of loyal States where civil authority should reign supreme, the privilege of that sacred and cherished writ of habeas corpus, thereby crippling free speech and discussion upon his Abolition policy while he might wield the largest army the world ever saw for the purpose of accomplishing his hellish scheme of emancipation without regard for State laws, State Constitutions, or the reserved rights of the States, and without regard for his former vows and pledges to the contrary, which looked to the restoration of the Union, with all the rights and institutions of the several States unimpaired; and

WHEREAS, The late elections in Illinois, Indiana, Ohio, New Jersey, Pennsylvania, and New York, by the triumph of conservatism over fanaticism, have demonstrated that the people (the honest voting yeomanry of the land, who have to pay the fiddler while the office-holders dance) utterly condemn and repudiate the Abolition policy of the Administration, which was made an issue before them, as unwise, impolitic and unauthorized by law; and the further fact that they regard his unprecedented usurpations of power as a giant stride toward "military despotism," and therefore dangerous to the liberties of a free and loyal people; therefore,

Resolved, That Indiana, appealing to the one hundred thousand soldiers she has sent to the field and to the millions of money she has spent in the struggle, for proof of her loyalty, and relying upon her long devotion and fidelity to the Constitution and the Union for the justice of her cause, throws herself behind the broad shield of the Constitution, and views with deep regret and alarm the weakness, indecision and incompetency of the present Administration, whose policy tends to strengthen instead of weakening the rebellion, to prolong rather than to shorten the war.

Resolved, That Indiana recognizes in no Administration the government to which she owes allegiance; that she, as a loyal State, knows no loyalty save devotion and fidelity to the Constitution of the country and as such will assert and defend her right, or the right of her citizens, to approve or condemn an Administration according as it is faithful or unfaithful to that sacred chart of our liberties.

Resolved, That the President in refusing to heed the warning voice of the conservative States North, which recently spoke in thunder tones through the ballot-box, ignoring his Abolition policy and unwarranted usurpations, and demanding a return to the old landmarks of the Constitution, has exhibited a reckless disregard for the wishes of the people and a wanton determination to cater to the whims of Abolition fanatics, even though it involves our Government and our liberties in one common ruin.

Resolved, That Indiana has viewed with alarm, and borne with forbearance the arrest and imprisonment of her citizens without authority, save the straps upon the shoulders of the military officers, and without cause save some vague charge of disloyalty, until justice, liberty and humanity proclaim it intolerable and cry for retribution.

Resolved, That while the President persists in his Abolition policy in the conduct of the war, and sanctions the indiscriminate arrest and incarceration of her good and loyal citizens, denying them the privilege of the writ of habeas corpus, Indiana will never voluntarily contribute another man, or another dollar, to be used for such wicked, inhuman and unholy purposes.

Mr. BURTON moved to refer his resolutions to the committee on Federal Relations.

Mr. ANDERSON made an ineffectual motion to lay the motion on the table.

The motion to refer was agreed to by yeas 57, nays 37.

Mr. KENDRICK offered a resolution, to the effect that there was every reason to believe that there were traitors in the loyal States, sympathizing, communicating with, and aiding traitors in the South; and that their machinations ought to be promptly met by the Government, justifying arrests by the military authorities of persons discouraging enlistments, as legal and constitutional.

Mr. NEWMAN offered a resolution, declaring all engaged in rebellion against the Government of the United States guilty of treason, and that they ought to suffer the penalty prescribed by law therefor.

These resolutions were severally referred to the committee on Federal Relation.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. FORESTER. [15] authorizing the Governor to issue a patent to Aaron Pope for certain lands in Laporte county.

By Mr. GREGORY. [16] to enable landlords and tenants to contract with each other so as to protect the rights of all parties.

By Mr. FORESTER, [17] relative to deeds of conveyance by executors.

By Mr. BROWN, [18] amending section 6 of the act regarding estrays and property adrift.

By Mr. PACKARD. [19] supplemental to an act enforcing the 13th article of the constitution.

By Mr. ATKISON. [20] amending section 46 of the common school law.

By Mr. BIRD. [21] relative to interest on bonds, bills and notes; authorizing 10 per cent. per annum, as stipulated between parties.

By Mr. GIVEN. [22] amending section 27 of an act regulating the granting of divorces.

By Mr. ANDERSON. [23] relative to titles in lands held by Agricultural Societies.

By Mr. NEWMAN. [24] amending section 10 of the common school law.

By Mr. LAMSON. of Spencer. [25] relative to the duty of Supervisors.

LEGISLATIVE EXPENSES.

The bill [81] appropriating $75,000 for the expenses of the present session of the Legislature was taken up, read twice, the rules being suspended for that purpose, and referred to the committee on ways and means.

AFTERNOON SESSION.

The following House bills were read the second time and referred to appropriate committees:

Mr. Gregory's, [7] justice's jurisdiction.
Mr. Newman's, [6] regulating partnerships.
Mr. Miller's, [9] fees and salaries.
Mr. James', [ ] Grant county Seminary.
Mr. Given's, [11] negro exclusion
Mr. Cass', [12] to relieve J. M. Dorr.
Mr. Noyes', [13] 14th Judicial circuit.
Mr. Bregan's [14] license act.

NEGRO EXCLUSION.

The SPEAKER announced the following select committee, one from each congressional district, to whom are to be referred all bills relative to the 13th article of the constitution: Messrs. Woollen, Given, Ryan, Brown, Van Buskirk, Moorman, Hanna, Cass, Bird, Gregory and Leeds.

THE $200 EXEMPTS.

On motion by Mr. BROWN, it was—

Resolved, That his Excellency, the Governor, be requested to inform this House at an early day, whether any money has been paid by any person or persons conscientiously opposed to bearing arms, to any military or other officer in the state; and if so, what disposition has been made of the same.

Mr. HANNA, offered the following:—

WHEREAS, His Excellency, Governor O. P. Morton in the midst of his arduous and patriotic endeavors as Commander-in-Chief of the military and naval forces of the State of Indiana, has neglected to deliver his annual message to the General Assembly thereof; therefore,

Resolved, That this House adopt the exalted and patriotic sentiments contained in the message lately delivered to the Legislature of New York by his Excellency, Horatio Seymour.

Pending its consideration, the Senate, preceded by the President thereof, entered the hall, and both Houses met in

JOINT CONVENTION.

The PRESIDENT of the Senate called the Convention to order, stating the object thereof.

Senator RAY offered a resolution which was adopted to the effect that the Convention at once proceed to business.

U. S. SENATOR, SHORT TERM.

Representative BIRD nominated Hon. David Turpie, of White county, as a candidate for the term of United States Senator expiring March 3, 1863.

Representative MOORMAN nominated Hon. Daniel D. Pratt, of Cass county.

Mr. Turpie received 85 votes; Mr. Pratt 62.

The PRESIDENT declared Mr. Turpie duly elected.

The Convention then proceeded to ballot for

U. S. SENATOR, LONG TERM.

Representative BLOCHER nominated Hon. Thomas A. Hendricks of Marion county.

Senator MARCH nominated Hon. Joseph A. Wright, of Parke county.

Mr. Hendricks received 85 votes, Mr. Wright 61, and Schuyler Colfax 1, (Representative Kilgore.)

The PRESIDENT declared Mr. Hendricks duly elected United States Senator for six years from the 4th day of March, 1863.

The Convention then proceeded to ballot for

AGENT OF STATE.

Representative HOLCOMB nominated John C. Walker, of Laporte.

Representative MOORMAN nominated James D. McDonald, of Fountain.

Mr. Walker received 85 votes, Mr. McDonald 60, blank 1, (Representative Forester.)

Mr. Walker was declared duly elected.

The Convention then proceeded to ballot for

PRESIDENT BOARD SINKING FUND.

Representative HOLCOMB nominated Washington H. Talbott, of Marion.

Senator MARCH nominated Elijah B. Martindale, of Marion.

Mr. Talbott received 86 votes; Mr. Martindale, 60; Gen. E. Dumont, 1, (Representative Atkison.)

Mr. Talbot was declared duly elected.

The Convention proceeded to ballot for

STATE LIBRARIAN.

Representative HOLCOMB nominated David Stevenson, of Marion.

Representative MOORMAN nominated R. D. Brown of Dearborn.

Mr. Stevenson received 85 votes; Mr. Brown, 61; excused, 1, (Representative Brown.)

Mr Stevenson was declared duly elected.

On motion by Senator WOLFE, the officers of the Convention were directed to certify the elections just made to His Excellency, the Governor.

Senator COBB moved to adjourn to 10 o'clock a.m. on Friday to elect other State Officers.

Senator MARCH rose to a point of order, that this motion was contrary to custom and to the joint rules.

The PRESIDENT of the Senate decided that the motion was out of order, and said: There is no other business now before the Convention for which we have met this afternoon, I therefore pronounce the Convention adjourned *sine die*.

When the Senators had retired the House was called to order by the Speaker, and immediately adjourned.

IN SENATE.

THURSDAY, January 15, 1863.

Mr. MARCH offered a resolution, which was adopted, that the Secretary and Auditor of State and the President of the Board of Sinking Fund Commissioners report to the Senate the amount of all fees received by them, and what proportions had been paid into the State Treasury.

COUNTY COMMISSIONERS.

Mr. BROWNE, of Randolph, offered a resolution that the committee on Organizations of Courts report on the expediency of reducing Boards of County Commissioners to one member, and that his pay be $5 per day.

On motion by Mr WILLIAMS the resolution was amended by striking out 5 5.

The resolution as amended was adopted.

AGENT OF STATE.

Mr. MOORE offered a resolution, which was adopted, that the Judiciary Committee inquire into the expediency of abolishing the office of Agent of State, and report by bill or otherwise.

Mr. GRAVES offered the following which was rejected:

Resolved, That the Committee on County and Township business be instructed to inquire into the expediency of allowing and requiring Boards of County Commissioners to make a suitable allowance to County Recorders for keeping up the general index to Deed Records in their respective offices.

On motion by Mr. HARTLEY, it was—

Resolved, That the Committee on County and Township Business inquire into the expediency of reporting a bill transferring the location, vacation or change of all public highways within the respective Townships, from the Board of County Commissioners to the township Trustees.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. DICKINSON. [10] to amend section nine of an act of amendment, approved March 9, 1861, of an act approved February 12, 1855, amending section second of an act concerning the organization of voluntary associations, and repealing former laws in reference thereto.

By Mr. BROWNE, of Randolph, [11] repealing the sixth section of the practice act, approved June 18, 1852.

WORK FOR COMMITTEES.

Senate bills were read the second time and referred to appropriate committees, to-wit:

Mr. Dickinson's, [2] volunteer's families.

Mr. Browne, of Randolph's, [3] amending section 1 3 of the Practice Act.

Mr. Blair's, [4] amending sections 1 and 8 of the District Attorney's docket fee Act.

Mr. Dickinson's, [5] amending section 6 of the act vacating towns, streets, alleys, &c.

Mr. New's, [6] ceding to the United States certain lands.

Mr Wilson's, [7] amending sections 33 and 35 of Common School act.

Mr. Browne, of Randolph's, [8] abolishing the office of Attorney General.

Mr. Browne, of Randolph's, [9] abolishing courts of conciliation.

Mr. MELLETT offered the following, which was laid on the table.

That the committee are hereby instructed to place said bill [9] carefully in a pigeon hole and not return it to the Senate.

Mr. MARCH suggested that the Senator from Henry, [Mr. Mellett] be directed to watch the pigeon holes. [Laughter.]

Mr. March's joint resolutions proposing amendments to the Constitution [1] so that cities and towns may levy a special school tax, and [2] guarding against fraudulent voting, were severally read the second time and referred to appropriate committees.

AFTERNOON SESSION.

Mr. MURRAY, from the committee on Military Affairs, reported back the House concurrent resolution recommending an increase of the pay of soldiers and a reduction of the pay of officers of the army, with a recommendation that its passage was inexpedient.

Mr. WILLIAMS hoped the report would not be adopted. If the private soldiers continued in the army it was only an act of justice to increase their pay.

Mr. RAY hoped the resolution would be sent back to the committee. He did not think there were five members of the Sen-

ate who would vote against increasing the pay of private soldiers. There might be a difference of opinion in regard to reducing pay of officers. He moved to recommit with instructions to strike out all that relates to the reduction of the pay of officers.

Mr. MANSFIELD argued against the resolution on the ground that the country could not bear the increased expense.

Mr. CLAYPOOL would not fairly represent his constituents if he did not support the resolution. The people of his section taxed themselves heavily to, in effect, increase the pay of soldiers, by making provision for the families of soldiers. The expense should be borne equally, and the increase of pay would do this.

Mr. SHOULDERS heartily approved the resolution. He came here to do all he could to increase the pay and the comforts of soldiers.

Mr. COBB argued in favor of the resolution, cost what it might to meet the increased expense. The men should be paid something near the value of their services, and it this generation could not pay it the next must. While he was in favor of this he was opposed to destroying property by proclamations and edicts.

Mr. MURRAY would favor the recommittal, with instructions. He was in favor of the increase to soldiers and opposed to reducing the pay of officers. He would go further, and vote for a bill taxing the people of the State for the additional pay. He did not think the action here would effect any good, because it would be disregarded by Congress.

Mr. WOLFE did not think this Senate should stop to ask what would be the action in Congress. We should do right.—He feared there were men in Congress who would disregard the instructions of the people, but we should do here as we would do if we were there. He was in favor of the resolution as it came from the House. The pay of officers was out of all proportion to that of privates. In the army corps the pay of the officers would amount to as much as that of the privates. By adopting the resolution of the House you did not increase the expense, but merely took from the pockets of one class and gave it to another and harder working class of the army. He moved to amend the amendment by instructing the committee to report the resolution back as it came from the House.

Mr. MELLETT favored the increase to non-commissioned officers and privates, and opposed the reduction of the pay of officers. The argument that the reduction in the value of the currency demanded an increase of the pay of privates applied with equal force to officers.

Mr. LANDERS as a member of the Military committee, thought it but right that he should say that he was in favor of the resolution precisely as it came from the House.

Mr. MARCH was in favor of the resolutions as they came from the Committee.—The rates of pay is wrong and always had been. It was the offspring of aristocratic governments, and not suitable to the genius of our institutions.

Mr. RAY favored increase of the pay of privates on the ground of the reduction of currency. The pay of officers had already been reduced by an act passed last July, and which took effect in October, and they were also taxed 3 per cent. on their salaries by the income tax bill. The reduction in the value of the currency also affected them as well as it did the privates.

On motion by Mr. WILLIAMS the pending motions were laid on the table—yeas 18, nays 17.

The Senate refused to concur in the committee report by yeas 11, nays 35.

Mr. RAY moved to strike out in the original resolution all that relates to the pay of officers.

Mr. WOLFE made an ineffectual motion to lay that motion on the table.

Mr. BROWN, of Wells, moved to amend the amendment by inserting in its proper place the words "twenty per cent" as applied to officers.

On motion by Mr. MURRAY the amendment was laid on the table.

Mr. BLAIR moved to strike out the words "at least 25 per cent." and insert "not exceeding 25 per cent."

On motion by Mr. RAY the amendment was laid on the table by yeas 32, nays 13.

The pending motion [Mr. Ray's] to strike out was rejected by yeas 22, nays 23.

Mr. BROWNE, of Randolph, moved to amend by striking out all that relates to the pay of officers, and by instructing our Representatives in Congress to inquire into the expediency of reducing the pay of Commissioned Officers, so as to more nearly equalize the pay of officers and soldiers.

Mr. COBB moved to lay the amendment on the table.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 15, 1863.

Mr. GREGORY offered a resolution, which was adopted, instructing the Judiciary Committee to inquire respecting the laws punishing assaults.

Mr. MASON offered a resolution, which was adopted, instructing the Committee on Judiciary as to the expediency of amending the election law.

STATE OFFICERS.

Mr. WOLFE offered a concurrent resolution, which was adopted, to proceed to

the election of Directors of the State Prison, North and South, and of State Printer, at 2 o'clock, Wednesday next, in joint convention.

A NATIONAL CONVENTION, &C.

Mr. FERRIS offered the following:

Resolved, That the law of Congress erecting certain counties of Virginia into a State called the State of "Western Virginia," is an original and independent act of revolution and involves a plain breach of both the Constitutions of Virginia and the nation. Unlike the emancipation proclamation, it is not sought to be justified by its authors on the pretense of military necessity. Its passage by Congress and approval by the President betray, even more than any former act of Congress or of the President had betrayed, the deliberate purpose of the Administration and the political majority of Congress to set aside the Constitution and establish upon the common ruins of the Union and the sovereignty of the States a revolutionary Government, monarchical and military in its character, and in which all the great guarantees of civil liberty, recently so recklessly assailed, will be known no more for ever.

Resolved, That it is to the people we must look for a restoration of the Union and the blessings of peace, and to these ends we should direct our earnest and honest efforts, and hence we are in favor of the assembling of a national convention of all the States, at Louisville, Kentucky, at the earliest practicable period, to so adjust our national difficulties that the States may live together in harmony, each being secured in the rights guaranteed respectively, to all by our fathers.

Resolved, That we earnestly recommend a cessation of hostilities for such period as may be necessary to allow the people of the North and South to express, through a National Convention, their wish for peace and the maintenance of "the Union as it was and the Constitution as it is."

Resolved, That the General Government has no power under the Constitution, to tax the people of the State of Indiana for the purpose of raising money with which to buy the slaves of the Southern States, and we now declare, in advance, that all debts contracted or bonds which may be issued for the purpose of paying for any such slaves, we hold to be utterly void, for want of authority to issue the same, and the State of Indiana will never consent that her people shall be taxed for any such purpose.

Mr. NOYES moved to lay the resolution on the table.

Mr. ATKISON moved an amendment, that the vote be taken separately. He was in favor of the first of the series. To the others he objected.

The motion was agreed to and the House refused to lay on the table the first resolution by yeas 32, nays 59.

The question recurring on laying on the table the three remaining resolutions:

The yeas and nays were demanded and being ordered and taken resulted—yeas 30, nays 61—as follows:

YEAS—Messrs. Anderson, Atkison, Baker, Budd, Cass, Chambers, Davis, Forester, Gregory, Griffith, Hershey, Higgins, Hutchings, James, Johnson, Jones, Kendrick, Kilgore, Lamb, Moorman, Morgan, Newman, Noyes, Perry, Pettibone, Robinson, Stone, Tarkington, VanBuskirk and Woodruff—30

NAYS—Messrs. Abbett, Bird, Blocher, Bregan Brown, Burton Byerle, Collins, Cook, De Bruler, Donaldson, Ferris, Garvin, Given, Gregg, Hall, Hanna, Harden, of Washington, Hardin, of Perry, Harney, Hetfield, Hon, Hostetter, Howard, Howell, Howk, Humphreys, Kemp, ofDubois, Kemp,of Vigo, Lake, Lasselle, Lee, Leeds, Lemmon, of Harrison, Mason, McGauchey, Miller, Milroy, Mustard, Mutz, Niblack, O'Brien, of Martin, Osborn, Packard, Pendleton, Priest, Puett, Reitz, Richardson, Rippey, Shaffer, Shoaff, of Allen, Shoaff, of Jay, Spencer, Veach, Waterman, Williams, Wolfe, Woollen, and Mr. Speaker—61.

So the motion to lay on the table was rejected.

The resolutions were then referred to the Committee on Federal Relations.

HON. HORATIO SEYMOUR.

Mr. PACKARD offered the following:

Resolved, By the House (the Senate concurring) that the thanks of the General Assembly of the State of Indiana are due, and are hereby tendered to the Hon. Horatio Seymour, Governor of New York, for the able and patriotic defence of the Constitution, the laws and liberties of the American citizen, contained in his late message to the Legislature of that State, and particularly for his just and high appreciation of the interests, position, and patriotism of the great North west. And that we assure him that the conservative people of our own beloved State are looking with deep solicitude and confidence to his executive action, believing that they will find in it a firm and determined resistance to the encroachments of a despotic Administration upon the liberties of the American people, as well as a bold defense of the independent sovereignty of the several States of this Union; and that such action will receive the warm sympathies and hearty co-operation of all the conservative citizens of this State.

Resolved, That the Speaker of the House be directed to foward copies of these concurrent resolutions to his Excellency, Governor Seymour, and to the Legislature of that State.

The yeas and nays were demanded and being ordered and taken resulted—yeas 53, nays 35—as follows:

YEAS—Messrs. Abbett, Bird, Blocher, Bregan, Brown, Burton, Collins, Cook, Donaldson, Ferris, Garvin, Hall, Hanna, Harden, of Washington; Hardin, of Perry; Harney, Hetfield, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Lake, Lasselle, Lemmon, of Harrison; Mason, McGauchey, Miller, Milroy, Mutz, Niblack, O'Brien, of Martin; Osborn, Packard, Pendleton, Puett, Reitz, Richardson, Rippey, Ryan, Shaffer, Shoaff, of Allen; Shoaff, of Jay; Spencer, Veach, Waterman, Williams, Wolfe, Woodruff, Woollen and Mr. Speaker—53.

NAYS—Messrs. Abdill, Anderson, Atkison, Baker, Branham, Budd, Byerle, Cass, Chambers, Davis, Gregg, Gregory, Hershey, Higgins, Hostetter, Hutchings, James, Johnson, Jones, Kendrick, Kilgore, Lamb, Leeds, Marshall, Moorman, Morgan, Mustard, Newman, Noyes, Perry, Pettibone, Robinson, Stone, Tarkington, and Van Buskirk,—35.

So the resolutions were adopted.

THE STATE OF THE UNION.

Mr. HUMPHREYS offered a resolution instructing Senators and requesting Representatives in Congress to take measures to suspend hostilities between the United States and the Confederate States, and for the calling of a National Convention for the reunion of the States under the Constitution.

Mr. BAKER offered a resolution to sustain the government and the war.

Mr. MORGAN offered a resolution against secession and the right of secession.

These three resolutions were referred to the Committee on Federal Relations.

Mr. BROWN called up the resolution to send all political resolutions to the Committee on Federal Relations, without debate, and it was adopted.

THE STATE OF THE UNION.

Mr. COOK offered a joint resolution condemning the war, but not the rebellion which was referred to the committee under the rule just adopted.

THANKS TO NURSES.

Mr. HON offered a resolution, which was adopted, returning the thanks of this House to the ladies of Indiana who have taken care of the sick and wounded in the hospitals.

STATE PRINTER.

Mr. ANDERSON offered a resolution, which was adopted, instructing the committee on Printing to inquire into the expediency of abolishing the office of public Printer.

THIRD JUDICIAL CIRCUIT.

Mr. NIBLACK introduced a bill [26] to fix the term of Courts in the 3d Judicial Circuit, which was read three times, under a suspension of the rules, and passed.

AFTERNOON SESSION.

The following bills were introduced, read the first time and passed to the second reading:

By Mr. WATERMAN, [27] authorizing special sessions of County Commissioners in certain emergencies.

By Mr. LAMB, [28] amending the game laws—making it unlawful to shoot or trap quails or pheasants between the 1st day of February and the 1st day of October.

By Mr. MILLER, [29] amending the 37th section of the act defining misdemeanors—relative to disturbing lawful meetings of citizens so that persons asking questions, or who shall otherwise disturb public meetings shall be subject to a fine.

By Mr. WOLFE, [30] amending section 2d of the practice act, relative to witnesses.

By Mr. PACKARD, [31] authorizing the issuing of attachments on orders of injunction in certain cases.

WORK FOR COMMITTEES.

House bills were read the second time and referred to appropriate committees, to-wit:

Mr. Forester's, [15] to relieve Wm. Pope.
Mr. Gregory's [16] landlords and tenant.
Mr. Forrester's [17] executors real estate sales.
Mr. Brown's [18] anti-negro.
Mr. Packard's [19] concerning negroes.
Mr. Atkison's [20] amending section 46 of the school law.
Mr. Bird's [21] allowing 10 per cent interest.
Mr. Given's [22] amending section 27 of the Divorce Law.
Mr. Anderson's [23] defunct Agricultural Societies.
Mr. Newman's [24] amending the school law.
Mr. Lemmon of Spencer's [25] amending the school law.

Mr. HANNA called up his resolution pending yesterday when the hour arrived for joint convention.

On motion by Mr. DONALDSON it was laid on the table.

IN SENATE.

FRIDAY, January 16, 1863.

On motion by Mr. WILLIAMS the bill [H.R. 26] changing the time of holding Courts in the 3d Judicial Circuit was taken up, and, under a suspension of the rules, read three times and passed—yeas 43, nays 0.

CONTESTED ELECTION CASES.

On motion by Mr. WOLFE, it was—

Resolved, That the committee on elections be requested to return to the Senate all matter referred to them in regard to the contested seats of Senators and the rights of Senators to their seats; and that when said matters are so returned the contestants and contestees, and the members whose rights to seats are called in question by the resolution introduced by Mr. Claypool [see page 44 of the BREVIER LEGISLATIVE REPORTS,] have the right to be heard before the Senate, by themselves or by counsel; and, when so argued, the same matter be returned to said committee for its further action

Mr. SHIELDS reported the papers from the Committee on Elections, the order of business was suspended, and the case of W. H. Dill, Esq., contesting the seat of Mr. Dickinson, the sitting member from the counties of Noble, DeKalb and Steuben, was taken up. It was understood to be a test case, involving a point of law, which would govern in several other cases.

On motion, seats were provided for the parties and their attorneys on the floor of the Senate.

The PRESIDENT called Mr. Shields, the chairman of the committee on Elections, to the Chair.

Hon. JOSEPH E. McDONALD, as the attorney for Mr. Dill, addressed the Senate on the legal points at issue. The records show that Mr. Dickinson, and other members whose seats are contested, acted as Enrolling Commissioners. Art. 2, sec. 9, of the Constitution of the State provides that "no person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the General Assembly, nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly provided." He quoted from Chief Justice Marshall, in the case of the United States vs. Morris, to define the meaning of an office, and also from 8th Blackford, page 329, the case of Daley vs. the State, where the Supreme Court of Indiana adopted the definition given by Blackstone, as its decision or definition of the term. Now, was an Enrolling and Drafting Commissioner an office under this definition? There might be some doubt about the Enrolling Commissioner, but could be none as to the Drafting Commissioner. His business was continuous, and the emolument was lucrative. The office was created under the Act of Congress amending the Act of 1795, to give the President power to call out the

militia for a longer term than 90 days, and to provide rules and regulations therefor. This made the rules and regulations a part and parcel of the law. General order No. 99, issued in August, 1862, prescribed the duties of Enrolling and Draft Commissioners. It was the act of the President by his agent, the Secretary of War, and was clearly a part of the law.—The case decided by Chief Justice Marshall was pertinent to those under consideration—that of the United States vs. Morris. It was there decided that the Superintendent of Fortifications, although not expressly created by law, was an officer, for reasons which he read. As to the definition of "ineligible" in our State Constitution, he read from 15th Indiana Reports, McFetridge vs. Carson, and from Cushing on Parliamentary law, commencing at page 31. The case quoted (McF. vs. C.) he contended applied to the case under consideration. In the case of Mr. Browne, of Randolph, Mr. McDonald said that he (Browne) was elected at a special election, to fill a vacancy caused by the acceptance of a military appointment by General Stone. The law provides for the election of Senators biennially. His point was that under the law, the result of a special election could only hold until the time fixed by law for holding the election. It was also alleged by the contestant that Mr. Browne, held by appointment the office of Circuit Judge for one day. He was unable to see that this was a disqualification, as the office was at the same time filled by another.

Mr. BROWNE, of Randolph, questioned the similarity of the cases quoted to those under consideration. On the point that persons ineligible at the time of election, but eligible at the period they would be required to act in the office to which they may be elected, he cited the cases of John Randolph, of Virginia, and Henry Clay, of Kentucky, and the more recent case of John Young Brown, of Kentucky. The object of the Constitutional provision requiring one half of the Senators to be elected biennially, was to secure the coming in of one half of the Senate every two years, but such provision could not be construed as prohibiting elections at other times than once in every two years. Were such the case, then there would have to be in his case two elections to fill one vacancy, created by General Stone's disqualification. He claimed that one election was sufficient, and that the person so elected was entitled to serve out the balance of the unexpired time of his predecessor. The time at which the question of eligibility of a Senator commenced was when he presented himself to take his seat, and not the time of his election. The Constitution provided that no person holding a lucrative office shall be eligible to a seat in the General Assembly, while in some other cases it was provided that no one should be eligible to an election to a particular office.—If an office be accepted by any one elected Senator after the election, the duties of which expire before he takes his seat as Senator, he is not disqualified from holding that seat. He contended that Enrolling and Drafting Commissioners were not United States officers, but, if officers at all, were officers of the State militia, as the manner of filling the President's quota of the militia of the States was left to the Governors thereof, and that no soldier or officer was in the United States service until he had been mustered into the service. This clearly showed the State's control up to the time the volunteer entered the army of the United States by the act of mustering. The Commissioners had received no commissions from the United States, and had discharged no duties connected with the army of the United States that did not end prior to the turning over of the drafted militia to the United States. The Constitution provided that no office of the militia should be considered lucrative to which was fixed no annual salary, and there being no annual salary paid to the Commissioners referred to, no disqualification could follow in accepting the position that would prevent Senators from holding their seats on that floor.

AFTERNOON SESSION.

Mr. RAY said that Enrolling Commissioners were not officers within the meaning of the Constitution, because the militia of the State being under State authority, the agents selected by the Governor to enroll the same had but to perform a specific temporary duty, and when that service was performed the functions of the agency ceased. Such agencies do not necessarily become offices. In a late case the Supreme Court had decided that where a Senator had served as a member of the Military Auditing Committee, raised under an act defining specific duties and fixing the compensation of its members, he had not accepted an office, but a special appointment to perform a certain service. The Governor of Indiana was almost daily appointing agencies to discharge certain duties which he is required to perform, such as an agent to purchase arms, and agents to go to the army to look after the sick and wounded, bring back soldiers' money, &c. No law existed creating such agencies, or the agencies termed Enrolling Commissioners, and in no case could either be considered an office. But if the latter was an office it was a State and not a Federal office.—In the case of Kerr vs. Jones, the Supreme Court lately held that if Col. Harrison, of the 70th Regiment, held a commission in the Federal army he was holding two offices, and could not retain that of Reporter

of the Supreme Court. But if he had been a Colonel of the drafted militia he would not have been disqualified from still holding the office of Reporter. The call for that militia was but for nine months, and no annual salary could be affixed. He contended that the President had made the call not directly on the militia but upon the State Executive. Congress had the right to pass a law directly calling out the militia, but it had not done so. The President had no power to control the State militia until it was in the active service of the United States. The active service did not commence before the muster into the service of the militiamen. The duties of Enrolling Commissioners were to enroll the able-bodied militia of the counties. They never were appointed Drafting Commissioners, but executed the duties of drawing by lot from the enrolled militia, under orders from the Adjutant General of the State. When this was done the names were reported to the sheriff of the counties, who called out the drafted men. Judge Story, in his commentaries says, that the President of the United States is not Commander-in-Chief of the militia until they are called into active service.—Until that is done, they are under the control of the Executive of the several States. If an office, it was a State office. It was not a civil, but a military office of the State, and excepted by the Constitution as a disqualifying office. The usage of Parliament was cited to show that the statesmen in England, as well as in this country, held that ineligibility at the period of election did not have force if the party was eligible at the period of taking the seat. The weight of authority was all in favor of this view. He asked when the prohibition applied to Mr. Dickinson?—Not when he was elected in 1860, for he was eligible then and had served two sessions since, nor during the vacation, because he had held no office that did not expire with the expiration of its temporary duties. It could not be now, for the Constitution said no one was eligible to a seat who "holds" a lucrative office, and he held no such office then. The Enrollment was made in August and the draft concluded in October. Administrative and judicial offices were continuous, legislative were periodic. A holder of the former class could not hold two offices at the same time because of their incompatibility, but the latter class could divest themselves of the one at their pleasure and hold the other without begetting any disqualification, for when the incompatibility was removed the party could assume the other office. Many years ago, in 1826, a resolution was introduced in the Legislature declaring that Governor Ray had vacated the office of Governor by visiting a tribe of Indians and treating with them under authority from the General Government, but it was voted down. The case of Leroy Woods in 1857 was different. He accepted a lucrative office created while he was a member of the Senate, and for that reason it was decided that he vacated his seat thereby. It was the rule of parliamentary law, as expounded by Cushing, that when it was provided that a person holding a lucrative office was not eligible to election to an office the ineligibility took effect at the time of the election, but where it was provided that such person was ineligible to a seat in the General Assembly, the disqualification must exist at the time of taking his seat, and that the office to which exception is taken must be held at the time of taking the seat. He wished the Senate to bear in mind that the case from Chief Justice Marshall, quoted by Mr. McDonald, was not in point. The Superintendent of Fortifications in that case, was an office created by law of Congress, and not a mere appointment growing out of the temporary exigencies of the War Department.

Mr. MELLETT contended that, under the Constitution of the United States, the President had no power to call out the militia of the United States, but the militia of the several States and this must be done through the State Executive, by the President making his requisition for the State's quota. When turned over by the State, they became the active militia of which the President was Commander-in-Chief. In the first stages of their organization, and before their muster into the United States service, they were the militia of the State. Hence it followed that the President could not commission a citizen of Indiana to enroll the militia therein. That power belonged solely to the Governor. There was an express reservation in the Constitution that the Governors of States should organize the militia of their States and commission the officers thereof. The militia was not the people but a class of inhabitants within certain ages. To ascertain who these were, an enrollment was necessary, and the persons appointed to do this were not officers, under the Constitution, or any State law, but simply the agents of the State Executive, commissioned by him for a specific purpose, and to discharge a temporary duty. Were Congress to attempt to take from the State the right to do this, it would be a palpable violation of Constitution. He read from the Constitution of the United States and from Story, to show that the militia was under the exclusive control of the State authorities, and was to be organized, officered and trained under the State laws, and was no part of the Federal power until after it was so organized. The appointments made for the purpose of organizing the militia, were special appointments for a special duty. They

were from the State and not from the President, and its officers were State officers. They were merely to enroll the militia, and acted under the orders of the State officers only. When the Governor made these appointments, he was not acting as a United States officer, but as the Executive of the State. If they were the creatures of the President, then they held no office, because it was a nullity to exercise such power in violation of the Constitution.—There could be no disqualification, and in his county no one had thought of raising the question as to his having lost his seat in the Senate by taking the appointment of enrolling commissioner.

LEGISLATIVE EXPENSES.

Mr. WILLIAMS called up the message of the House, returning the bill [S. 1] appropriating $25,000 for the expenses of the General Assembly, with a House amendment appropriating $75.000.

The amendment was concurred in.

On motion by Mr. BROWNE, of Randolph, it was—

Resolved, That when the Senate adjourn it be until Monday at 2 p.m.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 16, 1863.

Petitions were presented and referred to the Committee on Federal Relations, to-wit:

By Mr. WOOLLEN, from certain citizens of Johnson county, praying for the enforcement of the 13th article of the Constitution.

By Mr. BURTON, from sundry citizens of Sullivan county, against voting one dollar or one man for the prosecution of the present war, characterized as "an infernal Abolition war."

LEGISLATIVE EXPENSES.

Mr. NIBLACK, from the Committee on Ways and Means reported back the bill [S. 1] appropriating $25,000 for Legislative exp nses—recommending its passage with amendments.

$75.000 are appropriated, if necessary, instead of $25,000. The money not used, as Mr. Niblack explained, would remain in the Treasury.

The report was concurred in.

STATE PRINTING OFFICE.

Mr. WOOLLEN from the Committee on Benevolent Institutions reported adversely on a resolution proposing to establish a printing office at the Institution for the Deaf and Dumb.

The report was concurred in.

SALARIES OF COUNTY AUDITORS AND CLERKS.

Mr. BYERLE offered a resolution, which was rejected, instructing the Committee on Fees and Salaries to report as to the reduction of fees of County Auditors and Clerks.

SECRET POLITICAL SOCIETIES.

Mr. CASON offered the following:

WHEREAS, It has been asserted by that arch-fiend and traitor, Jeff. Davis, in a speech lately made by him at Richmond, Va., that the Great West is preparing for secession from the East;

AND WHEREAS, The Grand Jury of one of the United States Courts finds that there exists in this State a secret political organization, held together by the most horrible and wicked oaths, and having for its purpose and objects, among other things, the assistance and encouragement of the Southern Confederacy, and the formation of a Northwestern Confederacy, with its ultimate annexation to the Southern Confederacy; therefore, be it

Resolved, That a committee of five be appointed, with power to send for persons and papers, to investigate and inquire whether any such political organization does exist in this State, with any such designs, or having for its objects the resistance of the due and legal enforcement of any of the laws of this State or of the United States, or for the overthrow of the legally constituted authorities of this State or of the United States, and to further report to this House what, if any, legislation is necessary to protect the government from the unlawful acts of these treasonable associations.

Mr. BROWN moved to lay the resolution on the table.

The yeas and nays were demanded by Messrs. Griffith and Moorman, and being ordered and taken resulted—yeas 57, nays 35—as follows:

YEAS—Messrs. Abbett, Atkison, Bird, Blocher, Bregan, Brown, Burton, Collins, Cook, Donaldson, Ferris, Garvin, Hall, Hanna, Harden, of Washington; Hardin, of Perry; Harney, Hetfield, Hon, Howard, Howell, Howk, Humphreys, Kemp of Dubois; Kemp, of Vigo; Lake, Lasselle, Lee, Lemmon, of Harrison; Lemmon, of Spencer; Mason, McGauchey, Miller, Milroy, Mutz, Niblack, O'Brien, of Martin; Osborn, Packard, Pendleton, Priest, Puett, Reitz, Rickardson, Rippey, Roberts, Ryan, Shaffer, Shoaff, of Allen; Shoaff, of Jay; Spencer, Veach, Waterman, Williams, Wolfe, Woollen, and Mr. Speaker—57.

NAYS—Messrs. Abdill, Anderson, Baker, Budd, Byerle, Cason, Chambers, Davis, De Bruler, Forester, Gregg, Gregory, Griffith, Hershey, Higgins, Hostetter, Hutchins, James, Johnson, Jones, Kendrick, Kilgore, Lamb, Leeds, Marshall, Moorman, Newman, Noyes, Perry, Pettibone, Robinson, Stone, Tarkington, Van Buskirk, and Woodruff—35.

Pending the roll call—

Mr. ATKISON stated that he believed the investigation would be fruitless, and consequently he should vote "aye."

Mr. ROBERTS said that if he really thought there was such a secret organization in existence in the State, he would vote for the resolution and the committee to investigate. But the thing was so ridiculous, that he should vote to lay it on the table.

Mr. KENDRICK said he should vote in favor of the resolution, as to do otherwise would be to impeach a grand jury of our country, which he was not prepared to do.

Mr. PACKARD. I, as a member of this House, prefer to impeach a biased and political grand jury, rather than to impeach the patriotism of the people: I vote "aye."

So the resolution was laid on the table.

WRITTEN BALLOTS.

Mr. PRIEST offered a resolution in-

structing the proper committee to inquire into the expediency of amending the election law so as to require each voter to write his name on each ballot.

On motion by Mr. DONALDSON it was laid on the table.

RESOLUTIONS OF INQUIRY.

Addressed to appropriate Committees were offered, read and severally adopted, to-wit:

By Mr. WATERMAN, relative to abolishing the office of Township Assessor.

By Mr. HUMPHREYS, as to the expediency of transferring civil and criminal business from the Common Pleas to the Circuit Court, and establishing Probate Courts.

By Mr. VAN BUSKIRK, opposing the separation of the New England States from the Union.

By Mr. GREGORY, a resolution on the state of the country.

By Mr. HIGGINS, relative to the fees of Northern State Prison Directors.

By Mr. HARNEY, whether the State has any representative on the Board of Directors of the Bank of the State.

By Mr. MILROY, as to the passage of a bill punishing the drugging of liquors as a crime punishable with imprisonment for not less than ten years.

JOINT RESOLUTIONS

Were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. HANNA, [H. R. No. 6] in the words following:

WHEREAS, by the late preliminary report on the eighth census of the United States, published under the authority of the Secretary at the Department of the Interior, it appears that the total population of the State of Indiana, in 1860, was 1,350,428, and the population of Massachusetts was 1,231,006; and,

WHEREAS, It appears that Indiana has furnished 102,700 soldiers under the various calls of the President for volunteers and by draft; and

WHEREAS, The State of Massachusetts, as appears by the annual message of his Excellency, Governor Andrews, has furnished but 60,000; and,

WHEREAS, The draft was rigidly and mercilessly enforced in Indiana, and is not yet completed in Massachusetts. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our delegation in Congress be instructed to inquire into the causes of such discrimination in favor of Massachusetts.

By Mr. O'BRIEN, of Martin, [7] a resolution on the state of the country.

By Mr. LASSELLE, [8] in favor of a cessation of hostilities; of a National Convention at Louisville on the 4th of July next; and of a convention of delegates, elected from each Congressional district of Indiana, looking toward the restoration of peace and the re-union of the States.

By Mr. CASON, [9] amending the second article of the Constitution, so as to allow soldiers to vote.

The House then adjourned till 2 o'clock

AFTERNOON SESSION.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. HIGGINS, [32] amending 18th section of act relating to incorporated cities.

By Mr. ATKISON, [33] amending section 447 of the Practice Act.

By Mr. SPENCER, [34] prohibiting clerks of the Circuit Court and Common Pleas Courts from practicing law in the courts aforesaid.

By Mr. HOSTETTER, [35] amending the 5th section of the act of 1859 relative to township business.

By Mr. GREGG, [36] providing for the registry of voters and to punish frauds at the ballot-box.

By Mr. TARKINGTON, [37] amending the 22d section of the act relating to the Indiana University.

By Mr. GREGORY, [38] to protect live stock along railroads, and for the punishment of certain persons therein named.

By Mr NOYES, [39] amending the act defining misdemeanors, approved 1852.

By Mr. BROWN, [40] repealing section 2d of the act amending section 11 of the act establishing Courts of Common Pleas—taking jurisdiction in cases of felony from said Courts.

By Mr. BURTON, [41] providing for the more effectual enforcement of the 13th article of the Constitution, making negro immigration a contempt of the Constitution and a felony.

By Mr. ANDERSON, [42] to enforce the 13th article of the Constitution—hanging every negro, he or she, who came into the State, till he or she, be dead.

By Mr. PUETT, [43] to secure the rights of married women in real estate sold upon execution.

By Mr. PERRY, [44] amending the 6th section of the Common Pleas Court act of March 5, 1859.

By Mr. GREGORY, [45] relative to the rights of landlords and tenants

On motion by Mr. HUTCHINGS, it was—

Resolved, That when the House adjourn it will be till Monday, at 2 o'clock p.m.

LEGISLATIVE EXPENSES.

The bill [S. 1] appropriating $75,000 for legislative expenses, coming up in order—

Mr LASSELLE made an ineffectual motion to recommit the bill with instructions to reduce the amount to $40,000.

The bill then passed the House by yeas 84, nays 8.

BREVIER LEGISLATIVE REPORTS.

Mr. ANDERSON submitted the following, and asked that it be tabled for the present:

Resolved, By the House of Representatives (the Senate concurring,) that the Principal Secretary of the Senate, and the Principal Clerk of the House of Representatives, be authorized to contract with ARIEL & W. H. DRAPIER, reporters, for 1,500 copies of the continuation of their Brevier Legislative Reports, to contain verbatim reports of the proceedings and debates of the present session of the General Assembly, on all propositions and questions having relation to the state of the Union and the war; the said reports to be printed in the Daily State Sentinel or the Daily Indianapolis Journal newspaper, and when so printed the said reports to be transferred from the columns of such newspaper into book form of double column pages—said reports, so printed, to be paper-covered and sent to the office of the Secretary of State, and by him sent by mail to the several members of the General Assembly—10 copies to each member—as soon as possible after the adjournment of the session; Provided said reports shall not cost more than two thirds of one cent a page per copy for the writing and printing thereof.

Mr. Anderson's motion was agreed to.

WORK FOR COMMITTEES.

House bills were read the second time and referred to appropriate committees, unless otherwise designated, to-wit:

Mr. Waterman's [27] special meeting of County Commissioners.

Mr. Lamb's [28] amending the wild game act was ordered engrossed for the third reading.

Mr. Miller's [29] fining disturbers of meeting, was ordered engrossed.

Mr. Wolfe's [30] amending the witness act.

Mr. Packard's [31] punishing violations of injunctions by attachment.

IN SENATE.

MONDAY, January 19, 1863.

The Senate met at 2 o'clock p. m.

Mr. WILLIAMS offered a resolution, which was adopted, requesting the Governor to furnish a detailed statement of expenditures under the $100,000 military contingent fund appropriation.

On motion by Mr. McCLURG, it was—

Resolved, That the Committee on the Organization of Courts be requested to inquire into the expediency of so amending the law of "Courts and the practice therein," requiring the Judges of the Circuit and Common Pleas Courts of this State, to deliver their charge to the jury after the evidence is concluded, and before the argument of counsel is commenced.

MILITARY EXEMPTION.

Mr. LANDERS offered a resolution, which was adopted, instructing the Judiciary Committee to report a law, if constitutional, to fix the amount of exemption from military duty.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading, viz:

By Mr. BROWNE, of Randolph, [12] a bill requiring railroad companies in the State of Indiana, to keep on hand and furnish, on reasonable notice being given by persons offering to ship live stock or other freights over their railroads, or to or from any place of shipment thereon, a sufficient number of locomotives freight cars and other rolling stock to transport such freights without delay, and making companies failing to furnish transportation, liable for damages resulting from such failure.

By Mr BROWNE, of Randolph, [13] a bill requiring all corporations formed, or which may hereafter be formed, for the purpose of constructing, owning, controlling or operating a railroad in this State, to elect three fourths of the number of their Boards of Directors from stockholders resident in the State, and affixing certain penalties for non-compliance with the provisions of this act.

By Mr. LANDERS, [14] a bill to enforce the 13th article of the Constitution.

By Mr. RAY, [15] a bill authorizing railroad companies to make extensions or branches in certain cases.

By Mr. MARCH, [16] a bill prescribing the forms of conveyances of real estate that may be used by Executors, Administrators, Guardians, Trustees and Commissioners in certain cases, fixing a fee therefor, and also to repeal the 547th section of the Practice Act, approved, June 18, 1852.

On motion by Mr. WILLIAMS, the bill [H. R. 26] fixing the times of holding courts in the 3d circuit, was read the first time.

CONTESTED ELECTION CASES.

The argument on the contested election cases was resumed.

Hon. JOSEPH E. McDONALD. The propositions discussed by those on the opposite side were: 1st, that the Draft Commissioners were not officers under the meaning of the Constitution; 2d, if officers, they are militia officers; and 3d, that if officers, their functions ceased before the parties were called upon to take their seats in the Senate. Mr. McDonald contended, 1st, that the constitutional provision disqualifying was broad enough to embrace these officers; 2d, that the rules and regulations in the act of Congress under which the militia was enrolled was part of the law. The gentleman from Shelby, (Mr. Ray) misconceived the decision of Chief Justice Marshall in the case he quoted in regard to the Superintendent of Fortifications. The Draft Commissioners were as much officers as was the Superintendent, and created in the same way by a law which provides that the Governors of the several States should enroll the militia by officers to be appointed by them. The duties in the regulations under the law are clearly and specifically defined in the general order issued to carry out the law. He alluded to the case in the 16th Indiana—when the right of the Auditing Committee, being members of the Legislature, to hold, was tested, and contended that the test in that case was simply the right of the Legislature to appoint committees to act during a recess to supervise the expenditure of money appropriated by it. He read from the de-

cision at length to show that the duty of the Committee was distinctly set down as a special duty, and clearly prescribed. It was not so with the Draft Commissioners —their duty was continuous, and the office would not have expired if the parties holding had died or resigned. The case of Gov. Ray in 1826 was not in point. He was appointed with Gen. Cass and Gen. Tipton to make a treaty with the Indians —to do a specific duty. Is it a Militia office? If it is, what rank do or did the gentlemen hold? Military gentlemen are tenacious about titles. He contended it was not a militia office, for there was no militia at all until the enrollment was made. It was an office under the amended law of 1862, and it could be nothing else. He read from authorities. The Supreme Court has held that officers in the volunteer service are not officers of militia, in the case of Kerr vs. Jones, but he could not see how it helped the argument of the gentlemen. The Court, in that case, decided that although Mr. Harrison was commissioned by the Governor, he became an officer of the Federal Government when his regiment was mustered. It was the same with the gentlemen. They were appointed by the Governor to perform duties under a law of Congress.— The power of the Governor to appoint them was derived from the same source that he derived his power to appoint Col. Harrison and other volunteer officers in the service of the United States. If an office, is it a Federal or State office? The duty performed was to carry out a law of Congress. It will not be assumed by the Senate that the Governor disregarded the law of Congress and the regulations in making the draft. If he did so, the whole proceeding was illegal, and the four thousand men in service from this State as drafted men are there illegally. He briefly alluded to the proposition that an office held at the term of election which ceases or is resigned before taking a seat in a legislative body does not disqualify, and contended that the Constitution of our own State must be the guide here. The acceptance of one office reverted another it was clear. In the case of the members from Shelby and from Henry and perhaps others, incompatible offices were accepted and held in the interregnum between the sessions. The link was broken, and it gives the Senatorial places back to the people. He dwelt on the safeguard intended to be placed around the legislative department of the Government to preserve it from Executive encroachments.

J. H. BAKER Esqr., the contestant of the seat of Mr. Murray, the sitting member from Elkhart and Lagrange, addressed the Senate. The point in this case was the acceptance by Mr. Murray, of the office of Quartermaster in the volunteer service of the United States, and holding it for a period of time during the recess of the Senate, In this case he thought there could be no controversy. The case of Kerr vs. Jones fitted this case exactly, if it did not those of Draft Commissioners. He recited the facts. The decision that Col. Harrison forfeited his office of Reporter of the decisions of the Supreme Court, covered this case precisely. The one was a Colonel and the other a Lieutenant; but both were officers in the United States service. He quoted extensively from the Decisions and from the Abridgement of the Debates in Congress, to show the time at which a person elected to a legislative office was considered a member. They all agreed that the period was when the person was sworn in and entered upon the discharge of the duty. An election merely designates the person to be qualified. He also cited the case of Van Ness of New York, who was displaced from his seat in Congress for accepting and discharging the duties of Major of Militia in the Territory of Columbia in the time that elapsed between the first and second sessions of the Congress to which he had been elected. This case, he contended, was an exact parallel to that of the gentleman whose seat he was contesting.

HOUSE OF REPRESENTATIVES.

MONDAY, January 19. 1863.

The House met at 2 o'clock p. m.

Mr. ROBERTS offered the following, which was adopted:

WHEREAS The General Assembly of the State of Indiana, by an Act approved May 6, 1861, appropriated the sum of one hundred thousand dollars to the "Governor's Contingent Fund" and,

WHEREAS, The General Assembly, by an Act approved May 31, 1861, "appropriated, for incidental expenses of the Governor's Office, in addition to former appropriations, the sum of fifteen hundred dollars;" therefore,

Be it Resolved, That the Goveanor be and is hereby requested, to report to this House, at as early a day as practicable, in compliance with the provisions of said acts, a "detailed statement" of all disbursements by him made out of said funds.

Mr. GRIFFITH offered a resolution, instructing the Military Committee to report a bill refunding to volunteer surgeons who have visited the battle-fields to succor Indiana wounded, their expenses in such service, and equitable compensation.

Mr. WOOLLEN moved to make it a resolution of inquiry.

The motion was agreed to, and the resolution, as amended, was adopted.

THE STATE OF THE UNION.

Mr. MILLER offered the following:

WHEREAS, The present deplorable civil war tends to unsettle in a startling degree, the social and domestic relations of the country, and promises no results but vice, misery, sorrow and death; it being manifest to the civilized world that Union, peace and fraternal feeling can never be restored by the sword and the

torch; but that a continuance of the war under the present policy of the Administration must eventuate in the utter ruin and decay of our free, renowned and mighty nation. Therefore,

Resolved, That any plan, proposition or overture originating with the people of any section or State, having for its object the restoration of the Union and peace on a basis alike equal and just to all the States, would not be humiliating and dishonorable, but an event to be hailed with gladness by every true patriot in the land.

Resolved, That we are willing and desirous to receive the seceded States back into the Union on a liberal compromise, granting to them, ungrudgingly, all their Constitutional rights and guarantees, as equal independent sovereign States, with such additional safeguards as may be necessary to protect them in the enjoyment of those rights and guarantees.

Resolved, That we invite the consideration of all true Union men of whatever party, and especially the Legislatures of our sister States of Illinois, Kentucky, Pennsylvania and New York now in session, to this subject, to the end that some definite action may be had thereon.

Resolved, That a copy of these resolutions, together with the preamble, be transmitted by the Clerk of this House to the respective Speakers of the aforesaid Legislatures.

Mr. HOSTETTER offered a series of resolutions, declaring against the schemes of traitor sympathizers and their freedom of treason, justifying military arrests and the suspension of habeas corpus.

Mr. SHAFFER offered a resolution, treating with contempt any attempt to commit the Legislature of this State to the support of the war, by threats or otherwise.

The above resolutions were severally referred to the Committee on Federal Relations.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees, were offered, read and severally adopted, to wit:

By Mr. WOODRUFF, respecting necessary legislation to preserve life on railroads.

By Mr. CASS, relative to needful legislation for the payment of soldiers' bounties.

By Mr. HALL, as to reports of Township Assessors to County Commissioners.

By Mr. NEWMAN, for protection of turnpikes.

By Mr. MILLER, whether amendments are not necessary to render the dog law efficient.

By Mr. JONES, providing for a direct tax for the benefit of soldiers' widows and families.

By Mr. BYERLE, as to the expediency of organizing the militia of the State, between the ages of eighteen and forty-five.

By Mr. HUTCHINGS, as to the further protection of sheep from dogs

Mr. WOLFE offered a resolution to print 100 copies of each bill when ordered to be engrossed, which lies on the table for one day under the rules.

PAY OF INDIANA SOLDIERS.

Mr. BURTON introduced a joint resolution, [10] instructing our Senators and requesting our Representatives in Congress to provide, if possible, for the prompt payment of Indiana soldiers now in the field, and requiring the discrepency in favor of officers to cease, which was read the first time and passed to the second reading. It is as follows:

WHEREAS, Indiana has been represented upon almost every battlefield in the present unnatural war; and,

WHEREAS, Her brave soldiers are in no way responsible for the manner in which the war is conducted, nor for the purpose for which it is waged; and,

WHEREAS, Numerous complaints are being heard from these soldiers, to the effect that the Government fails to pay them the small pittance which they have so richly earned, while the officers over them, as a general thing, have been promptly paid, and thus enabled to indulge in all manner of luxury, while the poor helpless privates are compelled to suffer privation and want; and, in consequence of such delinquency on the part of the Government, and such discrepency in favor of selfish officers, the families and friends of these poor soldiers in many instances are caused to suffer and grieve; and,

WHEREAS, Our Gov'nr O. P. Morton, and our President, Abraham Lincoln, have seemingly lost all sympathy and regard for the white men in the ranks, who are fighting the battles of the country, and turned their entire attention and given their entire sympathies to the negroes of the South, as is evidenced by the fact that they regard with apparent indifference the great neglect and many complaints of the one, while they regard as of the greatest necessity and importance the freedom and amelioration of the other; therefore,

Resolved by the General Assembly of the State of Indiana, That in justice to all concerned, Indiana asks, yea, demands at the hands of the General Government, a prompt and speedy payment of all delinquincies to her soldiers in the field, and further that the great discrepency in favor of officers over privates shall cease.

Resolved, That the boasted patriotism and philanthropy of the present Administration both State and National, would be less questionable and better appreciated, did they but turn their attention and sympathy to the poor neglected soldiers in the field, and to their suffering families and friends at home, and see that their complaints and necessities were relieved and satisfied as speedily as possible, instead of troubling themselves concerning the slaves of the South, whose freedom is not essential to the maintenance of the Union under the Constitution, and who are far happier than if they were free.

Resolved, That, to this end, we instruct our Senators and request our Representatives in Congress, to inquire immediately into the cause of this great neglect on the part of the General Government, to fix the responsibility where it justly and rightly belongs, and to provide as speedily as possible, by bill, or otherwise, a remedy for the evil complained of, that our soldiers henceforth may serve the Government, with the full assurance that they will receive prompt and regular pay for their services.

Resolved, That a copy of these resolutions be sent as soon as convenient to our Senators and Representatives in Congress.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. SPENCER, [46] repealing the 18th section of the act regulating the apportionment of decedent's estates.

By Mr. KEMP of Dubois, [47] legalizing the acts of deputies of civil officers who have entered the military service of the United States.

By Mr. SPENCER, [48] prohibiting Judges of Common Pleas Courts from

practicing as attorneys in Inferior Courts.

By Mr. LEMMON of Harrison, [49] amending the 4th and 6th sections of the act prescribing the duties of Coroners.

By Mr. KILGORE, [50] requiring Railroad Companies to keep on hand a sufficient number of locomotives and freight cars for the transportatian of live stock and other freights, and imposing damages in case of default

By Mr. REITZ, [51] amendatory of an act regulating sales on execution.

By Mr. MORGAN, [52] amending sections 4, 5, 8, 9 and 11 of the law regulating marriages.

By Mr. KILGORE, [53] requiring all railroad corporations to elect three fourths of their directors from the residents of the State.

By Mr. LEEDS, [54] authorizing County Treasurers to expose lands delinquent for taxes at the Auditor's office.

By Mr. LASSELLE, [55] amending section 1 of an act exempting property from execution.

By Mr. WATERMAN, [56] relative to road taxes.

By Mr. GARVIN, [57] providing that the value of Government stamps on legal processes be collected among the costs

By Mr. LASSELLE, [58] amending section 82 of the practice act.

By Mr. LEEDS, [59] empowering Sheriffs to expose property on execution for sale at the doors of Clerk's offices.

By Mr. LASSELLE. [60] amending sections 3, 5, 7 and 9 of an act enforcing the 13th article of the constitution.

WORK FOR COMMITTEES.

House bills were read the second time and referred to appropriate committees, to wit:

Mr. Higgin's, [32] amending section 18 of the town and city act.

Mr. Atkison's, [33] amending section 447 of the practice act.

Mr. Spencer's, [34] prohibiting clerks from practicing law in the courts of which they are clerks.

Mr. Hostetters's, [35] amending section 6 of the township act of 1859.

IN SENATE.

TUESDAY, January 20, 1863.

Mr. MARSHALL presented a petition from sundry citizens of Grant county, praying for a more rigid enforcement of the 13th article of the State Constitution. which was read and referred to the Committee on Rights and Privileges.

On motion by Mr. WILLIAMS, it was—

Resolved, That the Treasurer of State be requested to report to the Senate the amount of money paid out by him for war purposes between the 17th day of April and the 30th day of May 1861, and from what fund paid.

THANKS TO GOV. MORTON.

Mr. MURRAY offered the following:

Resolved, By the Senate, the House concurring, that His Excellency, Governor Oliver P. Morton, is deserving the gratitude of the people of this State, and as their Representatives we hereby tender him the thanks of this General Assembly for the promptness and energy with which he has responded to the call of the General Government for the organization and equipment of the volunteer Militia of Indiana, in defence of, and for the maintenance and preservation of the Union of the States; and especially for that tender solicitude and care he has, on all suitable occasions, manifested in alleviating the sufferings of the sick and wounded soldiers of the State.

Resolved, That a certified copy of the foregoing Resolution, on the passage thereof, be presented to His Excellency, Governor Oliver P. Morton, by the Secretary of the Senate.

Mr. SHIELDS hoped the resolution would go to a committee. He was not prepared to endorse all the acts of Governor Morton until some investigation was had into the financial operations of the Executive Department. He did not like to vote against it, for there was much that appeared commendable in the Governor's acts, but he was prepared to vote for the resolution if all was struck out except that portion relating to the sick and wounded. There were people in Indiana who thought the Governor was over anxious in organizing troops. The draft had been rigorously enforced in Indiana, while Massachusetts was far behind in her volunteer contributions of men. Gov. Morton should have been as a father, and should have said to Mr. Lincoln, Indiana has done well, don't press her too hard.

Mr. CLAYPOOL could not see any endorsement of the Governor's financial acts in the resolution. If he could, much as he approved of the course of the Governor, he would consent to defer it. He moved to amend by striking out all relating to the organization and equipment of troops.

Mr. MARCH said if he had been consulted he would have advised its delay for a short time, but having been introduced he hoped it would pass. He could not see that its passage would interfere in the least with the most rigid scrutiny.

Mr. WOLFE thought the introduction of the resolution premature, and would move to refer it with the proposed amendment to the Committee on Military Affairs. It was due to the Governor that time be given to investigate his official acts. So far as it regards the Governor's attention to the sick and wounded soldiers, my mind was long ago made up that he was entitled to the thanks of the State; and if that would satisfy his particular friends, I am ready and willing to so vote. I have moved to refer the resolutions to the Committee on Military Affairs, because I am not ready to vote for the part now proposed to be stricken out, until the subject has undergone the proper investigation; and after such investigation, if it should be found that the Governor has managed the funds placed in his hands prudently, I will then be prepared to vote him additional thanks.

Mr. MURRAY assured the Senate that he introduced the resolution without consultation with any one. There was no cat in the meal tub. He simply intended to thank the Governor for his care of the sick and wounded soldiers, and nothing more. This was a common ground on which all could stand. He spoke eloquently of the efforts of Governor Morton in behalf of the soldiers in the field from Indiana. He accepted the amendment. (Mr. Claypool's.)

Mr. COBB would cast no imputation upon Governor Morton. The resolution was, however, premature. He did not think Governor Morton would ask the passage of the resolution at the present time. He was not prepared to say that Governor Morton had not done his duty to the sick and wounded; but how many others had done the same thing? The late Superintendent of Public Instruction lost his life in an effort to get to the field to attend to the sick. Others should be included in a vote of thanks.

Mr. WILLIAMS favored the reference, and would vote to endorse the Governor after investigation was had, if it should be proper to do so. He was not prepared to vote on the resolution now. Governor Morton had probably done his duty; he was not prepared to say he had not. He was elected to do his duty, and if he had done it, it was his part of the contract.

Mr. RAY said that his impressions were that the Governor's management of military affairs had been such as could be commended, but his opinion was that if the resolution was cut down, as proposed, it might imply censure of his conduct. It was better that it should go to a Committee to be perfected; so that there should be unanimity in the vote upon it.

Mr. DUNNING, (Mr. Landers in the Chair) regretted that the resolution had been introduced so soon. He could vote at any time for a resolution of thanks to the Governor for his care of the soldiers of Indiana. He felt grateful to the Governor for that care, but let the investigation be made. He would not, by his action, cast implied censure of Governor Morton's military conduct. It would be better that the resolution be deferred, and if impartial investigation showed that the Governor had discharged his duties faithfully, he would be among the first to express an approval by his vote.

Mr. BROWNE, of Randolph, as a political and personal friend of Governor Morton, would say that he not only desired but *courted*, a thorough and complete investigation of his conduct. Had he been consulted he would not have favored the introduction of the resolution. This Senate could add nothing to the reputation of Governor Morton; nor could they tarnish it by the adoption or rejection of a resolution. That reputation was in the hands of the people of the United States and he had nothing to fear from them.

Mr. CLAYPOOL favored the reference, because it was evident there was a disposition to not act upon it. Hereafter occasion might offer when such a resolution would be more favorably received. He was in favor of carefully investigating the official conduct of all officers, and if any one had been guilty of peculation he would by his vote hold him up to public condemnation, be he political friend or foe. He had known Governor Morton long, and believed that while he might be ambitious for a good name and a high position, he never bowed the knee to filthy lucre.—Money was not his God. He did not understand any gentleman here as casting a reflection upon the integrity of the Governor. It mattered not what the newspapers would say. Pass a resolution fully endorsing his acts, or refer this one until the Senate could unite upon one.

Mr. FERGUSON gave all credit to Governor Morton for his labor and his care of the sick and wounded. He deserved the thanks of patriotic people, and would receive them. The resolution, as amended, thanked the Governor for acts beyond his duty. When he had filled the requirements of the law he did not rest, but worked faithfully for the sick and wounded. The Governor could not object to have his official acts investigated, and the passage of the vote of thanks for care to the sick and wounded could not be construed into censure or into approval of all his official acts.

On motion by Mr. MURRAY, the motion to refer was laid on the table—yeas 26, nays 14.

Mr. McCLURG, however he might differ with the Governor on other subjects, was prepared now to thank him for the interest he had taken in the sick and wounded. His people feel grateful to him, and he but represented their feeling here.

Mr. BROWN of Wells, thought that if he had had control of the $100,000 appropriated by the last Legislature, he could have made himself as popular as Governor Morton. If the thanks were due to the Legislature he would accord it. If to Governor Morton he would do likewise. But let an investigation first be had.

Mr. MARCH thought too much time had been taken up in discussing a matter of this kind. The resolution should pass at once.

Mr. WILLIAMS moved to amend so as to include thanks to all surgeons, nurses and soldier's aid societies.

Mr. DUNNING thought the introduction of this amendment was diluting the matter too much. The people, surgeons, nurses and others, had acted through the Governor, and an endorsement of the Governor implied an endorsement of all who co-operated with him. If the Governor

had discharged his duty in this regard he was entitled to a vote of thanks. There was no necessity for the amendment.—There was no precedent for it. Whenever it becomes as well known to the Senate that surgeons and others had discharged their duties as it is known that Governor Morton has, then it might be proper to give them a vote of thanks, but, in his opinion, it would be reducing compliments to a cheap rate.

Mr. WILLIAMS defended his motion, contending that the surgeons and nurses were as much entitled to thanks as the Governor, and that is all his amendment designed; but he would withdraw it to accommodate gentlemen.

Mr. HORD was opposed to the passage of resolutions of eulogy. He did not see why the Mark Anthonys here should dig up their dead Cæsar for the admiration of the Senate to the exclusion of every body else. Many of the surgeons and nurses had paid money out of their own slender means, and are they to be excluded? He was willing to give a vote of thanks to Governor Morton, but he was just as anxious to give thanks to the poor and humble as to those in power, and he would renew the motion just withdrawn by the gentleman from Knox, [Mr. Williams.]

Mr. MELLETT opposed the amendment if for no other reason than that while many surgeons in the army had done their whole duty it was well known others had not. It may be so in the case of volunteer surgeons and nurses sent. The amendment thanked all indiscriminately.

Mr. NEW made an ineffectual motion to adjourn.

On motion by Mr. MURRAY the amendment was laid on the table—yeas 29, nays 11.

The resolution was then adopted by yeas 40, nays 0.

THIRD JUDICIAL CIRCUIT.

On motion by Mr. WILLIAMS, the bill [H. R. 26] fixing the time of holding courts in the 3d circuit, was read the second and third time—the rules being suspended for that purpose—and finally passed by yeas 40, nays 0.

AFTERNOON SESSION.

On motion by Mr. DOWNEY, it was—

Resolved, That the Military Committee be instructed to inquire into the reason why the seventy thousand dollars for 1861, and the same amount for 1862, appropriated by the General Assembly for the benefit of the Indiana Legion, has not been distributed, and what further legislation, if any, is necessary to effect such distribution, and report by bill or otherwise.

BREVIER LEGISLATIVE REPORTS.

Mr. DOUGLASS offered the following:

Resolved, By the Senate (the House of Representatives concurring therein,) that the principal Secretary of the Senate, and the Chief Clerk of the House of Representatives, be authorized to contract with ARIEL & W. H. DRAPIER, Reporters, for 1,500 copies of the continuation of their Brevier Legislative Reports, to contain verbatim reports of the proceedings and debates of the General Assembly, on all propositions and questions having relation to the State of the Union and the war; the said reports to be printed in the Daily *State Sentinel* or the Daily Indianapolis *Journal* newspaper, and transferred from the columns of such newspaper into book form of double-column pages, and that when so printed, the said 1,500 copies of the reports be paper covered and delivered to the Secretary of State, who shall cause the same to be sent by mail—ten copies to each member of the General Assembly—as soon as possible after the adjournment of the session. *Provided:* Said reports shall not cost more than two thirds of one cent a page per copy, for the writing and printing thereof.

On motion by Mr. COBB, the resolution was referred to a select committee which the PRESIDENT made to consist of Messrs. Douglass, Cobb and Beeson.

THANKS TO SOLDIERS.

Mr. MARCH offered a concurrent resolution, which was adopted, tendering the thanks of this General Assembly to Major General Rosecrans and his brave officers and men for their courage and endurance at the battles of Murfreesboro, and that the resolutions, if consistent with military usage, be read to the army.

THE SCHOOL LAW.

Mr. BERRY offered a resolution, which was adopted, that the Committee on Education examine if section 25 of the School Law requires amendment.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. DOWNEY, [17] a bill to amend the third section of an act entitled, "An act to amend sections one and two of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in the State," approved March 1, 1853, and to provide the manner of the service of process, approved March 4, 1859.

By Mr. COBB, [18] a bill to amend section 23 of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.

By Mr. FULLER, [19] a bill to provide that the value of United States Government Stamp duties required and used on official process, certificates, bonds, appraisements, deeds and conveyances, by Sheriffs and other instruments, shall in all actions be taxed and collected as other costs in said action.

By Mr. HORD, [20] a bill to amend section 33 of "An act to provide for the valuation and assessment of the real and personal property," approved June 21, 1852.

By Mr. GIFFORD, [21] a bill regulating the fees of officers, and repealing former acts in relation thereto.

By Mr. FERGUSON, [22] a bill to amend the 54th section of chapter 7, enti-

tled "An act defining misdemeanors and prescribing punishments therefor," approved June 14. 1852.

By Mr. HORD, [23] a bill to amend section 13 of "An act providing for the election and qualification of Justices of the Peace," approved June 18, 1852, as amended March 9, 1861.

By Mr. MARCH, [24] a bill to provide for the execution of conveyances by County Auditors, for school lands, where the certificate has not been properly assigned or the assignment properly acknowledged in certain cases.

Mr DICKINSON'S bill, [10] amending section 9 of an act of March 9, 1861, amendatory of an act concerning voluntary associatons, approved Feb. 12, 1855, was read the second time and ordered to be engrossed.

WORK FOR COMMITTEES.

Senate bills were read the second time and referred to appropriate commitees, to wit:

Mr. Browne of Randolph's, [11] repealing section 6 of the Practice Act; [12] requiring railroads to ship freights without delay; and [13] regulating the election of Directors of Corporations.

Mr. Lauders', [14] enforcing the 13th Article of the State Constitution.

Mr. Ray's, [15] railroad extension.

Mr. March's, [16] prescribing forms of conveyance by executors &c.; and repealing section 547 of the Practice Act.

The House concurrent resolutions tendering the thanks of of this General Asssembly to Governor Seymour, of New York, were referred to the Committee on Federal Relations.

A debate sprang up on the reference of the bill [14] to prevent the emigration of negroes to the State, in which Messrs. Claypool, March, Cobb, Lauders, Berry, Browne of Randolph and Mellett took part.

Mr. CLAYPOOL cited the opinion of Attorney General Bates that a negro was a citizen of the United States, and questioned if the 13th article of the Constitution of our State was constitutional in view of that opinion.

ELECTION OF STATE OFFICERS.

The House concurrent resolution to go into election for Prison Directors, north and south, and of State Printer, on Wednesday, (to-morrow,) at 3 o'clock p. m., was read.

Mr. MARCH moved to amend by striking out the part that refers to State Printer.

The amendment was rejected and the resolution concurred in.

A House resolution relative to appointing a committee to report relative to reprinting the statutes, was concurred in.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 20, 1863.

A resolution, by Mr. SHAFFER, proposing to raise a Committee to apportion the State for Congressional and legislative purposes. was adopted, after being amended, on Mr DONALDSON'S motion. by striking out all relative to Senatorial and Representative purposes.

A resolution, authorizing the special committee on Arbitrary Arrests to employ a clerk was adopted by yeas 61, nays 26.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees, were offered, read and severally adopted. to-wit:

By Mr. WATERMAN, as to the reconstruction of judicial circuits.

By Mr. BUDD, as to amendments of the 14th and 15th sections of the common school law.

By Mr. MASON, with reference to further legislation compelling railroads to properly serve the public.

By Mr. DONALDSON, to report a bill at an early day for the apportionment of the State for Senatorial and Representative purposes.

[Mr. MILROY offered a resolution, which lies on the table for one day, under the rules, requiring a vote of two-thirds to pass all resolutions relative to the state of the country.]

By Mr. WOOLLEN, relative to reports as to fees and salaries.

By Mr. MUTZ, relative to mileage, the distance traveled by each member.

By Mr. MILLER, into the expediency of postponing the collection of mortgages to the Sinking Fund, the payment of interest excepted.

Mr. HIGGINS offered a concurrent resolution, which was adopted, by yeas 78, nays 6, appointing a committee of five on the part of each House, to report relative to re-printing the statutes, the supply for the use of the State having become exhausted.

SECRET POLITICAL SOCIETIES.

Mr. GREGORY offered a resolution, appointing a special committee of one from each Congressional District, to investigate with reference to disloyal secret societies in Indiana with power to send for persons and papers.

Mr. HARNEY wanted the resolution broad enough to cover the whole ground. Those with whom he acted had no fear of all such investigations.

Mr. BROWN did not believe that there were any such societies in existence. If there were, they certainly were not to be found in the political party he acted with. He was for investigation. He therefore moved to refer the resolution to a select committee of five.

Mr. GIVEN said the Legislature had already provided by law for bringing persons to justice guilty of disloyal practices. Any such investigation as was proposed was therefore unnecessary. He did not believe in the existence of any such societies as alleged. In Daviess county 400 witnesses had been examined by the Grand

Jury, and no one knew of such an organization.

Mr. GREGORY said there were laws which punished illegal imprisonment, and courts and juries had jurisdiction. Yet the House had raised a committee to investigate the question of arbitrary arrests. It was extensively rumored that such societies did exist, and it was a matter of justice to the people of the State and to the party involved by the charge to investigate it. He had read the other day of a soldier whose life was periled by his own confession of the existence of such a society. There is evidently some truth in the allegation on this point.

Mr. ROBERTS asked the gentleman from Warren, (Mr. Gregory)—who now insisted on full investigation on all subjects--if he voted for the resolutions for investigation as to arbitrary arrests, introduced by the gentleman from Jackson? (Mr. Brown.)

Mr. GREGORY. Perhaps I voted "no" at that time.

Mr. SPENCER opposed the resolution. It was entirely unnecessary.

Mr. VAN BUSKIRK urged its adoption. It was a matter of common rumor that such societies existed—that they were demoralizing the army--that they opposed the government and the war. If he were one of the persons affiliated politically with those lying under these imputations he would demand the investigation proposed.

Mr. BROWN. Is not the common rumor the gentleman speaks of confined to the newspapers of the Abolition party?

Mr. VAN BUSKIRK had seen such reports in the papers. Every member who voted for the gentleman's (Mr. Brown,) resolution raising a Committee to investigate alleged causes of arbitrary arrests should certainly vote for this resolution also -- He argued the necessity for the absolute safety of the country that the secret matter of these societies should be ferreted out.

Mr. PRIEST knew the investigation would be fruitless. He had been mixed up with know-nothingism, and knew that whatever you asked a member of the order if he knew of it, he "knew nothing about it." So it will be in this case. He would not vote to go into a fruitless investigation, which might cost the State $50,000. If traitorous societies exist, the investigation will amount to nothing. Men who have banded together for treasonable purposes will swear to lies as fast as you bring them up as witnesses.

Mr ROBERTS. I do not propose, Mr. Speaker, to enter into an extended examination of the merits of the resolution offered by the gentleman from Warren. (Mr. Gregory,) but the debate has suggested a few ideas to my mind, which I thought I would offer for the consideration of the House.

The other day, when the gentleman from Boone and Hendricks, (Mr. Cason,) offered a resolution of a character similar to this—proposing to investigate the question whether secret political societies did exist in this State, or not—I voted in the negative, and I will give you my reasons why I did so.

In the first place, Sir, the resolution presented by my friend from Boone and Hendricks, (Mr. Cason,) and the one by the venerable gentleman over the way, (Mr. Gregory,) are precisely of the same character. They assert no fact. They are both founded on rumor or report The resolution under consideration simply asserts that it is reported that certain secret societies exist, having in view certain purposes. It is a report then, a rumor --and not a fact. Adopt the policy which the friends of this proposition propose, and where would investigation end? Sir, our time would be exclusively occupied, until the end of the session, in pursuing such frivolous investigations, to the exclusion of other business of more importance to the people. Such, Sir, would be the inevitable result.

But, my friend from Decatur, (Mr. Van Buskirk)says that every member who supported the resolutions of the gentleman from Jackson, (Mr. Brown,) if he would be consistent should also support the resolution being considered. I think otherwise. The difference between the resolutions of the gentleman from Jackson, (Mr. Brown,) and the one presented by the gentleman from Warren. (Mr. Gregory.) is very distinct and clear. Let us see. As I have already stated, the demand made for a committee of investigation in the resolution of the gentleman from Warren, is founded on rumor, or report, while the demand for a committee,as presented in the resolutions of the gentleman from Jackson, is founded on facts that are patent to the whole country.

Is it not well known that the rights of many citizens, of many loyal men, if you please, have been trampled down by illegal and arbitrary arrests? Certainly. The resolutions of the gentleman from Jackson declare those facts in the most positive terms, and we propose to proceed with the investigation in view of that understanding. But not so with the resolution being sustained by the gentleman from Decatur, (Mr. Van Buskirk.) No fact is asserted in it. Sir, until the friends of this resolution discover facts sufficient to enable them to declare boldly, and in positive terms, without equivocation, the existence of a society that has in view the destruction of the Government, or some other treasonable purpose, I will not vote to raise a committee to inquire into the matter. To raise such a committee under existing circumstances, would be equivalent to branding a large portion of the

people of this State with disloyalty, which I am not willing to do, because it would be unjust. The people of this State are loyal—there no traitors among them, unless they are to be found in the ranks of the Abolition party.

Mr. KENDRICK (interrupting.) Was the resolution of the gentleman from Jackson, (Mr. Brown,) based upon rumor, or upon fact?

Mr. ROBERTS. Upon facts, as the gentleman very well knows. But I am speaking now of the pending resolution. Mr. Speaker, I would here take occasion to say that there is another tribunal in this State which, with more propriety, can take cognizance of such things. In this city there is a Court sitting, the highest known to the laws—the District Court of the United States—with a Grand Jury attached to it, whose duty is to investigate such things. They can arrest, convict and punish. We, as a legislative body can do neither. Now, sir, if my friends from Warren and Decatur know that such societies exist, why do they not go before the Grand Jury and make complaint? What do they here? I think, sir, it would look better in them—it would give us more confidence in their sincerity—were they to go before the Grand Jury and make complaint, instead of demanding of this body the investigation of a rumor. If they believe their own words—if they believe such societies do exist—I bid them, in God's name, go, and go quickly, before that Jury, and make their grievances known. If I believed them myself, I would go before that tribunal this hour with a catalogue of the names of those whom I suspected of possessing a knowledge of such a society, and in the name of Indiana would demand a thorough, searching investigation.

But, Mr. Speaker, I do not believe any good can result from such an investigation as is proposed by the friends of the pending resolution. Indeed, it might do great harm; in my opinion it would result in harm. The rebels of the South would hear of it, and it would build up the hope in them that they have many allies in the North who are ready to give them aid and comfort. For this reason alone, I would be inclined to vote against the resolution. But, sir, I do insist, aside from this, that if we are to have an investigation at all, it must be by virtue of a resolution that asserts a positive fact. Let them so shape their resolution, and I will give it my support. But this they will not do. They dare not do it for truth's sake. Therefore, I must believe that all this is for "buncombe."

In conclusion Mr. Speaker, allow me to say that with all my heart I detest secret political societies. There is nothing manly about them. They have never accomplished any good; but, on the contrary, they have done much harm. In a republic, where free discussion is tolerated, there can be no necessity for their existence.

In 1854, though but a boy, I opposed the Know Nothing organization with all my energy; and, had not the people risen up in their might against it, its history would have been as bloody as the history of the Jacobins of France. And here, sir, I would remark, that while the gentlemen of the opposition appear now to be frightened out of their wits, in contemplating, as I believe, an imaginary organization, the majority, if not all of them, were members of the Know Nothing society in 1854. Did they then propose to investigate Know Nothingism? No, sir.—But, on the contrary, wherever they had control of the Legislative bodies of the country, they were constantly appointing "smelling committees" to inquire into other people's business. What consistency! How dare they talk of it!

But, I return to the point from which I have digressed. If there is such a society, as the gentlemen from Warren and Decatur speak of, I devoutly hope it will be of but short duration. It should not continue for a day. Every loyal man should, and will, frown upon it. I care not what name it may bear—whether it be called Know Nothings, Knights of the Golden Circle, or anything else—it must and will be crushed out. Let men who combine to accomplish certain purposes write their sentiments on the outer walls, that the people may behold them, and then, if they be good, the people will approve. But do not go into the dark to make known your purposes, for Virtue seeks the light of day that she may be known of all men.

Finally, Mr. Speaker, I repeat, that the friends of this measure design only to manufacture a little political capital to save their sinking ship. They see that the wrath of the people is concentrating upon them, and unless something is done to avert the impending storm, they will receive, as they deserve, the just condemnation of every loyal citizen. Our prayer is, that when the abolition craft goes to the bottom, as she inevitably will, that she may not drag our glorious ship of State after her into the vortex that she creates in her descent.

Mr. ABBOTT was in favor of an investigation, but before the judicial tribunals. In his county (Bartholomew) where it had been said that such societies existed, the matter had been thoroughly investigated. He had the honor of being one of the grand jury before whom a cloud of witnesses were brought who had gone all over the county and asserted that they knew of their own personal knowledge of the existence of such societies, and they swore with an uplifted hand that they knew nothing about it.

Mr. PACKARD thought the resolution ought to go to the Committee on Federal Relations, and he so moved in amendment. He didn't care for investigation.—His party needed no vindication, and didn't ask it at the hands of the other party.

Mr. KENDRICK would base the investigation on facts. Not only was there the case of the soldier referred to, but gentlemen not of the Union party, residents of this city, had been invited to join such a society. He was opposed to all "submarine" societies.

Mr. GRIFFITH favored the adoption of the resolution.

Mr. BROWN accepted the amendment referring the resolution to the Committee on Federal Relations, and said that he was opposed to raising any such committee. The resolution was not founded upon common rumor, in his opinion, but upon particular rumor, originating with the Abolition Indianapolis *Journal*, the editor of which has admitted before a grand Jury that he drew upon his imagination for his facts. He was opposed to insulting the loyal and great people of the State by investigations based upon the malignant charges of corrupt and malevolent Abolition leaders, who themselves were stalking forth in corruption. The findings of the Indianapolis *Journal* and of an Abolition Grand Jury, sworn not to reveal what was divulged before them, were not matters upon which we would act in the regard. He challenged gentlemen to bring one fact, beyond the false sycophantic and malignant assertions of some man hanging on the skirts of the Abolition party, to show the existence of disloyal associations in Indiana. If the committee reported in favor of the resolution, he would battle against its adoption till the last day of the session.

On motion of Mr. BUSKIRK, (Mr. Packard in the chair,) the further consideration of the subject was postponed until 3 p.m.

AFTERNOON SESSION.

Mr. BROWN, from a select committee to wait on the Governor, to ascertain when his Excellency would deliver his annual message to the General Assembly, submitted a communication from that functionary declining to act further in the matter. He had, he conceived, transmitted his message regularly.

On motion by Mr. BROWN, the report and communication was laid on the table.

NEW PROPOSITION.

Mr. ABBOTT introduced a bill, [61] amending section 33 of the act providing for the valuation and appraisement of real and personal property, &c.. approved June 1, 1852, which was read the first time and passed to the second reading.

SECRET POLITICAL SOCIETIES.

The special order for 3 o'clock, (Mr. Gregory's resolution,) coming up—

Mr. BUSKIRK (Mr. Packard in the chair) said: In the discussion which took place this morning, gentlemen belonging to the opposition seemed to take it for granted that there were secret political organizations in Indiana, and that those organizations were in some way connected with the Democratic party.

As to the first point he had no knowledge. He could not say whether there were secret societies in the State or not. But as to the second supposition, viz., that these societies were connected with the Democratic party, and that that party was responsible for them, he could speak emphatically in denial. Every principle, every instinct of the Democratic party repudiated any and all association with secret political associations for any and all purposes. That party had repudiated and overthrown Know Nothingism. That party, in its State, county and township conventions had again and again denounced such organizations. He was not prepared to say that there were not such societies or that members of the Democratic party did not belong to them, but he vindicated the Democratic party as a party from all endorsement of or responsibility for them. Repeatedly, as he had said, had that party denounced officially such societies. But he knew of no instance in which the People's, Republican, Anti Lecompton, or Union parties had in their public conventions repudiated them.

He doubted whether the subject of the resolution was a proper matter for legislative action; however, he would vote to send it to the Committee on Federal Relations. He would be plain with his Republican friends. It was a principle settled by the Republican majority of the last Legislature, that the majority should have the right of forming all committees of investigation. Therefore, if the committee should report in favor of the resolution, he should vote against it, because under Parliamentary law, its mover would become the chairman thereof. We, the majority on this floor, have the right to the Chairman and to manage and control the investigation.

Again, the resolution was not comprehensive enough. He had reason to believe—nay, he might go a step further and say he knew—that secret political associations were being formed in every township in the State by gentlemen who were instructed from the capital, where the order originated, by persons standing very high in the Republican party. He wanted a resolution broad and comprehensive enough to include these associations—these Republican secret political associations.

Mr. VAN BUSKIRK argued in favor of the resolution. He would favor the most rigid and searching investigation; he wanted, for the sake of the country he loved and the Government he cherished, traitors ferreted out and brought to punishment. Who was to be harmed, but traitors, by such an investigation? Gentlemen whose skirts are clear ought to court the investigation. He, in reply to the gentleman from Dearborn, (Mr. Roberts,) said that of his own knowledge he knew of sufficient facts on which to base the resolution and to demand the proposed investigation. He quoted extracts from the Cincinnati *Enquirer* of the 19th to show that neither the principles or instincts of the Democratic party forbade them to organize secret societies, and that it guardedly admitted their existence in this State.—The course of that party in prosecuting the investigation of military arrests, and shunning this investigation was not consistent.

Mr. BUSKIRK in reply to the gentleman from Decatur, (Mr. Van Buskirk,) declared the purpose of the majority to be to hold every officer, civil and military, to the strictest accountability for every illegal arrest which had been made in Indiana. (Applause.)

Mr. ATKISON would leave the matter to the courts.

Mr. BROWN did not propose to be convicted on Abolition testimony, as to the designs of the societies referred to by the Cincinnati *Enquirer*. He challenged the proof from Democratic sources, that such societies existed. He did not propose to stand here and be catechised concerning rumors set afloat by Abolition sheets and demagogues. He did not deny that, as the *Enquirer* had said, there were societies of as good and loyal men as ever trod the soil of this noble State, banded together for mutual protection; who had resolved that they would spill the last drop of their heart's blood, rather than that their friends should be torn from their midst by arbitrary arrests. Their object was self-protection not treason nor the demoralization of the army; for when tyrants and despots invade the threshhold of civil liberty, the people will take the matter into their own hands to make those tyrants and cowards bite the dust. These men had declared that the outrages upon the citizen by this corrupt and infamous administration must stop. But where was the proof that these men were associated for the purpose of overthrowing the Constitution and the Government of the country? Where was this proof? You had none but that furnished by your lying abolition sheets and your lying abolition demagogues.

Mr. HANNA spoke in bitter denunciation of such secret political associations as the Know Nothing organization, to which most of the gentlemen advocating the resolution had belonged. He paid a glorious tribute to the unswerving fidelity of the Democratic party to the Constitution and the Union. He was for referring the resolution.

Mr. MORGAN argued in favor of the resolution.

IN SENATE.

WEDNESDAY, January 21, 1863.

Mr. DOUGLASS from the Committee on Education reported back the joint resolution [S. 1] amending the Constitution so as to empower cities, towns and townships to levy special school taxes, recommending its passage.

Mr. MARCH explained the joint resolution. The Supreme Court had decided that no school taxes should be levied and collected save the State school tax. If the people, at the next election, approved by their votes the amendments proposed, then any local community could levy an additional school tax for the benefit of their own children.

Mr. CLAYPOOL said that he was opposed to the proposed amendments, unless some provision was made to stop the present rule, by which such counties as his (Fayette) were depleted of taxes raised in their midst to sustain other counties where the taxes collected were much less than their distributive share.

Mr. SHIELDS contended that the principle of general taxation for school purposes was correct, and that it was reasonable and just that wealthy counties should help educate the poorer ones. He wished to perfect our system so that when the volunteer left his State he could say to his wife, "If I should not come back, we have schools in which to educate our children."

Mr. MANSFIELD thought that it was the intention of the framers of our Constitution to provide an equal system of common schools throughout the whole State by which the poorest localities could have its schools. The proposed amendments enabled any community that desired to increase its school facilities to levy a special tax for that purpose.

Mr. JOHNSTON had always been opposed to the system that allowed one man to be taxed to educate the children of another. He didn't believe in the doctrine preached so often that an increase of educational facilities would increase the morals of community. If a man was a natural born rascal he would improve in rascality by education. He might stand alone on this floor in his opinion on this subject, but it had always been his view of right and justice in that regard, and he had seen no good reason lately to change it.

Mr. CAMPBELL favored the adoption of the resolution.

Mr. MARCH claimed that in all well educated communities the proportion of immorality and crime was much less than in more ignorant localities, and that the principle was right that all should be taxed for educational purposes. This propo did not touch that clause in the constitution, but gave additional powers to communities to levy additional taxes that all the children might be educated.

Mr. DUNNING believed that every community ought to take care of all the children in its midst, and as the proposition enabled communities to do this he should vote for the joint resolution. He was a popular sovereignty man, and believed in the doctrine of people regulating their own affairs in the matter of education. He combatted the views expressed by the Senator from Putnam,(Mr. Johnston,) and contended that it was as much the duty of those who held property to pay taxes for schools as it was to pay taxes for the support of county poor houses.

Mr. DOWNEY. There is an objection to this joint resolution that has not yet been spoken of. The Constitution of the State requires the taxation for school purposes to be general. The joint resolution proposes to give power to localities to make a specific tax. If you pass this amendment, will the Representatives from these districts consent to a general tax?—Will you not nullify that provision of the Constitution? He feared the grant of the power to tax locally would destroy the system of general and uniform taxation for the purpose of education throughout the State.

Mr. MANSFIELD admitted there was force in the view presented by Mr. Downey, but he felt that the wants of cities, towns and more populous districts were such that they required more money for school purposes than the general law gave them.

Mr. RAY. It is too late in the day to deny that education was essential to the maintenance of popular Government—too late now to raise arguments against the utility of education in the face of our own Constitution, which says that "Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government," it was the duty of the General Assembly to provide laws on the subject. He thought the Senator from Ohio.(Mr. Downey's,) objection untenable, for the reason that the proposed amendments were intended to correct the existing provision prohibiting local taxation and if they were adopted there could be no conflict between their provisions and those of the Constitution as it was. No country has ever suffered by education. He thought the cant of the priesthood of New England had some effect on the ignorant minds, possibly of the South, and may have tended to produce our present troubles; but this should lead us to adopt a broader and more liberal system of education. There was a general discontent when the Supreme Court decided that cities and towns could not levy a local tax for school purposes, because such taxation would conflict with the provisions of the Constitution. The decision of the Court was, legally, right, and this amendment was the remedy to meet the wants and wishes of the people.

Mr. JOHNSTON denied that the Constitution required a tax to be levied upon the people to educate the children of the State. Education was a good thing in itself, but not everything. There would be just as much justice in taxing the people to buy books, or clothing, or food for children as to raise a fund by taxation to provide them with schools. The Constitution states what shall constitute a school fund. The doctrine that majorities shall rule in all things would do away with the necessity of a Constitution. Constitutions were made to protect minorities—majorities could take care of themselves. Protect the people and preserve the individuality of the citizen, if you want the people to love and respect the Government.

Mr. LANDERS moved to amend by limiting the provisions to cities and towns.—If the people of cities and towns wanted schools for a longer period let them have them. In the farming districts they had schools when they wanted them, and they got them up in their own way. In the country the poor children were never excluded. If you want the amendment to prevail when it goes to the vote of the people, you had better amend it now, or it will be voted down by them.

The PRESIDENT, (Mr. Wolfe in the chair,) decided that the joint resolution having been passed by a previous Legislature it was not subject to amendment.—The only question to be determined was that of concurrence or non-concurrence.

Mr. MARCH, as a member of the Convention which formed the Constitution, was satisfied that the Convention did not wish or desire to prevent localities to tax themselves for school purposes. Had the matter been presented to them directly, they would have so decided.—The decision of the Court, as a legal proposition, was correct, although unfortunate. He hoped the joint resolution would pass.

The report was concurred in.

On motion by Mr. DUNNING the order of business was suspended and the joint resolution was read the third time, and passed by yeas 36, nays 7.

Mr. LANDERS from the Committee on Military Affairs reported back the bill [S. 6] ceding to the United States jurisdiction over certain lands in Marion county for an Arsenal, recommending its passage.

On motion by Mr. NEW, the rules were suspended, and the bill read the third time and passed--yeas 42 nays 0.

GOVERNOR'S MESSAGE.

Mr. BROWN, of Wells, from a select committee to act with a similar committee on the part of the House, to wait upon the Governor and inquire what his pleasure was in regard to the delivery of his message, reported that the Governor informed the committee that, as there was not a quorum present when his message was sent in before, he now sends the message and accompanying documents.

On motion by Mr. COBB the message and accompanying documents were laid on the table.

Mr. DUNNING moved to reconsider the vote just taken--Messrs. Claypool, Browne of Randolph, McClurg and White speaking in favor of reconsidering, and Messrs. Cobb and Landers opposing.

AFTERNOON SESSION.

Mr COBB wished to set himself right in making his motion to table. It was not from any disrespect to the Governor. He intended to deal openly and fairly. He would at all times fairly state his reasons for his action. It was that the printing of the documents should go to the State Printer to be elected. For doing this gentlemen had abused him. He turned to the journals and read the course pursued by the gentlemen in opposition when Governor Hammond's messag was before the Senate. These same gentlemen at that time voted to refer the message to the committee on Printing—a committee not then raised. It was done to place the message where it would sleep the sleep that knows no waking. It was not his intention to lay those documents aside thus His motion was made simply to wait a few days, when the documents would be called up and the printing ordered.

Mr. CLAYPOOL thought the record was against the argument. He did not care who did the printing. The majority might incorporate in the resolution to print, that the work should be done by the State Printer to be elected this afternoon. If gentlemen wished to apply the gag they might do so.

Mr. COBB said he had stated, time and again, that he disclaimed all intention to take advantage of the minority.

Mr. WOLFE made an ineffectual motion to lay the motion to reconsider on the table--yeas 22, nays 22.

The motion to reconsider was agreed to —yeas 24, nays 20.

Mr. CLAYPOOL moved to print 5,000 copies, 2,000 in the German language.

On motion by Mr. WOLFE the further consideration of the subject was postponed until 2 o'clock to-morrow—yeas 27, nays 17.

THANKS TO SURGEONS AND NURSES.

Mr. BROWN, of Wells, offered the following:

Resolved, By the Senate (the House concurring,) that, as the Representatives of the people of the State, we hereby extend their thanks to that noble army of volunteer surgeons and nurses, who, with great personal sacrifice to themselves, and with no prospect of future position, power or aggrandizement accruing to them therefrom, have surrendered themselves to the mission of alleviating the suffering of Indiana's gallant sons, who, by disease or the casualties of dread war, have been cast upon beds of pain and anguish.

Resolved, That the foregoing resolution be regarded as supplementary to the concurrent resolution of the Senate, which was passed yesterday returning thanks to his Excellency Governor O P. Morton, for his efforts in behalf of our sick and wounded soldiers.

Mr. BROWN offered the resolution, because on looking over the detailed statement from the Governor, he found a large sum had been paid to these Surgeons.— They doubtless performed their duty and they had been paid for it. If there were surgeons who went without pay he would pay them in thanks and in any other way. He knew from his part of the State money had been raised to send Surgeons, and there was a great competition among the Surgeons who should go.

Mr. BROWNE, of Randolph, moved to strike out the second resolution.

Mr. RAY, The resolutions do not go far enough. Those thanking the Governor, the other day, when first introduced, went too far. Why thank a few doctors and nurses, many of whom had already been paid the value of their services, and omit the sanitary committees, and the thousands of mothers and daughters who had given their means and their labor without reward in the same cause?

[A message from the House, inviting the Senate to repair instanter to the Hall of the House to go into the elections designated for this afternoon, was received, and the Senate preceded by the President, repaired to the Hall of the House. At 5 p.m. Senators returned to their chamber.]

The second resolution was striken out and the resolution as amended was adopted by yeas 40, nays 0.

The PRESIDENT laid before the Senate an answer to its resolution concerning the distribution of the 14th Indiana Reports.

On motion by Mr. WOLFE the papers in the contested election cases, except those relating to the seat of Mr. Murray, were referred to the Committee on Elections.

THE INSANE.

Mr. BRADLEY offered a resolution, which was adopted, that the Committee on Benevolent Institutions inquire into the expediency of so amending the law as to provide for the admission into the Asylum and the permanent care of the incurable insane of the State.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 21, 1863.

Mr. ROBERTS offered the following, which was adopted:

WHEREAS, The act of the General Assembly "for the organization and regulation of the Indiana militia," approved May 11, 1861, appropriated, for the years 1861 and 1862, out of the revenue of the State, the sum of seventy thousand dollars for each year, which was set apart by said act as a special fund for military purposes; and

WHEREAS, The said act requires that three-fourths of said fund shall be distributed, *pro rata*, by the Treasurer of State among those counties having an active militia in proportion to the number of active militia in each county; and,

WHEREAS, The Treasurer of State has failed to distribute said fund as required by said act, therefore,

Resolved, That the Treasurer of State be, and he is hereby requested to inform the House, at as early a day as practicable, why he has neglected to distribute the said fund as required by the act aforesaid.

Mr. JONES introduced a joint resolution [11] instructing our Senators and Representatives in Congress to use all efforts to procure further appropriations in aid of agricultural interests, which was read the first time and passed to the second reading.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. PACKARD, [62] repealing section 28, chapter 6, of the act defining felonies—and defining the crime of arson.

By Mr. SHOAFF, of Allen, [63] for the protection of sheep, and the taxation of dogs—repealing former laws.

By Mr. MUTZ, [64] amending section 17 of act regulating descents, so that a widow who is second wife can hold the right of dower only in the real estate of her deceased husband.

By Mr. HIGGINS, [65] for the relief of Alpheus C. Stanton.

By Mr. NIBLACK, [66] amending act incorporating the Wabash Navigation Company—enabling said company to raise money necessary for repairs.

By Mr. WOLFE, [67] amending section 5 of act concerning interest on money—allowing ten per cent. per annum upon contract.

By Mr. MILLER, [68] amending section 22 of act defining misdemeanors—relative to the punishment of public indecency.

By Mr. ANDERSON, [69] regulating the duties of State Librarian.

By Mr. JOHNSON, [70] amending section 6 of the divorce act.

By Mr. ANDERSON, [71] amending section 137 of valuation and assessment act.

By Mr. BURTON, [72] amending 22d section of act defining misdemeanors—relative to public indecency.

By Mr. LASSELLE, [73] repealing act ascertaining fees and salaries of County Clerks, Sheriffs, Auditors and Treasurers.

SECRET POLITICAL SOCIETIES.

Mr. Gregory's resolution relative to secret societies, pending at adjournment yesterday, coming up in order—

Mr. NEWMAN supported the resolution. It had been admitted on this floor that societies of men banded together for mutual protection, existed. All members of such societies were traitors. A Grand Jury of the country had found that there were treasonable associations throughout the State. The people generally believed that such societies existed. All these facts were sufficient to demand the investigation proposed.

Mr. SHOAFF, of Jay, said there was no parallel between the resolution to raise a committee to investigate arbitrary arrests and the resolution under discussion. Nor did it follow that the man who voted for the one must necessarily vote for the other. In the one instance the resolution was founded on facts; in the other on common rumor. In his county such rumors had been prevalent, and investigations had been had, and the rumors shown to be groundless. He deprecated making this a party question. The investigation proposed would involve a needless expense. No good would come out of it. He thought it would only serve to embitter partisan feeling.

Mr. BAKER argued that if no such society existed, the cost of an investigation would be amply repaid by the quieting of the public mind and good would result from the appointment of the committee of investigation if it should be revealed that secret societies existed for the purpose of defeating the laws of the State and of the General Government. The expense incurred would be nothing in comparison with the great benefit to the country if the facts, as people generally believe them, were ascertained. Democrats in his part of the State did not deny the existence of such societies.

Mr. WOLFE argued against the resolution. It certainly cast a reflection on the Democratic party, but it was based upon mere suspicion. If gentlemen had facts let them go to the courts. He did not believe any such societies existed.

Mr. HOSTETTER had reason to know that there was a secret society of traitorous tendency in existence in his county. His partner in trade was a life-long Democrat, who had always voted that ticket except at the last election. He is well known to the members from Monroe and Putnam. Lately, within two weeks, this gentleman had been invited by Democrats to become a member in a secret society existing in Boone county. A bribe was offered him. The bribe was to elect him a township trustee at the spring election. He asked

the object of the society. He was answered to suppress the rebellion, which the abolitionists had failed to do. How will you do it? 1st. Refuse to pay taxes to support the Government; 2d. To resist future drafts for the army; 3d. They had sent a delegate representing five counties in a convention held in this city the week before to induce the President to withdraw his emancipation proclamation. It failed. They said if it failed, they would compel the majority to pass an ordinance of secession to take Indiana out of the Union.—His partner's name was James M. Springer, and the gentleman who invited him to join the secret order was James Samuels, township trustee. His voice should be raised against traitors here and everywhere. He was ready to meet them in whatever shape they might come. He was for "one country, one Government, or one graveyard." He demanded the passage of the resolution and the investigation it proposed.

Mr. PACKARD said if he understood the object of the supporters of the resolution, it was to fasten disloyalty upon members of the Democratic party. If such disloyal Democrats could be found, he was ready to assist in bringing them to punishment. But in his counties there was not a single Democrat who believed in the existence of such societies. Governor Wright was the first man who had asserted their existence, and the people had laughed him to scorn. As to the term Abolitionist, about which some gentlemen were so restive, every man who indorsed the President's infamous emancipation proclamation and the acts of the present radical Congress, was an Abolitionist; he knew no other name for him. And as for the Grand Jury which had made their presentment, alleging the existence of treasonable socities, he denounced it as a biased and Abolition Grand Jury. He proceeded, ridiculing the testimony adduced by the gentleman from Boone. (Mr. Hostetter.) It came from the vicinity of the famous Boone County Bank, and he was afraid there was some fraud in it. The disloyalty of Democrats would be found on investigation to consist in opposing the acts of the present Administration. If that was disloyalty, he was disloyal. If that was treason he was a traitor, and Abolitionists might make the most of it. For he did, here and now, denounce the acts of Abraham Lincoln's Administration. He did, here and now, denounce his infamous proclamation—his trampling upon the Constitution and the laws. It was the right of the people to resist tyrants and usurpers, and, he said, here and now, (he cared not how many spies and informers were lurking about this hall) he was ready to join any society to protect their rights and liberties—to maintain the laws and the Constitution. He concluded with a glowing eulogy upon the fidelilty of the Democratic party to the Constitution, laws and liberties of the people.

AFTERNOON SESSION.

Mr. CASON introduced joint resolutions 12, 13 and 14 passed by the last Legislature and identical with Senate joint resolutions 1 and 2, [see page 44 of these Reports] embracing the following points:

1st. Amending the second section of the second article of the Constitution, to enable the Legislature to define the residence of voters.

2d. To amend article eight of the Constitution, to enable cities, towns and townships to levy taxes for common school purposes.

3d. An additional amendment to the twenty-third section of the fourth article of the Constitution, permitting incorporated cities and towns to pass laws levying special school taxes.

Which were read the first time and passed to the second reading.

Mr. BROWN offered the following which was adopted:

WHEREAS, One Andrew Wallace, now holding the office of President of the Board for the Management of the Benevolent Institutions of Indiana, has held during the same time and now holds the office of Surveyor of "this District of Indiana," an office of trust and profit; and,

WHEREAS, The said Andrew Wallace, in a card published in the Indianapolis Daily *American*, of August 13, 1862, did admit that he held the office aforesaid, in the following words, to-wit: "*Editors Evening American:* Please explain, for the benefit of the ignorant, as to passes. I am acting United States Surveyor for this District of Indiana, holding my commission under his Honor, Secretary S. P. Chase, with power to arrest traitors against our Government, and issue special permits;" and that he had been selling such permits for over one year; and,

WHEREAS, The said Wallace admits in said card, so published, that crowds went to his office in Indianapolis, and all that were worthy to receive them, he sold to, and a great many he refused, charging for said passes twenty-five cents each to all persons who desired to leave the city in pursuit of their business avocations, an act derogatory to and in violation of the rights of the free people of Indiana; and,

WHEREAS, The Constitution expressly provides that "emigration from the State shall not be prohibited," and the said Wallace, in the exercise of an assumed arbitrary power, attempted to prohibit the free transmit, or "emigration," of the people of Indiana, unless they procured from him "free papers," the same that are required of the negro slave from his master; and,

WHEREAS, The Constitution expressly declares that no person shall hold more than one lucrative office at the same time, except as is expressly permitted in that instrument; and,

WHEREAS, The said Andrew Wallace stated, before his election to the office of President of the Board aforesaid, that he wanted the position for its honor, and pledged himself not to use it for the advancement of his private interest; therefore,

Be it resolved, That the Attorney General of this State be instructed to inquire and report to this House whether the said Andrew Wallace has not vacated the office of President of the Board of Benevolent Institutions, by holding at the same time the office of "United States Surveyor for this District of Indiana."

SECRET POLITICAL SOCIETIES.

The House resumed the consideration of Mr. Gregory's resolution.

Mr. ATKISON was not convinced by all

he had heard during the discussion this morning, that the investigation proposed would amount to anything. He conceived, if such societies existed, the proper place to arraign the members was in the courts. The Grand Juries of the country could inquire concerning all such matters, and when facts were found to warrant it, make presentments. On this floor were members urging the resolution who had been themselves members of a secret political society—the Know Nothing order. The mover of the resolution himself had been a member of such secret political society. He, if the resolution were adopted, would be chairman of the proposed committee. That being the case, we could well understand what sort of a committee we would have, and what sort of investigation, so far as Democrats, who had always been opposed to secret political societies were concerned. He was not willing, as the resolution proposed, to impeach the loyalty of so great a number of his fellow-citizens. The resolution was one for buncombe.

Mr. CASON insisted upon the existence of secret political societies. A Grand Jury of Indiana had said so.

Mr. BROWN (interrupting.) asked the gentleman if that Grand Jury had not perjured themselves, first, by divulging acts they were sworn to conceal; second, by presenting 15,000 citizens of Indiana as traitors and than failing to find a bill upon which any one of them was convicted?

Mr. CASON. Every lawyer in the State knows that they did not. They did not, as the gentleman said yesterday with reference to the editor of the Indianapolis *Journal*, "draw upon their imagination for their facts." I will ask the gentleman how he knew that the matter was as stated in regard to that editor?

Mr. BROWN. I said that the editor of the *Journal* did, upon his oath, admit before a Grand July that he drew upon his imagination for the matter of his editorials.

Mr. CASON. Before what Grand Jury?

Mr. BROWN. Before the Grand Jury of Sullivan county. That editor had stated in his paper that he knew of a plot by citizens of that county to assassinate Governor Morton by placing obstructions on a railroad track. When summoned before the Grand Jury of that county he declared upon oath that he knew nothing of the matter whatever; nothing of such a conspiracy, although he had stated in his paper that he did; and that so far as he had said anything concerning it he had drawn upon his imagination for the facts.

Mr. CASON. How do you know this?

Mr. BROWN. I can prove it by members on this floor.

Mr. CASON. Were they members of the Grand Jury?

Mr. BROWN. I do not say whether they were or not.

Mr. CASON. If they were, according to your own argument, they have perjured themselves, divulging what they should not have divulged. If they were not, they received their information from perjurers. He resisted the idea that the majority of this House should have the chairman and majority of the committee proposed by the resolution. What did they desire this for, if not for the purpose of stifling investigation? He appealed to the majority, as patriots, as statesmen of Indiana, not to resort either to tyrannical action or subterfuges to defeat this investigation, demanded by every loyal man in the State.

Mr. BUSKIRK explained his position yesterday as to the formation of the committee. If Mr. Gregory's resolution was adopted, by Parliamentary law he would be chairman and would be entitled to have a majority of the committee from his own party. It was competent for the majority to refer, and dispose of the question, till some one of the majority should move for an investigation, be Chairman and secure control of the Committee. Hence he desired the reference to the Committee on Federal Relations.

JOINT CONVENTION.

Three o'clock having arrived, the Senate proceded by the President, entered the Hall.

The PRESIDENT of the Senate called the Convention to order and announced that the General Assembly were met in Joint Convention, pursuant to a concurrent resolution of both Houses thereof, for the purpose of electing a State Printer, three directors for the State Prison South and three for the State Prison North.

On motion by Representative BROWN, the Convention proceeded to elect

PRISON DIRECTORS, SOUTH.

Representative NIBLACK nominated George E. Greene, of Knox County for the term of four years.

Senator RAY nominated Samuel Donaldson, of Shelby, for the term of four years.

Representative MOORMAN nominated A. S. Crothers and Samuel M. Mitchell.

Messrs. Greene and Donaldson received 81 votes, Messrs. Crothers and Mitchell 54.

The PRESIDENT declared Messrs. Donelson and Greene duly elected.

Representative HOWARD nominated John F. Reed of Clarke for the term of two years.

Senator MARSH nominated Wm. Brotherton, of Delaware.

Mr. Reed received 81 votes, Mr. Brotherton 54.

Mr. Reed was declared elected.

PRISON DIRECTORS, NORTH.

By consent, the Convention agreed to vote for the three Directors at one ballot.

Senator HOAGLAND nominated Thos. Tigar, of Allen.

Representative WOLFE nominated Jas. H. Swaar, of Owen.

Representative MILLER nominated R. S. Hastings, of Tippecanoe.

Representative MOORMAN nominated Chancey B. Blair, of Laporte, Hugh Hanna, of Wabash, and Jonas Votaw, of Jay.

Mr. Swaar received 83 votes, Mr. Hastings 81, Mr. Tigar 80, Mr. Blair 56, Mr. Votaw 56, and Mr. Hanna 55.

Messrs. Swaar, Hastings and Tigar were declared duly elected for four years.

STATE PRINTER.

Senator BROWNE, of Wells, nominated Joseph J. Bingham, of Marion.

Senator BEESON nominated Berry R. Sulgrove, of Marion.

Mr. Bingham received 80 votes and Mr. Sulgrove 56.

Mr. Bingham was declared elected.

The PRESIDENT. The business for which we met having been transacted, I pronounce this Convention adjourned *sine die*.

When Senators had retired—

Mr. CASON resumed. No one who had listened to the discussion here could avoid the conclusion that such secret political organizations do exist: and have not all these gentlemen who proclaim that they were on Grand Juries and called hundreds of witnesses and found no evidence of such secret organizations, proven themselves by the logic of their party friends to be perjured rascals? We have other facts.—Prominent Democrats have declared their existence. Judge Hughes has done it.—We have seen and heard enough ourselves to convince us of their existence, and I shall assume their existence as incontrovertible. If they exist; if their design is to thwart the operations of the government, or other illegal purposes, have we not a right to investigate them? Shall we not investigate whether they are criminal in their aims? But the Democrats say the resolution charges the Democracy with belonging to treasonable societies.—The resolution makes no charge that that party as a party composes this secret organization. It strikes against the societies themselves, not against parties. Why are gentlemen so delicate? They who press investigation on other questions?—What is it, except that they fear it may disclose that prominent men of their party, men whom they have nominated for office, may be implicated? Will they attempt to stifle investigation for partizan success?—Are these men, who have piously and plaintively read lectures to the minority about constitutional oaths, and duties, ready to stifle investigation for partizan ends? He reviewed the course of the majority, in their attempt to override the minority, and their constant denunciations of the Government, while they were prating about the rights of traitors.

IN SENATE.

THURSDAY, January 22, 1863.

Mr. DOWNEY offered a resolution, which was adopted, that the Judiciary Committee inquire into the expediency of authorizing a competent officer in the several counties to grant injunctions and writs of habeas corpus.

COURT OF COMMON PLEAS.

The following resolutions heretofore offered by Mr. BROWNE, of Randolph, [see page 36 of these Reports] were on his motion taken up:

Be it Resolved, That the Committee on the Judiciary be and is hereby instructed, at the earliest practicable moment, to prepare and report to the Senate a bill or bills embodying substantially the following:

1st. Abolishing the Court of Common Pleas, and the office of District Prosecuting Attorney.

2d. Increasing the number of Judicial Circuits to not less than twenty, nor more than twenty-four and providing for three terms of the Circuit Court each year.

3d. Transferring the civil business that may be pending in the Common Pleas Courts at the time said act may go into effect, to the Circuit Courts.

4th. Giving to Justices of the Peace exclusive originial jurisdiction of all misdemeanors, the punishment of which is by fine only; extending the jurisdiction of the Circuit Court and the Grand Jury to misdemeanors, the punishment of which may be imprisonment in the county jail; and providing further, that whenever a Justice of the Peace shall be of opinion, upon the investigation of a misdemeanor that adequate punishment would exceed his jurisdiction, he shall require the accused to enter into a recognizance for his appearance to answer the charge at the next ensuing term of the proper Circuit Court, or in default thereof commit him to the County Jail; and in such case the Circuit Court shall proceed to try said cause upon the affidavit filed before the Justice. Also, making it the duty of the Prosecuting Attorney to prosecute such cases in the Circuit Court, and allowing him therefor such fees as are allowed by law in other cases.

5th. Giving the Circuit Courts jurisdiction in cases of applications to sell land by Guardians, Assignees, Executors and Administrators, actions for partition, and in all cases of Probates that may require litigation.

6th. Requiring Guardians, Assignees, Executors and Administrators to make their reports, accounts current and final statements to the Clerk in vacation.

7th. Providing that in all cases of final settlement, or where an allowance for service may be demanded, in any report or account current, the Clerk shall receive and docket the same, in a proper record to be kept for such purpose, and shall present the same for inspection and allowance to the Circuit Judge, on the first day of the next ensuing term of the Circuit Court.

8th. That in all cases, any person interested may appear before the Clerk in vacation of the Court, in term time, and file his written objections and exceptions to any report, account current, or final settlement, and upon the filing thereof the cause shall be properly docketed, and after the service of process upon the adverse party, as in other civil causes, it shall stand for trial. Upon the hearing thereof, the Court shall make such order respecting the controversy as the law of the case may require, and shall

award the costs against the losing party, or divide them between the parties, in such manner as to the Court may seem equitable and just.

9th. Providing such additional compensation for the Clerk as may be reasonable, in view of the increased labor that may be imposed upon him.

10th. Providing that the act shall take effect and be in force from and after the 1st day of November, A. D. 1864.

Mr. COBB moved to amend so as to direct the committee to inquire into the expediency of reporting a bill on the subject.

Mr. BROWNE, of Randolph, said his object was to get an expression of the Senate on the subject. He was not at all tenacious about the resolution being imperative, nor did he care whether it went to the Committee on the Judiciary or to the Committee on the Organization of Courts. The merits of the subject could be as well discussed on the resolutions as they could be if a bill was prepared. If the expression was favorable he would assist in preparing a bill.

The amendment was adopted.

Mr. MARCH moved to amend so as to instruct the committee to inquire into the expediency of abolishing the Grand Jury system. He said that in old English times the introduction of the grand jury system was an advance upon civilization. But in this day no such star chambers were necessary, where spiteful people could go before an inquisition and blacken the characters of innocent men. They should be abolished and public investigation in open court instituted instead. Their abolition would save much money to the State.

Mr. RAY had always thought that all attempts to change the grand jury system were but steps downward. Its efficiency had been damaged already. It had been so emasculated as to embrace within its jurisdiction only that class of crimes known as felonies. He spoke of the general incompetency of Common Pleas Judges and Prosecutors to administer justice. Under the present duplicate system of criminal jurisdiction, the majority of the prosecutors have been taken from the constitutional side of the bar—those who become lawyers by the easy mode permitted by our Constitution. A change which would abolish the Common Pleas Courts would prove to be an economical move. He referred to the practical working of the system by which the settlement of estates and the whole probate business was left to the judgement and attention of the lawyers interested, and by which the prosecuting business was frequently subbed out to deputies in the counties for a consideration by the Prosecutor, who remains in his own county, thus encouraging corruption in office. He had made a calculation and was satisfied that thirty-three per cent. would be saved in salaries and court expenses to the people of the State by abolishing this court. As to the probate business he cared very little whether this were left with the Clerk or a local surrogate court. The settlement of conflicting jurisdiction between different Courts had cost the State more than the whole grand jury system. The changes proposed would raise the dignity of the Court. But little respect was now paid to our courts because their administration was placed in the hands of incompetent officers. As to the grand juries he claimed that society had no protection save in such juries, for when it became the duty of individuals to publicly stir up strife in the community crime would necessarily go unpunished. This was proved by the general neglect of prosecutors to file information in counties where the local prosecutor did not reside. The abuses of the Common Pleas system were the legitimate result of the degredation of our judicial system. With but one Court in which all criminal and civil business was settled, competent Judges and Prosecutors could be had, justice would be more speedily administered and the expense to the people lessened.

Mr. WOLFE was opposed to the abolition of the Grand Jury system, but would rather return to the old system that gave Grand Juries jurisdiction of all misdemeanors where the punishment was at least imprisonment. The entire system of simplification of pleadings and practice had done more to complicate the practice in Courts than anything else. From 1816 to 1852 we had but eight volumes of Supreme Court reports; since 1852 there had been published sixteen volumes of the same reports, and two more were ready for publication. The changes proposed could work no benefit to the judicial system. As to the economical question, he had made an estimate two years since, when similar propositions were presented, and found that the change would cost much more. By no system of jurisdiction can the amount of business required to be performed by the Courts be lessened. If the Common Pleas Court should be abolished, its business though transferred to another Court, would not be lessened. If five cases in one court required five days of jury service, and five cases in another court required five days of jury service, the ten cases if thrown into one court, would occupy a jury just ten days, and no more time or pay would be saved than if there had been no transfer. The increase of circuits would require nearly the same amount to pay the salaries of additional Judges and Prosecutors that would be saved by the abolition of the Common Pleas Court. While he admitted that there were objectional features in the common pleas system, it was no good reason that it should be abolished. Let the objections be removed without abolishing the Court. The system, as first introduced, was better than the present one. He

would favor a change that would place the criminal business in Circuit Courts, with but one Prosecutor for each Circuit.

Mr. NEW offered the following additional instructions to the committee: "That the expediency be inquired into of abolishing the criminal jurisdiction of the Courts of Common Pleas, and restoring to the Grand Juries jurisdiction of all misdemeanors, concurrent with Justices of the Peace, and requiring the Circuit Court to hold criminal terms in any county upon the request of the County Commissioners of such county."

Mr. MELLETT said the propositions involved no substantial change in our judicial system. We now had two courts of concurrent jurisdiction, and parties had choice of either in which to bring actions. It was no advantage to the people to have one court sit six weeks and then adjourn to be immediately followed by a four weeks session of another court having nearly the same jurisdiction. They could not understand why a ten weeks term of a single court would not answer just as well. He alluded to the manner in which criminal trials were put through Common Pleas Courts by incompetent officers, and claimed that such administration of justice was the result of the system. There must be clashings of jurisdiction. If the proposed change was made the people would find they had but one court to go to, with one judge, and less inconvenience would follow. While the change would not be a radical one, it was certain to prove advantageous. He was opposed to abolishing the Grand Jury system. Under the common Pleas system of bringing criminals into court upon information filed by the Prosecuting Attorney, favoritism and prejudices frequently controlled prosecutions. He would give most of the misdemeanors to grand juries. Common Pleas prosecutors now employed deputies to file informations, and under that rule the guilty often went unpunished. If the Circuit Courts were allowed to hold three terms a year and the Common Pleas Court were abolished, a uniform system of judicature would exist throughout the State.

Mr. BROWNE, of Randolph, supposed the mover of the proposition to abolish grand juries, was willing to abolish all courts except the Court of Conciliation. He (Mr. B.) had great respect for the old system of practice and thought the new code had done but little good. Instead of confiding inquiries as to misdemeanors to twelve men, the code had placed this power in the hands of one man, who, as Prosecuting Attorney, could not judge impartially of such matters. Grand juries now involved as much expense as under the old system when they had jurisdiction of all classes of misdemeanors. They sit as long. Grand juries were not star chambers. No twelve men would present any one from malice, nor would they fail to present any one from base considerations. Under the present system more men were brought into court charged with crimes that could not be sustained, than under the old system. He believed in restoring to grand juries all classes of cases where the punishment was imprisonment in the county jail. The judicial system had been so simplified that neither the people nor the bar respected it. He favored abolishing the Common Pleas Court because we had two Courts of similar jurisdiction, which did not facilitate justice. Where the terms of the two courts followed one another it was the same as one court with different judges. The Common Pleas was an expensive court. The jury of that court was an additional expense that would be lessened by the abolition of the court. The increase of Circuit Judges and the abolition of Common Pleas Judges would save $23,000 to the State; the saving in bailiffs fees would be $15,000 and in the salaries of Prosecutors $5,500. In addition there would be a saving of a considerable amount in incidental expenses, and the whole saving would not be less than $60,000. A surrogate system would, perhaps, increase the expenses some. An increase of the number of courts and officers must necessarily diminish the pay, and as a consequence an inferior order of ability was upon our benches and in the prosecutor's offices.

Mr. MARCH said when he introduced his proposition he had not anticipated such a buzz. He did not know whether to treat as ludicrous or as serious this hifalutin talk about the "dignity of the bar." The proposition was to tear down the whole judicial system except the Grand Jury. He believed that any investigation to be just, should be public. The grand jury system retained the odors of the tyrannical systems of old. It was too late in the day to talk about the practicability of the present system of law practice. The old system was the result of a barbarous age, piled up in perfect cobwebs of form and technicalities, until justice was clouded from view. The present system of administering law had lessened the expenses one half. Before, litigants had to go into courts of equity or law, and if they got into the wrong door they got kicked out with a bill of from $500 to $1,000 of costs, with an exclamation from the court, "this is the temple of justice." Besides this there were nine different forms of action, and if the litigant failed in any one, he had to pay the cost and commence anew. Now there was no distinctions between forms and actions. The old systems of pleading and practice had perished and could never be restored. He said that under the old system of procuring certificates to practice law, an oyster supper and some good old Bourbon had more to do with it

than Littleton on Coke. No amount of sheepskin or diplomas would ever make a lawyer. He must be a man—not one who was bent on taking little advantages on all occasions, but one who could be a peacemaker, when necessary. As to the increase of Supreme Court decisions, it was sufficient answer to say that an increase of population increased the business of the State. It had been said that litigation had been multiplied, but the decisions of the Supreme Court showed that slander suits had been in a measure done away with, through the influence of courts of conciliation, and under the new rules of practice. He knew of no deterioration in ability of judges in his portion of the State. In conclusion, he would say that he was in favor of the present system, and for perfecting it wherever defective, and for preparing something to take the place of the Common Pleas Courts, if something better could be found.

AFTERNOON SESSION.

On motion by Mr. WILLIAMS, the subject under consideration was informally laid aside to enable Mr. Murray to address the Senate in behalf of his claim to retain his seat and in opposition to the claim of the contestant Mr. Baker.

Mr. MURRAY gave a statement of his case reviewing the arguments of the gentlemen who had spoken for the contestants. His case was different from some others. He was elected as Senator from Elkhart and Lagrange in 1860. He attended as such Senator the regular and special sessions. He accepted the appointment of Regimental Quartermaster in the 48th regiment when that regiment was raised and served in that capacity nine months. His opponent (Mr. Baker) was elected on the plea with his people, that he (Mr. Murray) had vacated his seat by accepting an incompatible office. Mr. Baker who claims the seat held a lucrative office at the time he was elected, and only resigned it after the election returns were in. These were the main points in the case. Mr. Murray asked, that if he was excluded, that his opponent be excluded also. Under the extraordinary circumstances surrounding the country, where so many had got mixed up with military affairs through the best and purest motives, he did not think a strict construction should be put upon the constitutional disqualification. Certainly an arbitrary construction should not be put upon that clause or the decisions of the court under it.

On motion by Mr. WOLFE, the papers in this contested case were referred back to the Committee on Elections.

On motion by Mr. LANDERS, the Senator from Bartholomew (Mr. Hord,) was added to the Military Committee.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 22, 1863.

Mr. CASON resumed his speech on Mr. Gregory's resolution relative to secret political societies. He reviewed the arguments presented by the majority, showing that their success was due to the absence of 60,000 soldiers in the army; and when they come home there would be a day of retribution for those men who denounce the Administration.

Mr. BROWN. Mr. Speaker, I think I have a right to make a word of explanation. The gentleman from Boone and Hendricks, (Mr. Cason) has charged upon me that in my remarks here I have spoken as though I thought that white soldiers in the army of the United States were good enough to be shot down by secessionists, whilst the negroes of the South should be employed in raising the products of the soil to sustain the armies of the rebellion and construct entrenchments for them. The gentleman is mistaken. I think white soldiers too good to be shot down by anybody; and I think all negroes are mean enough to do the bidding of any white man; and that is what I said. Let me say, further, that while I oppose the proclamation of the President of the United States, I do so because it imposes burdens only upon the loyal people, and upon them alone. The objection which I make to the proclamation affecting the progress and action of our armies, so far as the negroes are concerned, is, that its only effect is to take them from their homes and send them up to Washington to feed them; and I say here, that if the negro puts himself in the way of our armies, let him be swept out of the way by force of arms, and not by proclamation.

Mr. BURTON denied the existence of any such society as the Knights of the Golden Circle, in the North. Such Societies were peculiar to the South—the natural offset of the pestiferous New England Abolition societies. Both alike sought to overthrow the Constitution and the Union. It was an insult to the Democrats of Indiana to accuse any one of them of belonging to either of such societies. A man could not belong to them and be a Democrat. The party in power acted in accordance with the purposes of these disunion societies. Talk to him about the desire of the President to restore the Government! He had obtained an army under false pretensions, and was now wielding it for the abolition of Slavery. Thus he had driven every hitherto loyal man in the South to the standard of rebellion. He knew not whether there were Democrats in the South now or not. After these troubles were settled he would ascertain that. But Democrats in the North, now and forever, were opposed to Abraham Lincoln's infamous emancipation procla-

mation. No language could express their contempt of him for making himself the dirty tool of the miserable Abolitionists. He was a man of no purpose, ruled by others, of very little brain; and it was a great pity that he was President. It was a great pity that he had not remained in Springfield to tell jokes in barrooms.—Democrats were opposed to his trampling on the rights of loyal citizens throughout the North. He did not deny that there were societies of good and true men, associated to arrest their constitutional rights against all such despotism. He did not, he said, admit or deny it. But that old political granny, Joe. Wright, who was distinguished for nothing in particular but his terror of a thunder storm and his remarkable good judgement as to the qualities of sheep, had gone all over the State telling the people that Knights of the Golden Circle were organized in Indiana, and if they didn't look out their houses would be burned and their wives butchered. He scared some old women and children, but the people laughed at poor old Joe. Mr. B. denounced the policy of the Administration. The war from the beginning he had been opposed to. It was an unnatural, an inhuman war, waged for the liberation of the negro. He demanded that it should stop. It was time for peace.

Mr. BRANHAM regretted the course the discussion had taken. He wished for an end of it. He hoped the subject would be dropped. He hoped nothing said about the President of the United States would be reported. The resolution was unnecessary, and this discussion was ill-timed and useless. The interests of the State—especially in financial matters—required a large amount of the attention of the House. The State debt of ten millions would soon be due, and must be provided for. Fraudulent bonds to the amount of a million were on the market, and require some action at our hands. The proof was overwhelming that secret political societies existed all over the State, and would soon be laid before the public without our action.

Mr. NIBLACK did not come to the Legislature to discuss abstract questions of the sort under consideration. He came here for practical and needed legislation. He had forborne, although holding Democratic views, from discussing questions which might stir up strife and contention. But this question and others like it, had been thrust upon us. In discussing them he would not impugne the patriotism of the people. If this war should become a failure, as the conviction seems to be forcing itself that it would, he would not charge it upon any party. It would not be the fault of the masses of any party. All these were alike patriotic. It would be the fault alone of our Generals in the field and of those in authority at Washington. It was wrong, therefore, for a man who is tottering on the brink of the grave, as the gentleman from Boone, (Mr. Cason) seems to be, to charge the masses of a great party with disloyalty—with seeking by means of secret political societies, to over throw the Constitution and the Government. To such societies he [Mr. Niblack] had always been opposed, and for their dissolution had relied upon the sober second thought of the people. The people themselves would correct these things. He could not believe that such societies existed in Indiana. If so, they would have been exposed long since. In the portion of the State in which he lived, the presiding judge of the Circuit had, at every meeting of the Grand Jury, charged it to investigate concerning these matters. Communications had been made to his Excellency that there was such a society in Knox county, consisting of over one thousand persons. The Grand Jury could not find a vestige of it. Gentlemen had stated that they had positive personal information with regard to the existence of secret political societies in Indiana. He would ask the gentleman from Boone and Hendricks [Mr. Cason] if he had communicated his facts to any court of justice.

Mr. CASON. The gentleman knows that I based my argument on matters already before the public. I never asserted that I knew anything of my own personal knowledge concerning the existence of secret societies.

Mr. NIBLACK. I desire it to go to the country that the gentleman states that he had no facts—that he had been talking about something he knew nothing about.

Mr. CASON. When the gentleman intimates that I argued from any facts in my own knowledge, he utters what he knows to be a slander upon me.

Mr. NIBLACK. Does the gentleman impeach my integrity and veracity when he says I slander him?

Mr. CASON. I mean that, as I have said, the gentleman knows he misrepresents me, when he states that I asserted that I had facts of my own with regard to the existence of traitorous societies. I will not explain one inch further.

Mr. NIBLACK. I will not pursue the gentleman further. The man upon whom Almighty God has laid his hand ought to be spared by man. But, Mr. Speaker, the men who go about the North crying out traitor—persecuting some man against whom they entertain malice perhaps, or whom they wish to beat in an election—these men, not the best men of the Republican party, the gentleman from Boone and Hendricks always excepted, should shoulder their muskets and go South, where there are traitors. He would remind that gentleman of the adage, that

threatened men live longest. If traitors could be put down by threats, by proclamations, they would long ago have been the worst whipped people on God's earth. They would have been whipped before a blow was struck. The class of men among us who shout traitor the loudest, not the sensible gentlemen of the Republican party, the gentleman from Boone and Hendricks always excepted, approved, for instance of the McNeil murders in Missouri, where ten citizens were executed because of the disappearance of an old man, who reappeared a day or two after the inhuman and most monstrous deed was done. This class of men, the scavengers and dirty work doers of the Republican party, the gentlemen from Boone and Hendricks always excepted, approved of the President's emancipation proclamation and of every act of tyranny and usurpation by the Administration. These were the men who shouted traitor all the time against as good and as loyal men as there were in Indiana. These were the men who would assault hen-roosts at midnight, but who would never risk their precious bodies in defense of their country's Constitution and flag.

He believed that the agitation of this question was a trick by the opposition to divert the attention of the people from the conduct of the war by the Administration. This was an old trick in party politics.—He asked gentlemen in opposition if they would not candidly admit to themselves that this was the fact. He argued against the proposed investigation, because it would involve a fruitless expense. It was entirely unnecessary, for upon the statute books already there was a law bringing to punishment persons guilty of disloyal practices. The people of this State are loyal and would enforce that law. We acknowledge the Constitution of the United States; and if State after State should leave the Union until Indiana only be left, she would remain true to the old flag, the old laws and the old Constitution. Not a single obstruction had ever been offered to the due administration of the laws in this State. The whole power of the Government was brought to bear in the case of the Federal Courts. If the United States Grand Jury, although they had issued a political pronunciamento previous to the October election, had failed to ascertain a single presentment; if county Grand Juries all over the State had failed in like manner, could we succeed better by any investigation we might undertake? In conclusion he said that from his former relations with persons in the South, he certainly should, if such an order existed in Indiana as the Knights of the Golden Circle, have had some intimation of it.—Gentlemen had admitted to him that, in some localities where there was a good deal of irritation existing growing out of political arrests, mutual protection societies had been formed, but there was nothing treasonable in them. He had also been told by a gentleman yesterday that there was a secret society in the interest of the administration—in the interest of that party of which Governor Morton was the head in this State—now being formed in this city, and that it was to be extended throughout the State, and arms put in the hands of its members.

AFTERNOON SESSION.

Mr. ANDERSON. It had been said to the minority that they had no right to ask for this investigation because they voted against the resolution on arbitrary arrests. He was in favor of a free investigation, but as the resolution in reference to arbitrary arrests stigmatized the government of our country as guilty of tyranny and outrage, which would not be committed except in a despotic government, he voted against it. He had always before this, thought this a free country.—But without any proof to the contrary, he was called upon to pass that resolution, and condemn the Government as despotic. He referred to the Democratic members pluming themselves on their possessing all the honesty and purity in the country, yet the same persons had just elevated to a responsible position a man who had appropriated to his own use thousands if not tens of thousands of dollars of the property of the State, and to another position a man who had made himself rich out of contracts with the State and with the United States. As to Know Nothingism, of which they have such a horror,—an order with which he had never been connected, he understood the Democrats in 1856 kept the machine in operation, to assist in electing Jamas Buchanan, and that in this State in 1856 certain Democrats lined their pockets with gold to keep the machine running. This war was called an unholy war, and had been bitterly denounced on this floor. If such men are in earnest, they would show consistency in putting themselves alongside with their dear brethren at the South. They talk of resisting the Administration, but not the Government. The Constitution has no life except through the persons administering it. He had heard from these gentlemen, for every word in favor of the Constitution, ten words denouncing in the bitterest manner the Executive and those who sustain him, who are earnestly endeavoring to save their country. An outsider who was to form his estimate of the country he was in from the character of the remarks and resolutions presented here from the first day of the session, would have thought himself in the Palmetto State. Taking the statement of members on this floor, it was admitted by

them that such societies existed for mutual protection. The members of these societies are not willing to rest with the courts the question of the Constitutionality and justice of the acts of the administration. They, meeting in secret at night in bye-places, are to set themselves up as judges, and determine what is tyranny and what acts of resistance they shall take against the government. And yet these gentlemen stand up and justify the people in taking the law in their own hands, and announce that they are ready to join with the people.

Mr. LEE. One remark was made by the gentleman who had just taken his seat which he could not let pass. He had said that the Democratic party stole. Good God! he did not suppose that there was a Republican who, at this stage of the game, would say any thing about stealing! Again: That gentleman had said that there were traitors in Indiana; that there were members of the Democratic party who, he insinuated, were traitors. Why did he not hunt them out and bring them to punishment? This discussion had proceeded far enough. It was time now to attend to the business of legislation. The majority on this floor had always treated the minority with all due respect, but to make a finality of the whole thing he moved indefinitely to postpone it.

Mr. MILROY spoke in vindication of Democrrtic principles, and in condemnation of the peculations and villainies of the Republican party. That party had plundered the public treasury; had repudiated the professions by which they obtained power, and he would not be surprised if they would yet deny their daddies. He (Mr. Milroy) had been in many battles of the war. But he was a Democrat and therefore could not sanction a war for the freedom of Americans of African descent. As for Jeff. Davis, he was a traitor and ought to be hung as high as Haman, and his bones left in mid air, for the winds of Heaven to whistle Yankee Doodle through.

Mr. RICHARDSON vindicated General McClellan, from aspertions attempted to be cast upon him by the gentleman from St. Joseph, (Mr. Anderson.) He (Mr. Richardson,) had served under Gen. Mc Clellan. He was under him in the fearful battles along the Chickahominy. And he give it as his deliberate opinion that Gen. McClellan was the only general able to command our armies. (Applause.) He had never heard an officer or private utter any thing detracting from the merits of Gen. McClellan. He had been hounded by the Abolitionists only.

Mr. GREGORY concluded the debate. He was in favor of a free and full investigation, and had no partizan ends to serve in the matter.

Mr. LEE moved to indefinitely postpone.

Mr. BROWN moved to lay the motion and resolution on the table.

The yeas and nays were demanded by Messrs. Griffith and Woodruff, and being ordered and taken resulted—yeas 53, nays 36—as follows:

YEAS—Messrs. Abbett, Atkison, Blocher, Bregan, Brown, Burton, Collins, Cook, Donaldson, Ferris, Garvin, Given, Hall, Hanna, Harden, of Washington; Hardin, of Perry; Harney, Hetfield, Holcomb, Hon, Howard, Howell, Humphreys, Kemp, of Dubois, Lasselle, Lee, Lemmon, of Harrison; Lemmon, of Spencer; Mason, M. Gauchey, Miller, Milroy, Mutz, O'Brien, of Martin; Osborn, Packard, Pendleton, Priest, Reitz, Richardson, Rippey, Ryan, Shaffer, Shoaff, of Allen; Shoaff, of Jay, Spencer, Veach, Roberts, Waterman, Williams, Wolfe, Woollen and Mr. Speaker—53.

NAYS—Messrs. Abdill, Anderson, Baker, Budd, Byerle, Cass, Chambers, Davis, Forester, Gregg, Gregory, Grifflith, Hershey, Higgins, Hostetter, James, Johnson, Jones, Kendrick, Lamb, Leeds, Marshall, Moorman, Morgan, Mustard, Newman, Noyes, O'Brien, of Hamilton; Perry, Pettibone, Robinson, Roe, Stone, Tarkington, Van Buskirk, and Woodruff—36.

So the resolution and pending amendments were laid on the table.

Mr. ROBERTS moved to reconsider the vote just taken and to lay that motion on the table.

The latter motion was agreed to.

HONOR TO OUR SOLDIERS.

Mr. PACKARD offered the following joint resolution [15] which was read the first time and passed to the second reading:

WHEREAS, Patriotism is correctly defined as love of our whole country, and loyalty the defense and support of its Constitution and laws; and,

WHEREAS, The due appreciation and encouragement of those who have in some distinguished manner evinced these high qualities of the citizen are eminently proper, and the just tribute of a nation's gratitude; therefore,

Be it resolved by the General Assembly of the State of Indiana, That we do hereby tender our sincere and heartfelt thanks to the brave and patriotic soldiery (officers and men) of the State, who, banishing all feeling of passion and resentment, and recollecting only their duty to the whole country, have, since this unhappy struggle began in our land, gone forth for the noble and patriotic purpose of waging this war, not in any spirit of conquest or subjugation, nor for the purpose of overthrowing or interfering with the right or established institutions of the States, but to maintain and defend the supremacy of the Constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired.

And we do assure them, that in the noble valor and bravery that have so signally distinguished them on many hard fought fields, we feel a manly pride and satisfaction, and are assured that whatever stigma ignorance and injustice may have attached to the Indiana soldiery in other times, has been nobly wiped out, and that the fair escutcheon of our State is left resplendent only with glory and renown.

And we do further assure them, that in all their sufferings, hardships and privations, they have our deepest sympathies and commiseration; and that we, both as citizens and members of this Assembly, will use our every effort to protect them from suffering and add to their comfort.

To the families and friends of the noble brave who have fallen in the struggle, we tender our deepest sorrow and warmest sympathies; and we sincerely trust that the kindness and generosity of a patriotic people will never suffer want and privation to enter those bereaved households.

Resolved, That we will use every effort, here and elsewhere, to discover and bring to punishment that

horde of national "horse leeches" (contractors and swindlers,) from those nearest the throne of power, to the merest tide waiter, who have fattened and gloated upon the miseries of their country, and gathered their treasures from the muscles and blood of our valiant soldiery.

Resolved, That a committee of five—three on the part of the House and two on the part of the Senate—be raised, whose duty it shall be to carefully collect, and arrange in a manner hereinafter prescribed, for future preservation, for the use of the State, the names of all the Indiana soldiery, (officers and men,) who have fallen in this struggle, or who may hereafter fall, whether by disease or the violence of the enemy; the time, place and cause of their death, their names, ages, places of nativity and residence, place and date of enlistment, draft, or substitution, regiment, company, commanding officers, from Colonel to Captain inclusive, length of service, the battles, skirmishes or any other engagements with the enemy in which they have participated, and any other incidents of special interest connected with their history; and if officers, the office, date of commission, division, brigade, regiment or company commanded by them, or to which they were attached, with the promotions, if any, and the cause of the same, and any and all other matters that may be interesting and useful in the transmission of these illustrious names to the posterity of the State; that the whole be inscribed, in a clear and legible hand, in a large and suitable book, or books, entitled, "Indiana's Roll of Honor," and the same to be placed in the Library of the State.

Resolved, That said committee be allowed to discharge the duties thereof, after the adjournment of this General Assembly, and be allowed the per diem and mileage of members of the General Assembly for the time necessarily spent, and the travel necessarily performed, in the discharge of their duties; their several accounts to be attested by oath and filed with the Auditor of State, and the same to be paid on the warrant of the Auditor out of any moneys not otherwise appropriated.

Resolved, That the Governor be instructed to transmit a copy of these joint resolutions to each Major or Brigadier General, and each Colonel, or other commanding officers from this State, with the request that they lay the same before the Indiana soldiers under their command.

IN SENATE.

FRIDAY, January 23, 1863.

Mr. SHIELDS, from the Committee on Elections, returned the joint resolution [S. 2] amending the Constitution so as to give the Legislature power to define the residence of voters, recommending its passage.

Mr. MARCH moved that the order of business be suspended, and the joint resolution be put upon its passage.

Mr. LANDERS advocated the passage of the joint resolution. Our elections had become a perfect farce. At every meeting of the Legislature, bills were introduced to prevent fraudulent voting, but they were defeated because they would conflict with the Constitution. This joint resolution had passed the last Legislature unanimously, and he hoped it would pass unanimously now.

The rules were suspended, the joint resolution read the third time and passed by yeas 35, nays 2, excused 1.

RAILROAD MANAGEMENT.

Mr. REED from the Committee on Corporations reported back the bill [S. 12] requiring railroad companies to keep a sufficient supply of rolling stock to do the business of the country, recommending its passage.

Mr. BROWNE, of Randolph, moved to suspend the order of business and take the bill up.

Mr. SHIELDS was opposed to the bill being taken up, believing that such a law was unnecessary. Railroad companies had now on hand sufficient rolling stock to do the ordinary business of the country. The condition of the country was such that extraordinary demands had been made upon railroads, and some allowance should be made for this state of affairs.

Mr. MURRAY was opposed to the principles of the bill. In the embarrassed condition of some railroads it would be a hardship to compel them to keep a larger supply of cars than in their own judgment the business of the country required. It was their interest to keep a sufficient amount of rolling stock on hand, and the laws of trade would govern, if left alone, and all legislation of this character was out of place.

Mr. BROWNE, of Randolph, said that one would suppose that it was the interest of railroads to keep a supply of rolling stock sufficient to do all the business along the lines of their roads. Such was not, however, the case. Indianapolis shippers had always been able to get transportation for their through freight, because of the competition existing at that point between different roads. But at local stations it was not so, the roads knew that they had the freight anyhow, and no competition could take it from them, and hence they could take their own time to send it forward. Shippers of live stock from local stations were frequently put to much inconvenience and loss by delays to furnish transportation, and while the bill did not increase the obligations of railroads to provide rolling stock, it provided that in cases where unreasonable delay in shipping caused loss, the party injured could recover damages.

Mr. SHIELDS said he could not agree to the bill unless it was so amended as to compel the people to furnish a sufficient amount of freight to keep the rolling stock constantly employed. He thought the rule should work both ways.

Mr. CLAYPOOL said all corporations were controlled by self interest, and with them the interests of the people were secondary. He thought it the duty of the Legislature to pass some law fixing the rate per mile at which freight should be carried on all railroads, and would prefer that the bill be recommitted so as to incorporate that principle. Such was the rule of railroads now that a car-load of hogs was taken from Indianapolis to Cincinnati at $20, while one from a point on the railroad twenty miles nearer to Cincinnati was

charged $30. This was the result of competition between roads at the capital, and because the local freight was securred to the road any how. It was manifestly unjust, and we should legislate so as to convince railroads that the people have some interests.

Mr. PLEAK agreed with the gentleman from Fayette. He hoped the bill would be recommitted with instructions so as to require a uniform rate of prices on fare and freight. He did not ask a reduction in prices, but that the rates be uniform. The interest of the country demanded some reform in this regard.

Mr. BROWNE, of Randolph, withdrew his motion, and the report was concurred in. So the bill takes its place on the files.

GOVERNMENT OF SCHOOLS.

Mr. PLEAK offered the following which was rejected:

Resolved, That the Committee onEducation be instructed to inquire into the expediency of introducing a bill to authorise teachers of public schools to use the rod of correction in their respective schools where it is necessary for the more complete government of the same, under the same restriction of law, that parents govern their children.

LIBEL, SLANDER AND BASTARDY.

On motion by Mr. WOLFE, it was—

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of passing a law declaring Libel, Slander and Bastardy, misdemeanor, and providing punishment therefor, and report by bill or otherwise.

THE $200 EXEMPTS.

Mr. MURRAY offered the following:

WHEREAS, His Excellency Governor Morton, in his annual message informs the Legislature that the tax levied and collected from that class of the citizens of this State who were conscientiously opposed to bearing arms, was levied and collected without law under the Constitution of this State, and without authority from the General Government.

AND WHEREAS, said tax was paid by members of some christian denominations and refused to be paid by those of others and hence unequal in its operation; Therefore,

Resolved, That the Committee on Finance be and they are hereby instructed to report a bill to this Senate providing for the return of said tax to those from whom it was taken.

Mr. LANDERS opposed the passage of the resolution. These conscientious scruple men were always willing to vote war on the country, and when war came they folded their arms and let others fight it out. If they would not take their chances of the dangers of the field let them pay for it.

Mr. RAY would oppose such a bill. He would favor a bill to compel all men conscientiously opposed to bearing arms to pay an equivalent, as the Constitution of the State provided. The provision was in the Constitution, and it only required a law to fix the amount. When the amount was fixed, then persons could not plead that they would not have claimed exemption had they known the amount was fixed by law. He took a legal view of the case, and quoted decisions to bear him out in the view that if the Legislature fixed the amount now, that amount could be collected from persons who had plead exemption.

Mr. WOLFE did not see any reason for the passage of the resolution. If the officers had collected money without law the question was between the parties themselves. This Legislature would pass a law naming an equivalent, and if the money was paid, it would not have to be paid again.

Mr. WILLIAMS would like to meet the question squarely here, and he thought the Senate would vote it down. The sense of this body was against allowing persons to shield themselves behind their scruples from all liability to military service.

Mr. LANDERS hoped the resolution would be defeated right here. Men were drafted and forced into the service, and the passage of any resolution of this kind would cause discontent among those men. There was discontent enough without increasing it by any such action.

Mr. TEAGARDEN took the same view.

On motion by Mr. BEARSS the resolution was laid on the table.

THE GOVERNOR'S MESSAGE.

On motion by Mr. NEW, it was—

Resolved, That five thousand copies of the message of his Excellency Governor Morton, and one thousand copies of the accompanying documents, be printed for the use of the Senate. Also that one thousand copies of the message be printed in the German language.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. WOLFE, [25] to amend the first section of an act to organize Supreme Courts, approved May 13, 1852, and to district the State for the purposes of electing five Judges of the Supreme Court.

By Mr. BEESON, [26] to amend the twelfth section of an act touching the relation of Guardian and Ward, approved June 9, 1852.

By Mr. SHIELDS, [27] to amend the first and repeal the second sections of an act to provide for the election of Trustees and Commissioners for the Benevolent Institutions of the State, approved March 5, 1859.

By Mr. DOWNEY, [28] in addition to the fist section of an act passed in 1861, to amend the 2d section of an act to amend sections 207 and 208 of the practice act.

By Mr. DICKINSON, [29] to amend section 15 of "An act regulating prosecutions in cases of bastardy, and providing for the support of illigitimate children," approved May 6, 1852, so that execution may issue against the body of the father where he is not in custody.

By Mr. GAFF, [30] to provide for the erection and repair of any bridge across a

stream forming the boundary line between two counties and to repeal all laws inconsistent therewith.

By Mr. LANDERS, [31] fixing the amount to be paid by persons claiming exemption from military duty, and providing the means for collecting the same.

By Mr. NEW, [32] to provide for the publication of notice of the pendency of suits against defendants whose residence is unknown.

By Mr. MARCH, [33] prescribing the form of deed that may be used by Sheriffs and Coroners, providing for the record of execution and return in certain cases its use as evidence and fees for recording.

By Mr. HORD, [34] to amend the 71st section of an act providing for the election and qualification of Justices of the Peace, approved June 9, 1852, as amended by an act approved March 5, 1859.

By Mr. FERGUSON, [35] to amend section first of an act defining what shall constitute certain felonies, approved May 31, 1861.

By Mr. MARCH, [36] to amend the first eleventh and twelfth sections of an act to exempt property from sale under certain cases, approved February 17, 1852.

By Mr. DOWNEY, [37] to amend the 20th, 21st and 22d sections of an act providing for the election and appointment of Supervisors of highways, approved March 5, 1859, and to make additional provisions on the same subject.

By Mr. GIFFORD, [38] authorixing the sale of canals, authorizing the purchaser or purchasers, and his or their assign, to organize companies and fixing the powers of such companies, and excepting certain canals from the provisions of this act.

On motion by Mr. CLAYPOOL the bill [38] was laid on the table and 100 copies ordered printed.

By Mr. MARCH, [39] to amend the 3d section of an act prescribing the powers and duties of Justices of the Peace in State prosecutions, approved May 29, 1852.

By Mr. DOUGLASS, [40] to amend section 1st of the School Law.

By Mr. BERRY, [41] to amend section 11 of the School Law.

On motion by Mr. WILLIAMS, the House concurrent resolution providing for the immediate election of three Commissioners of the Sinking Fund, and of four Directors of the Bank of the State—two of the latter to be elected by the Senate and two by the House, was taken up and concurred in.

SINKING FUND COMMISSIONERS.

The Senate then proceeded to elect two Sinking Fund Commissioners, to serve four years.

Mr. SHIELDS nominated Samuel P. Mooney, of Jackson.

Mr. MARCH nominated John F. Carr, of Jackson.

Mr. Mooney received 25 votes, and Mr. Carr 14.

Mr. Mooney was declared elected.

Mr. DUNNING (Mr. Ray in the chair) nominated Dillard Ricketts, of Clark county.

Mr. BERRY nominated Jefferson Helm, of Rush county.

Mr. Ricketts received 25 votes, and Mr. Helm 14 votes.

Mr. Ricketts was declared elected.

The Senate then went into the election of a Sinking Fund Commissioner to serve for two years.

Mr. LANDERS nominated Parmenter M. Parks of Morgan.

Mr. MARCH nominated Wm. Williams, of Kosciusko.

Mr. Parks received 25 votes, and Mr. Williams 14.

Mr. Parks was declared elected.

BANK DIRECTORS.

The Senate then proceeded to elect two of the Directors, on the part of the State, of the Bank of the State.

Mr. DUNNING nominated Ransom W. Aiken, of Monroe county.

Mr. BROWNE, of Randolph, nominated Charles Coffin, of Wayne county.

Mr. Aiken received 25 votes, and Mr. Coffin 14.

Mr. Aiken was declared elected.

Mr. McCLURG nominated Addison L. Roache, of Marion county.

Mr. MARCH nominated John S. Bobbs, of Marion county.

Mr. Roache received 25 votes, and Mr. Bobbs 14.

Mr. Roache was declared elected.

AFTERNOON SESSION.

The business pending at adjournment yesterday was the resolution instructing the Judiciary Committee to inquire into the expediency of abolishing Common Pleas Courts.

The pending amendments and instructions were agreed to.

Mr. JOHNSTON offered as additional instructions that they inquire into the expediency of providing to hold four terms yearly of the Circuit Courts, two terms for criminal and two for civil business.

Mr. FERGUSON offered additional instructions inquiring into the expediency of creating the office of Surrogate for each county, to have jurisdiction of probate matters, without salary, other than the fees of the office and to be kept open at all times for the transaction of business.

These instructions were also agreed to.

PAY OF SOLDIERS.

Mr. LANDERS called up the House concurrent resolution instructing Senators and requesting Representatives in Con-

gress to vote for reducing the pay of officers and increasing the pay of privates in the army.

The pending motion was to lay on the table an amendment to the resolution—see page 48 of these Reports.

The motion to lay on the table was rejected by yeas 16, nays 22.

Mr. McCLURG. The adoption of the amendment would make the resolution different from what he expected. He did not wish to affect the pay of officers, and was decidedly in favor of raising the pay of privates and non-commissioned officers.

Mr. RAY was opposed to the reduction, and would prefer to have the instruction stricken out, but it was perhaps the best that those could get who favored the increase of pay to the non-commissioned officers and privates, and yet thought the pay of commissioned officers should not be reduced.

Mr. LANDERS and Mr. MARCH favored the resolution as it came from the House.

Mr. BROWN, of Wells, moved to amend by striking out all that relates to commissioned officers, and by inserting in the proper place an instruction to reduce the pay of commissioned officers to such an extent as will more nearly equalize the pay of officers and privates.

Mr. BROWNE, of Randolph, accepted the amendment of the gentleman from Wells

Mr. MELLETT and Mr. RAY thought if the amendment was adopted it would indicate the wish of the Senate to make the pay of officers and men equal.

On motion by Mr. MARCH the resolution and pending amendments were referred to a select committee.

The PRESIDENT makes the committee to consist of Messrs. March, Browne of Randolph, Brown, of Wells, Shields, Ray, and Landers.

VOLUNTARY ASSOCIATIONS.

The bill [S. 10] amending the law respecting voluntary associations, was read the third time and passed by yeas 39, nays 0.

WORK FOR COMMITTEES.

Senate bills numbered 19 to 24 inclusive (for a description of which see pages 60 and 61 of these Reports) were read the second time and severally referred to appropriate committees.

BANK DIRECTORS.

On motion by Mr. DUNNING (Mr. Wolfe in the chair) the House message announcing the election by the House of Andrew Humphreys, of Green, and Samuel C. Wilson, of Montgomery, as Bank Directors was taken up and concurred in and the Senate proceeded to ballot.

Mr. DUNNING nominated Andrew Humphreys of Green county.

Mr. MARCH nominated Miles Murphy of Henry county.

Mr. Humphreys received 26 votes and Mr. Murphy 18.

The PRESIDENT declared that the Senate had concurred in the election of Mr. Humphreys.

For the other Bank Director Mr. DUNNING nominated Samuel C. Wilson, of Montgomery County.

Mr. TEEGARDEN nominated William C. Hanna, of Laporte county.

Mr. Wilson received 26 votes and Mr. Hanna 18.

The PRESIDENT declared that the Senate had concurred in the election of Mr. Wilson.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 23, 1863.

Petitions were presented and referred to appropriate committees, to wit:

By Mr. KILGORE. For the suppression of intemperance, from citizens of Delaware county.

By Mr. PENDLETON. For the enforcement of the 13th Article of the Constitution, from 113 citizens of Johnson county.

By Mr. MILROY. From citizens of Carrol county, for the incorporation of the Indiana College for Agricultural and Mechanical Arts.

By Mr. DONALDSON. From citizens of Miami county, for the amendment of the law for the collection of debts so as to make debts collectable at the place where contracted.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees were offered, read and severally adopted, to-wit:

By Mr. KENDRICK, whether any private company has the right to make a toll road of the old Michigan road.

By Mr. LAMB, whether any legislation is necessary to secure the better attendance of pupils at school.

By Mr. HOLCOMB, concerning a fixed rate for advertising delinquent land sales.

By Mr. MUSTARD, into the propriety of fixing the jurisdiction of justices of the peace in certain cases.

By Mr. HARNEY, a concurrent resolution, for the transmission of a memorial of this Legislature to the Legislature of New York against the high rates of toll charged upon the transit of western produce.

By Mr. KENDRICK, as to the legality of the erection of a toll gate at the White river bridge by the Central Plank Road Company.

On motion by Mr. DONALDSON the vote on his resolution proposing a legislative apportionment committee was reconsidered and the resolution amended raising a

joint committee which the Speaker subsequently made to consist of Messrs. Donaldson, Holcomb, Howard, Cook, Van Buskirk, Moorman, Mason, Puett, Hetfield, Davis and James, on the part of the House.

Mr. SHAFFER made a similar motion in reference to his resolution for a congressional apportionment, which was agreed to and the Speaker subsequently made the committee to consist of Messrs. Shaffer, Chambers, Harden, of Washington, Abbott, Hall, Perry, Atkison, Abdill, Miller, Shoaff, of Allen, and McGauchey, on the part of the House.

JOINT RESOLUTIONS

Were introduced, read the first time and passed to the second reading, to-wit:

By Mr. RICHARDSON, [16] protesting against the election of members of Congress, in any Congressional District, where the forms of the State laws are not complied with, and denouncing their admission.

By Mr. ANDERSON, [17] for the increase of pay of non-commissioned officers in the army, and of privates, increasing the pay of the latter to twenty dollars per month.

By Mr. CASON, [18] endorsing the expulsion of Jesse D. Bright from the Senate of the United States.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. GREGORY, [74] to authorise county Boards to erect suitable monuments for the Indiana volunteers who have fallen in their country's service

By Mr. MUTZ, [75] to provide for the inspection of petroleum and other burning oils.

SINKING FUND COMMISSIONERS.

In pursuance of a resolution—

The House then proceeded to elect two Sinking Fund Commissioners, to serve four years.

Mr. BROWN nominated Samuel P. Mooney, of Jackson county.

Mr. HIGGINS nominated Wm. Williams, of Kosciusko.

Mr. Mooney received 54 votes, and Mr. Williams 36.

Mr. Mooney was declared elected.

Mr. MUTZ nominated Dillard Ricketts, of Clark county.

Mr. MOORMAN noninated John F. Carr, of Jackson.

Mr. Ricketts received 53 votes, and Mr. Carr 38.

Mr. Ricketts was declared elected.

The House then went into the election of a Sinking Fund Commissioner to serve for two years.

Mr. PACKARD nominated Parmenter M. Parks of Morgan.

Mr. MOORMAN nominated Jefferson Helm, of Rush county.

Mr. Parks received 53 votes, and Mr. Helm 38 votes.

Mr. Parks was declared elected.

BANK DIRECTORS.

The House then proceeded to elect two of the Directors, on the part of the State, of the Bank of the State.

Mr. HARNEY nominated Samuel C. Wilson, of Montgomery county.

Mr. JONES nominated James Moorman, of Randolph.

Mr. Wilson received 53 votes, and Mr. Moorman 37.

Mr. Wilson was declared elected.

Mr. HANNA nominated Andrew Humphreys, of Greene.

Mr. ANDERSON nominated John B. Niles of Laporte.

Mr. Humphreys received 53 votes, and Mr. Niles 34.

Mr. Humphreys was declared elected.

AFTERNOON SESSION.

The following bills were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. MASON, [76] to compel the railroads to carry freight in certain cases.

By Mr. GRIFFITH, [77] to erect the 16th Judicial Circuit.

By Mr. McGAUCHEY, [78] to enable other persons than corporations to reclaim wet lands.

By Mr. LEEDS, [79] to prohibit the Clerks of Circuit and Common Pleas Courts from acting as attorneys in their respective Courts.

By Mr. FERRIS, [80] to exempt the venders of real or personal property selling the same on the first of the year, from assessment on the same.

By Mr. BROWN, [81] to amend the 1st section of the Supreme Court Act and to re-district the State into five districts, and to provide for the election of officers and Judges.

By Mr. SPENCER, [82] to amend the first section of the act regulating County Boards—changing the time of meeting and the term of session.

By Mr. HIGGINS, [83] to amend the twenty-first section of the Justice's act.

By Mr. MILLER, [84] to repeal the 18th section of the Decedent's Law.

By Mr. FERRIS, [85] to amend the License Law—fixing 25$ as the License fee.

THANKS TO OUR SOLDIERS.

The following Senate concurrent resolution of thanks to Major General Rosecrans and his army for services at Murfreesboro (introduced on page 60 of these Reports) was taken up and adopted:

Resolved, by the Senate, the House concurring, That the thanks of this General Assembly are hereby tendered to Major General Rosecrans and the officers and soldiers under his command for the well earned victory of Murfreesboro, Tennessee.—That they, one and all, merit the lasting gratitude of the nation and the admiration of the world.

Resolved, That the patriotic earnestness skill, sleepless vigilance and pertinacity displayed by the commanding General in his advance upon the enemy, his plan of battle, and especially in promptly meeting the exigencies of its varying fortunes, prove that he was the right man in the right place; that the hearty and prompt co-operation, the gallantry and skill of his division and other commanders, the ready obedience unyielding and hardy courage of the soldiers are worthy of the highest commendation.

Resolved, That the Army of the Cumberland, Murfreesboro, and the name of each fallen and surviving patriot who took part in that perilous struggle, are forever linked together in historic renown; and Indiana will forever and gratefully cherish their memory to the latest generation, as among the brightest jewels of an undivided republic.

Resolved, That the Secretary of the Senate be directed to forward a copy of these resolutions to Major General Rosecrans, with the request that they be read at the head of each regiment taking part in the battle, if consistent with the rules of military propriety and discipline.

THANKS TO GOVERNOR MORTON.

The Senate concurrent resolution commending Governor O. P. Morton (printed on page 58 of these Reports) was taken up.

Mr. BROWN moved to strike out the word "that" in the phrase "that solicitude," and insert the word "whatever" in its stead. He was willing to compliment his Excellency, (and he was a gentleman who needed compliment, assuredly,) according to his deserts, but not for what he had left undone. Every gentleman, whether Democrat or Republican, who should do any thing for our soldiers, well, sick or wounded, certainly deserves praise, but at the same time he did no more than his duty. The qualifying word "whatever" was, therefore, applicable in this resolution. Render unto Morton the things that are Morton's.

On motion by Mr. PERRY the amendment was laid on the table—yeas 52, nays 28.

Mr. PACKARD thought that there were others who ought to be associated with his Excellency in this matter. Many private citizens including ladies had far exceeded his Excellency, according to common report, in personal sacrifices in behalf of our brave and gallant soldiers. If they were mentioned along with his Excellency in the resolution he would vote for it.—Otherwise not.

On motion by Mr. HOLCOMB the resolution was referred to a select committee of five, by yeas 41, nays 40.

The SPEAKER appointed Messrs. Holcomb, Tarkington, Hanna, O'Brien, of Hamilton, and Spencer.

AMENDMENTS TO THE CONSTITUTION.

The Joint Resolution [S. 1.] to amend the Constitution to enable incorporated cities and towns to levy taxes for school purposes; and [S.2] proposing amendments to the Constitution to prevent fraudulent voting, were read the first time and severally passed to the second reading.

ARSENAL AND ARMORY.

The bill [S. 6] ceding to the United States jurisdiction of lands purchased for Armory and Arsenal, and exempting them from taxation, was read the first time and passed to the second reading

The House concurred in the action of the Senate electing Sinking Fund Commissioners and Bank Directors by yeas 65, nays 13.

WORK FOR COMMITTEES.

House bills numbered 36 to 44 inclusive (for a description of which see page 54 of these Reports) were read the second time and severally referred to appropriate committees.

IN SENATE.

SATURDAY, January 24, 1863.

The following bills were introduced, read the first time and severally passed to the second reading, unless otherwise stated.

By Mr. WOLFE on behalf of the Judiciary Committee, [42] defining the offense of bastardy and prescribing the punishment therefor.

By Mr. BROWN, of Wells, [43] to make Gavin and Hord's printed edition of the statutes evidence in all courts and places of the acts therein contained.

On motion by Mr. BROWN of Wells, the rules were suspended—yeas 36, nays 0—and the bill was read the second time.

On motion by Mr. WOLFE the words "*prima facie*" were inserted before the word "evidence." He was willing to let those statutes go into the Courts as presumptive but not conclusive evidence.—They might not agree with the acts in every particular, but he was willing to allow them to be presented to the Courts as the law until the contrary appeared, but no further.

Mr. RAY thought the bill would amount to but little practically, unless the statutes were to be taken as conclusive evidence, and to that he was opposed. They were already received as *prima facie* correct.

On motion by Mr. JOHNSTON the bill was referred to the Judiciary Committee.

By Mr. SHIELDS, [44] supplemental to an act to enforce the 13th article of the Constitution, approved June 18, 1852.

By Mr. BEESON, [45] to amend section second of an act entitled an act in relation to County Auditors, approved May 31, 1852.

By Mr. HORD, [46] to amend section 6 of an act entitled an act to revise the criminal practice, approved June 17, 1852.

COLLECTION OF REVENUE.

Mr. SHIELDS offered the following:

Resolved, That the Committee on the Judiciary be instructed to bring in a bill to have the revenue, State, County and Township, collected by the town-

ship Treasurer, and to pay over all that part of said Revenue that belongs to the State and County Treasurers.

Mr. SHIELDS contended that the adoption of such a measure would secure the collection of more revenue than by the present method, without increasing the expenses of collection, and payments would be made more promptly.

Mr. WOLFE said that the office of county treasurer was named in the Constitution, and could not be dispensed with.—The effect of the measure would be to increase the number of officers, without lessening the duties or labors of the county treasurers. It would increase the expenses without giving any corresponding advantages.

Mr. SHIELDS replied that the advantages gained was in making it more convenient to tax payers to pay their dues to an officer near at home, and that officer could do the collecting for much less than the county treasurer could, all of which saving would act as a reduction of expenses. This was the New York system, and in that State taxes were collected and disbursed at much less expense than in any other State.

Mr. MURRAY favored the proposition, believing that it would be a less expensive system, and more convenient to the people. Even if the fees of the county treasurers were not reduced, the money saved to the people in the item of traveling expenses would alone amount to considerable. It would, by bringing these offices home to the people, do much toward breaking up the Court house cliques that claimed the right to hold all the offices and rule the people in other parts of counties.

Mr. FERGUSON said that, when it was necessary to legislate for the people, he should not stop to inquire whether he was striking at offices or not. He was willing the subject should be inquired into.

Mr. WILLIAMS offered the following substitute for the resolution:

Resolved, That the Committee on County and Township business be authorized to inquire into the propriety of requiring the County Treasurer to employ and keep deputies in each township for the purpose of receiving the State, County and all other revenue.

Mr. SHIELDS accepted the substitute.

Mr. RAY. There was a tendency to scatter offices and diffuse them to such a degree that all dignity and all consideration was removed from the offices of the country. The Judiciary had been impaired in this way. He argued against any change. To strike down a responsible office and create in each county ten or twelve petty offices in its stead, would be to make a farce of the whole system. Why not at once place it in the hands of the constables? He ridiculed the idea that seemed to prevail of frittering away the responsible offices of the country.

Mr. WOLFE replied to the question of expense, and by taking his county (Harrison) as a basis, his calculation of the cost of the collection being at two and a half per cent., (which was the proposed cost of collection by the gentleman from Jackson, Mr. Shields,) made it greater than it is now. He was opposed to the change, however, independent of this view, and agreed with the gentleman from Shelby that it was wrong so fritter away responsible offices.

Mr. LANDERS was a farmer, but he was opposed to the change. He could see no economy in it. The system of township assessment was not as good as the county assessment. By scattering these petty employments among the people, the inevitable effect is, to get a crowd of irresponsible and inefficient officers.

Mr. MARCH said he had the same ideas about government that he had about medicine—the less we had of it the better. If a system could be devised by which the money could be collected at home, and by which it would remain in fewer hands, he should go for it. He believed that this tax collecting business could be thus conducted at an almost nominal expense to the people.

Mr. WILLIAMS thought the proposition affected every man in the community more or less. If a system could be devised that would be a convenience to the whole people it should be done. Why ridicule it? Let the reference be made and the subject investigated.

Mr. RAY did not intend any offense by his remarks. All he intended to say was that all attempts to strike down the respect that attaches to responsible positions was a species of vandalism that should be checked. The blows at our judiciary system were of this kind. It was an axiom that the fewer hands the public money passed through the less fear of corruption and the better for the people and the cheaper, and he should oppose the proposition to change the system of collecting the revenue.

Mr. CORBIN opposed the resolution.—He thought the result of the change of system would work evil and not good, and it would be more expensive. The accommodation to the people, that the friends of the measure urge in its favor, was more ideal than real.

Mr. FERGUSON. The subject was worthy of consideration. If a system can be adopted to convenience the people, adopt it. By voting for the resolution Senators did not commit themselves to any scheme that might be desired.

On motion by Mr. MOORE, the resolution was amended by adding in the proper place these words:

"That each tax payer, at the time of paying his tax shall make out a schedule of his taxable property and hand it in to the collector at the time of

paying his tax, or at some subsequent time on or before the first day of June."

The resolution, as amended, was adopted.

On motion by Mr. LANDERS it was—

Resolved, That when the Senate adjourn it will be till Monday, at 2 o'clock p.m.

WORK FOR COMMITTEES.

Senate bills numbered 25 to 41 inclusive (for a description of which see pages 79 and 80 of these Reports) were read the second time and severally referred to appropriate committees.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 24, 1863.

The SPEAKER laid before the House a communication from the Governor relative to money paid by conscientious exempts. Twenty-one thousand dollars have been paid to J. P. Siddall, Commissioner of Drafting and deposited in bank, awaiting action by the Legislature.

On motion of Mr. BROWN his Excellency's communication was referred to the Judiciary Committee, with instructions to report the necessary legislation.

RESOLUTIONS OF INQUIRY

Addressed to appropriate Committees were offered, read and severally adopted, to-wit:

By Mr. JONES, into the expediency of amending the Plank Road Law so that stockholders shall be liable for the debts of their respective companies.

By Mr. NIBLACK, into the expediency of legislation to provide for the payment of the costs of Justices in criminal cases, when conviction does not take place.

By Mr. RICHARDSON, into the expediency of legislation to make the rolling stock of railroads liable to attachment for damage to live stock killed by roads.

GOVERNOR'S MESSAGE.

Mr. HARNEY offered a resolution, which was adopted, directing the printing of one thousand copies of the Governor's message and accompanying documents, as transmitted to the Senate.

INDIANA LEGION.

On motion by Mr. ROBERTS, it was—

Resolved, That the Adjutant General be requested to lay before the House at the earliest day practicable, a statement showing—

1. The number of companies in each county, organized under the military law of the State, that are entitled to compensation by reason of their having been engaged, by order of the Governor, in active military duty, during the years 1861 and 1862, in protecting the southern border from invasion.

2. The names of the commissioned and non-commissioned officers (giving their rank) belonging to each of said companies.

3. The number of men in each of said companies.

4. The length of time each of said companies were on active duty.

JOINT RESOLUTIONS

Were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. KENDRICK, [18] instructing our Congressmen to labor for the passage of an act to entitle discharged volunteers to receive the full bounty of one hundred dollars

By Mr. HIGGINS, [19] instructing our Congressmen in favor of an appropriation for the improvement of the Harbor at Michigan City.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. NIBLACK, [86] to provide for the publication of notice in civil cases against non-residents.

By Mr. NEWMAN, [87] to define and punish assault.

By Mr. MILROY, [88] to amend section 5 of the act to punish the circulation of authorized currency—aimed against scrip issued by corporations or individuals.

By Mr. HERSHEY, [89] to amend the 20th section of the supervisor's law.

By Mr. LAMB, [90] to authorize owners of real estate in counties where they do not reside to pay taxes on the same to the State Treasurer.

By Mr. GIVEN, [91] to provide for the payment by railroads of stock killed by the same.

By Mr. HARDIN of Perry, [92] to regulate the collection of deliaquent taxes by the County Treasurers.

By Mr. MILLER, [93] to provide for accepting the national land grant for Agricultural Colleges and appointing Henry I. Morrison Commissioner to act in the premises.

BREVIER LEGISLATIVE REPORTS.

Mr. ANDERSON called from the table his resolution authorizing the Clerk to contract with ARIEL & W. H. DRAPIER for 1500 copies of the continuation of their "Brevier Legislative Reports."

On motion by Mr. HIGGINS, the resolution was referred to a select Committee of five, with instructions to inquire into the cost and report on Monday.

The SPEAKER makes the committee to consist of Messrs. Higgins, Packard, Anderson, Griffith, and Waterman.

On motion of Mr. WATERMAN, the committee were instructed to inquire as to the cost of printing as part of the Reports all the engrossed bills, and placing them on the table of members.

VOLUNTARY ASSOCIATIONS.

The voluntary association bill [S. 10] (described on page 47 of these Reports,) was read the first time.

WORK FOR COMMITTEES.

House bills numbered 45 to 60 inclusive (for a description of which see pages 54, 57 and 58 of these Reports) were read the second time and severally referred to appropriate committees.

IN SENATE.

MONDAY, January 26, 1863.

The Senate met at 2 o'clock p. m.

Mr. MARCH presented a memorial from a stockholder of the Branch of the Bank of the State at Lawrenceburg, complaining of mismanagement of the business thereof on the part of E. G. Burkham, President, to the injury of the community and stockholders, and in violation of the provisions of the charter, and asking the appointment of an agent to investigate the facts — the Board of Directors of the State Bank refusing to interfere.

Mr. BROWNE, of Randolph, offered a concurrent resolution ordering the appointment of a joint committee to investigate the matters complained of by the memoralist.

On motion by Mr. CLAYPOOL it was amended so as to refer the memorial to the Committee on Banks.

REPORTS FROM COMMITTEES

Were severally concurred in. to-wit:

Recommending that the bill [S. 11] to enable holders of notes to bring suit without requiring the payee on the note to be made a party, be laid on the table.

Messrs. CLAYPOOL, CORBIN, RAY and MARCH spoke in favor of sustaining the report and against the bill, and Mr. BROWNE of Randolph, on the opposite side of the question.

Recommending that Senate bills numbered 2, 5, and 8 (see pages 36, 37 and 44 of these Reports) be laid on the table.

COURTS IN THE TWENTIETH CIRCUIT.

Mr. BROWN, of Wells, introduced a bill [47] changing the time of holding Common Pleas Courts in the 20th Judicial Circuit district, which was, under a suspension of the rules, read the third time and passed—yeas 38, nays 0.

CRIMINAL PRACTICE.

Mr. BROWNE, of Randolph, reported from the Judiciary Committee his bill [3] repealing that part of the criminal code giving to the defendant the right to close the argument before a jury.

Mr. RAY moved to indefinitely postpone the bill. He thought the practice as now existing in this State, allowing the council for the defendant to close the argument, was more in consonance with humanity and the enlightened spirit of the age than the old practice which the bill sought to restore. The time was, in the dark ages, when the criminal was not supposed to open his mouth himself, or by attorney.—From this cruel stage we have progressed, and on this subject we should not recede.

Mr. BROWNE, of Randolph, thought the law had been changed to accommodate criminal lawyers, and dwelt upon the disadvantages under which prosecuting attorneys now labor, and urged the return to the old practice, giving the prosecution the opening and the closing arguments.—Under the practice now, a criminal must not only be guilty, but must be desperately guilty, to be convicted. The law should not be made specially for criminals, but to establish justice.

Mr. CORBIN did not think that the criminal had so many advantages as the Senator from Randolph had depicted. He was first indicted by a secret tribunal, (the Grand Jury,) and the State had ample time to arrange and mature its case. The provision of the law as it now exists was a merciful one, and should not be repealed.

Mr. DOWNEY thought that the prosecutor should open and close the argument, and he did not see that it should not prevail in criminal as in civil cases. The Christianity of the provision had been quoted to maintain the present practice, but gentlemen should remember that the great public were to be protected by the law as well as those whom the law seized as offenders. The presumption was always in favor of the criminal, and he thought that sufficient without giving him so much, and such undue advantage in the argument. He would favor the change.

Mr. RAY. Questions proposing to change a rule of law should not be passed upon hastily. The change of laws, the constant and frequent change, was a source of universal complaint. At home gentlemen might hear it from all classes of their constituents. The Judge on the bench, the farmer, the mechanic, the merchant, the editor, all protested against the fluctuations in the laws. It was an evil and a very grave one. We are advancing in civilization, even over our ancestors on this Continent. We have passed the period when witches were tried by the ordeal of fire or water. We do not take an unfortunate woman, accused of witchcraft, and throw her into a horse-pond, as they did in pious New England, and if she swam, declare her guilty, and if she perished, pronounce her innocent. We had got beyond that point in our criminal practice, and he did not desire to go back to pious New England, or to Old England either, to mould our statutes. He spoke at length and with great force in favor of the law as it now stands.

Mr. CLAYPOOL thought that the people of Indiana were as jealous of their rights as any other people, and under the law and practice as it now stands crimi-

nals had a poor chance of escape. Our prison records show this. The presumption in the public mind is always against the person charged with crime, and the protecting shield of the law was often required to shield innocent parties unjustly accused of crime. His experience was that the guilty seldom escape. Let the accused have the benefit of doubts and let them have the closing argument, and you would have convictions enough. The clemency of the law seldom relieves criminals in a virtuous community. Justice, although lame, will overtake the criminal. Temper justice with mercy. It is the theory of our Government and of our system, and it is the correct theory.

Mr. McCLURG was usually opposed to change, particularly radical changes. But this was not a radical change. It was simply a change of practice or forms of trial, and was not obnoxious to the objections urged by gentlemen on that score.—He favored the change proposed by the bill, as it gave a greater certainty to the penal code.

Mr. MARCH. The question has been so ably argued that he did not think it necessary to do more than give the reason of his vote. He was opposed to the change. The law as it now stands, as had been well said by the gentleman from Shelby, (Mr. Ray) and the Senator from Marshall, (Mr. Corbin) was in accordance with the humanity and the Christianity of the age. The experience of jurists and of philanthropists, and of all who had directed attention to criminal jurisprudence, was, that barbarity of the law was no check to crime. Do not take a step back in civilization and in jurisprudence. This law has done credit to the State, and he saw no reason to change it.

The motion to indefinitely postpone was agreed to by yeas 22, nays 15.

HOUSE OF REPRESENTATIVES.

MONDAY, January 26, 1863.

House bills 61 to 93 inclusive (for a description of which see pages 64, 68, 82 and 85) were read the second time and severally referred to appropriate committees.

A LEGISLATIVE VISIT.

Mr. BLOCHER offered the following:

Resolved, That the members of this General Assembly now in session be requested to visit the Legislature of the State of Kentucky, and have a general expression on the subject of the war, and to meet together in council for that purpose.

Mr. LAMB thought the Legislature would act more sensibly if they waited till they were invited.

Mr. LASSELLE offered the following substitute.

Resolved by the House, the Senate concurring, that the members of this General Assembly will as a body visit the General Assembly of the State of Kentucky on the 18th proximo, should the same be acceptable to the gentlemen composing that body

On motion by Mr. LASSELLE the resolution and pending amendment were made the special order for 3 o'clock p.m. Wednesday.

AFTERNOON SESSION.

Petitions were presented and referred to appropriate committees, to-wit:

By Mr. GIVEN from citizens of Daviess, for additional remedies for stock killed along the Ohio and Mississippi railroad.

By Mr. WOOLLEN, from citizens of Johnson county, asking further legislation preventing negro immigration.

REPORTS FROM COMMITTEES

Recommending that House bills 6, 7 and 52 (see pages 43 and 57 of these Reports) be laid on the table, were severally concurred in.

THE $200 EXEMPTS.

Mr. PACKARD offered the following, which was adopted:

WHEREAS, The Drafting Commissioner for the State of Indiana has collected from conscientious exempts a large sum of money, and deposited the same in one of the banks of this city to await further legislation from this General Assembly; therefore,

Resolved, That the Committee on Military Affairs be instructed to inquire whether such money has been collected according to law, and if it shall be found to have been so collected, that said committee be instructed to report a joint resolution authorizing the distribution of said funds for the benefit of the sick and wounded soldiers, destitute widows and orphans of deceased soldiers, and destitute families of those now in the service of their country from this State. And the said resolution shall further authorize a committee of 5 to be raised, three on the part of the House and two on the part of the Senate, whose duty it shall be to take charge of, and distribute, said funds as in said joint resolution shall be provided. But if it shall be found that said money, or any part thereof, has been unlawfully collected, that said Draft Commissioner be authorized and commanded to return the same, or so much thereof as shall have been unlawfully collected, to the persons from whom the same has been collected.

STATE ARMS, &C.

On motion by Mr. BROWN, it was—

Resolved, That his Excellency the Governor be requested to inform this House at an early day of the whole number of arms and whole amount of munitions of war, of every description, now on hand belonging to this State; the whole number of arms and whole amount of munitions of war that have been purchased for the State during his present term of office; what disposition, if any, has been made of the same; if they have been disposed of either permanently or temporarily; to what person or persons they have been so disposed of; the time at which they were so disposed of; the whole number of arms and whole amount of munitions of war that each person or persons has received, and for what purpose each person or persons received the same.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees, were offered, read and severally adopted, to-wit:

By Mr. HUMPHREYS, whether the Bank of the State of Indiana has not violated its charter by refusing to redeem its notes in specie.

By Mr. PACKARD, whether the Bank of the State has not forfeited its charter by redeeming its notes with United States Treasury notes instead of specie.

By Mr. JOHNSON, what legislation is necessary to protect the interests of volunteers or their widows in lands sold by the Sinking Fund Commissioners, and whether one year should be granted them for redemption.

By Mr. NEWMAN, what legislation is necessary to punish boys who, while hunting, injure grain stacks and other private property.

By Mr. WATERMAN, in favor of the passage of a law requiring tax-payers to make oath to their assessment lists of personal property.

By Mr. SHAFFER, whether legislation is expedient to enable county boards to loan money from the county treasury, to enable the stock holders of unfinished railroads to complete the same.

UNSKILLED SURGEONS.

Mr. PACKARD offered the following, which was adopted:

WHEREAS, It is a notorious fact that the ignorance, unskillfulness, neglect and inhumanity of very many of the Surgeons in charge of our Indiana troops, a vast amount of suffering, misery and death has been entailed upon our brave soldiers in the field; therefore,

Resolved, That the Committee on Military Affairs be instructed to inquire if there be not some legislation necessary to protect our soldiers from these grievous wrongs, and for the future, to prevent the appointment of men to that position merely for political ends, and without any reference to their qualifications or fitness, and that they report the same by bill or otherwise.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. NIBLACK, [94] to authorize railroads incorporated in other States, with termini at the State line, to obtain the right of way in Indiana, to form a junction with other roads in the State.

By Mr. McGAUCHEY [95] to fix the time of holding Common Pleas Courts in the counties of Adams, Allen, Wells and Huntington.

Read twice under a suspension of the rules.

By Mr. BUDD, [96] to amend the 70th section of the Appraisement law.

IN SENATE.

TUESDAY, January 27, 1863.

In accordance with the recommendation from the Committee on Finance, the bill [S. 21] regulating the fees of officers, was laid on the table.

PAY OF SOLDIERS.

Mr. MARCH, from a select committee, reported back the House concurrent resolution with regard to the pay of soldiers, with an amendment reducing the pay of commissioned officers in such manner as the pay in the several grades may be more nearly equalized.

Mr. LANDERS opposed the amendment. He favored the resolution as it came from the House. He objected to burdening the Treasury of the United States. The amendment was indefinite, as regards the pay of commissioned officers.

Mr. CLAYPOOL moved to amend by striking out of the amendment all that relates to commissioned officers. He was not afraid to put himself upon the record.—The pay of private soldiers was always too low, and, in the diluted state of the currency, the pay of officers is not too high.

Mr. MARCH. The amendment offered by the committee did not say reduce all grades 25 per cent., but left the amount of reduction to those who knew better than we do what reduction in the several grades would be fair and just.

Mr. MANSFIELD opposed the proposition to reduce the pay of officers. Distinctions must, in the nature of things, exist in military life. Take the military history of the world from the time of Julius Cæsar down, and you will find that the stricter the discipline and the more marked the distinctions between the grades, the more high-toned and efficient the army. He would be glad, if it was possible, to raise the pay of soldiers, but that, in the present state of the Treasury, was impossible, and he would vote against the whole proposition. He would prefer to pay what we owed first, and then, if we had any to spare, it could be expended in the manner proposed. But in no case would he favor a reduction of the officers' pay. He regarded the resolution as a buncombe one.

Mr. WOLFE. It is true in an army that a soldier is looked upon as a mere machine, but Senators here should regard them as men having rights at home, if not in the army. The reduction of the pay of officers would enable the government to deal more liberally with the private soldier, and for that reason he favored the resolution as it came from the House. Is the class of commissioned officers in the army the only class who are not to bear their share of the burdens that fall upon the shoulders of all classes of the people? Are they alone to be exempt? The pay of officers has always been out of all proportion to the services rendered. We hear of these officers now, instead of devising plans to beat the enemy, holding meetings and passing resolutions denouncing the loyal citizens of their own State—denouncing members of this Legislature as a miserable set of "butternuts." These gentlemen are getting a little too fast and saucy. They should remember they spring from the people, and should be taught to attend to their own business. Bring these men down to a level that will teach them to attend to their own business, and let

other people attend to theirs. The same rule holds good in churches. Those ministers, whose salaries were such as made them rich, were always meddling where they should not. The purest preachers were those who were paid the least. He was opposed to the mere money patriot. Such men as McClellan and Burnside, and Rosecrans, men who did not fight for pay, he did not allude to in these remarks. He believed they, and many others, were far above all sordid aims; but there were thousands of leeches hanging on to the army who were overpaid and their pay should be reduced.

Mr. PLEAK advocated a concurrence with the report of the committee. His own personal experience as a private soldier had taught him that the orderly Sergeant was the most important officer in the company. This officer did more duty and had more responsibility than a Captain, yet he received but twenty dollars a month. It was a mistaken idea that a Captain had great pecuniary responsibility. The arms and equipments were charged to the soldier, and, if lost, he was the loser, and not the commanding officer. Lieutenants were often of little utility, but their pay was nearly six times that of the Orderly Sergeant. He knew of officers charging for servants that they never had. The Sergeant Major did half the duty required of regimental officers, yet his pay was almost nothing. He was for changing the rule, and for equalizing the pay in proportion to the amount of important labor performed.

Mr. MURRAY favored the amendment to the amendment. If that did not prevail he would vote for the amendment of the Committee, and if that was lost he would vote for the House resolution. He did not think as a general rule the officers entered the service for the sake of making money. There may be instances, but he thought they were rare. He wanted the pay of the privates raised at all events. He was happy to see that the majority of the Legislature favored the increase. It would have a good effect on the army and the country.

Mr. WHITE favored the amendment to the amendment. The soldiers from Indiana were intelligent, and calculated when they entered the service how they were to meet the expenses. He would, however, favor the increase of pay to the soldier to meet the increased price or value of articles. And he would oppose the reduction of the officer's pay. The officers did not make themselves. They were chosen by the men themselves, with the full understanding of the power belonging to the position and the pay attached to it. There was no division or brigade or regiment in the service ever petitioned to have the pay of the officers reduced. He would be always willing to vote to increase the pay of gallant soldiers led by gallant men.

Mr. MARCH read the resolutions adopted at Murfreesboro.

Mr. HORD said the reading of those resolutions would determine his vote. As those officers had been so magnanimous as to agree to support the war out of their own private means, he would not favor a reduction of their pay.

Mr. DOWNEY said there was a long list of Major Generals and other officers of high rank who were not doing any military service, and the principle of reduction of pay should apply to this class.—Such officers as were engaged in active service should not have their pay touched, and the soldiers should have their pay increased. It might be an act of bad faith for Government to reduce the pay of officers below the amount stipulated when they entered the service. He offered an amendment so as to favor a reduction of the pay of all officers not having any command, or who are unnecessarily absent from the r command.

Mr. CLAYPOOL accepted the amendment. He said that while there seemed to be a spirit existing among legislators to cut down army expenses, they had shown no disposition to economize our own legislative expenses. The pay of pages, doorkeepers and clerks was greater than that of some commissioned officers. Entrenchment should commence in the civil offices at home. While patriotism prompted many to enter the service, it was no reason that these should leave a family at home unsupported. Civil officers at home received more pay in proportion to the amount of ability required or labor performed, to say nothing of their freedom from any risk of life, than some of our officers of the highest grade.

Mr. SHIELDS thought this was all a great fuss about nothing. He did not think our action here would effect much. Perhaps if it was known that this was an expression coming from the people of Indiana, Congress might pay attention to it. Imputations had been made in the public press and elsewhere that the Democratic party would impair the efficiency of the army. Resolutions had been passed in the army, and they had been trumpeted about as coming from Democratic officers, to show that Democrats, as a party, were flouted at by these resolutions. He would take one of these officers from his District (Col. Gooding) to show what labor it took to make a Brigadier General. That man sold whisky for twenty years, pretended to vote the Democratic ticket, but bolted nominations whenever he could make anything by it, got behind a stump at the battle of Perryville, and finally, to cap the climax, came home and whipped his wife. He instanced other officers from his District who were elevated from the lower depths to high military commissions. It was these men who were getting up strife

in the army, a strife that would demoralize it. It was wrong, and should be discountenanced. One of these army resolutions was to put down traitors at home.—Who were the traitors? Were they the Democratic party? That party had done as much as any other to sustain the country. Morton C. Hunter was another man held up to create derision in the country and the army. These men stigmatize a large portion of the people of their State as Copperheads and Butternuts. He stigmatized such men as cowards and slanderers. He warned gentlemen to cease such work. There might be danger at home if it was continued. Gentlemen here sometimes talk well, but has any one of them denounced the leading organ of their party in Cincinnati, or their organ here, for their continued and foul denunciations of the Democratic party as traitors?

Mr. MANSFIELD deprecated the use of the army as a political machine, but the expressions of the army at Murfreesboro, as embodied in the resolutions referred to, contained nothing of a political nature.—They were expressions that he trusted every Senator would endorse.

Mr. COBB said that the question of a reduction of the salaries of civil officers was not before the Senate, but that of military officers was, and, for one, he believed in so changing the pay as to secure an increase of compensation to the private soldier and a reduction of that of officers. The distinction between the pay of the two classes was too great, and he was for a change that would, taking into consideration the duties performed by each, more nearly equalize their compensation. As to the officers' meeting referred to, he claimed that the legislators at home had better opportunities of judging of the wishes and wants of the country, and understood their own duties better than the officers who, far from home, are engaged in suppressing an unholy rebellion. When these officers attempt to direct the Legislature here, they neglect their duty, the duty they are paid for, and interfere with what does not belong to them. They should be treated with deserved contempt. It was evident that there was a disposition on the part of the Republican press and politicians to make the Democratic party appear a treasonable organization. The organs of the Democratic party never reach the army, and the vile papers of the Republican party were heaped full of slanders to mislead and deceive the army in the field. But the private soldiers were not fools, and would wait for the facts. The *Journal*, of this city, gives aid and comfort to Jeff. Davis and the traitors in arms, by its classification of parties on this floor.

Mr. CLAYPOOL. How does the *Sentinel* classify Republicans in the other House? Does it not call them Abolitionists?

Mr. COBB. I don't care how that paper classes them, but for myself I call all those who indorse the President's Proclamation Abolitionists. He could make nothing of such but unadulterated Abolitionists.

Mr. MANSFIELD. Suppose members vote for abolishing the Common Pleas Court, are they Abolitionists?

Mr. COBB. They are in that sense. He would in every vote he gave support the resolutions as they came from the House.

Mr. MELLETT contended that it was a mistaken idea that officers could make money out of their salaries, and he would never vote to reduce the pay of those who wore shoulder-straps as a mark for rebel sharpshooters, and who had wives and children at home to be cared for. But he would favor an increase of the pay of soldiers. Things had been said and written in Indiana by men who remained at home enjoying all the luxuries of life that were treasonable, and it was proper that those who bore the brunt of battle in defence of their country should speak in condemnation of such treasonable actions.

Mr. DUNNING (Mr. Johnston in the chair) was sorry that the Murfreesboro resolutions had been introduced into the Senate. But he would say that if those resolutions were intended as an intimidation, they would fail. There was nothing in the conduct of the Legislature to justify any such expressions on the part of the officers at Murfreesboro as would imply a lack of loyalty on the part of the majority. These false imputations upon the Democratic party existed only in the imaginations of men. They had no foundation in fact. The man who would seek to intimidate the great Democratic party of Indiana, or its people, had better understand them. He thought the cheeks of these gentlemen would tingle with shame when they read the resolutions of the Senate thanking the army of General Rosecrans, and thanking Governor Morton for his care of the sick and wounded soldiers.—Where was the evidence of treason in the Senate? Was it in passing the bills that had passed? There was no other definite action taken. He thought this discussion was all wrong, and he should have checked it when it run off from the question under consideration. He only rose to speak of Colonel Hunter, who was his neighbor.

Mr. SHIELDS and Mr. COBB both disclaimed casting any imputation on the character of Colonel Hunter.

Mr. DUNNING understood that. He simply as a neighbor wished to say that Colonel Hunter, in his private relations, was a high-toned gentleman, but as a politician he was an intense and bitter partisan. It had been published to the world that he (Hunter) was a Democrat and it had been so published for effect. He simply wished to correct this impression.

Mr. BROWNE, of Randolph, said that the Murfreesboro resolutions had been discussed as though they contained imputations of disloyalty upon the Legislature of the State. Such was not the case.—The Legislature was not referred to, nor was there any reproach cast upon any political party. As to the question before the Senate, he was in favor of increasing the pay of soldiers, and reducing that of officers, because there was too much discrepancy between the pay of each. He believed that the patriotism of the officers would induce them to submit to a reduction of their pay.

Mr. WOLFE said that the remarks made by him were called out by the newspaper reports that accompanied the Murfreesboro resolutions, and not by the resolutions themselves. There was nothing objectionable in them as far as he could see now.—He was informed by persons who were with the army at the time these resolutions were said to have passed, that they did not believe that any such meeting as that represented was ever held. He believed, when the truth was known, it would be found that a few persons got together over a bottle of champaigne, and made and passed the resolutions. The whole matter had caused more discussion than it should have done.

AFTERNOON SESSION.

Mr. WOLFE moved to lay Mr. Claypool's amendment on the table.

On motion by Mr. MURRAY, further consideration of the question was postponed till to-morrow.

CONGRESSIONAL APPORTIONMENT.

On motion by Mr. RAY, it was—

Resolved, That a select committee of one from each Congressional District be appointed on the part of the Senate to act with a like Committee to be appointed on the part of the House, to prepare and present to the Senate an Apportionment Bill districting the State for Representatives in the Congress of the United States.

THE FEDERAL TAX.

On motion by Mr. JOHNSTON, it was—

Resolved, That the Committee on Federal Relations be instructed to inquire into the expediency of the State of Indiana demanding of the General Government the right and privilege of collecting and paying over the amount of all Federal taxes that are now levied, or may hereafter be levied on this State, in her own way, under her own laws, and by her own State and county officers, and report by bill or otherwise.

THE STATE OF THE UNION.

Mr. WOLFE introduced a joint resolution [3], which was passed to the second reading.

It is as follows:

WHEREAS, The present civil war in'o which the people have been forced by the wicked and fanatical factions North and South, is detrimental to the best interest of the country and of mankind, and a reproach upon the civilization of the age—filling the land with widows and orphans and mourning households; bankrupting the Government and oppressing the people with taxation beyond their ability to bear; destroying the productive industry of the laboring man and filling the coffers of the wealthy; filling the Northern section of the Union with a vagabond and servile race to compete with or prey upon the industry of the white man; imposing unequal burdens and commercial restrictions upon the different portions of the North, thereby increasing the danger and the evil of further disintegration; sapping the foundation of religion, morality and public virtue; corrupting our rulers by an increase of political patronage; destroying personal liberty under the tyrant's plea of necessity; and obliterating from the hearts of the people the spirit of nationality and brotherhood, which is the only sure bond of union; and,

WHEREAS, Experience has taught the costly and bloody lesson, that war alone is no remedy for the evil of disunion, but when waged in the spirit of sectional hatred, for an unconstitutional purpose, or in a manner not sanctioned by the laws of civilized warfare, it is the strongest ally of disunion, and if persisted in will result, not only in the bankruptcy of the nation and the impoverishment of the people, but also in a final separation of the different sections and the destruction of our admirable form of free government; and

WHEREAS, The people of Indiana are desirous that no effort which inspires a reasonable hope of success in restoring the Union as it was under the Constitution, shall be omitted; and being solemnly impressed with the conviction that arms alone, under the recent and present policy of the Cabinet at Washington, will never accomplish that desirable object; and invoking the prayers of all good men and the smiles of a God of Peace in the furtherance of our patriotic purpose; therefore,

Be it resolved by the General Assembly of the State of Indiana, 1. That while we will continue to obey every constitutional requisition which true patriotism shall demand, for the purpose of restoring the Union and preserving our constitutional liberty, yet we are opposed to a war for the liberation of the slaves; and, while that policy is maintained by the Administration, the highest dictates of patriotism impel us to withhold from it our support; believing that a war for that purpose is unconstitutional, and a wicked usurpation, and, if persisted in, will lead to the inevitable and lasting destruction of the Union.

2. That no Union can be maintained in this country until fanaticism on the negro question, North and South, is eradicated, and the doctrine of Popular State Sovereignty is acknowledged as a fundamental axiom of the Government. The people of the North must yield up the heresy of Abolitionism, or else yield up the blessings of the Union. Abolitionism and the Union are incompatible; the one or the other must triumph. A war for Abolitionism is a war against the Union; a war for the Union is a war against Abolitionism. Abolitionism is moral treason, and but for the forms of law with which it is clothed by the Administration, is actual, legal treason. No patriot can be an Abolitionist.

3. That the interest of the white race, as well as the black, demands that the condition and locality of the latter should not be interfered with; and a war, or legislation, or Presidential Proclamations to accomplish the purpose of the negroes' freedom and consequent migration to the North, are acts of flagrant violation of the Constitution, and in wicked disregard of the people's voice and the best interests of the country, and all such acts ought to be constitutionally resisted by an outraged people.

4. That President Lincoln's scheme of "Compensated Emancipation," which proposes to tax the people of Indiana to liberate the slaves of the South, is unconstitutional, and a monstrous iniquity, which a tax-ridden and over-burdened people will not submit to. The freemen of Indiana will not consent to impoverish themselves and their families to carry out that insane and wicked policy, but will resist it by every constitutional means in their power.

5. That the system of arbitrary arrests, and the wanton disregard of the Great Writ of Liberty, commonly called the *habeas corpus*, by the Cabinet at Washington, are acts of tyranny and usurpation, justly alarming to a free people, against which the State of Indiana protests with indignation; and in

the name of constitutional liberty she demands that the accursed system shall cease within her borders; and we declare the unalterable determination of the people to maintain the liberty of speech, the liberty of the press, the right to the writ of *habeas corpus* and speedy trial by jury, at every hazard of blood and treasure.

6. That the State of Indiana, on account of her devotion to the Union, and her geographical position and commercial interest, never will consent to any settlement upon a basis of disunion or a policy which shall separate her from the States bordering upon the Mississippi river. Her highest interest demands the perpetuation of the Union, and especially that the Great Valley of the Mississippi from its source to its mouth shall remain under one government and one flag.

7. That the war in which we are engaged ought to cease as soon as it can be brought to an honorable and satisfactory termination; and upon that subject the people, who are bearing its burdens, have a right to speak. Therefore, our Senators in Congress are instructed, and our Representatives requested to use all the power and influence of their positions, by bill, resolution, or otherwise, to accomplish the following objects, viz: 1. To procure an armistice of at least six months, between the Federal and Confederate armies, for the purpose of testing the probability of a permanent peace on the basis of the Union. 2. To pass a law calling a Convention of all the States, composed of delegates freely chosen by the people, to take into consideration the state of the country, and to devise some plan of settlement to be submitted to a vote of the people North and South, by which the Union shall be preserved, and the country restored to a lasting peace.

8. That the Governor be directed to transmit a certified copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress, to be laid before their respective bodies; and to the Governors of each of the States, to be by them laid before their respective Legislatures

LEGISLATIVE APPORTIONMENT.

On motion by Mr. RAY, it was—

Resolved, That a select committee of one from each Congressional District be appointed on the part of the Senate to act with a like committee to be appointed on the part of the House to prepare and present to the Senate an Apportionment Bill districting the State for State Senators and Representatives in the General Assembly.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. DICKINSON, [48] erecting the 14th Judicial Circuit, and attaching the county of Huntington to the 10th Judicial Circuit.

By Mr. BRADLEY, [49] relative to the school tax levied upon corporations, and providing the manner of distribution and loaning of the same, and other matters properly connected therewith.

By Mr. WRIGHT, [50] for the relief of John B. Redd.

By Mr WILLIAMS, [51] to amend the 21 section of an act relative to the salaries of public officers, approved March 5 1859.

By Mr. MARCH, [52] to amend the 55th section of an act to amend an act to authorize and regulate the business of general banking, passed March 3, '855.

By Mr. CULVER, [53] to amend the 1st section of an act to amend the 6th section of an act providing for the organization of County Boards, approved Jan. 17, 1862, which latter act was approved Feb. 1861.

By Mr. CLAYPOOL, [54] to amend the 8th section of an act dividing the State into counties, approved June 7, 1852.

By Mr. HORD, [55] to amend the 4th section of an act authorizing Recorders to make out complete or general indexes, approved February 16, 1852, as amended by an act approved February 14, 1855.

By Mr. MARCH, [56] regulating the bequeathing, devising and conveying property for religious and charitable purposes.

By Mr. CULVER, [57] to allow County Commissioners to organize turnpike companies when a majority of persons representing the real estate within prescribed limits petition for the same, and levy a tax for its construction, and provide for the same to be free.

By Mr. DICKINSON, [58] to amend an act to authorize the Boards of Commissioners and the authorities of any incorporate city or town to make appropriations in certain cases, approved May 11, 1861, so as to authorize said Boards to make appropriations for bounties for volunteers, disinterring, transportation, and interring the bodies of deceased soldiers, and erecting monuments to their memories.

By Mr. MARCH, [59] fixing the amount of fees to be paid in the State Treasury for the services of the Auditor and Secretary of State in certain cases, repealing all laws in conflict therewith, and amending the 4th section of an act supplemental to the swamp land act, approved June 14, 1852.

WORK FOR COMMITTEES.

Senate bills 42, 44, and 46 (introduced on Saturday) were read the second time and referred to appropriate committees.

Mr. Beeson's County Auditors' bill [45] was ordered engrossed for a third reading.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 27, 1863.

Mr. GRIFFITH submitted the following protest, and asked that it be spread upon the journals of the House:

The undersigned, members of this House, beg leave to offer the following protest against the passage of the resolution embodying a memorial from the Legislature of Indiana to the Legislature of New York, for the following reasons:

Said memorial contains not only matter of commercial nature, respecting freight and transportation of merchandise, but also sentiments and expressions believed by the undersigned to be not only foreign to the subject matter of said memorial, but also politically unwise and incorrect in conclusion, and not endorsed, and should not be, by this General Assembly.

The undersigned beg leave to urgently protest against and dissent from the expression of sentiment contained in the latter part of said memorial, which are contained in the following words:

"So long as such States as your's (meaning the State of New York) battle with equal zeal against anarchy among the members of the Government and the centralized monopoly of power in the hands of its Executive, you have our earnest sympathy."

If this language is meant to convey an abstract protest against despotic power, all citizens of this Republic might agree therewith.

If on the other hand, it is a political volley fired by a Democratic battery at the President of the United States, and designed to convey the impression that our present National Administration is, in theory and practice despotic, and deliberately purposes to take from any State, or from the people, any rights guaranteed by the Constitution of the United States, we respectfully dissent from that part of the memorial, being well assured that the Chicago Platform, upon which the present National Administration was carried into power, did honestly convey to the public mind the sentiments and purposes of the party now in power, wherein it declares "that the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends."

Further, we also believe and assert that the present National Administration has endeavored to seek not only the restoration of the Union and the supremacy of the constitution, but also the maintenance of all States' rights, in proof of which we call attention to the language of the President of the United States, in his memorable letter to Horace Greeley, wherein he declared that "his paramount object was to restore the Union in the shortest way under the Constitution. * * * To save it without touching slavery at all. On the other hand, to save it, if it became necessary in so doing, by freeing a part thereof—or to save it by freeing all the slaves." The restoration of the Union being thus the Alpha and the Omega of the desire of the President.

Now, if it be the purpose of the memorial to charge upon the Executive of the United States "centralized monopoly of power in the hands of the Executive" because of political arrests, or the issuance of the proclamation, we respectfully submit the following extracts from a speech of James Buchanan in the United States Senate, upon the bill indemnifying General Andrew Jackson for a fine assessed by Judge Hall upon him by reason of the declaration of martial law at New Orleans by General Jackson, as pertinent now:

The language of Mr. Buchanan is as follows:

"We did not contend, strictly speaking, that General Jackson had any constitutional right to declare martial law at New Orleans.

"It had never been contended on this floor that a military commander possessed the power under the Constitution of the United States to declare martial law.

"We placed the argument not upon the ground of strict constitutional right, but of such an overruling necessity as left General Jackson no alternative between the establishment of martial law or the sacrifice of New Orleans to the rapine and lust of the British soldiery.

"In the history of every nation at war, cases might occur of such extreme and overpowering necessity, that in order to save the country a military commander might be compelled to resort to the establishment of martial law."

The following extract from a minority report made upon the same subject by Robert J. Walker, bears upon the subject matter of the memorial, and at this period is well worthy of attention. Mr. Walker uses the following forcible and explicit language:

"The majority, in the opinion of the undersigned, arraigns the conduct of General Jackson as subversive of the Constitution of the United States. The undersigned submits that in time of war and imminent public danger it may be the duty of the military commander to arrest those regarded as traitors, spies, or mutineers within the limits of his camp.

"The law which justified the act was the *great law of necessity;* it was the law of defence, of self, home, and of country, and never was designed to be abrogated by any statute, or by any constitution.

"The same overruling necessity which justified the arrest would require the detention of the prisoner until the emergency had passed."

Now your protestants submit that, if there ever was a great, overpowering necessity in order to save the country, does it not now exist in the strongest and most ample sense? Did imminent public danger so overwhelming and portentous ever before threaten our country?

Suggesting to this honorable body, and the rest of mankind, the parallel state of circumstances, the great overruling necessity of the present, as well as of the past, we ask the question in candor, if the doctrines and sentiments quoted from the highest Democratic authority of the recent past is not applicable to the tremendous emergencies of this hour?

For these, and other reasons, we protest against the memorial, or that part of it quoted in this protest, and we hereby, not only by the doctrines of the past, but by the memories thereof also, call upon every citizen of this once prosperous, but now agonized and bleeding nation, to stand shoulder to shoulder in upholding the tottering temple of Liberty, in strengthening the hands and hearts of the rightful authorities of the State and nation, in saying to the spirit of anarchy in our midst, *peace—be still;* and thereby hastening the advent of peace and hope and union upon this, our beloved, but weeping and distracted country.

Let us one and all, endeavor to save a nation which has been, and we hope ever will be, a beacon light to the world, and the custodian of the ark of civil and religious liberty.

Francis P. Griffith,	Oliver T. Jones,
W. H. Kendrick,	John A. Moorman,
L. A. Cass,	E. B. Noyes,
James O'Brien,	S. Hostetter,
A. Anderson,	James Forrester,
D. C. Branham,	A. Kilgore,
John L. Roe,	Paris Robinson,
E B. Newman,	C. Budd,
Israel Woodruff,	H. James,
Tim Baker,	John L. Stone,
D. R. VanBuskirk,	J. Marshall,
H. J. Byerle,	J. J. Johnson,
B. F. Gregory,	Charles D. Morgan,
Samuel Mustard,	R. B. Perry,
J. M. Hershey,	Amos Davis,
Robert N. Lamb,	J. M. Leeds,

D. K. Pettibone.

A report from the Committee on Rights and Privileges, recommending that the landlord and tenant bill [H. R. 16] lie on the table, was concurred in.

GOVERNOR'S MESSAGE.

On motion by Mr. BROWN, the communication from the Governor, having reference to the non-delivery of his biennial message, was taken from the table and referred to a select committee of five. It was but just to the majority on this floor that His Excellency's arguments relative to the pretended delivery of his message should be sifted and replied to.

Messrs. Brown, Hanna, Branham, Given, and Tarkington were appointed said committee.

JOINT RESOLUTIONS

Were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. PUETT, [21] as to what is known as the Morrill Tariff. It is a measure of great injustice to the people of the Middle and Northwestern States. It was a sectional law, accruing in benefits to New England manufactures; and instructing Senators and Representatives relative to its modification.

By Mr. ROBERTS, [22] a joint resolution relating to works of Internal Improve-

ment by the General Government, as follows:

Resolved by the Senate and House of Representatives of the State of Indiana, That in the present embarrassed condition of the national finances, the appropriation of large sums of money for Internal Improvements, not immediately necessary for the national defence, is unwise, inexpedient and ruinous to the public credit; therefore, we do earnestly protest against the appropriation of money by the Congress of the United States for the construction of a Ship Canal in the State of Illinois, and the enlargement of canals in the State of New York, measures now pending before Congress, or for any other purpose not absolutely necessary for the present exigencies of the General Government.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all their power and influence to defeat the measures of Internal Improvement aforesaid, and all other measures of a kindred character, and to protest in the name of the people of Indiana against increasing the national debt by works designed for local or general commerce, on pretence of "military necessity," or the national defence.

Resolved, That the Governer be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, with the request that the same be laid before their respective Houses.

By Mr. WATERMAN, [23] instructing Senators and requesting Representatives in Congress to favor the passage of a law permitting State revenue officials to collect Federal taxes.

By Mr. GREGORY, [24] instructing and requesting Senators and Representatives in Congress from Indiana to provide more effectually for sick and wounded soldiers.

By Mr. HOLCOMB, [25] instructing our Senators to oppose the emancipation schemes of President Lincoln, as follows:

Resolved, by the House of Representatives, the Senate concurring, That our United States Senators be, and they are hereby, instructed to oppose to the utmost of their abilities, by all fair and honorable means, the passage by Congress of any bill or resolution having for its object the levying of any tax or duty upon the property of the loyal citizens of the United States, for the purpose of paying for slaves voluntarily or forcibly emancipated anywhere. And in every other way to oppose the emancipation schemes of President Lincoln.

Resolved, further, That if our Senators, or either of them, cannot conscientiously vote and act in accordance with these instructions, that they are respectfully requested to resign their seats in the United States Senate, in order that they may be filled by men who will obey the voice and reflect the will of the people of the State of Indiana.

Resolved, That the Clerk of this House be instructed to forward a copy of these resolutions to each of our Senators after their adoption by both Houses, with the least possible delay.

A LEGISLATIVE VISIT.

Mr. BREGAN offered the following:

Resolved, (the Senate concurring) That a committee consisting of three members of the Senate and three members of the House, be appointed by their respective bodies, to correspond with any committee that may be appointed by the Legislatures of the States of Illinois and Kentucky, with regard to existing difficulties in the country. And that such committee be authorized to visit the Legislatures of the States of Illinois or Kentucky, if in their judgment they can thereby better ascertain the sentiments and views of the same; and endeavor, if practicable, to secure uniformity of action between this General Assembly and the Legislatures of said States in relation to the political condition of the country.

Mr. ANDERSON moved that the resolution be rejected.

The SPEAKER decided the motion out of order. It was not parliamentary with regard to a resolution.

On motion of Mr. LASSELLE, the resolution was made the special order, in connection with similar resolutions, for three o'clock P. M. to-morrow.

Mr. WOOLLEN offered the following.

WHEREAS, It is desirable that no opportunity shall be lost to cement the bonds of Union which subsist between the loyal States; and,

WHEREAS, The Legislatures of Ohio, Kentucky, and Illinois are now in session, consulting upon the common good, and all have an equal interest in maintaining the Union and preserving the constitution; and,

WHEREAS, Free intercourse between those bodies might contribute to a more perfect friendship, and restore the era of good feeling which once existed; therefore,

Resolved, by the House of Representatives, the Senate concurring, That the Legislatures of the said States of Ohio, Kentucky, and Illinois be invited to meet the Legislature of Indiana, at Louisville, on the 22d of February next, there to exchange views upon the condition of our common country, cultivate our relations of friendship and good feeling, and renew our united devotion to the old Union, the old Constitution, and the old flag.

Resolved, That His Excellency the Governor be requested to transmit these resolutions to the Governors of the States named, with a request that they lay the same before their respective Legislatures.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. GREGORY, [97] to repeal the act establishing courts of conciliation.

By Mr. PETTIBONE. [98] to legalize the sale of certain Congressional School lands.

By Mr. MILLER. [99] to re-enact the 238th section of the Practice Act.

By Mr. BURTON, [100] to amend the 21st and 24th sections of the act regulating opening of highways.

By Mr. GIVEN. [101] to amend section 1 of the act limiting the jurisdiction of Justices in regard to assaults.

By Mr. WOOLLEN, [102] to fix the exemption from military duty on account of conscientious scruples at $300, retro acting on those exempted in 1862.

By Mr. NOYES, [103] to amend the property exemption act.

By Mr. WATERMAN, [104] to amend the road law.

By Mr. O'BRIEN, of Hamilton. [105] to regulate the salaries of the several State officers.

By Mr. CASS, [106] to amend the act to encourage the destruction of wolves.

The 20th Judicial Court bill [S. 47] was read the first time.

Senate bills 6 and 10 (see pages 44 and 47) were read the second time.

WORK FOR COMMITTEES.

House bills 94 and 95 (introduced yesterday) were read the second time and appropriately referred.

AFTERNOON SESSION.

The joint resolution [H. R. 6] printed on page 54 of the Brevier Reports, respecting the discrimination in favor of Massachusetts over Indiana in the matter of the draft was read the second time.

Mr. LAMB moved to refer it to a special committee to inquire as to the truth of the preamble, as he understood that Massachusetts had as many men in the service as Indiana.

On motion by Mr. ROBERTS the motion was laid on the table.

Mr. ANDERSON moved to refer to the Committee on Federal Relations, with instructions to inquire into the truth of the preamble.

Mr. HANNA maintained the fairness and necessity of the resolution, in order that Indiana valor and Indiana love of our old institutions, exemplified by promptly rallying around the flag upon the call of the President, might be shown to the world —and also the partiality of the powers that be with reference to the New England State in this regard.

Mr. ANDERSON was desirous that nothing should be done to excite animosity between different States. He was opposed to the passage of resolutions which assumed unfairness and injustice on the part of the Government without permitting investigation. He moved an amendment, which was pronounced by the Speaker as out of order.

On motion by Mr. ROBERTS the motion to refer was laid on the table—yeas 54, nays 36. (A party vote.)

Mr. GREGORY moved to strike out the words "rigidly and mercilessly" in reference to the enforcement of the draft.

On motion by Mr. KEMP, of Vigo, the amendment was laid on the table—yeas 55, nays 35.

Mr. JONES moved to refer the resolution to the committee on Military Affairs.

On motion by Mr. BROWN the motion was laid on the table.

The joint resolution was then ordered engrossed for the third reading.

The joint resolution [H. R. 7] against the President's emancipation proclamation, was read the second time and referred to the Committee on Federal Relations.

NATIONAL CONVENTION.

The joint resolution [H. R. 8] in favor of a National Convention &c., was read the second time.

It is in the words following:

WHEREAS, Our fathers formed the Union of the States upon principles of peace, conciliation and compromise and a just regard to the rights of all the States and people; and

WHEREAS, By a departure from these principles, as is alleged, civil strife and hatred have ensued, and do now exist among those who ought to be regarded as friends and brethren; and

WHEREAS, It has been found that those invested with official authority in the various sections are, from certain restrictions and necessities, inadequate to compose these differences and avert these disasters; and

WHEREAS, FURTHER, The people are the only rightful authority upon which all just government depend; and

WHEREAS, ALSO, The people of these States are being subjected to great burthens and calamities on account of the present civil strife; therefore be it

Resolved, by the General Assembly of the State of Indiana, That the people of all the States be and they are hereby invited to meet the people of Indiana in National Convention, to be held at the City of Louisville, in the State of Kentucky, on the fourth day of July next, to take into consideration such measures as may best promote peace among the people and union among the States.

And be it further Resolved, That for the purpose of aiding the objects aforesaid, his Excellency the President of the United States be and he is hereby respectfully and earnestly requested to cause hostilities between the Federal Government and the people of any of the States to cease from and after the first Monday in April, until the first day of August next, should the same be compatible with the public safety.

And be it further Resolved, That the legal voters of each District assigned by law for the election of a member or members of the House of Representatives of the General Assembly of this State, be and they are hereby requested to meet in their respective townships in said Districts, at the usual places of holding elections, on the first Monday of April next, and thereupon proceed to elect a delegate, or delegates, from such representative district, (according as the same may be entitled) to attend a convention of such delegates, to be held at the Capitol of the State, at Indianapolis, on the first Tuesday of May next. And such election shall be attended by the Inspectors, Judges and Clerks appointed for holding the township elections, on said first Monday of April, who shall conduct the same and make return thereof according to the laws of the State governing general elections for representatives to the General Assembly.

And be it further Resolved, That a Convention of such delegates, elected as aforesaid, shall be held at the Capitol of this State, at Indianapolis, on the first Tuesday of May next, who shall thereupon proceed to elect ——— delegates to attend said National Convention, for the purpose of promoting the objects herein contemplated.

Mr. LASSELLE moved to make the matter the special order in Committee of the Whole for Monday, the 23d day of February, in order that every gentleman might have ample time to mature his opinions.

Mr. HANNA was for an earlier day for the special order.

Mr. HARNEY was for referring the resolution to the Committee on Federal Relations.

Mr. PACKARD favored the latter view of the subject, and hoped an early day would be set for the discussion upon this and similar resolutions. The people of the whole State were solicitous to know what this Legislature was going to do relative to the grave matters pointed out by the resolution.

After further debate, in which Messrs. GRIFFITH, PUETT, HOLCOMB, HARNEY, GREGORY and others participated, the joint resolution was made the special order for Tuesday the 16th proximo.

SOLDIER'S VOTE.

The joint resolution [H. R. 9] for legislation permitting soldiers in the field to

vote, was read the second time and referred to the Committee on Elections.

PAY OF SOLDIERS.

Mr. Burton's joint resolution (H. R. 10, printed on page 57 of these Reports,) for the speedy and prompt payment of soldiers, and against the great discrepancy between the pay of officers and privates, was read the second time.

Mr. GRIFFITH moved to strike out of the resolution the words "our President, Abraham Lincoln, and our Governor, Oliver P. Morton, have seemingly lost all care of the white soldier in prosecuting a war for the freedom of the negro."

On motion of Mr. BROWN, the amendment and resolution were referred to the Committee on Federal Relations.

House Joint Resolutions 11, 12, 13 and 14 (see pages 67 and 68) were read the second time.

HONOR TO OUR SOLDIERS.

The joint resolution (H. R. 15, printed on pages 77 and 78 of the Brevier Reports) for the perpetuation of the memory of Indiana soldiers who have fallen or who may hereafter fall, in a war for the maintenance of the Constitution and the dignity and rights of all the States unimpaired, was read the second time.

Mr. LAMB was opposed to the committee proposed by the resolution. He thought his Excellency the Governor could do all the work necessary in the regard.

Mr. MOORMAN moved an amendment, imposing the duty of collecting information under the resolution upon the Adjutant General.

On motion by Mr. BROWN the amendment was laid on the table—yeas 49, nays 38. He would as soon trust the Governor in the premises as the Adjutant General.

Mr. ANDERSON opposed the resolution as the basis, the foundation for a gigantic swindle. To authorize such a committee to sit during the recess would furnish them a salary of, perhaps, $1,000 a year, to get knowledge now within the possession of the Governor and the Adjutant General, and which could be obtained from them without cost. But this the majority are unwilling to accede to. If he, like many of the majority, were denouncing the war every day as an unholy war, he would not compliment the men who fell in its prosecution.

Mr. PACKARD had anticipated opposition from the Abolition portion of the General Assembly to anything looking to honoring our brave and patriotic soldiers who had fallen in defense of their country's institutions. These men who opposed the resolution had nothing to say against the corruptions of their own party. They would crawl on their bellies and lick the dust from the feet of Lincoln, Cameron and Fremont, the most corrupt and infamous villains, so far as plundering the public treasury was concerned. But, when our soldiers were to be honored, they were afraid of expense, of corruption on the part of Democratic Committees. Why?—Because the resolution did not propose to thank shoulder straps who had gone into the war for pay, or those who had gone into it as Abolitionists for the purpose of overthrowing the institutions of their country. The Democracy, who revered those who had fallen in defense of the Constitution, would not talk about economy, would not talk about expense upon a question to perpetuate their memories.—Abolitionists were not proposed to be complimented by the resolution. They had hung upon the rear, got their pay, and had come out or would come out, generally, from the war personally unscathed, and with their pockets full.

Mr. ANDERSON asked if the five men under the resolution could not draw three dollars a day for two years, and mileage wherever they chose to travel?

Mr. PACKARD said the resolution gave the Committee a wise discretion.

Mr. STONE remarked that the gentleman proposed to keep the roll of those who went from patriotic motives. As he considers Democrats alone patriotic, did he design only to enroll Democrats?

Mr. PACKARD said he would enroll all the deceased soldiers, but proposed to thank Democrats only.

Mr. LAMB moved to strike out the 4th resolution.

Mr. PACKARD moved to lay the amendment on the table.

IN SENATE.

WEDNESDAY, January 28, 1863.

Mr. DOUGLASS, from the select committee thereon, reported back the concurrent resolution (see page 60) authorizing a contract to be made with ARIEL & W. H. DRAPIER for 1500 copies of their Brevier Legislative Reports, recommending its passage with an amendment reducing the price to one-half cent per page.

Mr. CLAYPOOL I find at the extra session that these Brevier Reports made 281 pages and there will not be less than 350 or 400 pages this session. At the price the committee proposes to allow, we would be paying $1,75 or 2$ for each book; and I take it that would be paying a pretty large price for so small a book. I am not prepared to say that I am not in favor of printing this work in book form at a reasonable and fair rate, but I cannot consent to it at that rate.

Mr. BROWN, of Wells. The explanation given by the Senator from Fayette (Mr. Claypool) will answer my purpose. I am in favor of continuing these Reports, but at the same time I feel like being cautious as to the amount of money we ex-

pend for them. I shall be willing to give the Reporters that which will be remunerative, but until I am satisfied we cannot get them for less than half a cent a page I shall have to vote against them.

Mr. BEARSS moved to lay the report on the table.

Mr. RAY demanded a division of the question.

The Senate refused to lay on the table the amendment proposed by the committee—yeas 10, nays 36.

The question recurring on laying the original resolution on the table, the yeas and nays were demanded by Messrs. Beeson and Claypool, and being ordered and taken resulted—yeas 25, nays 21—as follows:

YEAS—Messrs. Bearss, Beeson, Berry, Blair, Browne, of Randolph, Brown, of Wells, Campbell, Claypool, Culver, Davis, of Parke, Dickinson, Downey, Fuller, Gifford, Grubb, Jenkins, Mansfield, March, Mellett, Moore, New, Pleak, Teegarden, White, and Wright—25.

NAYS—Messrs. Cobb, Corbin, Davis, of Cass, Douglass, Dunning, Ferguson, Finch, Gaff, Hartley, Hoagland, Hord, Johnston, Landers, McClurg, Marshall, Murray, Ray, Shields, Williams, Wilson, and Wolfe—21.

So the resolution was laid on the table.

INVESTIGATING COMMITTEE.

Mr. BROWN, of Wells, offered the following, which was adopted:

WHEREAS, It is especially due to the people, while the burdens and sacrifices of a dire civil war are fearfully taxing their energies, that rigid investigations should be made of the official conduct of their public servants, to whom the control of public moneys may have been entrusted, and

WHEREAS, The people of the State of Indiana demand of this Legislature a faithful and fearless discharge of such duty; therefore

Resolved, That a special committee of five be appointed by the President of the Senate to investigate the expenditures in the State Quartermaster's Department, the purchase of arms by the State, and the management of the State Arsenal; and that said committee be authorized to send for persons and papers, and report the result of their investigations.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees were offered, read and severally adopted, to-wit:

By Mr. DOWNEY, "whether a general law can be enacted, under which the Circuit and Common Pleas Courts, in their respective circuits and districts, may fix the times of holding the regular as well as special terms of said Courts."

By Mr. WILLIAMS, "whether the one hundred thousand dollars appropriation to the Governor as a military contingent fund has been expendeded in accordance with the intent and meaning of the law making said appropriation."

By Mr. MURRAY, "what additional legislation may be necessary to insure the support of destitute families at the public expense, of such volunteers as are now in the military service of the country."

By Mr. MOORE, "as to amending the school law so as to compel the directors of each school house to take the enumeration of the children within their respective districts in the place of the township trustee;" "so that it shall be the duty of the Boards of County Commissioners of the several counties to appoint a school examiner at the county seat, and also to inquire into the expediency of reducing his pay not to exceed twenty-five dollars.

BREVIER LEGISLATIVE REPORTS.

On motion by Mr. BROWN, of Wells, it was—

Resolved, That the Secretary of the Senate enquire of ARIEL & W. H. DRAPIER, Reporters, at what price they will furnish, ready for binding, 5 copies of their Brevier Legislative reports to each member of the Senate, and report as early as possible.

THE $1,100,000 APPROPRIATION.

Mr. CORBIN offered the following, which was adopted:

WHEREAS, All Governments derive their just powers from the consent of the people governed, and no people can give that consent, without a just knowledge of the acts of their agents.

AND WHEREAS, an over taxed and heavily burdened people every where, are demanding earnestly of their representatives and agents in every department, an observance of that rigid economy, which alone can preserve the integrity, vigor and life of any government, or the liberties of her people; therefore, in order to further the accomplishment of said objects,

Be it Resolved, by the Senate (the House of Representatives concurring) that a committee of five, two from the Senate and three from the House, be appointed, to wait upon his Excellency Governor Morton, and request him to fix a time at as early a day as possible, when he will report to this Legislature, how much of the one million appropriation, approved May 31, 1861, came to his hands; also, how much of the one hundred thousand dollars appropriated as a contingent for the Governor came into his hands, and what amount, if any, of Bonds were issued by him, under an act approved May 13, 1861, to authorize the Governor to issue Bonds &c. And for him to give a detailed statement of the disbursement of said funds; also, for him to report to this Legislature whether the Federal Government has not paid to him for the benefit of the State an amount sufficient to cover all or nearly all advances made by the State on account of the war. Also, to report to this Legislature, what officers and employees growing out of the present war are now being paid by the State, the salaries and other expenditures of said employees and officers charged to the State, and what other expenditures, if any, growing out of the same cause is being charged against the State.

BOUNTY TO DISABLED SOLDIERS.

Mr. NEW introduced a joint resolution [5] to instruct our Senators and request our Representatives in Congress to vote for a law to allow bounty to soldiers discharged for disability before the expiration of the term of their enlistment which was passed to the second reading.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. RAY, [60] to detect and prevent the circulation of counterfeits, altered and worthless paper currency, and prescribing the duties of banks in relation thereto.

By Mr. MELLETT, [61] repealing an act in relation to witnesses, and to repeal section 238 of article 13 of the practice act.

By Mr. NEW, [62] to amend the first section of an act for the incorporation and continuance of banking, fund and savings associations, approved March 5, 1857.

By Mr. CORBIN, [63] to amend section 5 of an act to provide for the uniform mode of doing township business, approved February 18, 1859.

By Mr. BERRY, [64] amending section 16 of the act providing for the election of Justices of the Peace, and defining their jurisdiction in civil cases.

By Mr. CORBIN, [65] to amend section 322 of the practice act.

By Mr. WOLFE, [66] to amend section 134 of an act providing for the settlement of decedents' estates, approved June 17, 1862.

By Mr. CORBIN, [67] the better to secure the free passage of fish in the streams and water courses of this State, and to provide a penalty for a violation thereof.

By Mr. CULVER, [68] for the relief of Perry Burgett.

PAY OF SOLDIERS.

The unfinished business of yesterday coming up in regular order—

The pending motion to lay the amendment on the table was agreed to by yeas 27, nays 18.

Mr. COBB made an ineffectual motion —yeas 16, nays 30—to lay the amendment proposed by the committee on the table.

Mr. LANDERS moved to amend so as to favor the reduction of Chaplains' pay fifty per cent.

Mr. MARCH thought the committee's amendment covered the whole ground embraced in the last amendment offered.

Mr. LANDERS thought a greater reduction should be made in the pay of Chaplains than in that of other officers. Many thought this useless officer ought to be dispensed with.

Mr. BROWNE, of Randolph, said if the mover would change the amendment so as to favor the abolition of the office of Chaplain, he would vote for it.

On motion by Mr. MARCH the amendment to the amendment was laid on the table—yeas 27, nays 18.

On motion by Mr. DOWNEY the amendment was amended so as to favor the passage of an act to secure the payment of all dues to soldiers and more prompt payments hereafter.

Mr. WOLFE made an ineffectual motion —yeas 12, nays 34—to lay on the table the amendment as amended.

The amendment of the committee as amended, was then concurred in, and the resolution adopted by consent.

The hour for dinner having arrived—

The Senate took a recess till 2 o'clock

AFTERNOON SESSION.

Senate bills numbered 48 to 59 inclusive (for a description of which see page 92 of these Reports) were read the second time and severally referred to appropriate committees.

THE STATE OF THE UNION.

The joint resolution [S. 3] printed at length in pages 91 and 92 of these Reports, was read the second time and referred to the Committee on Federal Relations; after an ineffectual motion to print—yeas 18, nays 27.

Mr. DUNNING (Mr. Ray in the chair) while discussing the motion to print, said he thought these resolutions contained the most important matter that has been or would be presented to this body. The Democracy, as a party, should not shrink from an expression of its views, and would not.

BREVIER LEGISLATIVE REPORTS.

The PRESIDENT laid before the Senate a Communication from ARIEL & W. H. DRAPIER, in answer to a resolution of inquiry passed in the morning session, havreference to the continuation of their Brevier Reports.

HOUSE OF REPRESENTATIVES.

WEDNEDAY, January 28, 1863.

On motion of Mr. BIRD the rules were suspended, and the bill [S. 47] to fix the term of Common Pleas Courts in Allen and other counties was read the second and third time and finally passed.

REPORTS FROM COMMITTEES

Recommending that House bills 35, 49, 51, 55 and 92 (see pages 54, 57 and 85) be laid on the table, were severally concurred in.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees, were offered, read and severally adopted, to-wit:

By Mr. DONALDSON, as to the propriety of authorizing county clerks to issue, without cost, letters of administration to orphans of soldiers.

By Mr. WOLFE, to inquire under what law the exemption of persons from military duty on account of conscientious scruples was confined to but a portion of the religious sects of the State, and an assessment levied only on 40 per cent. of such persons.

Mr. HARNEY offered a resolution, which was adopted, appointing a committee of seven to visit the State Arsenal, and report the result of their investigation to the people of the State, if expedient.

Mr. JONES offered a resolution, which was rejected, instructing the Committee on Education to report on the propriety of assessing a school tax on colored persons for their exclusive benefit.

A MILITARY BOARD.

Mr. COOK offered a resolution instructing the Military Committee to inquire into the expediency of so amending the militia law as to place the military power of the State into the hands of a majority of the following State officers, the Secretary of State, Auditor, Treasurer and Attorney General.

Mr. BROWN was in favor of a military board taking out of the Governor's hand the military power. The precedent set by the Republicans or *union* men of the State of Kentucky in establishing such a board ought to be followed by the Abolitionists of Indiana. He would permit the Governor to be on the Board, but put enough honest men on to control it. In his own section of the State he had heard grievous complaints as to the mismanagement, the partiality, the incompetency with which the military affairs of the State had been conducted.

Mr. NEWMAN followed, eulogizing Gov. Morton. He was a human being, however, and liable to commit errors. There was no necessity for establishing the board proposed.

Mr. CASON argued to show that the resolution was out of order. By the Constitution the Governor was invested with supreme authority in the regard.

Mr. BROWN desired to ask the gentleman from Boone and Hendricks (Mr. Cason,) if the establishment of the Board proposed would in any way prevent the Governor from acting as Commander-in-Chief?

Mr. CASON. Unquestionably that board would control the Governor, and, therefore, he could not act independently, as the Constitution requires.

Mr. MOORMAN said that depriving the Governor of control was the evident effect of the appointment of the Board in Kentucky, and as that was endorsed by the gentleman from Jackson, (Mr. Brown,) it was presumed that he desired the same effect here.

Mr. WOOLLEN offered an amendment that nothing in the resolution shall be construed to indicate a desire on the part of the House to abridge the constitutional rights of the Governor.

AFTERNOON SESSION.

Mr. BROWN answered the Constitutional objections urged by the gentleman from Boone and Hendricks, (Mr. Cason,) against the resolution.

Mr. GREGORY, Mr. WOOLLEN, and Mr. HARNEY, continued the discussion.

The resolution was referred to the Committee on the Judiciary.

The joint resolution (H. R. 16—see page 82) in regard to Congressmen from districts under military control was ordered to the third reading.

PAY OF SOLDIERS.

The joint resolution [H. R. 17—see page 82] for increase of pay of privates and non-commissioned officers was read.

Mr. HOLCOMB offered an amendment reducing the pay of officers under the rank of Major twenty-five per cent. Major and higher rank pay decreased fifty per cent.

Mr. HIGGINS made an ineffectual motion to table the amendment—yeas 34, nays 56.

Mr. BROWN was in favor of increasing the pay of the private soldier, but was at the same time in favor of decreasing the pay of Major Generals, Brigadier Generals, Colonels, Majors and Captains, many of whom were skulking from the field and loafing about hotels and whisky shops.—He hoped the day was not far distant when the army would be dispensed with, but until then he would stand for justice to the private soldier.

Mr. CASON offered an amendment to the resolution to raise the pay of non-commissioned officers in proportion to that of privates.

Mr. WOLFE made an ineffectual motion to table the resolution and amendments.

On motion by Mr. HOLCOMB the resolution was referred to the Committee on Military Affairs with instructions to report on Thursday of next week.

JESSE D. BRIGHT.

The joint resolution [H. R. 18] endorsing the expulsion of Jesse D. Bright from the Senate of the United States was read the second time.

On motion by Mr. HANNA it was laid on the table by yeas 52, nays 39.

Pending the roll call—

Mr. BROWN said: I do not vote to lay the resolution on the table because I am an admirer or endorser of Mr. Bright.—Neither do I so cast my vote as evidence that I endorse the letter that he wrote to Mr. Lincoln. But I so cast my vote because I believe that that partizan Senate expelled him therefrom because he did not indorse the imbecile prosecution upon the part of the present Administration of the present war; because I have good reason to believe that the Abolitionists of that Senate expressed their willingness to retain Mr. Bright if he would recall certain statements and sustain the Administration in its war policy; because I have good reason to believe that his refusal to indorse the war policy of the Administration was the real cause of his expulsion, and not the letter to which that Senate referred.

THE SECOND READING.

House joint resolutions 19 to 25 inclusive (described on pages 85, 93 and 94 of these Reports,) and Senate joint resolutions 1 and 2 (described on pages 44 and 69) were severally read the second time.

IN SENATE.

THURSDAY, January 29, 1863.

The PRESIDENT announced the special committee authorized by the resolution to inquire into the conduct of the State Quartermaster General's Department, to-wit: Messrs. Brown, of Wells; Cobb, Downey, Browne, of Randolph, and New.

Also, the committee on the part of the Senate on the resolution adopted yesterday concerning the $1,100,000 appropriations, to-wit: Messrs. Corbin and Claypool.

Also, the following committees:

On Congressional apportionment, one from each District, viz: Messrs. Fuller, Wolfe, Shields, Pleak, March, Ray, Chairman; Wilson, White, Teegarden, Graves, and Brown, of Wells.

On Legislative apportionment, one from each District, viz: Messrs. Williams, Chairman; Bradley, Hord, Gifford, Mellett, Blair, Johnston, Culver, Corbin, Hoagland and Grubb.

REPORTS FROM COMMITTEES

Recommending that Senate bills 14 and 23 (see pages 55 and 61 of these Reports) be laid on the table, were severally concurred in.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees were offered, read and severally adopted, to-wit:

By Mr. MOORE, "into the expediency of passing a law exempting the property of all soldiers from execution while absent from home in the service of the United States or this State."

By Mr. COBB, "into the expediency of repealing the act approved March 9, 1861 empowering the Bank of the State of Indiana to lay off and create additional bank districts not exceeding five in number, and to locate and establish Branches of said Bank in each of said districts."

By Mr. GRUBB, as to change of law compensating the officers of Boards of Elections, so that the pay shall be drawn from the civil fund of Townships.

Mr LANDERS offered a resolution, which was adopted, that the Governor furnish the Senate a detailed statement of his proceedings under the act for the defense of the State.

A NATIONAL CONVENTION.

Mr. BROWN, of Wells, introduced a joint resolution [6] proposing a general convention of all the States in the Federal Union, including the so-called Confederate States, with a view to the restoration of the Union with all the dignity, equality and rights of the several States unimpaired which was read the first time and passed to the second reading.

It is as follows:

WHEREAS, We believe that the following language: "Suppose you go to war, you cannot fight always, and when, after much loss on both sides and no gain on either, you cease fighting, the old identical questions as to terms of intercourse are again upon you," embodies great truths and wisdom; therefore,

Be it resolved by the General Assembly of the State of Indiana, That it is the imperative duty of the Chief Executive of the nation to proclaim, and we, therefore, for and in the name of the people of the State of Indiana, demand the establishment as soon as practicable of an armistice, to the end that a Convention of all the States may be held for the adjustment of our national difficulties.

Resolved, That we hereby instruct our Senators, and request our Representatives in Congress, to labor to provide, and for and in the name of the people of the State of Indiana, we demand that the present Congress shall provide for a Convention of all the States, to be holden at some suitable point at the earliest practicable period, with a view to the restoration of the Union with all the dignity, equality and rights of the several states unimpaired.

Resolved, That, in the event of the present Congress failing to provide for such Convention, we hereby, in the name of the people of the State of Indiana, invite each and every State in the Federal Union, including the so-called Confederate States, to meet delegates from the State of Indiana, in Convention at Nashville, Tennessee, on the first Monday, it being the first day of June, 1863, each of said States to send as many delegates to said Convention as shall equal the number of Senators and Representatives to which such State is entitled in the Congress of the United States, according to the census of 1860.

Resolved, That for the purpose of carrying out, on the part of the State of Indiana, the object set forth in the two last foregoing resolutions, there shall be elected, on the first Monday in April 1863, in the usual manner and at the usual places of holding elections, thirteen delegates from the State at large, to represent Indiana in said Convention at Nashville, Tennessee; unless the present Congress shall provide for a Convention as in the second of these resolutions designed, in which case said delegates shall represent Indiana in such Convention. And the election of said delegates shall be certified to the Governor of the State, and commissions shall issue to them in the manner, as nearly as the same may be practicable, provided by sections 44 and 45 of the act regulating general elections. And further, in the event of the present Congress failing to provide for a Convention as designed in the second of these resolutions, said delegates shall be entitled to a per diem of Five Dollars during their attendance upon said convention at Nashville, and mileage at the rate of five cents per mile for every mile necessarily traveled in going to and returning from said Convention, which per diem and mileage shall be drawn from the State Treasury upon the warrant of the Auditor of State, issued to the Treasurer of State, upon certificate of service from the presiding officer of said Convention.

Resolved, That the Governor of this State transmit, or cause to be transmitted, a copy of these resolutions to the President of the United States, the Congress of the United States and the Governors and Legislatures of each and all the States in the Federal Union including the so-called Confederate States.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. MELLETT, [69] to amend section 76 of an act providing for the settlement of decedent's estates approved June 17, 1852.

By Mr. HORD, [70] to amend section 156 of the practice act.

By Mr. CLAYPOOL, [71] to amend the 1st and 2d sections of an act relative to

the salaries of public officers approved March 5, 1859.

By Mr. GAFF, [72] to amend section 42 of an act to repeal all laws now in force for the incorporation of cities, provide their powers and rights and the manner in which they shall exercise the same and to regulate such other matters as properly pertain thereto.

By Mr. GRUBB, [73] to amend section 14 of an act authorizing the construction of plank, macadamized, and gravel roads, approved May 12, 1852, and to extend the time in which companies organized under such act shall commence and complete the construction of their road.

WORK FOR COMMITTEES.

Senate bills numbered 60 to 68 inclusive (introduced yesterday) were read the second time and referred to appropriate committees.

The House memorial to the Governor and Legislature of New York was referred to the Committee on Federal Relations.

BOUNTY TO DISABLED SOLDIERS.

The Senate joint resolution [5] introduced yesterday, was read the second time and ordered to be engrossed.

IN AID OF RAILROADS.

The bill [S. 15] authorizing railroads to construct branches and to take stock in bridge companies, was read the third time and passed by yeas 40, nays 2.

AFTERNOON SESSION.

Mr. Corbin's resolution to authorize one half of the Prison Committee to visit the prison North, and the others the prison South, and to make the committee consist of sixteen members, coming up

Mr. WILLIAMS moved to amend by striking out all after the resolving clause, and insert the following: "that the Senator from Vanderburg (Mr. Finch) and the Senator from Marshall (Mr. Corbin) be added to the committee on the States Prison."

The amendment was adopted.

On motion by Mr. WOLFE the amended resolution was laid on the table.

Mr. CORBIN offered a resolution that the committee on the State Prison be reduced to a number not exceeding eight, which lays over under the rule for one day.

DEATH OF HON. THOMAS SHOULDERS.

Mr. COBB. Mr. President, I rise to announce to the Senate the death of the Hon. Thomas Shoulders, the Senator from Dubois, who departed this life this morning at ten minutes before four o'clock.

I deeply regret, sir, my physical inability, as well as my want of knowledge of the history of the deceased, to render the proper tribute to his memory. My acquaintance with the deceased commenced two years ago, when he first took his seat as a Senator in this chamber. My relations with him since that time have been of the most agreeable character. I ever found him a true and honest friend.

The deceased was born in Marion county, Kentucky, January 25th, 1806, consequently at his death he was fifty six years of age. His father, Cader Shoulders, immigrated to this State in the year 1823, and located in Dubois county, in the neighborhood of the residence of the deceased. By occupation his father was a chair maker, but the deceased was raised to the occupation of a farmer, to which the greater part of his life was devoted.—His education was limited, being confined to that afforded by the common schools of those early times in the history of Indiana. In his nineteenth year, and after his immigration to this State, the deceased was married to Miss Polly Boler, of Kentucky, and soon thereafter commenced housekeeping in the county of his residence at the time of his death, it being at that time almost a wilderness.

The deceased and his wife had to contend with the hardships and difficulties incident to pioneer life, but by energy and industry they overcame all obstacles and secured a competency against want. In 1831 the deceased received a commission as Captain of the militia, which position he held four years, when he was promoted to the position of Colonel of the Forty-third Regiment of the Indiana militia, in which capacity he served five years. In 1838, he was appointed by the Board of County Commissioners a Collector of the the Revenue of the county of his residence which he filled for one year, when he was elected Associate Judge of the same county which position he held for five years.

In 1856 he was elected to represent Dubois county in the other branch of the Legislature, where he honestly and faithfully performed his duty as Representative. In 1860 he was a candidate for State Senator for his district, and was elected over his opponent by thirteen hundred and twenty-nine majority. His first vote for President was for General Jackson in 1828. The deceased was honored at home and abroad by those who knew him. He was truly an honest man.

Mr. WILLIAMS offered the following:

Resolved, That the members and officers of the Senate have received with deep sensibility the melancholy intelligence of the death of the Hon. Thomas Shoulders, late Senator from the county of Dubois

Resolved, That in token of respect for the memory of the deceased, the members and officers of the Senate will wear the usual badge of mourning during the remainder of the present session of the General Assembly.

Resolved, That arrangements be made at the expense of the State to convey the body of the deceased to his family residence.

Resolved, That the members and officers of the Senate will form in procession at the Farmers Hotel, on Illinois street, on the 30th inst at 7½ a.m.,

and from thence attend the corpse to the Union Depot.

Resolved, That his Excellency the Governor, the Judges of the Supreme Court, and the other officers of the State now at the seat of Government, be invited to unite in the procession, and that joint participation on the part of the members and officers of the House of Representatives be requested.

Resolved, That the President of the Senate be directed to appoint two Senators to accompany the remains of our departed friend to his late residence in the county of Dubois under the charge of the Sergeant at Arms.

Resolved, That the President of the Senate transmit a copy of these resolutions to the family of the deceased.

Resolved, That a committee be appointed to make the requisite arrangements for this mournful occasion.

Mr. MARCH concurred most heartily in the resolutions. The Senator has fallen suddenly at his post, almost as suddenly as if he had been stricken down on the battlefield, and it was right and proper to pause and reflect at such a moment. It should teach members upon this floor how short was life, and it should impress strongly upon the minds of all the obligations upon them to devote the energies of a short life to the service of their country and the good of mankind. Mr. March paid a beautiful tribute to the private worth of the deceased Senator.

Mr. RAY could not let this moment pass without giving a slight tribute to the departed. He had scarcely noticed the vacant seat, so short was the last sickness, until the sad announcement was made that its late occupant was dead. He had formed the acquaintance of Mr. Shoulders two years ago, when he occupied a seat by his side. He was a man of fine natural abilities. He did not possess the advantages of education that the young men of the present day enjoy, but he a was man of clear judgment and sound common sense. It was these qualities that recommended him to his neighbors, and he had been honored and confided in by them to a remarkable degree. The solemn admonition should have its effect upon his brethren here and teach them to throw aside those bitter bickerings that are apt to creap into bodies of this kind. Mr. Ray spoke eloquently of the loss to the country and to the community in which he resided, and to the family of the deceased.

Mr. SHIELDS bore testimony to the worth of the deceased. He knew the estimation in which he was held in the district in which he lived. There he was regarded as the noblest work of God—an honest man.

Mr. WOLFE paid an eloquent tribute to the deceased, and spoke beautifully of the lesson pointed out by the death of one against whom there was not a breath or whisper that would cast a shadow upon his memory.

Mr. FERGUSON. I cannot let the present moment pass without saying a few words in tribute to the memory of the deceased, at least to express my concurrence in all that has been said of his noble qualities. I recollect well the last time I ever saw him. It was in the Governor's room, whither he had gone for the purpose of obtaining some information as to the locality of the regiment to which his son is attached in the service of his country. I found the venerable man tracing the map with his finger to ascertain the locality of the regiment, probably for the purpose of sending some message to his brave son, doomed to be the last message of an affectionate father. Little did I then think that that was to be the last I was to see of him in life, and no doubt he little thought that the shaft of death, that had hitherto been turned aside from the son in the smoke and peril of battle, should so soon strike down the father. True it is that—

"Leaves have their time to fall,
And flowers to wither at the North wind's breath,
And stars to set—but all,
Thou hast all seasons for thine own, O Death!"

May it not be a consolation to the bereaved ones at home, and the soldiers in the field, to know that while our departed friend met his death in the service of his country in the capacity of a legislator, he was not forgetful of the obligations of an affectionate parent. May his sudden death be a warning to us all and better prepare us for the future.

Mr. CLAYPOOL preferred to remain silent, as grief was best expressed by silence, but least silence might be misconstrued, he could not refrain from adding his tribute to the deceased. He formed an acquaintance with the deceased two years ago, during a stormy session, and he could judge him at such a time. Mr. Shoulders was a man of strong will, and, although a partizan, he was fair to his opponents, manly and frank. It was always known where he would stand. At the extra session, when party feeling was thrown aside, he rose with the occasion, and no man exhibited a more lofty patriotism.—He asked no higher tribute than had been paid to the memory of the deceased by those who knew him well—that he was an honest man.

Messrs. CORBIN and WHITE also spoke in appropriate terms of the deceased.

The resolutions were adopted unanimously.

The PRESIDENT announced as the committee to accompany the remains home, Messrs. Williams and Shields

The PRESIDENT also announced as the committee of arrangements, Messrs. March, Cobb and Ray.

And then—

On motion by Mr. WILLIAMS, it was—

Resolved, That as a further token of respect for the deceased, this Senate do now adjourn.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 29, 1863.

The SPEAKER appointed the following:

Committee on the Arsenal: Messrs. Harney, Roberts, Tarkington, Packard, Collins, Kemp of Vigo, Marshal, Milroy and Anderson.

Committee on resolution to perpetuate the memory of deceased soldiers: Messrs. Packard, Roberts, Leeds, Pendleton and Stone.

Mr. NEWMAN presented a petition from citizens of Wayne county, asking legislation for the education of negro and mulatto children; and moved to refer it to the Committee on Education.

Mr. ABBOTT moved in amendment that it be referred to the Committee on Roads, with instructions to provide all facilities for transporting negroes and mulattoes out of the State.

The amendment was rejected, and the motion to refer was agreed to.

REPORTS FROM COMMITTEES

Recommending that the bill [H. R. 36] to register voters and prevent election frauds; and the papers contesting the seats of the members from Marion county (Tarkington and Kendrick) be laid on the table were severally concurred in.

QUALIFICATIONS OF VOTERS.

Mr. ROBERTS, from a majority of the Committee on Elections, returned joint resolution [H. R. 12] proposing an amendment to the Constitution, so that legislation may more effectually guard against fraudulent voting, with a favorable recommendation.

Mr. SPENCER, from the same committee, submitted a minority report, recommending that the joint resolution be laid on the table because the proposed amendment of the Constitution would give too wide a range for legislation.

Mr. ROBERTS said our action would not be final. The people are as competent to pass upon its merits as the Legislature. If the people desire such legislation it is their right to vote for it. All would admit that there should be some restriction as to residence.

Mr. CASON called attention to the fact that the same resolution was passed by the last Legislature. It was an admitted fact that the Constitution did not give the proper latitude for legislation on this point, so that a law effectual to prevent fraud may be passed.

Mr. HUMPHREYS made an ineffectual motion—yeas 25, nays 61—to indefinitely postpone the joint resolution.

Mr. BROWN moved to refer the report and resolution to the Judiciary Committee.

Mr. JOHNSON was severe upon the republicans who had some years ago sent agents into Wayne county to import vagabonds into Morgan county to override the free expression of honest voters at the ballot box. The people demanded that these outrageous wrongs should be rectified.

Mr. BROWN stated that the attorney, (Jonathan W. Gordon,) for the republicans in the Morgan county frauds, referred to by the gentleman who had just taken his seat, had admitted those frauds, and had abandoned his side of the case in utter disgust.

Mr. HANNA inquired whether it had not been ascertained that one man voted the Republican ticket in Morgan county who had been dead fourteen years?

Mr. BROWN was not able to say, but the fact of outrageous frauds in that county was known to the whole State.

Mr. PACKARD said that his section of the State had suffered same in the matter of election frauds. It was the candid opinion of many honest men in his Congressional District that the present member of Congress was elected by the the most unparalleled frauds. He (Mr. Packard) was for referring the matter to the Judiciary Committee for thorough sifting.

Mr. HUMPHREYS was opposed to refusing any man a vote who was willing to take an oath that he is entitled to vote.—If a man comes up and swears he is entitled to vote, his ballot ough: to be taken. Our laws now are sufficient, if we had honest man to carry them out.

Mr. PUETT wanted the present law enforced, and free men protected at the polls. He was opposed to any restrictive legislation. He knew that the State had been going to ruin since stuffing ballot boxes had commenced and cheating perpetrated. In this very city men had not been protected at the polls. He opposed the amendment because he hoped that a constitutional convention would be called to remodel the Constitution.

Mr. MORGAN contended that the present law was not effective, as it was generally ruled that judges of elections could not refuse the vote of a man who, though he had come into the precincts but a day before, swore that he was an actual resident.

Mr. BUSKIRK corrected this impression. The Supreme Court in a recent case had decided that if the person offering to vote made the required oath, the judges had the right to go back of it to determine his qualifications, and reject the vote for valid reasons.

Mr. CASON said the resolution was examined by the Judiciary Committee of the last legislature, and he did not remember any opposition from Democratic members. He thought the House was prepared to vote on the measure now as well as at any other time.

Mr. NIBLACK. We were driven into that condition that before a great while we should have to assemble a Constitutional Convention. The nature of our Federal relations was such that this would be demanded. In view of this, then, he was opposed to any present steps for radical changes in the organic law of the State. He disclaimed on the part of Democrats all party feeling on the question, as gentlemen in opposition had charged. He was for sending the resolution back to the Judiciary Committee.

The motion to refer was agreed to.

AFTERNOON SESSION.

Mr. GRIFFITH offered the following concurrent resolution:

WHEREAS, The land of Henry Clay, Joseph Holt, John J. Crittenden, Cassius M. Clay and Hon Thos. F. Marshall, the old State of Kentucky, has been conspicuous for eloquence, patriotism and chivalry, and has hitherto been an object of our warmest regards; therefore,

Resolved, By this House, the Senate concurring, that with emotions of ardent hope and intense pleasure, we hail the evidences of the patriotism contained in the following joint resolution offered in the Senate of the Commonwealth of Kentucky, by Mr. Gilliss.

"*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Federal Government of the United States being engaged in a terrible war for the suppression of a causeless and wicked rebellion, which aims to sunder the Union and destroy the Government, Kentucky, being an integral portion of the Government—a loyal State thereof—and having long since plighted her faith to that Government, to aid in the suppression of the rebellion and the restoration of the Government, with the rights of all the States; that notwithstanding she holds opinions adverse to the policy and constitutional powers of some of the war measures of the Chief Executive of the nation—still unwavering in her devotion and attachment to the Government of her illustrious ancestors and revolutionary sires—she again reiterites her pledges of fidelity to the great common cause, and with all her energies, and with all her power, and with all her means, will advance steadily forward in the prosecution of the war, to the crushing of the rebellion, and the restoration of the Union and the Constitution."

On motion by Mr. PUETT the name of Cassius M. Clay was stricken from the preamble by yeas 56, nays 25.

Mr. VAN BUSKIRK made an ineffectual motion to strike out all the names in the preamble.

The resolution was adopted.

HOUSE ENPLOYEES.

Mr. PUETT made a report from the Committee on the Employees of the House. The committee found no more clerks or pages employed than were necessary for the prompt discharge of their duties.—They have found more persons employed as Assistant Doorkeepers than are necessary, though the exact number could not be obtained, as the Doorkeeper (Mr. Benedict Burns) had stubbornly refused to give the names or number of his appointees.—They deem him not qualified for the position and recommend the adoption of a resolution dispensing with his services.—They recommend that the Assistants therein named be continued in service, and that J. B. Frazer, act as Doorkeeper until an election takes place.

On motion by Mr. ROBERTS the report was made the special order for to-morrow at ten o'clock a.m.

INVESTIGATING COMMITTEE.

The resolution introduced by Mr. Brown, of Wells, in the Senate yesterday, proposing an investigation into the State Arsenal and Quartermaster's Department, coming up in order—

On motion by Mr. TARKINGTON the resolution was amended by requiring "that in the investigation of the accounts of any particular Quartermaster he be notified of the fact, and permitted to appear before the committee in person and by counsel."

Mr. KILGORE was in favor of the investigation. He wished it was broader so as to include all the war expenses of the State. Gov. Morton had been charged with extravagance, yet he had no fears of investigation.

Mr. BURTON said his Excellency need not court investigation. He should have it. It was supposed that he had committed frauds and been reckless of expense.—He should have at the hands of this body the representaives of the people whose money he has used, a full, fair and impartial investigation.

Mr. KILGORE said Gov. Morton had used money freely for the benefit of sick and wounded soldiers. Scarcely had the smoke lifted from the battlefield of Shiloh ere the Governor was there with his nurses and hospital stores. For the last two weeks he had heard continued abuse of the Governor. Yet he had no reason to believe that a single gentleman who condemned him had ever come up to the capital to tender their services on such an occasion. He challenged one of them to rise in their seats and assert the contrary. He did not make the charge against the Democratic party generally, but against certain politicians who were loudly denouncing him.

Mr. BROWN. No man would more freely give "our Excellent Governor," in the language of the gentleman who has taken his seat, credit for what he had done for our sick and wounded soldiers. But if he had not done all in his power for our soldiers he would have been recreant to his sworn duty—have been recreant to what the people of the whole State demanded of him—his name would descend with ignominy. His Excellency was, as the gentleman said, good at "courting." It was the duty of all to do all that could be done for our brave and patriotic sick and wounded soldiers. He insisted that his Excellency must attend to this thing. But at the same time he was not willing to suffer his Excellency, to plunge his hands

into the public treasury, sending this one, and that one, man, woman, doctor and nurse, by railroad all over the country, his favorites, without being called to account for it. He (Mr. Brown) did not doubt that "our excellent Governor" had recklessly and extravagantly expended the public money. If Governor Morton should come out of the investigation proposed, unscathed, let him have the glory.

The resolution, as amended was concurred in by yeas 91, nays 1.

The Senate resolution, for a committee to investigate the war expenses of the State, requesting the Governor to give a detailed statement of the amount of the several appropriations which have come into his hands, and of the funds received from the Federal Government, was concurred in.

BILLS ON THE THIRD READING.

The following described bills were read the third time and finally passed :

H. R. 9, to repeal the act of 1861, to ascertain the fees of Clerks of the Courts, Sheriffs and other county officers, by yeas 75, nays 16.

H. R. 15, to relieve Aaron Foster, by yeas 91, nays 0.

DEATH OF SENATOR SHOULDERS.

The House, on motion of Mr. NIBLACK, took from the table the Senate message relating to the decease of Hon. Thomas Shoulders.

Mr. NIBLACK pronounced a brief and feeling eulogy upon the deceased. He was a patriot. He, although politically opposed to the Administration, had given two sons to the service of his country.—To the dear ones at home, under the circumstances, these two sons absent in the army—to his wife and young daughter—the news would come as a crushing and overwhelming dispensation of Providence. Mr. Shoulders was a Christian gentleman. He died in communion with the Methodist Episcopal Church. The bereaved family had his most heartfelt sympathies, and he (Mr. Niblack) did not say this as a mere matter of form.

Mr. HOLCOMB bore testimony to the many virtues of the deceased. Judge Shoulders was not the most brilliant man, perhaps, but he was an honest man, and his loss at this juncture would therefore be sensibly felt.

The resolution was concurred in, and the Speaker appointed Messrs. Kemp and DeBruler a committee on the part of the House to accompany the remains to the late residence of the deceased.

On motion of Mr. BROWN the Speaker appointed Messrs. Branham, Niblack and Holcomb a committee of arrangements on the part of the House relative to the obsequies of the deceased.

As an additional testimony of respect to the deceased, the House adjourned.

IN SENATE.

FRIDAY, January 30, 1863.

The following bills were introduced, read the first time, and severally passed to the second reading :

By Mr. DOWNEY, [74] to fix the time of holding the Common Pleas Court in the Fifth District.

By Mr. LANDERS, [75] to amend the 1st section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases.

By Mr. HORD, [76] to amend section 1 of an act touching the laying out and locating towns, approved May 20, 1852, and providing when this act shall take effect.

COURT OF COMMON PLEAS.

Mr. WOLFE offered the following :

Resolved, That the Judiciary Committee be instructed to report a bill abolishing the office of Common Pleas Prosecuting Attorney, and taking from the Common Pleas Court all criminal jurisdiction.

Mr. WOLFE said that he introduced the resolution to test the sense of the Senate. He doubted whether a law could be passed at this session, abolishing the Court of Common Pleas, but he believed that the sentiment of the General Assembly was in favor of the proposition embraced in the resolution. It would be one step in the way of reform. There was no necessity for continuing criminal business in the Common Pleas Courts. While Circuit Prosecutors received sufficient compensation to justify competent attorneys accepting the position, such was not the case, and never would be, with Common Pleas Prosecutors. The business of prosecuting could be better done in the Circuit Court, and at a great saving of money to the people.

Mr. MELLETT could not agree to the assumption that there was a necessity for abolishing the office of Common Pleas Prosecutor, and continuing the Court itself. The surest remedy was to abolish the whole Common Pleas system. One reason, perhaps, why the Court would not be abolished, was the fact that a large number of Judges, who would be legislated out of office, were working to defeat this measure. But this was no good reason for him, and it ought not to influence Senators. The reasons in favor of abolishing the system were manifold, substantial, and unanswerable.

Mr. BROWNE, of Randolph, said that, while he was in favor of abolishing the Court, he was also in favor of this proposition. The meagre salaries paid Common Pleas Prosecutors would never secure competent officers. One hundred criminals had, the past year, been let out of the Penitentiary because of illegal committals, all the work of ignorant prosecutors. Change the system, and there would be more convictions. It was an irresponsible system,

the prosecutor claiming all the prerogatives of a grand jury, and in many cases his action was unjust.

Mr. WOLFE moved to amend his resolution so as to add: "and that it is inexpedient to abolish the Court of Common Pleas."

Mr. MELLETT moved to add in the proper place, "and the jurisdiction of the said court in civil causes."

Mr. WOLFE objected to the amendment. It would reduce the Court to an old fashioned Probate Court. He favored every measure to reform it. He knew it required reform, but before he would consent to abolish it, he must be assured that a better system could be devised and brought forward to replace it. It was on this ground alone that he opposed the abolition of the Court. If you divest it of civil and criminal jurisdiction, you have a Circuit Probate system in the State. Will this be an improvement on the score of expense?—You have the Judges to pay, and the machinery of a Court to keep up. If you strike the Court down—abolish it—you throw the Probate business into the Circuit Court. He knew that the Judges of that Court were competent, but, with a multiplicity of business, would you better the manner of doing that branch of business, or would you cheapen it? Another proposition was to give the Clerks of Courts Probate jurisdiction. He was opposed to that. The most of the Clerks were not elected with a view to that end. They were not lawyers, and in many instances would not be able to grapple with questions that would come before them.—He was not wedded to the Common Pleas Court, but he was opposed to changes in our judicial system, and utterly opposed to experimenting with it. The people were not demanding the change. The demand was made by a certain class of Circuit lawyers, who thought a double system interfered with their practice. He admitted the objections urged, but was fully satisfied that the abolition of the Court would work evil. The Probate business was more important than all other business combined. He dwelt at length on this view, and condemned severely the disposition to place it in incompetent hands—such as Clerks of Courts. He hoped a direct vote on the question would be taken. The Senate was as full as it was likely to be. He would not object to postpone, but when the vote *is* taken, let it be direct, and the mind of the Senate would be known on the subject. All admitted that some reform was needed, and when the views of the Senators are known, the Senate could act understandingly.

Mr. CLAYPOOL. The Senator from Harrison (Mr. Wolfe) had convinced him that the Court of Common Pleas should be abolished. He states that the Probate business is the most important. If it was so, the business should be in the hands of the highest and best Court in the State.—He was not influenced by personal motives in this view. He had the pleasure of practicing under one of the ablest lawyers and best men on the bench. That gentleman himself thinks the Court should be abolished, and time and again said so. The salaries paid to Common Pleas Judges did not, and could not, secure the best talent. Unless the Judge, (as was the case in his District) was a wealthy man, he could not afford to occupy a seat on the Common Pleas Bench. He was in favor of increasing the pay of Circuit Judges, and increasing the circuits. The salaries of Circuit Judges should be at least $2,000 per annum. Less than that would not secure the services of the best legal minds. He hoped a direct vote would be had. He believed a majority on this floor were in favor of abolishing the Court of Common Pleas, and doing away with this multiplicity of Courts, which only impaired the dignity and efficiency of the Judiciary of the State.

Mr. RAY. The gentleman from Harrison (Mr. Wolfe) admitted the objections urged against the Common Pleas system, and that reform was needed. We have two Courts of common jurisdiction. If the ends of justice can be as well subserved by one Court as by two, and if the expense can be reduced 25 or 30 per cent., is it not right and is it not policy to do so? He thought the argument that a certain class of lawyers advocated abolishing the Court, for interested motives was hardly worthy of the attention of the Senate. The people were satisfied with the old Probate system. It was a cheap and a fair system. The Common Pleas Court was a new thing to the people, and it was an increased expense without corresponding benefit. The Judges of these Courts knew little or nothing of the condition of the estates in the counties. They issued citations and taxed the cost, and that is all they did. The Clerk and the Attorney settled the business. He compared the method of doing business by the Probate Judges. They were public administrators, and kept posted on the business before them. Put this business in the hands of Courts having criminal and civil litigation, and what time has the Judge to give attention to the settlement of estates?

Mr. WOLFE. Would not the same objection hold good if the business was in the Circuit Court?

Mr. RAY said it would. In that respect he differed with the gentleman from Fayette, (Mr. Claypool.) He wanted the Common Pleas Court abolished. He wanted the Probate business given into the hands of a clerk or surrogate, to be open when other public offices of the county were open, when people could be accomodated at all times. As it is, the time of the court

is taken up with litigated cases, and the Probate business comes in as a sort of side bar, and it is done up by the clerk and the attorney, independent of the Judge, who is occupied with other business. If he was devising a system for the benefit of lawyers, he could not think of a better than the one now in existence. It is admitted that the criminal business of the Court was shamefully mismanaged. He would remove it to the Circuit Court. He would accept this, if he could not do better. But he demanded more, a greater reform, and the people would yet demand it. This Court was fastened upon them by restless politicians, who were always urging change. He was willing to increase the pay of Circuit Judges under the present depreciated state of the currency, but he would require the Judges to work. Let them hold three terms of the Court, if needed. He spoke of the Prosecutors as in general utterly useless under the double-headed system, but contended that if there was only one set of such offices under a Court of dignity, with sole jurisdiction, that competent talent would be secured.—Make the office an honorable and reputable one, and the huckstering and brokerage of the crimes of the country, now so much complained of, would disappear. He contended that it was no argument in favor of the present system that a better one was not presented. The gentleman from Harrison, an able and ingenious lawyer as he is, could devise one. Give the Probate business to the Clerk, or give it to a local Surrogate. He opposed a circuit, a traveling Surrogate. The business should be in the hands of parties who could be accessible at all times.

AFTERNOON SESSION.

Mr. RAY said, in order that the question pending should have more mature consideration, and be returned to the Senate when it was more full than at present, he would move the reference of the resolution to the Judiciary Committee, with instructions to act in conjunction with the Committee on the Judiciary of the House, and determine the expediency of abolishing the Common Pleas Court, and instituting a substitute with Probate jurisdiction, and if found expedient, to prepare and present a bill for the purpose.

Mr. WOLFE opposed the reference. He simply offered the resolution to get an expression of the Senate, and the reference would defeat that object. He was willing to postpone the consideration of the subject, but he wanted a direct vote when a vote was taken.

Mr. MARCH was ready to vote on all these propositions now. He could not agree with the gentlemen who asserted that the Court was useless or inefficient. The Judges would compare favorably, for legal ability and moral worth, with the Judges of the Circuit Court. The convictions for crime in these Courts had been as numerous as in the Circuit Courts.

Mr. RAY. Does not the history of our criminal trials show that over seventy convictions have been made in that Court that could not be legally sustained?

Mr. MARCH. With all that it was the cheapest and best system. It was not a secret tribunal, like the Grand Jury system. It was not a place surrounded by guards where men could go to vent their malice against their neighbors. He did not believe in the theory advanced here that it required large salaries to secure the best legal talent. The history of the Judiciary in this State does not prove the assertion. He wanted to know what system would be substituted when you tore down the one under debate. It was easy to tear down, but often difficult to build up. He would not vote to abolish the present Court until he saw what substitute would be offered.

Mr. MELLETT regarded this as a test vote, and simply voting for an expression of opinion did not commit Senators to any substitute. If it was found that the Court was to be abolished, then gentlemen would present their plans of a substitute, as many of them had intimated they would do.

Mr. JOHNSTON said that it would be no test vote, so far as he was concerned, as he would vote against the abolition of the Court until he had an opportunity of voting for something better as a substitute, in which case he might vote for its abolition.

On motion by Mr. COBB the motion to refer was laid on the table: yeas 19, nays 18.

Mr. FERGUSON thought the means proposed to get a direct vote on this subject were the worst that could have been thought of. A test vote could not be had in the shape now presented.

Mr. COBB moved to lay the resolution and pending amendments on the table.

Mr. WOLFE demanded a division of the question.

The amendment (Mr. Mellett's) to the amendment was laid on the table by yeas 27, nays 11.

The amendment (Mr. Wolfe's) was also laid on the table by yeas 28, nays 11.

The Senate refused to lay the resolution on the table by yeas 18, nays 21.

Mr. MELLETT moved to strike out from the word "resolved," and insert the following, "that it is expedient to abolish the Common Pleas Court."

The yeas and nays were demanded by Messrs. Mellett and Claypool, and being ordered and taken, resulted—yeas 17, nays 22—as follows:

YEAS—Messrs. Bearss, Beeson, Berry, Browne, of Randolph, Claypool, Downey, Dunning, Finch, Jenkins, Landers, Marshall, Mellett, Moore, Murray, Pleak, Ray and Wright—17.

NAYS—Messrs. Blair, Campbell, Cobb, Corbin, Culver, Davis, of Parke, Davis, of Cass, Ferguson, Gaff, Gifford, Grubb, Hartley Hoagland, Hord, Johnston, McClurg, March, New, Teegarden, White, Wilson and Wolfe—22.

So the amendment was rejected.

The question recurring on adopting the original resolution,

The yeas and nays were demanded by Messrs. March and Ray, and being ordered and taken resulted—yeas 18, nays 21—as follows:

YEAS—Messrs. Beeson, Berry, Browne, of Randolph, Claypool, Davis, of Cass, Dunning, Finch, Gaff, Hartley, Hoagland McClurg, Marshall, Moore, Murray, New, Ray, Wolfe and Wright—18.

NAYS—Messrs. Bearss, Blair, Campbell, Cobb, Corbin, Culver, Davis, of Parke, Downey, Ferguson, Gifford, Grubb, Hord, Jenkins, Johnston, Landers, March, Mellett, Pleak, Teegarden, White and Wilson—21.

So the resolution was rejected.

AGRICULTURAL COLLEGES.

Mr. CLAYPOOL introduced a joint resolution, [7] in relation to the land donated by Congress to the State for the purpose of endowing Colleges, which was read the first time.

INVESTIGATING COMMITTEE.

On motion by Mr. BROWNE, of Randolph, it was—

Resolved, That the special committee heretofore appointed by the Senate upon the instructions introduced by the Senator from Wells (Mr. Brownday before yesterday) to investigate and report upon the affairs of the Quartermaster Department and of the Arsenal, be, and is hereby instructed to inquire into the expenditures, and investigate the manner in which the Commissary Department of the State has been conducted.

STATE PRISON COMMITTEE.

The resolution (introduced yesterday by Mr. Corbin) to reduce the State Prison Committee to eight members, coming up.

On motion of Mr. WOLFE it was laid on the table.

House bill 15 was read the first time.

THE KENTUCKY LEGISLATURE RESOLUTIONS.

The House concurrent resolutions (printed in the proceedings of yesterday afternoon) in response to joint resolutions introduced in the Senate of Kentucky, were taken up.

Mr. WOLFE moved to refer to the Committee on Federal Relations.

Mr. MARCH hoped the reference would not be made, but that the resolutions would be passed at once. He was in favor of responding to the patriotic resolutions of the Kentucky Legislature. The House had passed these resolutions by an almost unanimous vote.

Mr. WOLFE said that when resolutions were introduced here endorsing the sentiments uttered by the Governor of New York, they were referred to the Committee on Federal Relations He approved of the sentiments expressed in them, but he was willing they should go to the committee for their consideration. It would be time enough to act upon this matter when the Legislature of Kentucky had approved it. At present, it was merely the expression of an individual Senator from the State.

Mr BROWNE, of Randolph, made an ineffectual motion—yeas 19, nays 20—to lay the motion to refer on the table.

Mr. LANDERS hoped the resolutions would be referred. The argument that the House indorsed them was simply no argument at all. The resolutions from the same body in reference to the message of the Governor of New York were sent to the committee, and they took the right direction.

Mr. RAY favored the reference, not because of opposition to the sentiments contained in the resolutions, but because he was opposed to catching up all the driftwood that floated in the newspapers and appropriating it as our own, when we had enough legitimate work before us to occupy all of our time.

Mr. CLAYPOOL desired to see this Senate once more endorse the declaration contained in these resolutions. That sentiment had been unanimously avowed at the extra session. It was: that however much we might differ from the men in power, we were for sustaining the government in all its efforts to prosecute the war vigorously.

Mr. CORBIN. There is too much time spent in discussing these matters. The resolutions under consideration were only presented to the Kentucky Legislature, and our concurrence was not asked He was in favor of the reference—nothing could be lost by it.

Mr. LANDERS moved to amend so as to insert an endorsement of Governor Seymour's message.

Mr. BEARSS made an ineffectual motion—yeas 19, nays 20—to lay the amendment on the table.

Mr. MELLETT moved to indefinitely postpone the motion to refer.

On motion by Mr. LANDERS the motion was laid on the table—yeas 20 nays 19.

On motion by Mr. DOWNEY, the resolutions were then referred to the Committee on Federal Relations, "with instructions, when they report, to incorporate the sentiments enunciated in these resolutions, in their report or resolutions."

COURT OF COMMON PLEAS.

Mr. BROWNE, of Randolph, offered a concurrent resolution instructing the Committee on the Judiciary to confer with the House Judiciary Committee as to the expediency of reforming the Judicial system of the State, and of abolishing the Common Pleas Court, and if found expedient, that they report bills on the subject, and that all propositions introduced on that subject be referred to such committee.

On motion by Mr. COBB the resolution was laid on the table—yeas 20, nays 17.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 30, 1863.

The reading of the Clerk's journal of yesterday's proceedings was dispensed with.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. LAKE, [107] to relieve Ninevah Berry.

By Mr. SPENCER, [108] to amend the 16th section of the act regulating County Commissioners—having reference to the care of county buildings.

By Mr. MILLER, [109] to amend the 1st section of the act for the relief of the borrowers of the Sinking Fund, approved March 9, 1853.

By Mr. ROBERTS, [110] to amend sec. 1 of an act amending sec. 3 of the act regulating weights and measures, approved June 9, 1852, approved February 28, 1855

By Mr. WATERMAN, [111] to provide for the transfer of Sinking Fund mortgages to the counties in which the lands lie.

By Mr. McGAUGHEY, [112] to amend section 19 of the assessment law, approved June 16, 1852.

By Mr. O'BRIEN, of Hamilton, [113] to amend section 14 of the plank road law, approved May 12, 1852.

By Mr. MILLER, [114] to require Recorders to certify their records of deeds and mortgages, and other instruments admissible to record.

By Mr. HOLCOMB, [115] to amend the game law, approved February 26, 1851.

By Mr. HOWK, [116] to amend the second section of the act regulating the duties of the Supreme Court Reporter, approved February 15, 1852.

HOUSE EMPLOYEES.

The report of the committee thereon, (printed in yesterday afternoon's proceedings,) being the special order for this hour —10 o'clock—

On motion of Mr. ROBERTS, it was ordered that the Doorkeeper have the privilege of a brief hearing before the House.

On motion by Mr. ANDERSON the vote making this order was reconsidered, upon a division of the House—affirmative 46, negative 36.

The question recurring on the motion that the Doorkeeper be heard in his own defence—

Mr PUETT opposed it, because it was an indignity to the House to permit him to speak on a question where he had refused the committee proper information.

Mr. ROBERTS contended that members who had denounced arbitrary arrests, without allowing the accused a word in defence, now proposed to dismiss an officer of the House without a hearing.

Mr. PUETT replied that the Doorkeeper plead a delay of two or three weeks, and finally refused to give the names for reasons of his own. The members of the committee had labored with him personally, but only received insults, and were compelled by self-respect to report as they had done. Mr. Burns had treated the committee with direct insult. He was not in favor of this man coming into this House and repeating his insults before the sovereignty of the State here assembled. The dignity of the House forbade it. The self-respect gentlemen owe to themselves forbade it.

Mr. BROWN argued in favor of hearing the Doorkeeper. If his communication was a respectful one, it ought to be entertained. It was true that he (Mr. Brown) believed that the Doorkeeper had not discharged his duties as well as he might.—He had doubtless been extravagant. But every man publicly charged, even though he be the darkest criminal, had a right to be heard.

The motion (Mr. Roberts') was again agreed to—affirmative 44, negative 33.

The DOORKEEPER (Mr. Burns) stated in his own defence, that he was impulsive and inclined to resist any interference. But he had been unfortunate. Had lost heavily in party services. Needed the post, and got it, but was compelled to make certain promises to secure his election. No sooner was he elected than he was beset by five hundred men for places, and was actually compelled to disguise himself on leaving the State House, to reach his room. He had suffered terribly at the hands of office-seekers. His appointments had been made at the suggestion of prominent Democrats in the House, who had promised to sustain him. He had eighteen adult appointees, and six pages. He was a partisan, a bitter one, and believed that to the victor belonged the spoils, and had appointed none but Democrats. His politics was his religion. He had been a John L. Robinson Democrat, and the Chairman of the House had been on the other side, which fact he thought might have something to do with the matter. He thought the party ought not to disgrace himself and his family by expelling him; justifying his stubbornness on the ground that he had been required by the committee to give information on points not required by the resolution.

AFTERNOON SESSION.

Mr. LASSELLE moved to refer the report to a select committee of five, to whom the Doorkeeper should furnish the names and number of his employees; and that the committee report on Tuesday morning.

Mr. ABBOTT made an ineffectual motion—yeas 37, nays 42—to lay on the table the motion for a reference.

The motion to refer was agreed to.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. PACKARD, [117] relative to Congressional School Fund, in the counties of Newton and Jasper.

By Mr. VAN BUSKIRK, [118] amending sec. 12 of the act regulating sale of liquors—against adulteration.

By Mr. SHAFFER, [119] amending 21st section of Common Pleas law—relative to terms of said Courts in Wabash, Kosciusko, Fulton, Cass and Miami counties.

By Mr. ROBERTS, [120] amending section 11 of act prescribing duties of County Surveyors.

By Mr. LASSELLE, [121] to prohibit and punish arbitrary arrests.

By Mr. BURTON, [122] amending 1st section of act providing a mode of doing township business.

By Mr. LASSELLE, [123] amending sections 47 and 49 of act punishing misdemeanors—providing for obedience to writs of habeas corpus.

By Mr. PACKARD, [124] amending section 2 of act prescribing the duties and fixing compensation of Agent of State—requiring bond of said officer, to be approved by the Secretary of State instead of the Governor.

Mr. PACKARD moved that the rules be suspended, and the bill read a second time.

The vote stood yeas 57, nays 16.

The SPEAKER decided that the rules were not suspended, two-thirds of a full house being required to that end.

Mr. PACKARD (joined by Mr. HARNEY) took an appeal from the decision of the Chair. He thought two-thirds of a quorum were sufficient.

The question being Shall the decision of the Chair stand as the judgment of the House?

Mr. LAMB quoted the constitution, arguing that one hundred members constituted a House.

The SPEAKER referred to the same clause of the constitution, and to the general principles of parliamentary law.

Mr. NIBLACK replied that the House never actually consisted of one hundred, and that, if that number was required, we had no House in point of fact. He spoke of the present condition of Congress.—There is not a full Senate or House. In estimating a quorum it is necessary to count the vacant seats. He was satisfied that only two-thirds was necessary to constitute a quorum. He was satisfied the ruling of the Chair was wrong.

Mr. GRIFFITH pursued the argument, sustaining the Speaker.

Mr. HARNEY sustained the appeal.—The representatives of the people should not be hampered by a rigid construction of the constitution, where there was any doubt. The benefit of the interpretation, therefore, should be in favor of the House, and no strict and rigid interpretation insisted on.

Mr. PACKARD also argued in support of his appeal. He urged the arguments used by the gentleman from Knox [Mr. Niblack] and the gentleman from Montgomery [Mr. Harney.]

Mr. BRANHAM followed in favor of the ruling of the Chair. The object of the constitutional provision was to prevent hasty legislation. It evidently was the intention of the framers of the constitution that no bill should be introduced and passed the same day unless the necessity was so great as to convince two-thirds of one hundred.

Messrs. LASSELLE and VAN BUSKIRK continued the argument in favor of the position held by the Chair.

The House sustained the decision of the Chair by yeas 65, nays 9.

On motion by Mr. NIBLACK, it was—

Resolved, That when the House adjourn it be till Monday at 2 o'clock P. M.

IN SENATE.

SATURDAY, January 31, 1863.

Reports from committees recommending that Senate bills 34, (see page 80;) 68, (for the relief of Perry Burgett;) 46 and 43, (see page 83;) be laid on the table, were severally concurred in.

On motion by Mr. JOHNSTON, it was—

Resolved, That when the Senate adjourn it will be till Monday, at 2 o'clock p. m.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. JOHNSTON, [77] to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, approved June 21, 1852.

By Mr. JOHNSTON, [78] to amend the 8th section of an act entitled an act in relation to County Treasurers, approved June 4, 1852.

WORK FOR COMMITTEES.

Senate bills 69 to 76 inclusive (introduced yesterday and the day before) and House bills 9 and 15 (pages 43 and 46 of these Reports) were read the second time and severally referred to appropriate committees.

IN SENATE.

MONDAY, February 2, 1863.

The Senate met at 2 o'clock p. m.

Mr. DOWNEY presented a petition from the citizens of Ohio county, asking a change of the law in regard to drainage of lands, which was referred to the Committee on Agriculture.

THE $140,000 MILITARY FUND.

Mr. DOWNEY offered a resolution, which was adopted, that the Adjutant General be requested to report to the Senate the reason, or reasons, why the military fund appropriated by section 7 of the act of May 11, 1861, for the organization of the Indiana militia, has not been distributed according to sections 5 and 6 of that act; whether it is the intention of the Adjutant General to have such distribution made, and, if so, when, and, if not, why; if further legislation is necessary to authorize such, or any other distribution, and, if so, of what nature.

FEES OF COUNTY OFFICERS.

Mr. MARCH offered a resolution, which was adopted, that the Auditor of State be requested to furnish a report containing an abstract of the reports of County Auditors, relative to fees of county officers.

On motion by Mr. NEW, and because of the absence of the Penitentiary Committee, it was—

Resolved, That when the Senate adjourn, it adjourn to meet at 9 a. m. on Wednesday.

HOUSE OF REPRESENTATIVES.

MONDAY, February 2, 1863.

The House met at 2 p. m.

No quorum present, but fifty-two members answering to their names;—the Penitentiary Committees being absent;—adjourned till 9 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 3, 1863.

The House met at 9 a. m.

No quorum being present, the House adjourned to 2 p. m.

AFTERNOON SESSION.

The reading of the Clerk's journal of Friday's proceedings was dispensed with.

Mr. FERRIS, from the select committee thereon, returned the resolution calling upon the Governor for information with regard to the number of drafted men taken from each county, and also with regard to nine months' men—why the organization of these men had not been conducted according to law, &c., recommending its passage.

On motion by Mr. HARNEY, it was amended by striking out that portion requiring the Governor to report the number of drafted men from each county.

The resolution was then adopted.

HOUSE EMPLOYEES.

Mr. LASSELLE, from the committee on the Doorkeeper's imbroglio, reported in favor of limiting his employees to fourteen, and that the Doorkeeper had not shown sufficient dereliction of duty or disrespect to the House to warrant his dismissal. They think him not sufficiently respectful to the House. They require him to amend his report, by striking out offensive words, or in default to be reprimanded by the Speaker.

The report was concurred in by yeas 46, nays 25.

RESOLUTIONS OF INQUIRY

Addressed to appropriate Committees were offered, read and severally adopted, to-wit:

By Mr. NIBLACK, relative to amending the law for the incorporation of cities and towns.

By Mr. HALL, relative to vacancies in the Military Board.

By Mr. NEWMAN, in reference to the responsibility of guardians of female wards.

By Mr. BUDD, relative to abolishing the office of Township Assessor.

By Mr. HUTCHINGS, relative to holding courts in Auditors' offices, or other places.

By Mr. WOODRUFF, a temperance resolution.

By Mr. HUMPHREYS, for a report, at an early day, from the Committee on Military Affairs.

By Mr. WATERMAN, relative to trust funds.

THE STATE OF THE UNION.

Mr. ROBERTS offered a joint resolution, [26] pledging the powers of the State to the support of the Union, and condemning certain official acts of the President of the United States; which was read the first time. It is as follows:

Resolved by the General Assembly of the State of Indiana, That, in behalf of the people of this State, in the language of the resolutions approved by the Virginia House of Delegates, December 21, 1798, we "unequivocally express a firm determination to maintain the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic; and that they will support the Government of the United States in all measures warranted by the former. That this General Assembly most solemnly declare a warm attachment to the Union of the States, to maintain which it pledges its powers; and for this end it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them can alone secure its existence and the public happiness."

Resolved, That in view of the matters mentioned in the foregoing resolution, we declare it to be the bounden duty of the Chief Executive of the Government, and all subordinate officers under him, as a further guarantee for the maintenance of the Union of the States, to see that the Constitution and the laws are faithfully executed against all opposers whomsoever.

Resolved, That we utterly repudiate the doctrine of secession as being at war with those great fundamental principles upon which the Government of the United States is founded; and that whenever any portion of the people of the Government attempt to carry this hateful doctrine into practical operation, by armed force, they are guilty of *treason*.

Resolved, That in this light we view the effort which is being made by a portion of the people of the Southern States to separate themselves by force and arms from the Union, and set up an independent Government; and, therefore, we denounce and

hold them up to the scorn and contempt of the civilized world as traitors to the Constitution and the liberties of the people.

Resolved, That we do also denounce and repudiate the doctrine being taught by the Abolitionists, that the conscience of the individual is a "higher law" to him, in the government of his conduct as a citizen, than the Constitution of the United States, which is declared by that instrument to be "the supreme law of the land" It sets at defiance all law and order; and, therefore, it cannot be entertained for one instant by those who desire to maintain a republican form of government.

Resolved, That the war policy foreshadowed by the President in his Inaugural Address, and which was more explicitly defined in his first Message to the Congress of the United States, met with a hearty response from every loyal citizen, as was evinced by the spontaneous uprising of the people, after the attack upon Fort Sumter, who rallied by thousands and by tens of thousands, irrespective of party predilections, to the rescue of their common country; but, we do here declare, in behalf of the people of Indiana, that when the President, at the solicitation of the fanatics of the New England States, abandoned the conservative, sound, national policy which he had thus declared to the world, and exercised all the powers of his high office to change the contest from a war for the maintenance of the constitution and the Union to a war for the abolition of slavery, a result disowned by him, and never contemplated by the conservative men of the country in the beginning of the struggle, the people with equal unanimity, condemned his course as being unwise, unpatriotic, and in direct violation of the Constitution.

Resolved, That the Proclamations of Emancipation issued by the President of the United States on the 22d day of September and the 1st day of January, meet with our unqualified condemnation: we view them as a stretch of power wholly unwarranted by the constitution; that they are of no binding force in law, and, consequently, are utterly null and void.

Resolved, That we do protest against the burdening of the people by taxation to pay for the negro slaves of the Southern States, and our Senators in Congress are hereby instructed, and our Representatives requested to use all their power and influence to defeat the passage of any law having in view the purchase of any such slaves.

Resolved, That the unwarranted practice, which was inaugurated by the present Federal and State Administrations, of arresting unoffending citizens without due process of law, and carrying them beyond the limits of the State, and confining them in military prisons, where they were denied the privilege of a trial by jury, and the benefits of the writ of habeas corpus, was a gross violation of the Constitutional rights of the people of the State of Indiana, and must, therefore, forever cease.

MORGAN COUNTY DIFFICULTIES.

Mr. GREGORY offered a concurrent resolution endorsing the action of Colonel Henry B. Carrington, Provost Marshal at this point, with regard to deserters.

Mr. BUSKIRK (Mr. Harney in the Chair) moved an amendment that, in the opinion of this General Assembly, the citizens arrested in Morgan county should not be held as prisoners of war, but be turned over to the civil authorities to be tried by them. He did not counsel desertion, nor giving aid to deserters. If soldiers conduct themselves properly in making arrests, and parties who resist them are tried by the civil authorities, there will be no trouble. But if denied such trial, and they are held by the military authorities, there will be trouble in the State of Indiana.

Mr. GREGORY accepted the amendment

Mr. BRANHAM moved to refer the resolution to a committee of seven, to examine into the facts and perfect the resolution.

Mr. WOOLLEN would be unable to vote for the resolution now. He thought some parts of the Col. Carrington order, reflecting on some of the citizens whom he represented, were not merited. He came this morning with the friends of some of the parties arrested by the military. The men arrested were mostly from his own county, but they were peaceable citizens. He had no doubt there had been some wrong done there on both sides—on the part of the Government and the people. He wanted the facts before he voted on it.

Mr. NIBLACK was opposed to heated partisan discussions, which had done much to produce this state of excitement. He repudiated any desire to produce civil war, as he was in favor of peace. He also referred to a question of privilege. He had been reported as in favor of an entire revision of the Constitution. He had said that the condition of the country would perhaps require a revision of the Constitution, and that it would be better to defer actions on amendments now.

The discussion was continued by members of both parties, who desired that there be such an expression against any attempt to resist the laws of the U. S.

The resolution was referred to a committee of seven, viz: Messrs. Buskirk, Branham, Niblack, Gregory, Woollen, Atkison and Shafer.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading.

By Mr. NIBLACK, [125] to amend section 45 of the act incorporating insurance companies.

By Mr. LAMB, [126] to amend section 8 of the Justice's act.

By Mr. GIVEN, [127] to procure the service of process against corporations created by the statutes of other States.

By Mr. MILLER, [128] to require Recorders' fees to be paid in advance.

By Mr. WATERMAN, [129] to prohibit public officers from receiving their salaries in advance.

By Mr. HOWK, [130] to increase the powers of the Circuit Judges in vacation, relative to hearing motions and granting injunctions, &c.

By Mr. HALL, [131] to amend the 10th section of the common school act.

By Mr. GREGORY, [132] to authorize county boards, and incorporated cities and towns to appropriate funds for soldiers' families or military purposes.

By Mr. HOWK, [133] to amend the 20th section of the practice act.

By Mr. GIVEN, [134] to legalize sales of real estate by Administrators in certain cases.

IN SENATE.

WEDNESDAY, February 4, 1863.

The bill [S. 56] regulating the bequeathing of estates for religious or charitable purposes, was returned from the Judiciary Committee with a recommendation that it lay on the table.

Mr. CLAYPOOL called attention to the bill. It was very simple. It merely required persons who desired to give their property to institutions of the kind named to do so six months before their decease. It was re-enacting the English law on the subject. It was intended to protect families from the influences frequently brought to bear upon invalids in their last illness, by crafty and cunning men in the ministry, or controlling, ambitious corporations.—He gave many instances where great injustice had been done to families, many of them right in the Capital.

Mr. MANSFIELD said it was a remarkable fact that insane minds take a dislike against those who were most beloved while the patient was sane. All diseases affected the mind, and designing persons could easily influence the sick in such a way as to bring injustice upon their heirs and families.

Mr. RAY said that the bill proposed to set up an arbitrary rule as to the period before death when a man should make a will. The rule of law was that a man must be sane when he makes a will. The bill regulates the competency to make a will by *time*, and not by the *condition of mind*. If the mind was in such condition as to admit of the testator's making a will, he could make any disposition of his property that he saw fit six days or six years before death as well as six months prior to death.

Mr. DOWNEY hoped that the bill would not become a law. It went beyond the cases alluded to by the Senator from Fayette, (Mr. Claypool), and would operate as an improper restriction against other classes of cases. If it were in evidence that testators had been governed by improper influences in making wills, that fact would, under the existing laws, set aside the wills.

Mr. MARCH could not vote for the bill in its present form. There were many cases where individuals had amassed large fortunes, with the intention of bequeathing them to some institutions for the benefit of the poor and unfortunate, and it would be unjust to compel such to devise their property at least six months before death, unless there could be some rule by which six months' notice could be served upon them of approaching death. He did not believe in the rule that would hand down all of a man's property to a few pampered heirs.

Mr. CLAYPOOL contended that this bill would do much good and no harm. It would prevent bequests from being made to monopolies, (under the name of charitable and religious institutions) by parties when in an improper condition of mind, and would prove a protection to many a family, who would otherwise be left penniless.

Mr. WOLFE thought that if we were to obstruct by law the making of wills for the benefit of charitable institutions, we should prohibit the making of such wills altogether, and not do it partially. But he was opposed to all laws that would restrict any one in disposing of his property in any way that he might choose. Let the people be perfectly free to give whatever they pleased, and to whom they pleased, at any time and at all times, whatever of property they might possess for charitable purposes.

The report of the committee was concurred in, and so the bill was laid on the table.

FURLOUGHS FOR SICK SOLDIERS.

Mr. GAFF introduced a joint resolution [8] recommending Congress to provide better regulations in regard to furloughing home sick and wounded soldiers, &c., which was read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. WOLFE, [79] to protect the liberty of the press, declaring certain acts infringing upon the liberty of the press to be felonies, and prescribing punishment therefor, and providing compensation to persons whose property is injured or destroyed by mob violence in certain cases, and declaring when this act shall take effect.

By Mr. BEESON, [80] to amend the 5th section of the liquor act.

By Mr. NEW, [81] in relation to injunctions and restraining order between landlord and tenants.

By Mr. MARCH, for the Judiciary Committee, [82] to repeal an act entitled an act to authorize the Bank of the State of Indiana to lay off and create five additional bank districts, and locate and establish branches therein, approved March 9, 1861.

WORK FOR COMMITTEES.

Senate bills 77 and 78, introduced yesterday, were read the second time and appropriately referred.

A NATIONAL CONVENTION.

The joint resolution [S. 6] (printed in last Thursday's proceedings) coming up in order—

Mr. BLAIR moved to amend so as to read that no action be taken by Indiana towards sending delegates to such Convention until all of the States, including those now in rebellion, shall have, through their authorities, given their assent thereto.

Mr. WOLFE moved to refer the resolution and pending amendment to the Committee on Federal Relations.

Mr. TEEGARDEN said he was opposed to the resolutions, but if gentlemen wished to send delegates South he was in favor of sending them down into the heart of the rebellious States, and moved to instruct the committee to strike out "Nushville" wherever it occurred in the resolutions, and insert "Charleston, South Carolina."

Mr. BROWNE, of Randolph, moved to amend the instructions so as to insert "Richmond, Va." instead of "Charleston."

AFTERNOON SESSION.

Mr. CLAYPOOL submitted an additional amendment, and the amendments and joint resolution were referred.

The joint resolution, [S. 7] in relation to land donated to the State by the United States for the endowment of colleges, was read the second time and referred to the Judiciary Committee.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. WOLFE, [83] providing that creditors and sureties shall have a right of action in certain cases before the debt or liability is due, and providing a remedy by attachment in such cases, and declaring when this act shall take effect.

By Mr. RAY, [84] regulating the fees of County Recorders, and more fully defining their duties and powers in certain cases.

By Mr. DOWNEY, [85] on the subject of Master Commissioners, their duties and compensation.

GOVERNOR'S MESSAGE.

On motion by Mr. MARCH, the Governor's message was taken up, and, without reading, referred to appropriate committees.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 4, 1863.

The reading of the Clerk's journal of yesterday's proceedings was dispensed with.

REPORTS FROM COMMITTEES.

On House bills 5, (see page 35;) 33, 34, and 39, (see page 54;) and 64, (see page 68;) recommending that they be laid on the table, were severally concurred in.

SOLDIERS VOTING.

Mr. ANDERSON, from the Judiciary Committee, reported that the joint resolution [H. R. 9] to amend the Constitution so that the soldier vote may be taken, is inexpedient and unconstitutional, as such an amendment can not be made while other amendments are pending.

The question being on concurring in the report of the committee—

The yeas and nays were demanded by Messrs. Cason and Roberts, and being ordered and taken resulted—yeas 42, nays 33—as follows:

YEAS—Messrs. Abbett, Bird, Blocher, Cass, Cook, Donaldson, Ferris, Garvin, Given, Griffith, Hall, Hardin, of Washington; Hardin, of Perry; Harney, Hetfield, Hon, Howell, Howk, Humphreys, Kemp, of Vigo; Lake, Lasselle, Lee, Lemmon, of Harrison; Lemmon, of Spencer; McGauchey, Miller, Mutz, Niblack, O'Brien, of Hamilton; O'Brien, of Martin; Osborn, Pendleton, Ryan, Shaffer, Shoaff, of Allen; Shoaff, of Jay; Spencer, Veach, Wolfe, Woollen, and Mr. Speaker—42.

NAYS—Messrs. Anderson, Atkison, Baker, Branham, Budd, Cason, Chambers, Davis, Forester, Gregg, Gregory, Hershey, Hostetter, Hutchins, Johnson, Jones, Kendrick, Lamb, Leeds, Mason, Moorman, Mustard, Newman, Noyes, Perry, Pettibon, Rickardson, Roberts, Robinson, Stone, Tarkington, Waterman, and Woodruff—33.

So the resolution was laid on the table.

Mr. FERRIS offered a resolution, which was adopted by yeas 40, nays 30, empowering the Chairman of the Committee on Arbitrary Arrests to detail four members to sit during the sessions of the House, to take testimony in such cases, or visit any part of the State for the same end.

Mr. MASON offered a resolution that as there has been, and is being, a great quantity of arms imported into Hancock and Boone counties, within the past few days, the Military Committee inquire for what purpose they have been distributed, and report immediately.

Mr MASON charged that such arms had been imported into Hancock county, and had been used for the suppression of free speech.

Mr. BROWN thought, as we had already called upon the Governor for information in the regard, it would be respectful to give His Excellency time for a hearing.—He (Mr. B.) knew that arms—muskets, and ammunition for the muskets—were being shipped to Jackson county, and were distributed in that portion of the county densely populated by Abolitionists.

Mr. ATKISON said arms sent to Hancock county were furnished to a regularly organized company, as could have been learned if the gentleman had gone to the Auditor's office. As to Jackson county, the arms had been sent to a township giving 80 Democratic majority.

Mr. CASON said those sent to Boone county were to an organized company.

Mr. ROBERTS thought there was no occasion for alarm or distribution of arms now. It was proper that this General Assembly should know for what purpose these arms were distributed. The people should demand of the military authorities an account in this matter. They might be driven, by the unwise conduct of those authorities, to force, to assert their rights.—He hoped such a thing would not occur; but it might and would if the people's rights were continued to be trampled on.

Mr. JOHNSON said there had been arms imported into the very township where the late conflict took place, and placed in the hands of men who know how to use them, in the hands of Democrats. There was an organized military company in the county, who were armed, but had injured no one. Had that company been in Green township when the law was set at defiance, it is likely the guerillas would have suffered. There were as many arms in the hands of Democrats as of any other men.

Mr. WOOLLEN had been informed by responsible gentlemen that a quantity of revolvers had been shipped to Johnson county, and placed in the hands of Republicans. He objected to the placing of arms by the military authorities in the hands of the people. If we wished peace—if we would have peace—arms must not be put in the hands of the people by those in authority. The people had a right to bear arms of their own, but the times were such now that it was hazardous in the extreme for the authorities to take any steps in the direction indicated.

Mr. HARNEY said that the distribution of arms by those in authority had been going on for some time. It had awakened a deep feeling throughout the State.—These arms had, mysteriously enough, been placed in the hands of those friendly to the Governor. It was evident to his mind that these arms were not distributed for the purpose of defence or for maintaining the public tranquility. He was for sifting the whole matter at once.

On motion of Mr. BROWN, the further consideration of the resolution was postponed until Saturday next at 10 a. m.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. GREGORY, [135] amending 13th section of Common School law.

By Mr. MOORMAN, [136] amending the act relative to the Sinking Fund, for the relief of borrowers.

By Mr. FORESTER, [137] supplemental to act relative to interest on money.

By Mr. BROWN, [138] an act applying certain moneys therein named to the payment of the public debt, to disburse sinking funds in purchases of five and ten and a half per cent. stock of the State by the Agent of the State.

AFTERNOON SESSION.

On motion of Mr. DONALDSON, the two Senate resolutions appointing Apportionment Committees (printed in pages 91 and 92) were taken up and the House concurred therein. The committees heretofore appointed on the part of the House (see page 82) were designated by the Speaker to serve under these concurrent resolutions.

Messrs. Howk, Branham and Bird were appointed on the part of the House as a committee to investigate, with the Governor, the disbursements of appropriations for military purposes.

PRAYER MEETING.

Mr. ABBETT offered the following, which was adopted:

WHEREAS, God hath said by the mouth of his apostle that first of all, supplications, prayers, intercessions and giving of thanks be made for all men and for kings, and for all that are in authority, that we may lead a quiet and peaceable life, in all godliness and honesty, and that this is good and acceptable in the sight of God and our Savior, who will have all men to be saved, and to come unto the knowledge of the truth; therefore,

Resolved, That all the members of this House, and the attachees, who are desirous of worshipping God in sincerity and truth, and who believe that there is a God of *Peace* as well as a God of War, who rules the destiny of nations, and who are desirous of peace on earth and good will toward mankind, meet in pray r meeting in this hall, on Wednesday evening next, the 11th inst, and supplicate the Lord to so direct our counsels as to speedily terminate this unnatural, fratricidal, and desolating war, believing, as we do, "that war is disunion, inevitable and eternal."

WORK FOR COMMITTEES.

House bills 110 to 134 inclusive (introduced last Friday and yesterday) were read the second time and appropriately referred.

BILLS ON THE THIRD READING.

The following described House bills were read the third time and finally passed:

Mr. Miller's, [4] to amend the 406th section of the Practice Act—by yeas 75, nays 0. The main provision of the bill is to keep the judgment alive, after five years, where the party chooses to issue execution after execution.

Mr. Brown's, [18] to amend section 6th, of the estray act—by yeas 51, nays 24—It raises the printer's fee for advertising from $1 to $2.

Mr. Given's, [22] to amend section 27 of the divorce law—by yeas 73, nays 1. It authorizes where suits are brought in the Common Pleas Court, the Prosecuting Attorney in the Common Pleas Court to appear and defend when the defendant does not, as is the case in the Circuit Court.

Mr. Lamb's, [28] to amend the game law—by yeas 54, nays 21. It changes the time of prohibiting the killing of game from November first to October first.

Mr. WOLFE made an ineffectual motion to recommit the bill with instructions to amend by extending the time of taking quails one month in the spring.

Mr. Miller's, [29] to amend the 37th section of the misdemeanor act, (see page 29)—by yeas 67, nays 7.

Mr. Packard's, [31] to punish violation of injunction by attachment—by yeas 67, nays 6.

Mr. Leeds, [59] empowering Sheriffs to offer lands for sale at other places than doors of Court Houses in certain cases—by yeas 57, nays 12.

IN SENATE.

THURSDAY, February 5, 1863.

Mr. WILLIAMS, from the Finance Committee, returned the bill [S. 71] proposing to reduce the salaries of State officers, with a recommendation that it lie on the table.

Mr. CLAYPOOL argued against tabling the bill. It was just to make the salaries of State officers the same. They should all be $2,000 or all be $3,000. Why should the President of the Sinking Fund get more than the Secretary of State?

Mr. WILLIAMS submitted that the salary of the President of the Sinking Fund, considering the amount of money that passes through his hands, and the labor and responsibility, was low enough. A bill was already before the Senate to cut off all fees from the State officers, and both bills should not pass.

Mr. WOLFE was in favor of the bill.—He did not think any man could earn by his own labor more than $2,000. There was a great deal of labor probably to be done in the Sinking Fund office, but the labor was not done by the President, but by clerks, who were paid by the State, and should be well paid. The President supervised and directed the work, and he considered $2,000 as ample compensation.—If an additional clerk were needed, give one and pay him, but he opposed these large salaries, both in the military and the civil service.

Mr. LANDERS was in favor of the passage of the bill introduced by the Senator from Delaware, (Mr. March) to take the fees from the State officers, and he thought it would pass, and consequently did not think this bill should pass.

Mr. RAY. The proposition to reduce the salary of the President of the Sinking Fund was before the Senate two years ago, when the state of the country demanded reduction more than it does now, and it was voted down. If he was not mistaken, the majority of those who favored reduction now, opposed it then. He repeated the arguments used by those gentlemen then, and said they had far more force now, when all the necessaries of life had advanced at least 40 per cent.

Mr. WILLIAMS found by reference to the journals of two years ago, that Messrs. Claypool, March and Blair, who were so anxious now to reduce the salary of the President of the Sinking Fund, voted against it then. Now "a change had come o'er the spirit of their dream." How is this?

Mr. CLAYPOOL said the gentleman's argument would compel a man "once a fool to remain a fool always;" and contended that the proposition two years ago was only to reduce the salary of one officer, that of the Sinking Fund President. This bill equalizes all the salaries. He pronounced a glowing eulogium on Gen. Dumont, the President of the Board two years ago, and said that his legal services, connected with the duties of his office were worth more than the entire amount of his salary. The duties of the office, he contended, were not so onerous now as they were two years ago.

Mr. COBB did not think the salaries too high. The salary of the President of the Sinking Fund was certainly not too high. The responsibility was very great, and he was liable on his bond for all errors. It required great financial ability and great care to perform the duty. The question of legal ability had little to do with the question. If legal advice was required, the President would get it, and he would pay for it. If two years ago the salaries were not too high, certainly they were not too high now when the currency had depreciated so greatly.

Mr. MARCH said that all the State officers, except the President of the Sinking Fund, had pocketed the fees of their offices in defiance of the law. If the bill to prevent this in future was passed, he would not urge the passage of this bill, but he thought this bill should not be laid aside until the other was passed. He thought, however, a salary of $2,000 was sufficient for any of these officers.

Mr. WOLFE. If the gentlemen who were wrong two years ago were right now he would forgive them. It was better to be right than to be consistent, but men could be right and consistent both, if they would. He voted for the reduction two years ago, and he would do so now. He did not care who were the incumbents. He would pay Republicans and Democrats alike, if the people chose to elect them. He did not think a Republican could fill an office as well as a Democrat, but if the people chose to differ with him and elect one, he would pay him without question.

Mr. BROWNE, of Randolph, had always thought that one great evil of our form of government was the creation of too many officers. The demand was generally equal to one office for every tenth man in the community. When these offices were once created, then the clamor was for salaries or perquisites "to command the highest order of talent," and so we go. There were too many offices around the Sinking Fund. There was no use for a large Board of Commissioners. But it is the law, and it was not proposed to change it now.—He was for reducing salaries. He favored this bill and would give his reasons. He spoke at length, and concluded by declaring his conviction that right and justice demanded a reduction.

Mr. DUNNING (Mr. Downey in the Chair) had been amused at gentlemen appealing to the record to prove their consistency and inconsistency. The gentleman from Randolph made a very pretty

speech, and it might be very effective on the stump to wheedle people out of their votes. He was in favor of paying for services rendered, and paying public servants well. He did not believe in working for charity, to the neglect of a man's family. At home he worked for pay, and his people understood that he did so. If they did not wish his services they need not have them. He was prepared to vote to pay members of this Legislature better for their services, and he could defend the vote before his people. He was unwilling to see our State officers reduced to live on a mere pittance. Would gentlemen give up their business at home and bring their families here, unless they would receive a salary that would enable them to live respectably? They would not. He spoke of the Sinking Fund—of its importance to the whole people of the State, and the onerous duties of the President, and said that the salary was not one dollar too high. It was not party feeling with him—it was a matter of principle. Two years ago he had urged members to vote against a reduction of salaries, and two years hence, if the Republicans were in power, he would do the same thing. He would vote for the report of the committee.

Mr. SHIELDS thought two years ago $2,000 was a sufficient compensation to the President of the Sinking Fund, and the vote he should give to-day would be consistent with that. The rise of all commodities that were used made a salary of $3,000 not worth more than $1,500 two years ago. He instanced the price of all articles of consumption, and contended that a decrease would be grossly unjust. A further depreciation of the currency might take place, and he entreated gentlemen to pause and reflect. The responsibility of the office of President of the Sinking Fund was very great. You must have men who can give a large bond, and when the people were made safe and felt safe, they were willing to pay fair salaries. Gentlemen, two years ago, when the currency was sound, and when the storm was coming, refused to trim their sails for the financial storm, but now, when the currency was growing daily more worthless, they propose to reduce salaries. He would oppose it.

Mr. MANSFIELD was in favor of economy, but it was not always economy to reduce salaries and wages. It was the reverse, often. It would be unreasonable to ask a man like Gen. Dumont, who possessed the highest order of talent, to take the management of millions of the public funds for a mere pittance. The railroads, the banks, and other corporations, hardly ever thought of giving their Presidents less than $3,000 per annum. There was no honor in the office. The reports were never read by the public. They were glanced over by a few members of the Legislature, and placed away on the shelves of the library. It was unjust, then, to ask men to fill these offices at far less than they could easily make at their private business. What he would give to a Republican in the way of salary he would give to a Democrat, and he should vote in favor of the report.

The report of the committee was concurred in—yeas 23, nays 16, excused 1.

DECEDENTS' ESTATES.

The Committee on Judiciary reported back the bill, [66] amending the act for the settlement of decedents' estates, with a recommendation that it pass.

Mr. MARCH moved to concur in the report, with an amendment striking out that part which requires the widow to publish a notice that the estate does not exceed $300. He contended that this provision in the bill would add to the costs of settling the estates of a class who are illy able to pay advertising bills, when such notice was unnecessary.

Mr. WOLFE defended the bill, and claimed that it would not work to the injury of widows, but would enable decedents' estates to be more fairly settled than they could now be done.

Mr. CORBIN opposed the amendment.

The amendment was adopted.

On motion by Mr. WILLIAMS the clause requiring the publication of the law in the Indianapolis papers was stricken out.

The report was then concurred in.

A report from the Finance Committee, recommending that the bill [S. 9] to repeal portions of the act concerning fees of county officers, recommending its indefinite postponement, was concurred in.

AFTERNOON SESSION.

Resolutions of inquiry addressed to appropriate committees, were offered, read and severally adopted, to-wit:

By Mr. WILSON, whether the amounts collected at various military camps in the State, in 1862, from the sales of sutler's stands, have been accounted for to the proper authorities.

By Mr. WILLIAMS, if there have been any violations of the embezzlement law, and if so, at what time and by whom.

By Mr. SHIELDS, "into the expediency of so amending the present law, as to authorize the Board of County Commissioners to bring suit upon the bonds of defaulting township trustees, and defining the mode of instituting such suits."

PAY OF SOLDIERS.

Mr. CORBIN introduced a joint resolution [9] instructing our Senators in Congress, and requesting our Representatives, to secure, if possible, pay in gold for officers and soldiers in the army. And, if that cannot be done, then to have their pay increased the amount of the premium on gold, which was read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. DAVIS, of Parke, [86] to amend the first section of an act entitled an act concerning inclosures, trespassing animals and partition services.

By Mr. WOLFE, [87] to amend section 25 of an act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties and those of county and township officers, approved March 5, 1859.

By Mr. BLAIR, [88] supplemental to an act entitled an act for the encouragement of agriculture, approved February 17, 1852, and to encourage the organization of horticultural societies.

By Mr. LANDERS, [89] for the punishment of officers of elections for receiving the ballots of unqualified persons, and for counting and returning such votes; for abstracting or destroying ballots voted, so that such votes shall be lost in the count and return; for removing ballots voted or substituting others instead thereof; for changing the names or office voted for on ballots, for falsely reading or counting any name or office voted for; for writing spurious or false names on any poll book; for depositing spurious or false ballots; for making false counts of votes, and for making false returns of the votes cast at any election authorized by law to be held in this State.

By Mr. CLAYPOOL, [90] to authorize the Bank of the State of Indiana to reduce the capital stock of any branch or branches of said Bank, and to close up the business affairs of a branch or branches of said Bank, under certain regulations, and amendatory of an act entitled an act to establish a Bank with branches, passed March 3, 1855.

WORK FOR COMMITTEES.

Senate bills 79 to 85, and the joint resolution 8, (introduced yesterday) were read the second time and appropriately referred; excepting 82, which was ordered engrossed.

BILLS ON THE THIRD READING.

The following described Senate bills were read the third time and finally passed, to wit:

Mr. Fuller's, [19] requiring that the cost of all Government stamps used in legal processes be taxed up with the costs of the suit--yeas 40, nays none.

Mr. March's, [16] prescribing forms for conveyances to be made by administrators, executors, guardians, trustees, or commissioners—by yeas 38, nays none.

Mr. Hord's, [20] to amend section 33 of the assessment law, so as to authorize the collection of township and special school taxes from railroad and other corporations —by yeas 39, nays none.

Mr. Ferguson's, [22] to amend section 54 of the act concerning misdemeanors, so as to fix no penalty for failing to return marriage licences to the Clerk's office, and allowing a certificate of marriage to be returned without being accompanied by the license—yeas 40, nays none.

Mr. March's, [24] providing for conveyances of school lands by County Auditors upon certificates not properly assigned or acknowledged. (The bill provides that where the purchase money has been all paid, the courts may hear testimony as to proper ownership or possession of the land, and order the Auditor to make a deed.)—Yeas 39, nays 2.

Mr. Beeson's, [26] to amend the 12th section of the act touching the relation of guardian and ward—by yeas 36, nays 4.

Mr. New's, [32] providing for giving notice to parties to suits whose residences are unknown--yeas 31, nays 9.

Mr. Gaff's, [30] providing for building and repairing bridges across streams forming boundary lines between counties--by yeas 40, nays none.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 5, 1863.

The SPEAKER laid before the House a memorial to the delegation in Congress from Indiana, for the promotion of Captain Thomas Height, of the 2d Indiana Cavalry, to a Brigadier Generalship. It was, at the suggestion of the Speaker, numerously signed

Mr. GREGORY presented, informally, a memorial to the Secretary of War, for members to sign, asking the promotion of Col. George D. Wagner to a Brigadier Generalship.

Mr. PACKARD opposed the promotion because of a conversation between Col. Wagner and a German Colonel at the Bates House yesterday. Col. Wagner had stated that the army would adopt a new policy, subsist as the navy did, on the property of traitors. The German Colonel said the army could not do it now.—Col. Wagner replied that he did not propose to confiscate in the rebellious States, but right here at home. That the traitors right here at home should be stripped of their property. He would not ask the promotion of such men.

Mr. LEEDS said as the gentleman from Marshall (Mr. Packard) denied that there were any traitors in the Democratic party, he need not be very fearful that he would be stripped of his property. If there were any traitors at the North, he wanted their property confiscated for war expenses.

Mr. NIBLACK thought military men should confine their operations to rebellious States, and if there were traitors in the loyal States, let the civil authorities attend to them. The military have quite enough to do in the rebel States, more,

perhaps, than they will speedily accomplish. We do not need their services here. He would rather see his right hand cut off than to sign a petition for the promotion of an officer expressing such sentiments as Col. Wagner was reported to have done, nor could any Democrat sign it.

The SPEAKER said the whole matter was entirely informal, not relating to Legislative business at all, and he had indulged gentlemen only on request. The subject might as well be dropped here.

Mr. NIBLACK, from the Committee on Ways and Means, introduced a bill, [39] to raise a revenue for 1863-4, which was read the first time.

A committee report was concurred in, setting forth that further legislation in regard to the collection of debts was inexpedient.

AFTERNOON SESSION.

Mr. HIGGINS, from the select committee thereon, made another report concerning the continuation of Drapier's Brevier Legislative Reports.

The question recurring on the original resolution—see page 55.

Mr. MASON moved to strike out ⅞ of a cent., and insert ½ cent.

Mr. LAMB moved to amend by a substitute, to take, instead of the Reports, three additional copies of the papers now ordered for members.

On motion by Mr. MILLER, the resolution and pending amendments were laid on the table.

RESOLUTIONS OF INQUIRY

Were offered, read and severally adopted, to-wit:

By Mr. SPENCER, relative to the school lands of Posey county.

By Mr. NIBLACK, asking information of the Governor in regard to the appointment and dismissal of sutlers at various posts.

By Mr. LEMMON, of Spencer, asking of the Governor information as to the destruction of the Rockport *Democrat*, and by what authority the 5th cavalry are stationed at Rockport.

By Mr. MOORMAN, as to the propriety of passing a law giving 120 days for the redemption of lands sold under sinking fund mortgages.

By Mr. PACKARD, by what authority military commanders in other States banish citizens of such States and send them here for an indefinite length of time.

By Mr. DONALDSON, requesting the State Auditor to report the enumeration of white male inhabitants of this State.

By Mr. NEWMAN, in favor of securing to soldiers their back pay.

NEW PROPOSITIONS.

Mr. ANDERSON introduced a joint resolution [27] instructing the Indiana Congressional Delegation to favor a reduction of the duties on imported paper, which was read the first time.

Mr. NIBLACK introduced a bill, [140] authorizing the Chairmen of Committees of the House, or Joint Committees, to administer oaths to witnesses, which was read three times, under a suspension of the rules, and finally passed without opposition.

EXECUTIVE COUNCIL.

Mr. HANNA introduced a bill, [141] to create an executive council. It is as follows:

AN ACT to create an Executive Council and to define the duties thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Secretary of State, Auditor and Treasurer of State, and Attorney General shall constitute the Council of the Governor, and shall be known and designated as "the Executive Council."

SEC. 2. The Secretary of State shall be the President, and the Attorney General the Secretary of the Executive Council, and the signatures of a majority of the Council shall be attached to all official papers issued by the same. When, however, the Governor shall be present at a session of the Council, he may preside, and in case of a tie, may give the casting vote.

SEC. 3. The Executive Council shall consult, and the assent of a majority thereof be obtained, before any pardon shall be granted, and the Council, as such, shall discharge all other duties imposed on them by law; they may hold their sessions whenever the public interest may require it, any two members thereof having the power to call a meeting.

SEC. 4. It is declared that an emergency exists for the immediate taking effect of this act, and therefore this act shall be in force and take effect from and after its passage.

Mr. CASON said the bill was simply a covering to hide the attempt to strip from the Governor his executive powers. It required their consent, signature and seal to the executive acts of the Governor. It was urged that we pass it, and let the Supreme Court decide its constitutionality. It was the right and duty of the members of this House to decide the constitutionality of all laws, and they were sworn to perform this duty. The Supreme Court had no right to pass upon laws till the House had determined their constitutionality. As this bill was, in his view, the first step toward the consummation of a very important measure, he wanted at this early moment to assert his disapproval of what, in his judgment, was sure to follow. He, therefore, without any desire to seem discourteous toward the gentleman from Vigo, who had offered the bill, would move to reject it.

Mr. HANNA partly agreed with the gentleman from Boone and Hendricks (Mr. Cason)—it was an important measure—important in itself, and more especially so because it had its origin in the constitution, the fountain-head of all the legislation which members on this floor could hope to establish for the government of the people of Indiana. And that he might be fully understood in his position, he

would call the attention of gentlemen of the other side of the House to section XVII, of article V of the Constitution, as the latter clause of that section, in defining the measure of power granted to the Executive, declares "that the General Assembly may by law constitute a Council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons in any case, except such as may by law be left to his sole power." He was not afraid to legislate within the provisions of the Constitution; thus far this body had a right to go—no farther—and he understood the bill to be drawn within the strict meaning of the Constitution.

Mr. GRIFFITH wanted to know how this had been ascertained.

Mr. HANNA. There it is—read it—it has been published to the world—it will stand or fall by the ordeal of the Supreme Court, whose province it is to pass upon its validity.

Mr. NIBLACK argued against the motion. If the bill was objectionable, it could be amended, and upon the third reading defeated. It was an unusual proceeding to move the rejection of the bill.

Mr. BRANHAM said no such measure as the one proposed should be entertained now. The excited state of public feeling ought to preclude it.

Mr. NIBLACK, (interrupting) I ask the gentleman from Jefferson (Mr. Branham) if he had not, in a public speech at Columbus, on Saturday last, threatened members who should vote for any such proposition with hanging?

Mr. BRANHAM, in reply, complained of the assaults upon the Governor; upon officers, particularly Surgeons in the army. Why was this done? Taking them altogether they meant something. They meant violent opposition to the Government. If the dominant party sought to violate the constitution—sought to strip the Executive of his rightful power; he, for one, would return to this hall, if he left it, and was forced back by those who would thus trample down the laws, only to assist in hanging those who would attempt to do it. That was what he had said at Columbus; nothing more, nothing less. He did not propose to threaten any member of the House. Neither did he intend that any threats should deter him. He had taken his position calmly and determinedly.—He had resolved at the commencement of the session that he would do nothing to wound the feelings of any member on the floor. He had determined that no act of his should have a tendency to inflame the public mind, now already fearfully excited with what we had done and left undone here. When the question came up, whether we should stand by the glorious flag of our country or perish, he would stand there or perish. We must stand by our soldiers in the field. We must redeem our pledges made to them when they left us. We must redeem our pledges to the loyal people of the State.

Mr. PRIEST (interrupting) asked the gentleman if he would not take the decision of the majority on all questions.

Mr. BRANHAM. No, sir. If this Legislature should resolve to take Indiana out of the Union I would resist it to the last. I would submit in this matter to the judgment of no set of men in God's universe.

Mr. HOWARD asked the gentleman if he really supposed that there was a purpose on the part of anybody to take the State of Indiana out of the Union?

Mr. BRANHAM. What mean all the resolutions and measures the majority have introduced here? What mean their denunciations of the Administration, State and National? What mean your denunciations of officers in the army—the Surgeons?

Mr. HOWARD. Does the gentleman take these things as conclusive evidence?

Mr. BRANHAM. I do.

Mr. LASSELLE. Can the Legislature take the State out of the Union?

Mr. BRANHAM. It can, as the Legislatures of the rebel States did, against the voice of the people. He had said that if secession was attempted here, and the majority undertook to bring the minority back into the House, he would not come back to the House except to take the majority and hang them. He repeated it now. The nation could be sustained by men, money, and moral sentiment. And the course of the majority tended to destroy moral sentiment, the strongest arm of the nation.

The SPEAKER (Mr. Branham proceeding with some vehemence) reminded the gentleman and the House of the rules of decorum within which debate must be confined.

Mr. NIBLACK hoped the gentleman would be allowed to proceed. There never was a cooler set of men or a set of less scared men than the majority on this floor now.

Mr. BRANHAM proceeded. He did say down at Columbus something about secret orders. Gentlemen knew that they existed. If it was necessary, perhaps he could name the lodges.

VOICES—"Name them! Name them!

Mr. BRANHAM. You will hear of them soon enough in another form.

VOICES—"What form? No threats here!"

The SPEAKER here called gentlemen to order.

Mr. NIBLACK. Did not the gentleman state at Columbus that the majority on this floor were in communication with Jeff. Davis through an emissary, who had been in their council room?

Mr. BRANHAM. I did say at Columbus, and I had it from the high priest of the temple himself, that it was the design of the majority to take such a stand as to bring the moral power of the Government and its financial standing into utter ruin. I spoke of secret orders. Members on this floor know of their existence as well as myself. They have been in them.

Mr. ABBETT. Do you belong to any secret political order?

Mr. BRANHAM. I do not. I did not say that the majority of this House were in consultation with Jeff. Davis, but that an emissary of Jeff. Davis was in consultation with members of this House on a certain night.

Mr. PRIEST. Name them. If there are any members in consultation with an emissary of the Southern Confederacy, I would vote to expel them.

Mr. BRANHAM. I said it was a gentleman from the Southern States in consultation with members of this House.—The gentlemen in consultation with him knew his object.

Mr. BUSKIRK, (Mr. Lasselle in the Chair) said it was an imputation upon the House, and he asked that the House be told who the parties were.

Mr. BRANHAM. I will do that when I get ready.

Mr. BUSKIRK. Name the gentleman on this floor with whom he conferred.

Mr. BRANHAM. I will do that also when I get ready.

Mr. BUSKIRK. The gentleman then refuses to answer my questions, and give the House the information he professes to have?

Mr. BRANHAM. I do.

VOICES—"We do not believe you then."

Mr. BRANHAM did not wish to threaten any one; but if it was a threat to say that we intended to stand by the Constitution and the old flag, it might be so taken, for we intended to do that thing, though all should go to ruin around us. The majority had refused to lay such resolutions on the table—a test vote by which they had endorsed them. The effect of such resolutions was to destroy the confidence of the people in the government, and would give aid to traitors. You cannot introduce measure after measure, some of which are in direct conflict with the State Constitution, with any other intention than to cripple the Government. Such a bill as this has never been introduced before, because it was not needed. Nor is it needed now. Like men and patriots we should confine our legislation to the legitimate subjects of legislation, allay excitement, and give our moral support to the government, and it will succeed, despite all the efforts of traitors and the tyrants of the Old World.

Mr. BRANHAM demanded the previous question.

The House sustained the demand.

The main question being on the motion to reject the bill—

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 40, nays 50, as follows:

YEAS—Messrs. Abdill, Anderson, Atkison, Baker, Branham, Budd, Byerle, Cason, Cass, Chambers, Davis, Forester, Gregg, Gregory, Griffith, Hershey, Higgins, Hostetter, Hutchings, James, Johnson, Jones, Kendrick, Lamb, Leeds, Marshall, Moorman, Morgan, Mustard, Newman, Noyes, O'Brien, of Hamilton, Perry, Pettibone, Robinson, Roe, Stone, Tarkington, Van Buskirk and Woodruff—40

NAYS—Messrs. Abbett, Bird, Blocher, Burton, Collins, Cook, Donaldson, Ferris, Garvin, Given, Hall, Hanna, Harden, of Washington, Hardin of Perry, Harney, Hetfield, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Lake, Lasselle, Lee, Lemmon, of Harrison, Lemmon, of Spencer, Mason, McGauchey, Miller, Milroy, Mutz, Niblack, Osborn, Packard, Pendleton, Priest, Puett, Richardson, Ryan, Shaffer, Shoaff, of Allen, Shoaff, of Jay, Spencer, Veach, Waterman, Williams, Wolfe and Mr. Speaker—50.

So the bill was not rejected.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. GARVIN, [142] amending the 656th section of the practice act.

By Mr. LAMB, [143] authorizing County Auditors to issue fee bills in certain cases.

By Mr. MOORMAN, [144] amending the 46th section of the common school law.

By Mr. BYERLE, [145] for the relief of George Arnold.

By Mr. WATERMAN, [146] providing for Assistant Prosecutors and for counsel for prisoners in certain cases.

IN SENATE.

FRIDAY, February 6, 1863.

The Committee on Banks returned the bill [S. 60] requiring banks to stamp all counterfeit notes, recommending that it be laid on the table.

The report was concurred in.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. SHIELDS, [91] to amend the 1st section of an act authorizing appeals from Circuit Courts to the Supreme Court in contested election cases, approved March 2, 1859.

By Mr. WILSON, [92] to empower banks organized, and amend an act to authorize and regulate the business of general banking, passed March 3, 1855, and prescribing the terms and manner of doing the same.

By Mr. HOAGLAND, [93] to extend the time for the completion of railroads in all cases in which $2,000 per mile has been expended in their construction, and declaring at what time this act shall take effect. (Read twice under a suspension of the rules.

By Mr. GRAVES, [94] for the relief of purchasers of swamp lands, when the sale and conveyance thereof was invalid and conveyed no good and sufficient title therefor, or when the title to such lands may have failed after the sale thereof, and declaring when this act shall take effect.

By Mr. TEEGARDEN, [95] supplemental to an act regulating the interest on money, and to repeal an act entitled "an act concerning interest on money," approved May 27, 1861, the 51st section of the act defining misdemeanors and prescribing punishment therefor, approved January 14, 1861, and all other laws and parts of laws in conflict therewith—approved March 7, 1861.

By Mr. MARCH, [96] requiring the Clerk of the Common Pleas and Circuit Courts and county Auditors to make indexes in certain cases.

By Mr. HARTLEY, [97] a bill to provide for the regulation of fare charged by railroad corporations or companies for the transporation of passengers on railroads, and prescribing penalties for the violation of this act.

House bills 18, 22, (see page 46,) 28, 29, (see page 50,) and 59 (see page 57) were severally read the first time.

WORK FOR COMMITTEES.

Senate bills numbered 86 to 90 inclusive (introduced yesterday) were read the second time and referred to appropriate committees.

BILLS ON THE THIRD READING.

The following described Senate bills were read the third time and finally passed, unless otherwise stated:

Mr March's, [33] prescribing forms for Sheriffs and Coroner's deeds—yeas 40, nays 0.

Mr. Ferguson's, [35] to amend the act defining what shall constitute a felony; failed to pass—yeas 17, nays 23.

Mr. Downey's, [28] amending the act providing for special terms of courts, by yeas 41, nays 0.

AFTERNOON SESSION.

Mr. BROWNE of Randolph, introduced a resolution instructing the Finance Committee to inquire into the expediency of affording relief to borrowers of Sinking Fund by providing to relieve them from paying one fifth of the principal, annually, as now required.

The resolution was adopted.

House bills 4 (see page 34) and 140 (introduced yesterday) were read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. BEARSS, [98] to repeal all provisions of acts of incorporations heretofore passed requiring any companies or corporations to complete any plank road, gravel road or McAdamized road, and authorizing said companies in certain cases to collect tolls on said roads.

By Mr. WOLFE, [99] to provide for issuing fee bills and executions against sureties in cases appealed to the Circuit or Common Pleas Courts.

By Mr. FERGUSON, [100] to authorize the deposition of parties in actions to be taken and read in evidence.

By Mr. WOLFE, [101] to amend section 40 of the practice act.

By Mr. RAY, [102] to authorize the Board of Directors of the Bank of the State of Indiana, to remove any of its branches for the redemption of the notes of such branches, and providing the conditions upon which this act shall take effect.

On motion by Mr. WOLFE, the Senate at 3 o'clock p m., took a recess for one hour.

At four o'clock, the Senate met again, and, without transacting any business, adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 6, 1863.

The following bills were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. GARVIN, [147] to amend the 655th section of the practice act.

By Mr. NEWMAN [148] to protect grain stacks from depredations.

By Mr. HOWK, [149] an act supplemental to the act incorporating mining and manufacturing companies.

PAY OF SOLDIERS.

The Governor sent in a communication stating that on account of the immense draft on the Treasury of the United States, Government had not been able to pay soldier promptly. Funds had been provided to pay them up to November 1st. The mode of paying them but once in two months was a source of distress to soldiers' families. He recommended that the State advance the pay to the soldiers in behalf of the United States, a plan for which he submitted; which was referred, on motion of Mr. NIBLACK, to Committee on Ways and Means.

BILLS ON THE THIRD READING.

The following described bills were read the third time and finally passed the House:

Mr. Niblack's, [H. R. 66] concerning the Wabash Navigation Company—authorizing it to raise money for repairs, by yeas 75, nays 10.

Mr. Atkison's, [H. R. 20] amending section 46 of the Common School Law; (as the law now stands non-residents' property cannot be taxed in school districts for building purposes; this bill allows all non-

residents property to be taxed in districts where it is situated;) by yeas 74, nays 10.

Mr. Perry's, [H. R. 44] Relative to time of holding Courts of Common Pleas in Franklin, Fayette, Wayne and Union counties; by yeas 83, nays 1.

Mr. Leed's, [H. R. 54] authorizing county officers to expose for sale whatever they have to sell at other places than the Court house door—relative to sales on delinquent taxes by Auditors; by yeas 82, nays 5.

Mr. Anderson's, [H. R. 69] regulating the duties of State Librarian, (it does not allow any book from the Library to be taken out side of the Capital building,) by yeas 82, nays 2.

Mr. McGauchey's, [H. R. 95] relative to the times of holding courts in Adams, Wells, Huntington and Allen counties; by yeas 89, nays 0.

Mr. Dickinson's, [S. 10] amending section 9 of an act concerning voluntary associations; by yeas 83, nays 2.

PAY OF SOLDIERS.

Mr. PACKARD introduced a joint resolution (28) instructing the Indiana delegation to secure the enactment of a law which will pay soldiers in gold, or its equivalent in currency, which was read the first time.

AFTERNOON SESSION.

On motion by Mr. ROBERTS, (H.R. 35) to extend the term of township trustees from one to two years, was taken from the table and ordered to be engrossed.

On motion by Mr. Hardin, of Perry, the bill (H. R. 95) on the collection of delinquent taxes, was taken from the table, and referred to a select committee of five.

EMISSARIES OF JEFF. DAVIS.

Mr. BROWN offered the following.

WHEREAS, It has been charged upon the floor of this House, "that an emissary of Jeff Davis (meaning Jefferson Davis, President of the Southern Confederacy) was in consultation with members of this House on a certain night," therefore, be it

Resolved, That a select committee of three be appointed by the Speaker of this House to ascertain and report to this House as soon as practicable, whether any members of this House have been in consultation with any such emissary, and if they have been, who such members are, when and where they had such consultation, and for what purpose they had the same.

Resolved, That said committee be empowered to send for witnesses, compel attendance, and examine said witnesses upon oath in reference to the matters set forth in the foregoing preamble and resolutions.

Mr. BROWN said if any member had been in consultation with any Southern traitor for treasonable purposes, he was for expelling him. It had been charged that such was the fact by a responsible member on this floor. If there was a traitor here, he (Mr. Brown) was for expelling him from this honorable body. He, for one, and neither would any other Democrat, tolerate any communication with traitors.

Mr. CASON moved to table the resolutions. The House had heard enough on this subject.

Mr. BROWN and Mr. MILLER demanded the yeas and nays on the motion.

Mr. BRANHAM asked to be excused from voting.

The House refused consent.

Mr. BRANHAM. "Then I will excuse myself." (Putting on his hat and walking into the lobby.)

Some further discussion was had, in which Messrs. TARKINGTON, BROWN, MILROY and NIBLACK participated, when—

The SPEAKER decided upon putting the vote again to excuse the gentleman from Jefferson (Mr. Branham) from voting, and he was excused.

The motion to lay the resolution on the table was rejected by yeas 27, nays 58.

Mr. PACKARD thought that a most important matter was charges of disloyalty against members on this floor. They had been made. The majority on this floor should show to the country that these charges exist only in the imagination of the gentlemen who had made them. He courted investigation. He demanded it. If there was a traitor he would be the first man to vote for his expulsion, and would labor to bring him to condign punishment thereafter. This charge came from the Abolitionists only.

Mr. GREGORY hurled back the imputation of being an abolitionist. He knew great excitement existed. He hoped gentlemen on both sides would cease reference to exciting topics. He did hope and trust that gentlemen would defer all such matters, and go to work on practical legislation. It was all important that this should be done.

Mr. ATKISON offered an amendment, making David C. Branham (the gentleman from Jefferson) a member of the committee, with the understanding that he was also to act as a witness. He did not apprehend that the investigation proposed would cost much. The only witness would probably be David C. Branham.

Mr. NIBLACK attached some degree of importance to the charge made by Mr. Branham yesterday. He (Mr. Branham) was not the sort of man to make charges that he could not sustain. It was a serious thing publicly, in legislative halls, to stigmatize men as traitors. As to the slang party phrases of "Abolitionists," "Copperhead," "Butternut," he cared nothing about them. But the charge of traitor brought by one member on this floor against other members ought to be investigated. The question was, what were we, true and loyal men or not? If we were not, he wanted to know it, and therefore he should vote for the resolution.

Mr. ANDERSON referred to the truce of peace declared a few days ago, and to the Democrats having adopted Beauregard's order to call all Union men of the North Abolitionists.

Mr. NIBLACK said his order embraced the Democrats too.

Mr. ANDERSON thought their course indicated that they wished to keep on good terms with him, and compromise with him.

Mr. NIBLACK said, as the charge of wanting to fix up matters with the rebels had been made, he demanded the authority on which it was made.

Mr. ANDERSON referred to several matters which looked like fixing up. He was informed that certain members of this House and of the Senate were recently in one of the northern counties of this State, where there was held a convocation of the faithful. One gentleman said the objects and the intentions of the Democratic members of the Legislatures of this State and of Illinois was to petition President Lincoln to grant an armistice with the rebels. In case he refused to do this these Western States intended to make peace on their own accout.

VOICES. Who is he?

Mr. ANDERSON. I understand the gentleman represents the counties of Marshall and Starke.

Mr. PACKARD. The report is totally and unqualifiedly false.

Mr. ANDERSON. I understood further that the gentleman regarded President Lincoln and Governor Morton as despots and tyrants worse that those of Austria.

Mr. PACKARD. That's so.

Mr. ANDERSON. Also, that so far as the Executive of this State was concerned, they intended to shear him of his power, by the appointment of a Military Board who would take the military power out of his hands.

Mr. PACKARD. That is nearly correct.

Mr. ANDERSON took such a wide range in his remarks that he was called to order from all parts of the House.

The SPEAKER (Mr. Moorman in the chair) said the gentleman was certainly taking a great deal of latitude. He hoped he would confine himself to the question.

Mr. ANDERSON. I was simply answering the question put to me by the gentleman from Knox (Mr. Niblack.)

Mr. NIBLACK. The gentleman stated that there were gentlemen on this floor who sought to compromise with rebels. I asked him for his authority—his proof.

Mr. ANDERSON. Do you suppose if a man was in connection with rebels—if he knew anything of the schemes of traitors in the North, he would tell you anything about it?

Mr. BROWN. Suppose David C. Branham is summoned before the Investigating Committee and he is questioned with regard to what he had said in this House on yesterday, don't you suppose he would answer? Of course he would.

Mr. ANDERSON returned to the question of an armistice. Although the gentleman of the majority had disclaimed responsibility for the resolutions offered and speeches made on this floor by gentlemen who have been regarded as leaders of the party, they have been sustained by their votes. The party are responsible for them. As for an armistice, nothing is more desired by the rebels. It will give them the proper breathing time to recruit for another campaign. How stand the majority of the Democratic party on this question? Gentlemen have been cautious in expressing their views, and in committing themselves by the passage of resolutions. They seem to have been holding back to obtain an expression from the people, and if they think the people will sustain them they will declare for an armistice. Speeches made by their party leaders, whom they delight to honor, show it. Judge Perkins has declared in its favor. Your organ in this city favors an armistice.

Mr. NIBLACK. We do not care to know anything about compromise with rebels, but whether any one here had had treasonable communications with traitors.

Mr. ANDERSON referred to the difficulty of getting proof of the disloyalty of members. When a short time ago it was proposed to investigate the question of secret disloyal societies, it was argued by members of the majority that if sworn as witnesses members of such societies would have no hesitation in perjuring themselves. It was just as proper to conclude that if members were disloyal, they would have no higher regard for their oath. The committee might find it very difficult to obtain legal proof. The investigation was as likely to be fruitless in one case as in the other.

Mr. BUSKIRK. (Mr. Moorman in the Chair.) The gentleman from Jefferson made a charge of treason yesterday against some of the members of this House It was a grave charge, and if true or untrue the country should know the fact. The gentleman should retract the charge or prove it. If he had named the member it would have relieved the 57 or 58 other members of the majority on this floor from its odium. Now, it attaches to the whole majority, and I am not willing to rest under it. Having been in consultation with members of both Houses, he denied that a word had been uttered by any one in favor of taking the State out of the Union.—Nor were they in favor of a North-Western Confederacy. The gentlemen from St. Joseph had spoken of an armistice. He gave notice that when the majority were ready to state their opinion on that point

they would do it, so as to be understood by the country. We will speak as one man. There will be no diversity. How we will speak it is not proper for me to say. No resolution has been introduced or action taken which will justify any one in saying that we are in favor of an armistice. Unwise and impolitic resolutions have been introduced into the House, but I deny responsibility for them until we adopt them.

Mr. VAN BUSKIRK. I understand the gentleman to say that when the majority spoke out on the subject of an armistice, they would do it as one man, but that he does not know how they will speak.—How does he know they will speak as one man?

Mr. BUSKIRK. The votes taken in the House completely answer that. We are a band of brothers. We vote together, act together, think together, and we expect to do it as long as we remain. Even if some of them go for measures I don't endorse, I will go with my party rather than the opposition.

Mr. LEEDS. If you knew your party were going wrong, would you go with them?

Mr. BUSKIRK. If the question was loyalty to my party or the government, I would sustain my country against the party. But I believe I can best support my country inside of the party, and in concert with it. The administration is not the government. We have the right to oppose the policy and principles of the administration, and we do oppose them.

Mr. CASON asked if the Confederacy was recognized would the gentleman consider it the duty of Indiana to stand by the Union?

Mr. BUSKIRK denied the right of secession. If the Confederacy should be recognized it would not absolve Indiana from its allegiance. He regarded the idea of a North Western Confederacy as a myth.

Mr. ANDERSON asked if Mr. Hendricks did not, on the 8th of January, at a Democratic Convention, advocate such a Confederacy?

Mr. BUSKIRK did not understand the matter as the gentleman from St. Joseph did. As he understood the speech, he endorsed it. He considered the tariff laws forced on the Northwest by New England, oppressive and unjust. If the confederacy is recognized he would remain in the Union, and demand of New England the repeal of such laws. If they will not repeal them, then the time will come when we must determine what we will do, rather than submit to be ground into the dust by the New England States.

Mr. NOYES. If the tariff is continued by legal and constitutional means, will the time ever come when you can secede?

Mr. BUSKIRK denied the right of secession. But there is a right of revolution, not according to the Constitution, but independent of all Constitutions, all laws, all governments. If the people of the Northwest come to the conclusion that those laws are too unjust and oppressive to be borne they may rebel, and will decide then what to do. He did not believe the traitors of the South had any justifiable cause of secession. He denied that the Democrats favored mob law. But let the minority inaugurate civil war, and we go down in a common ruin.

In conclusion he would simply say to the gentleman from Jefferson (Mr. Branham) that when he made threats of hanging against members on this floor if they voted for a certain measure, he would find the majority ready to defend their rights. That gentleman and those who acted with him should take warning from the lessons of history. When they commence hanging us they had better be looking out for their own necks. If the Republican party inaugurated civil war—and the first act must come from them—on the very first motion there would be such a gathering of the clans throughout the State as the world never saw before. And he honestly believed, if the course pursued by the republicans was persisted in, civil war would come. They stigmatized Democrats as traitors—they talk about Democrats taking the Arsenal—they talk about Democrats encouraging desertions—about their desiring to take the State out of the Union—and threaten to bring the military into this hall! By the charges of those in the interest of the administration, a strong belief was entertained by the people throughout the State that they proposed to drive the Democrats to some act of violence. But as he had said, the overt act must come from the republicans. The majority were cool, calm, not intimidated, and determined to maintain their rights.

Mr. BRANHAM stated that he was satisfied he could convince the committee that he had good ground for what he had stated. He repeated the history of what he had said at Columbus and on yesterday. He had threatened no one. He had always said he would allow the majority to pass any legal or constitutional measure, but would resist any act of secession at all hazards.

Mr. BROWN asked if he said that an emissary of Jeff. Davis was here in consultation with members.

Mr. BRANHAM. He had said a gentleman from the south came here, with the resolutions favoring an armistice, and consulted with members, avowing that the object was to cripple the government. The resolutions were introduced at his instance. He intended their effect should be to compel the government to declare an armistice.

Mr. BROWN followed in support of his resolution. He wanted to give the honorable gentleman from Jefferson, (Mr. Branham,) a chance of ventilating his skirts with regard to the charges he had made against Democrats. If he was mistaken, as he would find himself upon investigation, he (Mr. Brown) should expect of him to come in here and make the suitable and necessary retraction and apology.

Mr. CASON objected to the committee. 1. Because he doubted the power of the House to hold a member to account for his speeches. 2. No specific charge had been made. 3. It was proposed to raise a committee to investigate where they were directly interested in the result.

The amendment (Mr. Atkison's) was rejected.

The resolution was then adopted by yeas 56, nays 25.

IN SENATE.

SATURDAY, February 7, 1863.

Mr. RAY presented a petition from citizens of Marion county, asking the passage of laws to enforce the 13th article of the Constitution, which was read and referred to the Committee on Rights and Privileges.

JUDGES' CHARGE TO JURIES.

Mr. CORBIN, from the Committee on Organization of Courts, returned the resolution (Mr. McClurg's), printed on page 55 of these Reports, "with the recommendation that further legislation thereon is inexpedient." The report was concurred in.

NEW PROPOSITIONS

Were introduced, read the first time, and passed to the second reading, to wit:

By Mr. COBB, joint resolution [10] in relation to the enlistment and arming of negroes.

By Mr. LANDERS, a bill [103] to amend sections 18 and 20 of the law in relation to general elections, approved June 7, 1852.

BILLS ON THE THIRD READING.

The following described Senate bills were read the third time and finally passed:

Mr. March's, [39] to amend the third section of the act regulating the duties of Justices in State prosecutions—yeas 36, nays 1.

Mr. March's, [52] to amend the 55th section of the general banking law. (The bill provides that the amount paid by free banks to reimburse the State for the amount advanced for expenditures of the Banking Department be paid into the Treasury to the credit of the General Fund, and not into the pockets of State officers)—by yeas 38, nays none.

Mr. William's, [51] to amend section 2 of the law regulating salaries of State officers so as to provide for their payment at the end of each quarter, instead of in advance—by yeas 40, nays none.

Mr. New's, [72] to amend section 1 of the law authorizing the organization of Building Fund and Loan Associations—by yeas 31, nays 3.

Mr. Wolfe's, [66] to amend the 134th section of the law concerning the settlement of decedents' estates—by yeas 41, nays none.

Mr. Mellett's, [69] to amend the 176th section of the law concerning decedents' estates—by yeas 31, nays 9.

Mr. March's, [82] to repeal the act authorizing the Bank of the State to establish five additional branches—by yeas 27, nays 11.

Mr. Wolfe's, (87) to amend section 25 of the act concerning supervisors of roads—by yeas 33, nays 5.

Mr. Claypool's, (90) to authorize the Bank of the State to reduce the capital stock of and close up any branch bank—by yeas 29, nays 9.

Mr. Grubb's, (73) to amend the 14th section of the act concerning plank and gravel roads—by yeas 37, nays 1, excused 1.

Mr. News, joint resolution, (5) instructing the Indiana delegation in Congress to vote for a law to pay bounty to discharged and disabled soldiers—by yeas 38, nays 0.

WORK FOR COMMITTEES.

Senate bills numbered 91 to 102 inclusive (introduced yesterday and the day before), and House bills 4, (see page 34;) 18, 22, (p. 46;) 28, 29, (p. 50;) and 140, (introduced day before yesterday) were read the second time and appropriately referred; except S. 102 and H. R. 140, which were ordered engrossed.

The House concurrent resolution in relation to the pay of volunteers was taken up and concurred in.

AFTERNOON SESSION.

The Senate met and—no quorum being present—adjourned, without transacting any business.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 7, 1863.

Mr. Hanna offered the following:

WHEREAS, His Excellency Governor O. P. Morton in his special message to the legislative department of the State of Indiana, of February 4th, 1863, has advised that negotiations be instituted with the Secretary of the Treasury and the Paymaster General of the United States, to the end that the State of Indiana may assume the payment of the amounts, now in arrears, due the soldiery thereof, as well as to insure more prompt payment in the future; said Secretary and Paymaster agreeing to reimburse such parties as may be willing to advance said money upon the credit of the State: therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a joint committee of two Representatives and one Senator, to be appointed by the Speaker of the House and the President of the Senate respectively, be instructed to correspond without delay with the Secretary of the Treasury and the Paymaster General of the United States to ascertain whether the relief contemplated in His Excellency's special message can be attained.

The resolution was adopted, and the Speaker appointed Messrs. Hanna and Van Buskirk, on the part of the House.

Senate bills 15, 16, 19, 20, 22, 24, 26, 30, 32, 33, and 28 passed their first reading.

House bills 135 to 149 inclusive (introduced yesterday and the day before) were read the second time and appropriately referred; except 144, which was laid on the table, informally.

On motion of Mr. LAKE, it was—

Resolved, That when the House adjourn, it adjourn to meet at 10 a. m. on Monday.

Mr. ANDERSON introduced a joint resolution, (29) which was read the first time. It is as follows:

Be it Resolved by the General Assembly of the State of Indiana, That we are firmly and indissolubly bound to the Eastern States, and at no time and under no circumstances will we separate from the East.

DISCRIMINATION IN THE DRAFT.

Mr. Hanna's joint resolution, (H. R. 6) —(printed on page 54 of these reports) instructing our delegation in Congress to inquire into the cause of discrimination in the matter of the draft, in favor of Massachusetts and against Indiana, was taken up.

Mr. LAMB opposed it. It set out a fact that did not really exist. It appears that Massachusetts has very nearly the number of men in the service that Indiana has.—In proportion to her population, she had done as well as Indiana. He moved to refer to a select committee to ascertain as to facts stated in the preamble.

Mr. HANNA said his resolution was based upon statistics. He understood well the point the gentleman made. Massachusetts had a large number of seamen in service. It was sought to include them in the estimate in favor of Massachusetts. The resolution referred to the military force alone. Besides, the vital part of the resolution was touching the draft. That had been mercilessly enforced in Indiana, while in Massachusetts it was not yet today enforced. Governor Andrew had postponed his draft four times, and now gives it up altogether. He proposed to substitute negroes for white men; to place them side by side with the soldiers of the great West. This was the way Abolition Massachusetts treated us.

Mr. PUETT advocated the resolution. He took Governor Andrew's statements in this regard. Governor Andrew ought to know. The draft had been enforced in Indiana, but postponed in Massachusetts.

On motion by Mr. PACKARD, the motion to refer was laid on the table—yeas 42, nays 25.

The vote on its passage was yeas 42, nays 18.

So the joint resolution failed for want of a constitutional majority—51 votes.

A call of the House was ordered—62 members answered to their names—and, no quorum appearing, the House adjourned.

IN SENATE.

MONDAY, February 9, 1863.

Senate bill 103 and joint resolution 10 (introduced yesterday,) were read the second time.

House bills 20, (see page 46;) 54, (p. 57;) and 66, (p. 68) were read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. GRAVES, (104) for carrying out the 6th section of the 12th article of the Constitution (The bill fixes the amount for conscientious exempts at $50, and two and one-half per cent. on the cash value of all property owned by said exempts.)

By Mr. DOUGLASS, (105) to amend sections 12, 13, 15, 27, 32, 33, 97, 107, 125, 156 and 162 of an act to provide a general system of common schools, and to repeal section 137 of said act.

AFTERNOON SESSION.

The following described bills were read the third time and finally passed:

Mr. Hord's, (S. 76) to amend section 1 of the act to provide for laying out towns, &c—yeas 36, nays 1.

Mr. Ray's, (S. 102) to authorize the Directors of the Bank of the State to remove Branches and relocate them at other points within bank districts—yeas 29, nays 7.

Mr. Niblack's, (H. R. 140) to authorize chairmen of committees appointed by either branch of the General Assembly to administer oaths to witnesses before them—yeas 37, nays 0.

Mr. Hoagland's, (S. 93) to extend the time for the completion of Railroads where $2,000 per mile has been expended—yeas 38, nays 0.

Mr. Forrester's, (H. R. 15) for the relief of Aaron Foster—yeas 35, nays 2.

House bills 44, (see page 54;) 69, (page 68;) and 95, (p. 88;) were read the first time.

GERMAN IN COMMON SCHOOLS.

On motion of Mr. HORD, it was—

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending our Common School Law as to authorize the teaching of the German language in our Common Schools—in such districts where it may be the will of the inhabitants thereof, in addition to the ordinary English branches of Education required by law and to report such bill as will be necessary to effectuate the same—if found expedient.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. MARCH, [106] to provide for the prompt payment of the officers and soldiers in the army of the United States raised and organized in the State of Indiana, and to provide means for that pur-

pose. (Appropriating $5,000,000 to make advance payments to soldiers, and authorizing a loan to be made by the State officers.)

By Mr. WILLIAMS, (107) to repeal an act making an appropriation to defray the expense of preparing to respond to the call of the President of the United States for troops, approved May 6, 1861.

By Mr. JOHNSTON, (108) to signify the acceptance of the State of Indiana to the conditions and provisions of an act of Congress, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, &c." (Pledging the State to establish such agricultural college and defining the manner of converting such lands into bonds of the State to secure the purchase of grounds and the erection of buildings for such college.)

Read twice and 100 copies ordered printed for the use of the Senate.

By Mr. CORBIN, (109) requiring the County Commissioners of the several counties of this State to make allowance, and issue orders therefor in certain cases therein specified.

On motion by Mr. CORBIN, his bill 65 was taken from the table.

REPORTS FROM COMMITTEES.

Mr. COBB from the Court Committee reported against the expediency of reducing the Board of Commissioners to one member. The report was concurred in.

Mr. WOLFE from the Judiciary Committee reported back bill (79) to provide for protecting the freedom of the press with amendments.

Mr. MARCH moved to strike out the section, which provides that all sufferers from mobs shall have a right of action against the town, or city or county wherein the property was destroyed. He contended that this provision was clearly unconstitutional, and was wholly unfair, and improper.

On motion by Mr. WOLFE the further consideration of the subject was postponed till to-morrow at 11 o'clock.

HOUSE OF REPRESENTATIVES.

MONDAY, February 9, 1863.

The reading of the Clerk's Journal of Saturdays proceedings was dispensed with.

Reports from committees recommending that House bills 2, (see page 34;) 13, (p. 43;) and 73 (p. 68;) be laid on the table, were severally concurred in.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. HIGGINS, (150) to provide for the election of officers of the Northern State Prison and their compensation.

By Mr. LEMMON, of Harrison, (151) in favor of the liquidation of the debt of the Indiana University, by the Sinking Fund Commissioners.

FAMILIES OF VOLUNTEERS.

Mr. MILLER made a report from a committee recommending that the bill (H. R. 132) to enlarge the powers of county boards in reference to the purchase of arms, and the support of soldiers families be laid on the table.

The question on concurrence in the report was undecided for lack of a quorum—yeas 43, nays 22.

AFTERNOON SESSION.

The report was concurred in by yeas 49, nays 31.

HONOR TO OUR SOLDIERS.

Mr. PACKARD, from the Select Committee thereon reported in favor of his joint resolution 15 (printed on pages 77 and 78 of these Reports) with an amendment that the registry be made by the State Librarian.

Mr. LAMB proposed to have the Adjutant General associated with the State Librarian.

Mr. CASON offered an amendmen to that effect and supported it in an argument. Certainly the Adjutant General had a more competent possession of the facts than the State Librarian.

Mr. PACKARD defended his report.—There was no need of the association of any other person with the Librarian. The Adjutant General certainly would afford all facilities to the officer appointed by this House. The man indicated had every qualification for the duty imposed, had the required leisure, and was to be the custodian of the work when completed.

Mr. ROBERTS argued in favor of the report, opposing the employment of the Adjutant General on the score of economy. It was necessary to employ but one functionary. He moved to table the amendment of the gentleman from Boone and Hendricks.

The motion was agreed to—yeas 46, nays 36.

Mr. HIGGINS moved to concur in the report of the committee, with an amendment limiting the cost to $250.

On motion by Mr. MILLER the amendment was laid on the table—yeas 42, nays 40.

Mr. GRIFFITH proposed an amendment allowing the Adjutant General $100 for assistance and papers which he would furnish the State Librarian, allowing the latter $400.

On motion by Mr. PACKARD the amendment was laid on the table—yeas 48, nays 35.

Mr. PACKARD offered an amendment, fixing the compensation of the Librarian at $500, not more than one half to be

drawn before his labors were approved by the Board of Education.

Mr. JOHNSON made an ineffectual motion—yeas 28, nays 53—to lay the amendment on the table.

Mr. ROBERTS demanded the previous question.

The demand was sustained, and the report of the Committee was concurred in.

The amendment fixing the compensation of the Librarian was adopted.

Mr. LAMB offered an amendment to recommit with instructions to add resolutions pledging that the sacred cause in which our patriotic soldiers fell shall never be given up, nor traitorous feet be permitted to tread upon their graves.

Mr. MILLER saying that the resolution was intended only as a rider to kill the whole proposition, moved to table it.

The motion was agreed to—yeas 40, nays 39.

Mr. MARSHALL offered a substitute for the joint resolutions as reported on by the Committee.

Mr. PACKARD. I desire to ask if Mr. Laz. Noble himself did not prepare the substitute.

Mr. MARSHALL. He did.

Mr. PACKARD. Ah! I thought so.

Pending which the House adjourned.

IN SENATE.

TUESDAY, February 10, 1863.

Mr. DOUGLASS, by direction of the select committee to whom was referred the bill S. 48, reported as a substitute therefor, [110] a bill creating the 14th Judicial District, and to provide for the appointment and election of a Prosecuting Attorney and Judge therein, and for holding the terms of the Court therein, &c., which was read the first time.

ARMING OF NEGROES.

Mr. COBB, from the Committee on Federal Relations, reported back his joint resolution 10, relative to the enlisting and arming of negroes, with a recommendation that it pass.

Mr. MARCH moved to amend so as to strike out the words "the people of Indiana have declared against any interference with slavery." He said the preamble of these resolutions contained what was not a historical fact: "that the people of Indiana had over and again decided against interfering with slavery."

Mr. WILLIAMS. What was the expression on the 4th of October last?

Mr. MARCH. What was decided at the October election was that the people didn't think the war was prosecuted with sufficient vigor. While the people of Indiana were against interference with slavery in time of peace, they had never said that they were not in favor of using negroes as instruments to cripple the rebellion. He recited the history of the late political canvass, and said there were many who voted the Democratic ticket who thought its success would help on the war. They thought they would try the old Democracy, that had conquered under the lead of Jackson. He did not think any large portion of the people of Indiana were in favor of a dissolution of the Union.

Mr. WOLFE and Mr. COBB. "Nor do we think so."

Mr. COBB asked if the gentleman was in favor of taking the slaves of loyal men from their owners, and destroying their rights of property in such slaves.

Mr. MARCH disclaimed such intention, and contended that the slaves of loyal owners South were better protected under this Government than they would be under any other Government on earth.

Mr. COBB. Would not the slaves of even loyal owners who might be enlisted in the 150,000 troops sought to be raised be free for all time?

Mr. MARCH admitted they would. If the South would lay down their arms, and come back, he would receive them as erring sisters, and give them all proper guarantees for their rights in the future.

Mr. COBB would not attempt to argue the general proposition with the Senator. It would be useless. He would confine himself to the point in the amendment.—He denied the assertion that the people were not opposed to the interference with slavery in the prosecution of the war.—The first of June convention, of which the gentleman was a member, disclaimed all intention of interfering with slavery, and men of all parties were invited to join them in that platform. The 8th of January convention was explicit on that subject. How can men now say or assume that the people of Indiana would favor such a measure as that before Congress, to arm 150,000 negroes, and make them the equals of our sons and brothers in the field. He contended that the speeches and writings of the leaders of the Republican party all tended to establish negro equality. He spoke plainly, and with great force on this branch of the subject.

Mr. MARCH said that if the resolution was worded so as to declare that the people of the State were opposed to any interference with slavery in the States *in time of peace*, he would make no opposition to it, for he had never been in favor of any such interference. But in time of war, when other things were being trampled down, he couldn't understand why slavery should be held more sacred then all else. The resolution committed the Legislature to the doctrine that the slaves of rebels should not be interfered with. He wouldn,t touch the property of loyal slaveholders, and was not for prosecuting the war simply to destroy slavery, nor did he believe that to be the policy of the Administration; but if, during the progress of the war, slav-

ery received a side blow, those rebels who were to become the sufferers should receive no sympathy from loyal men. He denied that the Republican party declared in their Convention that they were not in favor of interfering with slavery. They declared that they were in favor of the war to restore the States with all their original rights unimpaired.

Mr. WOLFE. The gentleman has been striving to pick a flaw in the resolution, and with all his zeal he has only found one in the second line, that the people of Indiana were opposed to interfering with slavery. He had no doubt that three-fourths of the people of Indiana were so opposed. The Democratic party always had been of that opinion, and a large portion of the Republican party still adhered to the declaration of Mr. Lincoln--that he had not the desire or the constitutional right to interfere with slavery. He did not believe that the mass of that party had become speedily Abolitionized. He did not believe that any considerable portion of the people of Indiana were in favor of a violation of the Constitution.

Mr. BROWN, of Wells, moved to lay the amendment on the table.

The yeas and nays were demanded, and being ordered and taken resulted—yeas 25, nays 19—as follows:

YEAS—Messrs. Bradley, Brown, of Wells, Cobb, Corbin, Davis, of Cass, Douglass, Dunning, Ferguson, Finch, Fuller, Gaff, Gifford, Graves, Hartley, Hoagland, Hord, Jenkins, Johnston, McClurg, Moore, Ray, Shields, Williams, Wilson, and Wolfe —25.

NAYS—Messrs. Bearss, Beeson, Berry, Blair, Browne, of Randolph, Campbell, Claypool, Culver, Davis, of Parke, Dickinson, Grubb, March, Mellett, Murray, New, Pleak, Reed, White, and Wright —19.

So the amendment was laid on the table.

Mr. CLAYPOOL moved to amend the last resolution by adding the words "and that they use their influence in favor of the passage of any and all measures looking to the vigorous prosecution of the war for the maintenance of the Union, the enforcement of the laws, and the suppression of the rebellion."

Mr. RAY moved to amend the amendment by adding, "and with the distinct understanding that the war shall be prosecuted only for the purpose of crushing out rebellion, restoring the Union, maintaining the Constitution, enforcing the laws, and securing American liberty; and not for any sectional, political, or anti-slavery purpose."

Mr. CLAYPOOL accepted the amendment.

Mr. WOLFE moved to further amend by adding, "and provided that it shall be the duty of the President to immediately withdraw his Emancipation Proclamation."

Mr. MARCH contended that the amendment to the amendment was not germain to the question. The Joint Resolution instructs Senators to vote on a certain question, and this advises the President to do a certain act.

The PRESIDENT (Mr. Johnston in the Chair) decided the amendment to the amendment in order.

Mr. NEW made an ineffectual motion to lay the amendment to the amendment on the table--yeas 18, nays 24.

The amendment to the amendment was then adopted by yeas 24, nays 18—as follows:

YEAS—Messrs. Bradley, Brown, of Wells, Cobb, Corbin, Davis, of Cass, Douglass, Dunning, Ferguson, Finch, Fuller, Gaff, Gifford, Hartley Hoagland, Hord, Jenkins, Johnston, McClurg, Moore, Ray, Shields, Williams, Wilson and Wolfe—24.

NAYS—Messrs. Bearss, Beeson, Berry, Blair, Browne, of Randolph, Campbell, Claypool, Culver, Davis, of Parke, Dickinson, Graves, Grubb, March, Mellett, Murray, New, Reed, and Wright—18.

Mr. MARCH was in favor of a portion of the amendment and opposed to another portion. He deprecated the discussion of matters such as these, as such discussions embarrassed the Administration in the prosecution of the war. As well might regiments discuss the orders of a commander.

Mr. DUNNING (Mr. Johnston in the Chair) was in hopes that these several amendments would prove a common ground, where we could all stand. He regretted to hear the gentleman from Delaware (Mr. March) oppose it, and for the reasons given. Who was it that raised the issues?—not the Democratic party, but the President himself, the chief of the gentleman's own party. He had made the strongest argument ever made against the foolish proclamation, and yet in a few days after, he gives notice that he would issue it, and, after a large portion of the people had expressed themselves against it, he issues his proclamation. He built the windmill the gentleman speaks of. His acts were open to criticism, and he should be compelled to withdraw his foolish proclamation. That "bull against the comet" made a unit of the people of the South, and divided the people of the North. Its effect was wicked. It crushed out every particle of Union sentiment in the South. He ably and eloquently advocated the passage of the resolution as amended

Mr. BROWNE, of Randolph, said that the proclamation contained nothing that could be construed as an interference with the legal existence of slavery in any of the States. It said that the slaveholder in rebellion should lose his right to hold his slave. But this would not prevent slaves being held after the rebellion in such States as recognized the institution. If the President, by an edict, had attempted to repeal existing laws on the subject, then he would have exercised an unconstitutional power. The Constitution gave the rebel the right to his life, but we had deprived him of it; it gave him the right to property, but we had deprived him of that.

yet this did not take from any rebel the right to be protected in life and property in time of peace. He defended the policy and justice of the proclamation as a military measure, and believed it would be found of practical utility, and ought not to be recalled.

Mr. SHIELDS. Does the gentleman contend that the slave of the loyal master is not affected by the proclamation in the States covered by it?

Mr BROWNE, of Randolph. It does not affect the system.

Mr. WOLFE. What difference is there between striking down the tenure and striking out the property held under that tenure?

Mr. BROWNE, of Randolph. If you strike down the tenure, you deprive the party of all power to acquire property in the future. This was the difference.

Mr. COBB asked the Senator if the proclamation did not strike the loyal slaveholder? The confiscation act and the article of war under it already had forfeited their right to property in slaves.

Mr. SHIELDS. While the gentleman is answering, will he tell us how the proclamation would deprive the rebellion of support when the President admonished the slaves to remain and work for their masters? What difference to us, in the light of supplies to the rebellion, whether the slave worked for wages or for food and clothing?

Mr. BROWNE, of Randolph, did not profess to understand the operations of the confiscation act, but this he knew, that law was a dead letter in the revolted States, and the disloyal men could not be reached. He then took a general view of the question, and closed with an appeal to hold up the hands of the President in his efforts to crush out the rebellion.

Mr. DOUGLASS moved to further amend so as to add, "and provided further that if the propositions made by the Legislatures of the different States fail to effect an honorable settlement or compromise, between the Federal Government and the seceded States."

AFTERNOON SESSION.

Mr. MELLETT spoke as one who had no reverence or love for any party in existence. He believed that with the close of the rebellion both the Democratic and Republican parties would go down. Partyism he believed had been the ruin of the country. It was proposed by the amendment adopted to favor a vigorous prosecution of the war, provided the President would withdraw his emancipation proclamation: otherwise the war ought not to be prosecuted with vigor. He had always been in favor of prosecuting the war without reference to slavery, one way or the other, and not with a view to either interfere with or protect that institution. He had not been of those who had insisted that the army ought not to proceed an inch until a proclamation was issued, nor of those who were always clamoring against the war because negroes were allowed to enter the camps. He was not for prosecuting the war in such a way as to aid any party, but for the sole purpose of putting down the rebellion, and securing an honorable peace. He might consent to join in a request to the President to withdraw his proclamation, but if he should fail to regard such a request, he would not declare that the war should be no longer prosecuted with vigor. It had been said that the war could not be prosecuted with a view to its successful close as long as the proclamation was before the people, but no good reason had been offered to sustain this proposition. The war ought to be prosecuted, or it ought not; and if it ought to be prosecuted, it was worth sustaining by all means, without any conditions whatever. He and others knew that there were men in both parties who had injured the Government by making different conditions for their support of it. There were, also, traitors in the land, and had been since the war; and he regarded all who threw obstructions in the way of the prosecution of the war, by different modes of embarrassing the Government, as traitors. If the views of extremists were to be listened to and adopted, never-ending difficulty would be the result, and the Government brought to utter ruin. He saw no hope of peace and wanted no peace until we could conquer the rebellion.

Mr. RAY had sufficiently shown his disposition to lay aside party for country.—Two years ago he had advocated measures, as he thought, vital to the interest of his country, and then he was met with the same withering retort that the gentleman makes now—that those who do not stand shoulder to shoulder with him are disloyal. This was the taunt with which true-hearted men were met. Men were not suffered to differ on measures of policy with the Administration. He had no speech on record that he would wish to take back. If the proclamation was an act of the President—a civil act—it was a bold and daring usurpation. If as a military measure, as the act of the Commander-in-Chief, the case was different; but even so it was rugatory, as gentlemen admitted. He would go further, and say that it was disastrous. It united the South as one man, and brought a million of men to the Rebel standard, and it divided the North, and would continue to divide it. The belief existed that the war was diverted from its avowed purpose at the start, and this sentiment was wide spread and deep rooted. It was not an effective war measure. It united the South. They would dispute every inch of ground and burn every blade of grass behind them. Would it nerve any

Union soldier's arm? Would it cheer him on his bed of death? It would not. He did not defend the Rebels. If he had his way, he would wipe rebellion out, and slavery with it, if need be. He did not sympathize with slavery, but we have a country North to care for. Gentlemen said the slaves would not come North.—Then what good does the proclamation do? As a measure of philanthropy what is the effect? Are we to bring a vagabond population here to curse our own country, and not benefit the degraded race? The gentleman from Henry (Mr. Mellett) might not like the resolution now, but he had to thank members from his own side for the condition it was now in. The amendment now under discussion was called forth by amendments tacked on by members from his side of the chamber. If the emancipation proclamation is to have any effect as a military measure, it is to stir up servile insurrection, and produce a night of horrors that will shock the Christian world, but he did not think it would have any such effect. He thought it was nugatory as a military measure, and mischievous otherwise.

He read from the BREVIER LEGISLATIVE REPORTS as to his position on the war at that time, and the views expressed by other Senators at the same time. He then deprecated a war for slavery, while he supported with all his ability the supply of means to enforce the laws and restore the integrity of the Government.

Mr. MARCH said that the Senator had answered his own speech by admitting that the proclamation would prove to be ineffective, and would not produce insurrections. If the statements of those who attacked the proclamation were correct they were fighting a man of straw, for they had declared that it was a nullity, and could have no force or effect. They admitted that a military commander could accomplish all that it was claimed the proclamation could effect. The latter was preferable because it was more public, and it was nothing but a military order from the Commander-in-Chief of the Army. If it was proper to condemn one military order, it would be equally proper to condemn others, and, believing that such a course would not aid in putting down the rebellion, he was opposed to it. It only tended to divide and distract the people and weaken the national cause. He believed that the impression that the proclamation had been detrimental to the army existed only in the imaginations of Senators and the wishes of Northern traitors. Senators reckoned without their host if they calculated that the late elections had decided that the people meant to give up the war until it should result in suppressing the rebellion. The Southern slaveholders had divided the Democratic party because they could not control it; they had divided the country because they could not control it, and they were now fighting the Government because they could not control it.—And if these were to be the only sufferers from the war, why should loyal men complain?

Mr. COBB. If the proclamation was ineffective, as gentlemen contended, it should be withdrawn. Why keep an ineffective law on the statute book? But he differed with gentlemen in their views of its being inoperative. He believed that the President intended to enforce the proclamation wherever he could do it. Suppose it is made effective at the point of the bayonet, and three millions of a degraded race will be turned loose upon the now happy people of the North. The public mind is being educated to the point of receiving this vagabond population. Already the intimation was given that the 13th article of our constitution was in conflict with the Constitution of the United States. He contended forcibly that the proclamation was leveled at the loyal men of the South. The confiscation bill and the articles of war had already confiscated the slaves of rebels, and why add the proclamation to embitter the South. War, it was said, was waged for peace, but the proclamation meant war, and nothing but war. Let every Rebel lay down his arms to-day, and while this proclamation was in force, peace could not spread its sunshine over the land. He had no sympathy with the rebellion—not a particle—but he owed a duty to himself and his posterity. Senators would not allow us to judge of what is a military necessity, but we must blindly follow whatever they choose to proclaim as a "necessity." The Senator from Henry (Mr. Mellett), and the Senator from Delaware (Mr. March) would compel us to submit to anything and everything, the President might choose to order, even to the enslaving of ourselves. He took a financial view of the question. If the Government should be restored, as he trusted to God it would be, with all the rights and privileges of the States unimpaired, he would be in favor of the South paying her share of the war debt. He would not rob them of their negroes, but when the tax-gather went round he would tax them on their value for the debt now creating. He replied to the arguments of the Senator from Randolph (Mr. Browne) that the proclamation did not destroy the system of slavery, or interfere with its tenure. It was like taking a man's life, and admitting that he still had a legal tenure to live.—What good would that be to him? But to return to the main question. The tendency of arming the negroes was to demoralize the army. It was to equalize the races. If a negro regiment should be effective in the field, it would be quoted on all occasions, and the cry would be raised that so gallant a race should not be de-

prived of the rights of franchise, and all other rights possessed by white men. It was an admission, also, that we were incapable of success without the aid of the blacks, and on that score he felt it his duty to protest against the measure.

Mr. CLAYPOOL had listened for some denunciation of the rebellion, but he had listened in vain.

Mr. RAY. Did the gentleman pay attention to the remarks of the Senator from Shelby? (Mr. Ray.)

Mr. CLAYPOOL did, and heard something said, but the general tenor was of complaint against the Administration.—The cry had been "green backs," "millions of debt," "negro equality," "military arrests," "proclamations," and such expressions. We had been told that not another man nor another dollar should be given for this war. If the Democratic party would come forward and unite for a vigorous prosecution of the war, and agree to favor the further increase of white soldiers, there would be no use for negro soldiers. But if they failed to do this, he was for arming the negroes, and for one he would rather fight by the side of a negro soldier who was loyal, than by the side of the whitest Democratic traitor in the country.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 10, 1863.

Mr. MILROY, from the Committee on Agriculture, introduced a bill, [152] to signify the assent of Indiana to the act of Congress making donations for Agricultural Colleges, which was read the first time.

HONOR TO OUR SOLDIERS.

The matter pending on adjournment yesterday (the joint resolutions H. R. 15, printed on pages 77 and 78 of these Reports) was taken up.

Mr. HIGGINS offered an amendment making the sum of $500 the full compensation for all work the Librarian may do in this regard until January 1, 1865.

Mr. PACKARD. It is already contemplated by the Joint Resolution that the Librarian shall perform his duty as long as the war lasts. The present Librarian would enter upon the work in the spirit of patriotism. He cared nothing about compensation beyond what was necessary.

The amendment was adopted.

On motion by Mr. TARKINGTON the resolution was further amended by inserting after the word "book" these words: "in such form as will be suitable for printing."

THE "STOVER FRAUD."

Mr. ROBERTS offered a resolution, which was adopted, that the Committee on Ways and Means be instructed to inquire into the facts and circumstances connected with the late fraudulent issue of Indiana State stocks, commonly known as "the Stover fraud;" whether there is any probability that the State will sustain any loss thereby, and whether any legislation is necessary to protect the interests and credit of the State on account thereof, and to report by bill, or otherwise.

THE COMMITTEE OF THIRTEEN.

Mr. CASON offered the following:

WHEREAS, There has been a mutual expression of a want of confidence in each other by both parties in this branch of the General Assembly, as well as an excited state of public feeling generally, in relation to the prosecution of the war, and other measures, and that such want of confidence has caused much ill feeling on the part of the members of this body, as well as useless criminations and re-criminations. Therefore, to restore confidence in the good intentions, honesty and patriotism of all the members of this House, and to quiet the public feeling; be it

Resolved, That a committee of thirteen be appointed, with instructions to use all po-sible efforts, consistent with their duties as legislators and patricts to come to some satisfactory understanding in relation to the action of this House upon the following subjects, and that we hereby pledge ourselves, at the sacrifice of mere party or personal feelings, to adopt the views and follow the advice of the committee, if the same should be their unanimous report. The committee are instructed to report their views and conclusions upon the following questions, as well as any others they may deem proper or desirable:

1st. All matters in relation to the powers and duties of the Governor;

2d. All questions in relation to the prosecuting of this war, and the status of Indiana connected therewith.

Mr. CASON proposed it as a peace measure.

Mr. LASSELLE would vote for the resolution, provided the clause binding this House by the decision of the committee were stricken out. He would surrender his conscience to no set of men, however sagacious and patriotic.

Mr. MILROY was opposed to the whole thing. It came from the wrong quarter. It reminded him of the fable of the rooster and the horses. The rooster said: "Gentlemen, don't let us tread on each other's toes." If the minority don't want the majority to tread on their toes, let them get out on clear ground—let them get out of the way.

Mr. KENDRICK favored taking counsel on these disputed questions, and thought that the committee would save heated discussions in the House.

Mr. ROBERTS made an ineffectual motion to table the resolution—yeas 24, nays 65.

Mr. PRIEST would not be bound by the action of the committee.

Mr. PACKARD opposed the adoption of the resolution. It was a visionary scheme. We had a committee—the Committee on Federal Relations—in all respects, except in point of number, equivalent to the one proposed. That committee had already canvassed the important subjects committed to them, and it was found utterly impossible for them to agree. How was it

possible, then, that thirteen men could agree, when seven could not? Besides, he would not yield his conscience and his action to the dictum of any set of men. All of us who were honest in asserting their principles would stand by them. We must differ with one another, if we were honest and conscientious.

Mr. ROBERTS said that all such humbug resolutions were introduced by the minority to consume time and prevent necessary legislation—in order that the majority might be held responsible before the people for all failures. And the people would hold, notwithstanding the machinations of the minority, the majority so responsible.

Mr. HOLCOMB was disposed to grant the minority all they asked in reason. He was disposed to treat them with more courtesy than they had treated us heretofore. He was willing to try the experiment for conciliation and harmony.

Mr. GRIFFITH offered an amendment striking out the pledge to abide by the report of the Committee, and inserting "will give the report a respectful consideration."

Mr. VAN BUSKIRK followed. He argued in favor of the resolution. The fact that it was presented by "the bitterest member on this floor in the minority," as had been charged, ought to commend it to the majority.

Mr. NIBLACK was inclined to favor the proposition, because an equal number of both parties would be brought face to face, and it looked like an honest effort toward conciliation — toward doing something. Everything which is calculated to bring members of both parties together would tend to allay the excitement of the country. He had no fear of a discussion in committee of the principles and measures of the majority. He had every disposition to favor all steps toward pacification.

Mr. WOOLLEN offered an amendment directing the committee to report by 2 p. m. on Monday next.

Mr CASON spoke in support of his resolution. He had no objections to the amendments offered, but thought he contemplated all they purposed. He had offered the resolution in good faith. He had offered it to remove party and personal questions from this House for the time being, in order that needful legislation be done—in order that agitation might be calmed down, and that we might go to work. The minority were just as responsible before the people as the majority.—He was ready to meet every man extending the hand of conciliation; but if there was to be no concessions and compromise—if it was determined to strike down him and his, his motto was—

"Lay on Macduff,
And damned be he who first cries, hold, enough!"

Mr. ANDERSON, referring to Mr. Cason, and replying to Mr. Packard, said that—

"While the lamp holds out to burn,
The vilest sinner may return."

There was more rejoicing in Heaven over the return of one sinner than ninety-nine righteous. Mr. Cason had been stigmatized as the chief of sinners. By his resolution he had brought forth fruits meet for repentance. He, in the opposition—in the minority—had proposed a measure looking to compromise, to conciliation to peace, and his proposition ought to be adopted.

Mr. HUMPHREYS said he would vote against the resolution, because it was very well understood by the majority what they would do, and the time when it would be done. This committee would tend to delay action. He opposed the resolution. If it was adopted, he was sure we would adjourn without doing anything at all.

Mr. BURTON conceived that the introduction of the resolution was the height of tomfoolery. It was child's play for this Legislature to be discussing propositions like this. The resolution was for no other purpose than to consume the time and money of the people of Indiana. The views of both parties were well known. Gentlemen were wide as the poles apart. They never could agree on any of the important questions. He himself (and his constituents would kick him out of his county if he were not) was opposed to anything like compromise or conciliation with Abolitionists. Any proceeding under the resolution would amount to nothing. It was all humbug.

Mr. SHAFFER was willing to meet the minority half way. He should vote for the resolution, and now demanded the previous question.

The demand was seconded by the House.

The two amendments were adopted.

The resolution as amended was also adopted, by yeas 65, nays 24.

The SPEAKER subsequently announced the committee, viz: Messrs. Cason, Niblack, Howk, Abbett, Roberts, Newman, Tarkington, Puett, Shaffer, Bird, O'Brien, of Hamilton, Harney, and Van Buskirk.

AFTERNOON SESSION.

The SPEAKER laid before the House a communication from the Governor with regard to drafted men, in reply to a resolution of the House. An accompanying report from the Adjutant General states that four companies of drafted men were organized as volunteers, and went into old regiments. Other men, amounting to about 290, were also in the service, as drafted.

STATE REVENUE.

The revenue bill, [H. R. 139] was taken up in Committee of the Whole, (Mr. Holcomb in the Chair).

Mr. NIBLACK explained that the revenue from the increased levy would not be more than sufficient to meet the demands upon the State Treasury for the ensuing year; $850,000 was required for the years 1863 and 1864.

On motion of Mr. BRANHAM the committee arose and reported back the bill to the House, recommending its passage.

The report was concurred in, and the bill ordered to be engrossed.

RESOLUTIONS OF INQUIRY

Were offered, read and severally adopted, to-wit:

By Mr. MILLER, to appoint a committee of three to investigate the cost of printing a pamphlet edition of the law in reference to decedents' estates.

By Mr. VAN BUSKIRK, as to legislation in reference to bringing suits against foreign insurance companies.

By Mr. LASSELLE, as to the propriety of making United States Treasury notes receivable for taxes.

By Mr HOLCOMB, in reference to a reduction of the salaries of canal trustees.

By Mr. RIPPEY, in favor of an enactment permitting Recorders to require their fees in advance.

By Mr. PACKARD, to permit ex-Recorders to issue fee-bills for official duties and collect them.

By Mr. GREGORY, in favor of requiring railroads to carry the bodies of deceased soldiers en route to their homes free of charge.

ARBITRARY ARRESTS.

Mr. WOOLLEN introduced a joint resolution, [30] protesting against the passage of any bill by Congress indemnifying the President, or those acting under him, from liability to answer for arbitrary arrests, and instructing Senators and requesting Representatives to oppose the passage of such bill, which was read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. GREGORY, [153] amending section 3 of the law to regulate the sale of liquors.

By Mr. DAVIS, [154] to provide for opening ditches and water courses.

By Mr. HANNA, [155] to provide for an Auditing Committee of the claims of the Indiana Legion, and of the military expenses on the border. (The bill provides a committee of five members of the Legislature to meet at Indianapolis on the 18th of March, and sit for six weeks, auditing such claims.)

By Mr. HETFIELD, [156] a Liquor License law.

By Mr. HETFIELD, [157] an additional act to regulate tolls on the Wabash bridge at Covington.

By Mr. HETFIELD, [158] to regulate the fare and toll of passengers on railroads of this State—fixing the rate at 3c. per mile.

By Mr. MORGAN, [159] to protect sheep and tax dogs—taxing the owners of dogs for the purpose of paying for sheep destroyed.

By Mr WOODRUFF, [160] to amend section 47 of the road act.

By Mr. SPENCER, [161] to amend the 22d section of the trespass act.

By Mr. JOHNSON, [162] relative to salaries of Sinking Fund officers.

By Mr. GIVEN, [163] to authorize county Commissioners to vacate city or town incorporations in certain cases.

By Mr. DONALDSON, [164] to amend the 8th section of the Plank Road Act.

By Mr. MILROY, [165] to amend section 1 of the Exemption Act.

By Mr. WATERMAN, [166] supplemental to the Election Act—of town officers.

By Mr. LEEDS, [167] to entitle special surgeons, who have proceeded to any battle field, to pay as Assistant Surgeons.

By Mr. BURTON, [168] to repeal the dog law.

By Mr. MUTZ, [169] to prohibit trespass on lands for the purpose of hunting.

By Mr. HOWK, [170] to amend the 4th section of the Common Pleas Act, relative to holding courts in Clark, Scott, Washington, Harrison and Floyd counties.

By Mr. O'BRIEN, of Hamilton, [171] to amend section 2 of the county officers' act.

By Mr. FERRIS, [172] to regulate railroad passenger and freight tariffs.

By Mr. NIBLACK, [173] to amend the Practice Act.

By Mr. HUMPHREYS, [174] to amend section 1 of the act regulating Justices of the Peace.

By Mr. HOWARD, [175] to amend the Common School Act.

By Mr. HOSTETTER, [176] to authorize constables to administer all oaths necessary in the discharge of their duties.

By Mr. PACKARD, [177] regulating sales of real estate.

By Mr. HARNEY, [178] to repeal an act amending the felony act.

By Mr. KEMP, of Dubois, [179] to amend an act regulating fees and salaries.

IN SENATE.

WEDNESDAY, February 11, 1863.

Mr. WILSON, from the Banking Committee, reported upon the memorial of D. A. Martin, that E. G. Burkham is not legally entitled to hold a Directorship in the Branch of the State Bank at Lawrenceburg, and that said Bank had been grossly mismanaged, and the assets of the Bank diverted to the injury of the people of that Bank District, and recommended the adoption of a joint resolution (11) appointing Edmund Clark agent to examine into the condition of the said Branch.

The joint resolution was read the first time.

REPORTS FROM COMMITTEES

Recommending that Senate bills 41 (see page 80;) and 75 (limiting the number of Justices in townships of 200 voters and under to one Justice, be laid on the table, were concurred in.

ARMING OF NEGROES.

The Senate joint resolution [10] protesting against the enlisting and arming of negroes, coming up in order—

Mr. BROWN, of Wells. The proposition was advanced yesterday by those opposing the resolution, that those who differed with the Administration in power were disloyal men. This cry had become stale, and passed now as the idle wind.—Gentlemen must remember that the October elections, by the construction of loyalty put by them upon the term, proclaimed the great mass of the people of the North traitors' Secretary Seward, seeing the effect upon foreign nations of this cry, notified them that by our theory of government, men might differ with the Administration, and even oppose it and yet be loyal to the Government. Gentlemen acting all their lives with the opposition, opposing always the policy of the Democratic party, rise here, and while sticking close to the views of their old party friends, cry "no party." The proclamation struck at non-combatants. It struck down the rights of loyal men. It was said that it was harmless. If it was so, why, in the alarming state of the country, waste time on such child's play? But it is termed a military necessity—that tyrant's plea, that covers up a multitude of sins. It was contended that the bill would have no bad effect on the soldier. He read a letter received this morning from a soldier at Nashville Tennessee, begging him to use what influence he had to direct the war within a constitutional channel, and stating that wide disaffection existed in the army. He also read an article from the *Independent*, in which Beecher called upon "God and the negro" to save the Republic. What blasphemy!—When it came to that, when this Republic could only be saved by the arm of the negro, he would leave his citizenship as soon as he could. He made a forcible and able argument against the employment of the negro as a soldier, as tending to weaken instead of strengthen, the North.

Mr. MANSFIELD. On one and the same subject there was a great diversity of opinion. If it was true that the proclamation set free three or four millions of negroes, and they were to come amongst us, he would oppose it with all his zeal and energies. He had long been a slaveholder, and knew the race. Their immediate liberation would result in the destruction of the white race and of the black race. He then presented his view of the proclamation, that it did not effect the system of slavery, and was merely a military measure, operative only where our armies went. The operation was good and bad. The bad effect was already felt—it united the people of the seceded States. The good effect was to come. He had opposed it at first; but we had experienced the bad effect and it would be unwise to recall it now before the good effect has been experienced. He contended that the proclamation would liberate but few slaves. He would not approve of the arming of slaves, unless as a measure of necessity. He would make it a last resort. The example had been set by the South in their arming of the savages. We should calculate the effect on our own army, and be careful not to trample upon the feelings of our soldiers. If men were in earnest they would not hesitate about the company they would have in subduing the enemy. He instanced the Sepoys of India, who had been used to subjugate that country, although the English prejudice against them was quite as strong as that of our people against the negro. Men who dream of nothing but compromises could readily pick flaws. While he preferred that white men should do our fighting, he was opposed to giving an expression here that no other class should be used to fight rebels.

Mr. WOLFE. The question under consideration was the proclamation of the President, issued on the first of January. It called upon the President to withdraw it, and, when so withdrawn, instructed our Senators in Congress to vote men and money to subdue the rebellion. All the measures of the war were fairly before the Senate for discussion Whatever he might say, he did not expect to convince the minority here. His words would fall on the dull ear of party. Nothing short of the thunder bolts from heaven would move these gentlemen. The warning voice of conservatism had been sounded in the ears of these gentlemen before the war commenced and since. He was in favor of a vigorous prosecution of the war for the purposes announced at the commencement of it, or he was for a speedy peace. While the authorities at Washington conducted the war for its legitimate object it was the duty of all citizens to yield it support.—He contended, however, that the Union could not be restored by the policy the powers at Washington were now pursuing. Believing so, he must oppose it. He opposed it because he loved the Union. Let any gentleman show how the Union could be restored, and he would give his undivided and hearty support to all measures to that end, and not be very particular whether they were strictly legal or not.—He was satisfied in his own mind that the Administration policy was a disunion pol-

icy, and he believed he could show it.—When this war broke out there was a strong union sentiment at the South. He recited facts and incidents. The Crittenden compromise would have strengthened and increased this sentiment. If this war had been prosecuted in a proper manner and in a proper spirit it could have been brought to a successful issue in nine months. But from the time this Congress commenced the agitation of the negro question, disunion grew apace in the South, and it grew until they were able to meet and often overwhelm our forces.—He believed firmly that a united people could never be conquered. History gave no example. History does give examples of an invading army being the nucleus around which the people could rally, but never that a united people were brought under the yoke of an invaded.—He knew that Poland was held by a foreign power. But is it conquered? It has cost Russia more than all the lands and chattles are worth, and yet the people were not subdued and never would be. He then reviewed the progress of the war and the immense resources used. We were in a worse condition to-day than we were a year ago. If the Union could be restored by any means he would support those means. If knocking the fetters from every slave would restore the Government, he would liberate every negro. He had no sympathy with the Rebels. He saw the first inception of this rebellion at Charleston and at Baltimore, and he denounced the base treachery of those men to the true and loyal men of the North. He had no sympathy with them. He was not their guardian or their advocate. They inaugurated this civil war. They were doubtless goaded to it by the intermeddling of the abolitionists of the North, but they deserted their friends in the North—basely deserted them, and he had no sympathy with them. But because these traitors were base, because they betrayed their friends and their country, he did not think he was called upon to aid in the ruin by advocating measures that he was satisfied would only hasten the ruin. He would not cut off his nose to hurt another man. He believed the policy of Mr. Lincoln was doing more to strengthen the rebellion and ruin the country than all the acts of Jeff. Davis and his traitor crew. The traitors would have been powerless had they not been aided by the mad and unwise conduct of the radicals at the North, and their policy was that of the Administration. There was another question, a financial question, that must be touched. It must be met.—Fine spun theories could not evade them. There was a question of greenbacks.—Gentlemen might talk of the last drop of blood and the last dollar, but talk would not do. We were heaping up a debt without limit.

Mr. CLAYPOOL asked if the American people could not bear as large a debt as France, and it the debt would be any larger than that of France if the war continued until July 1864?

Mr. WOLFE did not know how much a people could endure if their hearts were in a cause. This, he feared, was the condition of the southern people, and they would endure all and bear all. They had demonstrated, also, that they were as brave in the battlefield as their kindred blood of the North. The people of the North might endure as much as the surfs of Russia, but with equal endurance and equal valor in the South, a great united people could not be conquered. He did not, he could not, believe that the dominant policy could ever preserve the country, and believing so, he would vote for the resolution, and be accountable to his constituents and to posterity. The Senator from Henry (Mr. Mellett) said if he gave that vote he would be aiding the Southern Confederacy. He believed before God, that if the Senator from Henry gave the vote he threatened to give, that he would be giving aid to Jeff. Davis.—Let the gentleman account for his vote to his constituents, and let him answer to posterity. He saw hope if the people in both sections could be heard. The like causes were working like effects in both sections. Jeff. Davis and the dominant men South would oppose an armistice, and the speculators and all who were making money out of the war here would oppose it. The war must be closed sometime by a cessation of hostilities. He never would consent to any peace but one on the basis of the restoration of the Union. He would accept that and nothing less. Try this plan of compromise, and if it fails you will have no occasion to seek to raise black soldiers, for a power will spring up in the North that is little dreamed of. He read from the New York *Tribune* to show the radical programme to be disunion—no union with slaveholders. He would be found fighting disunion under this guise. "The best available peace" in the extract meant let the South go. He alluded to the charge against the Democratic party of a desire to take Indiana out of the Union, and the formation of a Northwestern Confederacy, and denounced it as a base slander, and he believed the cry was raised by the opposition to cover up schemes of oppression meditated by them.

AFTERNOON SESSION.

Mr. MURRAY. In the form in which these resolutions are drawn he could not vote for them. If they were in another form he might vote for them. As they stand, they are a demand upon the President to withdraw his proclamation. He did not think it the duty of the Senate to criticise the acts of the Commander-in-

Chief of the army at this critical time:—He admitted, however, the right of the people to differ with the Administration on matters of policy. He would ask what good can grow out of the demand for the repeal of the law for the employment of negroes as soldiers? He believed the measure was a pure and patriotic one—not to elevate the negro but to put down the rebellion. The negroes were to be organized to garrison Southern forts where white men would die from the effects of the climate. This was all the advocates of the bill intended by it. They did not intend to mix white regiments and black regiments. Could any one object to that? He opposed the joint resolution also because it was calculated to add to the excitement already existing in the State. There was a wide spread feeling that a majority in this Legislature intended to take the State out of the Union, and there was an organization or organizations forming all over the State to resist the scheme.

Mr. RAY. Who is responsible for these reports?

Mr. MURRAY. I don't know. I only know that the belief exists, and the loyal people are forming associations to avert it.

Mr. COBB. Does the gentleman know of the existence of these associations?

Mr. MURRAY. I do. One exists in my own township.

Mr. COBB. Is not that association for freeing the slaves?

Mr. MURRAY. I do not belong to it, and cannot say, but I am told it is to resist all attempts to take the State out of the Union.

Mr. CORBIN. Is that association arming? and if so, who furnishes the arms?

Mr. MURRAY. The farmers are all armed. The excitement is growing, and it has already reached the army.

Mr. COBB. Do not these stories reach the army through lying journals circulated there?

Mr. MURRAY. I suppose so.

Mr. COBB. Then why dont you denounce such journals.

Mr. MURRAY. I do. I never believed, and do not now believe, that any such scheme exists. It is for this reason I deprecate all agitation. It was also believed that a secret organization existed in the Democratic party to resist the draft, and to resist the arrest of deserters, and for other purposes of resistance to the legal authority of the Government. In regard to the proclamation, he was not one of these who denounced all men as traitors who differed with him. He did not believe they were, and these deaunciations mortified him. Men could belong to their own political organizations and be true to the country. He was in favor of the proposition before Congress, because he never wanted to see another draft made in Indiana. He did not want to see citizens of Indiana forced into the army at the point of the bayonet. Elkhart county had only one hundred men drafted, and he never witnessed such a scene of distress as when these men were marched to the county seat. He did not believe another draft could be made here without civil war. Indiana had poured out her blood like water already. He was then in favor of raising negro regiments to garrison the forts, and thus save our own people.

Mr. BROWN, of Wells. Does not the gentleman think then that the salvation of the republic depends upon the nigger?

Mr. MURRAY. No sir. Gov. Andrew has been persistent in his scheme. The negro should fight as well as the white man. But as to the proclamation he did not believe it would free a single slave. He believed it was unfortunate, and it was his opinion that it never should have been made. Yet he believed if it had any effect at all it would be to weaken the rebels. He believed the proclamation was made not to effect the slaves but to operate on foreign nations, to secure their sympathy in our behalf. And now we are about to ask the President to take it back.

Mr. DOUGLASS. Suppose he takes it back, won't he stand just where he did before he issued it?

Mr. MURRAY. He would not. He followed out the border State or rose water policy for a long time until a change was demanded by the country. The change was made, and the proclamation was the blow direct at the vitals of the rebellion. He was not answerable for the individual opinions of members of the Republican party. He differed with the Abolition fanatics. Indeed he was sorely grieved at many of the acts of the Administration, and if he could recall the vote he gave to Abraham Lincoln, he would give it with all his heart to Stephen A. Douglas.

Mr. COBB read a portion of Mr. Douglas' last speech at Chicago, in which he deprecated any war but a war carried on as civilized and Christian nations conduct a war, and asked if the gentleman endorsed that speech?

Mr. MURRAY did endorse it heartily. If the Senator from Harrison will offer a proposition here devising some means to propose terms of peace to the rebels without withdrawing our armies, without infering with impending battles, and without weakening our army or resourses, he would vote for it. He asked Messrs. Wolfe and Dunning if they would accept an armistice on the terms proposed by Jeff. Davis, "that the Southern Confederacy must first be recognised before even an armistice should be granted."

Mr. WOLFE. I would not.

Mr. DUNNING. No good Democrat could accept any such proposition, nor

consent to anything less than "the Union—now and forever—one and inseparable."

Mr. MURRAY believed that any proposition for peace that would look to nothing but a restoration of the Union would be rejected by the rebel government, and he sometimes wished that propositions could be submitted to that government, for their rejection would unite the North for the Union and increase the Union sentiment at the South. In conclusion he read a pledge that was being publicly circulated in Elkhart county, pledging the signers to an unconditional support of the war and to sustain Governor Morton and prevent at all hazzards, any attempt to take from him the executive and military powers conferred upon him by the Constitution. He read this to show that secret societies had produced counter organizations of a public character, and that the people were agitated upon the subject.

Mr. WOLFE. Does not the gentleman believe that there is a little foundation for the formation of these societies as there was for the formation of Know Nothing societies to oppose an invasion by the Pope of Rome?

Mr. MURRAY. I have already said I did not believe there was any foundation for their fears but those fears exist, and he was opposed to all measures that would have a tendency to increase them. He opposed the resolution as amended.

Mr. DUNNING heartily concurred in what was said by the Senator from Henry yesterday as to laying aside party spirit until the rebellion was subdued. He denounced the rebellion at its commencement as causeless and wicked as he did now. He made speeches and aided in raising troops, but while he in good faith was acting thus he feared the President was departing from the landmarks he had laid down for the prosecution of the war. Even up to the 18th of June Convention he was still in hope that the President would adhere to his original plan of conducting the war for the restoration of teh Government and for that object solely. He opposed the 8th of January Convention, thinking it ill timed, and was not bound by it. He was not for party. He was for his country first, last and all the time. He had not made a speech for the war which he would take back. But a programme had been inaugurated by the present Congress the most infamous that ever disgraced any body of men. He longed for the 4th of March when that set of men would be sent to their homes, there, he trusted, to remain. He detested their infamous programme and acted thenceforward with the Democratic party. He wished to reply to the arguments of the gentleman from Henry and the gentleman from Randolph in regard to the emancipation proclamation. It was to break the back bone of the rebellion, according to the Senator from Randolph, by taking away their labor, while the President advises the slave to remain with his master and work for wages, to be peaceable and gentle. This was beautiful logic to present to an intelligent Senate. The Senator from Delaware objected to criticisms upon military orders even of the President. In reference to that matter he would read from a letter written by Mr. Seward to Mr. Adams after the elections in October and November.—(It was in reference to the habit of the American people to canvass the acts of the Administration.)

Mr. MARCH. All right, I see nothing in that.

Mr. DUNNING. If the gentleman sees nothing in it, it is well. Since the elections—since the conservative citizens had spoken, a little more latitude was given to the expression of opinion. Whenever it came to that pass that the people could not canvass any act of the Administration our liberties as a people were gone forever. He said there was force in the remarks of the Senator from Lawrence (Mr. Cobb) that the President intended to have his proclamation enforced by the bayonet. He did not, however, think it could be made to do much harm. The President had made the strongest argument against it that ever had been made. He read the President's reply to the Chicago delegation. He wished the opposition to hear it. He read it paragraph by paragraph, and commented on each with great eloquence. He denounced the last paragraph as the foulest sentiment ever uttered—a sentiment that would disgrace a barbarian. He contended if this proclamation could do no good, why do they adhere to it with a death grasp? Why not gratify the Democratic party in the loyal States of the Union and withdraw it? Why would they not give this little indulgence to the sentiment of a loyal people and a loyal party? He believed that the issue of this proclamation turned the elections in favor of the Democratic party. It stirred up the mighty heat of the people, and their sentiment was poured out at the ballot box.—Let me tell you that the people are opposed to it. He knew they were opposed to it.

Mr. REED. Does the gentleman think the proclamation constitutional?

Mr. DUNNING did not. He found no warrant for taking private property without compensation in the Constitution.

Mr. REED. Does the gentleman endorse the President's letter to Horace Greeley, that he would sacrifice slavery to restore the Union?

Mr. DUNNING. If the rebels would place their slaves between the Constitution and the restoration of the Union, he would let them go to the warmest place he could name. He advocated an armis-

tice for the purpose of trying whether, with all their rights under the Constitution restored to them, the rebel States would not return to the family and live again in peace. He believed, with Senator Douglas, that war was disunion. One of his plans of settlement shadowed forth in his last speech in the Senate, was nothing but an armistice. The people demanded this. They did not want a dishonorable peace, but they felt convinced that if reason and not passion was suffered to rule, that peace could be had. But gentlemen are denounced as disloyal who make such propositions. Put up two candidates in each county, one for a war of subjugation, and one for an honorable peace, and ninety out of ninety-nine counties would return the peace candidates by overwhelming majorities. He denied that those who favored an armistice were disloyal men. The Democratic party was composed of as good Union men as could be found anywhere. For himself he had no feelings for his Southern brethren. He had declared at Charleston that he would never consent that slavery should be extended over a country without the consent of the free white voters thereof, and had been insulted there for declaring such sentiments. The leaders of the rebellion in the Democratic party had led the rebellion against the government, and if they could be tried and hung they should receive no sympathy from him. But there was a large class at the South who had, from various causes, been driven into opposition to the national government, and these should not be punished if peace should be declared. In conclusion he appealed to the minority to yield their prejudices in favor of the proclamation, but whether they did so or not, he hoped and believed the Democratic party would not be driven from supporting the country in every effort to restore the government to its happy condition before the rebellion threw its shadow over this once prosperous land. He was for conservative measures that would increase the Union sentiment in the Southern States.

[Mr. WILLIAMS, (unanimous consent being given) reported from a select committee a bill [111] to apportion the State for Senators and Representatives for the next six years, which was read twice under a suspension of the rules, and ordered to be printed.]

Mr. SHIELDS had been as highly gratified as any person could be at the speeches made on the subject under discussion, but yet the Senate had other duties to perform. He did not think the amendments were strictly germain to the Joint Resolution. They would perhaps be better in a separate Joint Resolution. He moved to lay all the amendments on the table.

Mr. Douglass withdrew his amendment.

The amendment (Mr. Claypool's) as amended (by Mr. Wolfe) was agreed to—yeas 31, nays 11, 2 not voting.

During the call of the roll—

Mr. BEESON said he voted for that part which favored a vigorous prosecution of the war, and against that part which demaded the withdrawal of the proclamation, and asked that his vote be so recorded.

The PRESIDENT said this could not be done.

Messrs. BROWNE of Randolph, and Mr. WHITE said they were for one part of the amendment and against another, but would vote aye.

Mr. MARCH offered an amendment to strike out all after the enacting clause, and to insert the following:

1. That notwithstanding there may be differences of opinion in regard to the policy of some of the war measures of the National Administration, yet the State of Indiana, without distinction of party, still unwavering in her devotion and attachment to the National Government, again reiterates her pledges of fidelity to the common cause, and will with all her energies, with all her power, and all her means, press steadily forward in the war to put down the rebellion, restore the Union and the Constitution, with the distinct understanding that the same is not prosecuted for any sectional, political or anti-slavery purpose.

2. That our Senators be instructed and our Representatives be requested to vote for all laws having the effect to lighten the labor, protect the health, and save the lives of white soldiers by employing acclimated persons of African descent, wherever their services can be made useful and safe, having proper regard to their capacity, previous relation to the whites, the antipathies of race, condition and color in framing such laws.

Mr. COBB moved to lay the amendment on the table.

An ineffectual motion was made to adjourn—yeas 20, nays 24.

The motion to lay on the table was agreed to—yeas 24, nays 20—as follows:

YEAS—Messrs. Bradley, Brown, of Wells; Cobb, Corbin, Davis, of Cass, Douglass, Dunning, Ferguson, Finch, Fuller, Gifford, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, McClurg, Moore, Ray, Shields, Williams, Wilson and Wolfe—24.

NAYS—Messrs. Bearss, Beeson, Berry, Blair, Browne, of Randolph, Claypool, Dickinson, Downey, Graves, Grubb, Mansfield, March, Mellett, Murray, New, Pleak, Reed, Teegarden, White and Wright—20.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 11, 1863.

Mr. WOOLLEN presented a petition from citizens of Johnson and Morgan counties, asking enforcement of the 13th Article of Constitution.

REPORTS FROM COMMITTEES

Recommending that House bills 7 (see page 43,) and 90 (p. 85;) be laid on the table were concurred in.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees were offered, read and severally adopted, to-wit:

By Mr. NIBLACK, into the expediency of reducing the amount charged by the

State for license to retail spirituous, vinous and malt liquors, in consequence of the additional tax charged by the United States Government under the recent act of Congress, known as the "Excise Law," and to report by bill or otherwise.

By Mr. MILLER, into the propriety of enclosing the grounds of the Insane Asylum.

By Mr. NEWMAN, in reference to the construction of toll gates.

By Mr. NEWMAN, in reference to the firing of guns across roads, or disturbance of religious meetings by firing them on Sundays.

Mr. FORESTER introduced joint resolution [31] instructing Senators and requesting Representatives, &c., against the passage of a bankrupt law, which was read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. HUMPHREYS, [180] fixing printers' fees for advertising Sheriffs' sales.

By Mr. WOODRUFF, [181] to amend the act relating to Justices of the Peace.

By Mr. GRIFFITH, [182] to amend the Common School act it reference to the enumeration of children.

By Mr. JONES, [183] to authorize county Commissioners to prohibit hogs from running at large.

By Mr. GRIFFITH, [184] to amend the law regulating the sale of swamp lands.

By Mr. MORGAN, [185] to amend section 8 of the plank road act.

WORK FOR COMMITTEES.

Senate bills 15, 26, (see page 55;) 19, 20, 22, (p. 60;) 24, (p. 61;) 26, 29, 30, (p. 79;) 32, 33, 39, (p. 80;) and 93, (p. 121;) were read the second time and appropriately referred.

AFTERNOON SESSION.

A report from a committee recommending that the bill H. R. 71 (see p. 68) be laid on the table, was concurred in.

BILLS ON THE THIRD READING.

The following described House bills were read the third time and finally passed, unless otherwise stated:

Mr. Brown's, [40] to amend the act relating to Common Pleas Courts. (It defines their jurisdiction in all cases felony.) Failed—yeas 19, nays 61.

Mr. Spencer's, [48] to prohibit judges of Common Pleas Courts from practicing as attorneys in inferior Courts—yeas 82, nays 1.

Mr. Garvin's, [57] to tax U. S. stamps, used on legal documents in any suit, as costs—yeas 87, nays 1.

Mr. Lassalle's, [58] to amend section 80 of the Practice act. (It provides that a writing purporting to be executed by any one may be admitted as evidence in suits, when not denied by affidavit. The present law confined the admission of such papers to those executed by one of the parties to the suit)—yeas 73, nays 11.

Mr. Packard's, [62] to amend the act prescribing the crime of arson. (It changes the law so that to fire unfinished buildings, as where the doors are not hung, is arson, instead of malicious trespass, as the law now stands)—yeas 78, nays 6.

Mr. Spencer's, [82] to amend the 6th section of the act relating to County Boards. (It changes the law so that Commissioners may meet at the Auditor's office in place of the Court House)—yeas 83, nays 2.

Mr. Higgin's, [83] to amend the 21st section of the act relating to Justices of the Peace. (It imposes a penalty for Justices neglecting to pay over fees or fines which come into their hands)—yeas 83, nays 1.

Mr. Roberts, [110] to regulate weights and measures. (The bill changes the weight of coal mined out of the State at 80 pounds, instead of 70 pounds, leaving Indiana coal at 70 pounds)—yeas 74 nays 4.

IN SENATE.

WEDNESDAY, February 12, 1863.

Mr. CLAYPOOL presented a memorial and resolutions from the Indiana officers and soldiers in the Army of the Cumberland. He said that in presenting these papers he performed the most pleasing duty of his Senatorial life. The memorial was couched in courteous but manly language, and contained sentiments which he believed every Senator could endorse; for whatever opinions might exist as to the military dictating to the civil power, no one could take exceptions to this document on that ground. It was not gotten up in the spirit of interference, but contained suggestions from those who had the right to advise—suggestions that should be carefully considered by both legislators and people.

Mr. COBB said that he was willing to vote to place the documents on the journal, and to print, if need be, ten thousand copies to circulate among the people, yet he had been well informed that these proceedings of the Army of the Cumberland had been instigated by Governor Morton and republican members of the Legislature, and that the vote upon them had been unfairly put to the soldiers. Improper influences had been used and false charges made against the majority of this Legislature, and the soldiers made to believe that there was a movement on foot to take Indiana out of the Union, when such had never been the case and never would be. Such is the effect of military

dicipline that the soldiers were governed and somewhat controlled in expressing their opinions by their immediate commanders, and such votes were not the free expressions of the men composing the Army of the Cumberland.

Mr. CLAYPOOL denied the right of any man to search the hearts of the minority of the Senate and to say what they had or had not advised or instigated. He denied that the members of the minority of this Legislature had instigated the proceedings at Murfreesboro. Senators had no right to suppose that these proceedings came from any one else than those whose names were appended to them. And coming from such a source it was proper that they should be treated respectfully. It was imaginary to suppose that the free citizens of Indiana who compose our gallant soldiery had been influenced to vote, against their own free will, upon this memorial and these resolutions. All such charges were but imputations upon the character of our soldiers.

Mr. COBB denied that he had said anything that could be considered as casting any such imputation upon our soldiers. He had received a letter from a Brigadier General of that army who asserted positively that Gov. Morton had sent an agent to instigate these proceedings, and that he (the Brigadier General) would not permit such a vote to be taken in his Brigade. He had, also, received letters stating that this vote had been put to the men, under appeals to stand by the flag, and in such a way that the soldiers had no opportunity to fairly vote upon them.

Mr. MARCH said that it had been asserted that the President's proclamation had divided the army and introduced dissensions therein. This memorial and the proceedings therein showed that instead of such being the case, the Army of the Cumberland, at least, was united almost to a man for the prosecution of the war and for no armistice until an honorable peace was secured. He believed the sentiments contained in these proceedings to have been freely, honestly and unbiasedly expressed. They showed that the soldiers were not scared at the proclamation, and that they had not lost faith in the ability of the army to put down the rebellion.

Mr. CLAYPOOL moved to lay the documents on the table, and that 5,000 copies be printed.

Mr. WOLFE had no objection to the printing but would prefer that the papers go to a committee and when reported upon that the report and the communications be printed in a document together.

Mr. JOHNSTON oppose both a reference and the printing.

Mr. RAY hoped nothing would be done to get up a controversy between the Senate and the army; and favored the printing.

The motion was agreed to—yeas 37, nays 8.

The PRESIDENT laid before the Senate the proceedings of the 66th and 93d Indiana regiments, stationed at Corinth, with resolutions accompanying the same. (The resolutions are similar to those passed by the Illinois regiments.)

Mr. WOLFE moved to reject the paper.

Mr. RAY moved to amend by naming the third and fourth resolutions as disrespectful and offensive to the General Assembly.

Mr. BEARSS could not see why the paper should be rejected. It did not hurt him.

Mr. JOHNSTON was for rejecting the whole batch. They were intended as an insult to all who favored an armistice.

Mr. RAY said, on reflection, he would withdraw his motion, believing that the spirit that prompted two of the resolutions should be rebuked by a rejection of the whole.

Mr. WOLFE. Resolutions from this capital have been sent to the army for the purpose of misleading the army itself; but I will tell Governor Morton, and his minions here and elsewhere, that he may erect batteries in the vicinity of this city, and point cannons at this capital and fire them till he leaves not one stone upon another in this capital, and he will not move me from the faithful discharge of my duty. I say come weal or woe, life or death to me, I am going to discharge my duty as I understand it. There was a settled and wicked attempt made by men about this capital to inaugurate a civil war. A persistent effort was made to misrepresent the majority on this floor, to lie upon and to slander them, to mislead the army by the circulation of damnable lies. If not stopped it will lead to bloodshed. I am in possession of a condition of things that gentlemen are perhaps not aware of. I am fully in possession of them to an extent sufficient to satisfy my own mind in regard to what is being done; but I prefer to keep my own counsel until there is a necessity. I am not disposed to push this discussion, it is giving the subject too much dignity. I hope the Senate will promptly reject the infamous paper.

Mr. MELLETT. If I had been drafting a petition to the Legislature I should have used better words, if I wanted to convey the same idea. I am satisfied there are some words used in the paper not strictly parliamentary. Gentlemen are sensitive because, perhaps, the word "traitor" is used; yet the gentleman from Harrison, (Mr. Wolfe,) had the honor of introducing resolutions in this body denouncing me as a moral traitor, and if not for the forms of law a legal traitor.

Mr. WOLFE (interrupting.) I heard the Senator declare not long ago that he belonged to no party whatever, and now

he wants to come within the range of my gun.

Mr. MELLETT. I see no point in what the gentleman says; but be ause soldiers in the field, not accustomed to parliamentary tactic use some harsh words, he is very sensitive, but I, holding different siews from him must sit here and be denounced as a moral traitor from one end of the session to the other. We have been accustomed to hearing hard names applied to the Governor of Indiana; and the Senator from Monroe, (Mr. Dunning.) on yesterday said a certain act of the President of the United States would disgrace a barbarian. Now while such language as this is heard by Senators upon this floor they become sensitive and indignant because soldiers in the field, unaccustomed to parliamentary usages, use language not respectful.

Mr. WILLIAMS (interrupting.) Is Geo. W. Carr not a parliamentarian?

Mr. MELLETT. I suppose he is, but I was not aware that he was one of the petitioners. The great respect I have for Geo. W. Carr will forever prevent me from voting against the petition--the man who presided over the Constitutional Convention that gave us that glorious Democratic Constitution containing the 13th Article! That convinces me that perhaps I was wrong when I said it was not respectful and parliamentary.

Mr. McCLURG. I was satisfied that the basis of the first petition (from Murfreesboro) was respectful and I was disposed to give it a respectful and kind hearing; but, Mr. President, the petition that is brought before us at this time seems to claim none. It does seem to me that it carries on its face an insult, and the thing is of so violent a character that the men seem to have been intoxicated with power. I say the petition ought to be rejected as being, for want of respect, doubly unworthy to be considered by a body that ought to be as dignified as the Senate of Indiana. I can to some extent, notwithstanding the fact that the petition comes covered with infamous language, excuse the action of the soldiers and officers who are thousands of miles away, for there is no doubt that misrepresentations have been sent to them from the heart of the State of Indiana. No doubt they believe there exists upon the floor of this Senate a body of men whose hearts are ready to plead against the best interests of the State. These charges have been made from the stump and the press, and coming to them uncontradicted, they may be filled with the sentiments which has induced this petition. It is but the misrepresentation of their party friends and they know not what they say, yet on account of the disrespectful language in the paper, and the high crime it charges upon members of this House, I claim that it is undignified for the Senate to pay it a particle of respect, and it should be spurned from the consideration of the body.

Mr. REED. I think the language might have been a little more courteous and respectful to the Senate; but I rise for the purpose of asking the Senator from Harrison, (Mr. Wolfe,) a question: which is most respectful to the Senate a soldier with arms in his hands who denounces an armistice, or he who calls Senators minions of Gov. Morton?

Mr. WOLFE denied characterizing men on this floor as minions of the Governor.

Mr. BLAIR said if the soldiers believed that the effect of an armistice would be to weaken our own army and strengthen that of the rebels, he didn't know but that it was was proper for them to class as traitorous such conduct. The soldiers knew that attempts were being made to take from Governor Morton his military power, and with the feeling they had for him, it was proper that they should express their indignation at such attempts. He could not endorse the language in which they were couched, however.

Mr. GRAVES. I yield the point that these resolutions should be rejected, although I act with the minority on this floor. They ought to have been cast out of the door in one minute. Whatever may be the opinion these men have of Senators upon this floor, whenever they come before the body and ask any kind of legislation it is their duty to address it in respectful terms, and no set of men who expect any favorable action at the hand of a legislative body, would address it in any any other than respectful terms. I hope the minority will join the majority in rejecting these resolutions. I shall vote to reject them notwithstanding I am prepared to treat courteously any respectful petition, coming from whatever source it may. I looked favorably upon the memorial resented this morning, for it was respectful; but this is of a different character. There is a low bred ingenuity of expression used in this paper, and I believe it ought to be rejected by this Senate. I hope and trust every member of the minority will vote to reject it.

Mr. MANSFIELD. I have always said an army might be made in the course of time a political machine. This petition here certainly contains some objectionable language. If it came from men who had the means to ascertain what is going on here, I would be for immediately rejecting it without consdieration; but we ought to make some slight allowance for our men who are at such a distance that their information concerning us has to pass through a number of channels; and if they are wrought to a degree of passion which would not take place were they here, we ought to make some allowance for that. I should like to see the objec-

tionable part of the resolutions taken out, for I dislike to reject them all.

Mr. BROWNE, of Randolph. I agree with gentlemen that the language used in these resolutions is not respectful to the Senate, but differ with them in reference to what the action of the Senate should be; and I shall state briefly the reason why I shall vote against rejecting the resolutions. I am in favor of the fullest, freest, and most untrammeled right of petition, and the fullest, widest and broadest liberty of speech. I am in favor of extending the right of petition to the lowest, meanest, and most miserable being that exists in the State, as well as to the highest and most honorable. I am in favor of allowing them to address us in whatever language may suit their sense of propriety or their conviction of duty; and if these resolutions contain charges with reference to the loyalty of the majority or minority of Senators upon this floor the most effective—the most complete vindication the Senate can make is to receive the petition, and prove by their conduct that they do not, and never have, committed the high crimes with which they have been charged. While he didn't believe that members of this Senate were for any disloyal scheme, looking to a disruption of the country, it could not be denied that there were many members of the Democratic party who were in favor of separating the East from the West. Honest men of that party had told him so, and knowledge of the existence of such a state of feeling had reached the army, and could it be wondered at that those who are fighting to destroy one species of secession from the Union would remain quiet with reference to another species of disunion?

Mr. COBB asked if the fanatical or radical element in the Republican party was not in favor of acknowledging the Southern Confederacy?

Mr. BROWNE, of Randolph, believed they were. If they attempted it, they should be crushed out, and he hoped in God they would be. In troublous times the *tendency* of all parties was to submit to the dictation of the fanatical element. Such was the tendency in my own party. The Democracy had to fear the supremacy of that portion of that party favoring a separation from New England. I denounce the position of Senator Conway, (if he was correctly reported) in which he favors the severance of the Southern States from the Union. I denounce, in unmeasured terms, this position and those who may assume it. I have no sympathy with the measure nor the men. It is disunion. Public opinion ought to overwhelm the expression, and if it culminates in an overt act it will be treason, deserving speedy and ignominious punishment. The Republican party is not, and will never be, committed to the proposition of the Kansas Senator. He hoped the petition would be received and referred, and gentlemen here could prove to these men by their acts that they were wrong. It would be the most dignified way of disposing of the matter.

Mr. JOHNSTON. I am as much in favor of the right of petition as the gentleman from Randolph. There is no gentleman more in favor of it. But it is said these men do not know what they are doing. Now that is not our fault. If they have thus acted, we ought to reject it on that account. I understand there are some other things to be legislated about besides the army. The legislative power has its duties and the army has its. I learn from the Constitution that the army is not the war-making power. They have no right to send into this Senate any such resolutions as they have sent. But there is another objection to them. There is an insinuation contained in them that we had better look to what we are doing, or the power of this army might be brought to bear upon us here. Now, if that is for the purpose of scaring this General Assembly into any measure, I hope and trust they will learn that we don't scare worth a cent. I shall vote to reject these resolutions.

Mr. COBB. There is no Senator who would concede the right of petition quicker than I, but the petitioners ought to couch it in proper language, or otherwise the party petitioned has the right to reject it. This paper is intended as a denunciation of the majority on this floor, and, whatever the minority may say, there is a great duty to be performed on the part of this Senate in regard to this petition and resolutions; and we ought to reject it because it is not couched in proper language. It is casting an imputation that we are traitors here, in both houses of this General Assembly. It is our imperative duty to reject these resolutions. We are here the representatives of the honorable people of the great State of Indiana, and to be treated in this kind of a way is an insult to the people of the great State of Indiana. For one, I will vote to reject them. These men are misled, but there is a design in it; and I need not say that I know the source from whence it has emanated.

Mr. RAY (interposing). I find in the Cincinnati *Commercial* of this morning these identical resolutions adopted by Illinois regiments; which shows that they have been concocted elsewhere and sent to these regiments in the field.

Mr. COBB. The evidence will be divulged and published to the world. I know now, but I will take my time to tell. The Senator from Harrison (Mr. Wolfe) only expressed a knowledge that there was a scheme laid at one time, and not abandoned yet, terrible in its charac-

ter. The source from which I draw my conclusions comes from the fountain head and while I am here for the purpose of doing nothing that will aggravate, I will say to Senators: be cautious and beware of what you do. But I have digressed from the question. These soldiers are misled. They are men of sense, and will reflect, and when the evidence is presented to them they will act properly.

Mr. MELLETT (interposing). Does not the Senator know and believe that there is, and has been, a secret organization in Indiana, composed of Democrats, known as the Knights of the Golden Circle, whose object was to demoralize the army?

Mr. COBB. No, sir, I do not know any such thing; and I never heard any such thing intimated by a Democrat.

Mr. MELLETT. I tell the Senator from Lawrence that it is a fact, and I apprehend he can ascertain that such a secret order exists in every Co. of the State.

Mr. COBB. That part I deny.

Mr. MELLETT. If the Senator undertakes to defend the organization, I undertake to say that it does exist.

Mr. COBB. The Senator does not receive his information from members of that party, and therefore knows nothing about it.

Mr. MELLETT. I get my information from members of that order, implicating Democrats all over the State of Indiana, and have sufficient evidence to satisfy my mind that it exists in every county.

Mr. COBB. I state to the Senator that he is mistaken. He may have learned in the manner in which he has, but the source of his information I have no doubt is untrue. I have heard that there is such an organization in the country for home protection, but I have never heard it intimated by any one except a Republican that the object was to demoralize the army. It is contended all the time that there is no such object on the part of that organization; but it is said the organization existed for the purposes of self protection against the illegal arrests made by this tyrannical Administration. I say there is no such organization, composed of Democrats, in this State, whose object it is to demoralize the army and break it down. Does not the Senator know that there is an organization formed to receive arms from the Governor to defend themselves from the Democratic organization said to be in the State?

Mr. BROWNE, of Randolph. I do not know of one solitary gun or munition of war distributed to any one.

Mr. COBB. I should ask pardon of the Senate for detaining them so long (half an hour beyond the usual time of the recess for dinner), but I would not have done it had it not been for the interrogatories of Senators.

AFTERNOON SESSION.

Mr. RAY moved to amend the motion to reject, by way of substitute, as follows:

Resolved, That the memorial and resolutions offered to the Senate be rejected as disrespectful and offensive to the dignity and honor of the Senate, and as a further mark of disapprobation, that the Secretary of the Senate be instructed to return the same to the source from which they came, accompanied with a copy of this resolution.

Mr MURRAY said that if any meeting of citizens in the State would use such language as is contained in the petition under consideration, he would vote to reject it. It was the uniform custom to reject memorials couched in disrespectful language, and he would vote to reject this one. It was the only protection a legislative body had.

Mr. MARCH said he voted against the rejection on the ground that their rejection would lead to a further discussion of the matter in the army. He had heard resolutions read and referred that were quite as disrespectful. He had heard language used here this morning that was disrespectful to somebody, but the Senator from Lawrence (Mr. Cobb) did not say who. The Senator had admitted the existence of a secret society with purposes favorable to the rebellion in the Southern States, composed of Democrats. This had been known before, because the Grand Jury of the Circuit Court of the United States had made a presentment showing the existence of such an order. This society may have some good men in it, but it had, no doubt, been originated by, and was now controlled by traitors. He knew of no other secret political society, and it came with an ill grace from the Senator from Lawrence to charge that this society was called into existence by any recent acts of the State or National Administrations, when the order had been in existence long before the time when it was charged such acts had been committed or meditated. It could not be considered an order for self-defence. He advised all good men to keep out of all secret political organizations.

Mr. TEEGARDEN said that while he cordially endorsed some of the resolutions, he admitted that the language of some other portions was not as choice as it might have been. But he could overlook the harsh expressions, because the soldiers felt that an armistice would disgrace them, and felt aggrieved at the attempts made at the North looking to such a project, and he could not vote to reject the paper.

Mr. COBB moved the previous question, and it being seconded, the main question recurred on the resolution, which was adopted by yeas 28, nays 18—as follows:

YEAS—Messrs. Bradley, Brown, of Wells, Cobb, Corbin, Davis, of Cass, Douglass, Downey, Dunning, Ferguson, Finch, Fuller, Gaff, Gifford, Graves, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, McClurg, Moore, Murray, Ray, Shields, Williams, Wilson, and Wolfe—28.

NAYS—Messrs. Bearss, Beeson, Berry, Blair, Browne, of Randolph, Campbell, Claypool, Culver, Dickinson, Grubb, Mansfield, March, Mellett, New, Pleak, Reed, Teegarden, and Wright—18.

On motion by Mr. DUNNING, a recess was had for one hour, that Senators might witness the artillery practice which was to take place immediately, near the old State Fair grounds.

The Senate was called to order at 4 p. m.—Mr. Cobb in the Chair.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. BRADLEY, [112] to amend the 7th section of an act entitled an act to provide for the election of a Reporter of the decisions of the Supreme Court, approved February 5, 1852.

By Mr. FULLER, [113] to repeal an act to provide for the defence of the State of Indiana, to procure the first-class arms, artillery, cavalry and infantry equipments and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money.

By Mr. RAY, [114] to amend section 13 of an act entitled an act defining felonies, approved June 10 1852, and to more fully protect the citizens of Indiana from arbitrary arrests, and securing the privileges of the writ of habeas corpus to such as may be arrested without due process of law.

By Mr. DOUGLASS, [115] to amend an act for the incorporation of towns, approved June 11, 1852.

By Mr. RAY, [116] authorizing the Secretary of State to purchase and distribute for the use of the State, copies of a new edition of Blackford's Reports, and appropriating money to pay for the same.

By Mr. DAVIS, of Cass, [117] to amend section 111 of an act to provide for a general system of Common Schools—fixing the per centage to be paid County Auditors and Treasurers.

By Mr MARCH, [118] to amend the 70th section of the Justice's act approved June 9, 1852.

PAY OF SOLDIERS.

Mr. HORD offered a resolution, which was adopted, inquiring of the Governor what amount is due by the General Government to the soldiers from Indiana, and what amount per month it would take to pay the soldiers from this State in the future.

THE STATE OF THE UNION.

Mr. MELLETT introduced a joint resolution. [12] declaring that the General Assembly of the State of Indiana is unconditionally and determinedly in favor of the preservation of the Union and in favor of a vigorous prosecution of the war, which was read the first time.

NEGROES IN COMMON SCHOOLS.

The Committee on Education reported back the bill, S. 40, with an amendment, and when so amended recommended that it pass.

The amendment proposed to exclude from the common schools all persons having "any" negro blood, instead of limiting it to one-eighth, as in the law.

Messrs. DOUGLASS and LANDERS advocated the report, and Messrs. WOLFE, MARCH and BROWNE, of Randolph, opposed it.

The Senate refused to concur in the report by yeas 20, nays 22—as follows:

YEAS—Messrs. Bradley, Cobb, Corbin, Davis, of Cass, Douglass, Finch, Fuller, Gaff, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, Moore, Ray, Shields, White, Williams and Wilson—20.

NAYS—Messrs. Bearss, Beeson, Berry, Blair, Browne, of Randolph, Campbell, Claypool, Downey, Dunning, Ferguson, Gifford, Graves, McClurg, Mansfield, March, Mellett, New, Pleak, Reed, Teegarden, Wolfe and Wright—22

So the amendment was not adopted.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 12, 1863.

Petitions were presented and referred to appropriate committees, to-wit:

By Mr. PACKARD, from citizens of Porter county, asking for a stringent law to prevent poll officials from taking ballot boxes home and sleeping with them before the votes are counted.

By Mr. RICHARDSON, from citizens of White county, for protection of fur-producing animals.

REPORTS FROM COMMITTEES

Recommending that House bills 68, (see page 68;) 86, 88, (p. 85;) 98, (p. 94;) and 126, (p. 112;) be laid on the table, were severally concurred in.

WIDOWS' PROPERTY.

A majority of the Judiciary Committee reported back the bill, [H. R. 84] repealing the 18th section of the law of descents—recommending that it be laid on the table.

Mr. PACKARD presented a minority report recommending the passage of the bill. The bill removes the restriction upon property held by women acquired from deceased husbands, which discourages them from marrying again. It was no more just to impose such a restriction on the widow than on the husband.

Mr. MILLER followed in a like argument.

Mr. ANDERSON replied that married women were better off than the men were. Their property was not responsible for their debts, nor for the support of the family, while the husband lived. In every feature but this the law favored women.—He thought the Legislature should hesitate at innovation.

Mr. CASON spoke in favor of the majority report, and Mr. SPENCER against it.

Mr. WOOLLEN sustained the law now on the statute book, and spoke against the repeal of the section indicated.

Messrs. HOWARD, GREGORY and BURTON sustained the majority report.

Mr. HARDIN, of Perry, demanded the previous question.

The House sustained the demand and the majority report was concurred in. So the bill lies on the table.

PUBLIC INDECENCY.

The bill H. R. 72, (see page 68) was amended by striking out the words of "good character," considered as engrossed, read the third time and passed, by—yeas 42, nays 1.

HORSE THIEF DETECTIVES.

Mr. FERRIS, in behalf of the Committee on Rights and Privileges, introduced a bill [186] relative to formation of companies for detection of horse thieves, which was read the first time.

AFTERNOON SESSION.

A call of the House was ordered, and but 73 members answered to their names.

The SPEAKER laid before the House an invitation from Col. Henry B. Carrington to be present to witness artillery practice this afternoon, at the ground north of Camp Sullivan.

On motion, the invitation was accepted, and the House adjourned.

IN SENATE.

FRIDAY, February 13, 1863.

Mr. WOLFE, from the Committee on Elections, presented a majority report on the memorial in reference to the contested seats held by Senators Ray, Mellett, Teegarden and Bearss. The report examined the question whether the office of Enrolling and Draft Commissioner was an office within the meaning of the Constitution of the State. The majority arrived at the conclusion that it is not, and report a resolution that Senators Ray, Mellett, Teegarden and Bearss are entitled to hold their seats as Senators on this floor.

Mr. LANDERS, from the same Committee, presented a minority report, repiewing the same subject at great length, and arriving at a different conclusion from the majority. The minority report the following resolution and ask its adoption.

Resolved, That any Senator who has, since his election and qualification to said office, accepted the office of Enrolling and Drafting Commissioner is ineligible to a seat on this floor.

On motion by Mr. LANDERS both reports were laid on the table, and two hundred copies ordered printed for the use of the Senate.

Mr. BEESON, from the Committee on Elections, reported adversely to the claim of Alexander White, the contestor of the seat of Senator Browne of Randolph, and submitted a resolution declaring that the latter was entitled to retain his seat, which was laid on the table.

Mr. BLAIR presented a majority report from the same Committee, adversely to the claim of Wm. H. Dills, the contestor the seat of Senator Dickinson, and declaring that the latter was entitled to retain his seat, which was also laid on the table.

A Committee report recommending that the bill S. 98 (see page 122) be laid on the table was concurred in.

PAY OF SOLDIERS.

Mr. MANSFIELD, from the Military Committee returned the joint resolution S. 9 (see page 117) recommending that it lay on the table, as there is a measure before the Senate proposing an increase of pay to the army.

Mr. HORD opposed the tabling of the joint resolution. It was the true basis for the pay of the army. The pay of the private soldier was fixed at $13 dollars a month when gold was the standard, and now he only gets that amount in a depreciated currency. Pay him in gold. It was right and just. The representatives of the people here should guard the interests of the soldier and his family, and he was satisfied that the plan contemplated in the resolution was the true one. It was unjust to pay them $6 50 a month instead of $13.

Mr. CORBIN made a similar argument in favor of the bill.

Mr. CLAYPOOL contended that legal tender Treasury notes were received in all ordinary business transactions at par, and the supposed depreciation was an error.—It was the enhanced value of gold growing out of its scarcity. "Greenbacks," as they were derisively termed, should be received by everybody as the national currency of the country, and he held that all attempts to depreciate their value and to render such money odious in the eyes of the people were unpatriotic. In his county there were scores of wealthy men of strong prejudices against the Government, who had by studied efforts induced many honest farmers to believe that the national currency was worthless. It was wrong to thus decry what every man who had an interest in the country ought to gladly accept as the circulating medium of the country. He had favored an increase of the pay of the soldiers, but did not believe that they cared to be paid in gold when the money they received was such as to enable them to supply themselves and their families with whatever was necessary as cheaply as with any other available money. The gold could not be had, and it would be found impracticable to make payments in Treasury notes at their specie value, as that was a matter not easily arrived at. He would gladly see all bank paper driven out of circulation and the vacuum supplied with United

States Treasury notes. Then we could have a uniform national currency in which the people everywhere would have confidence.

Mr SHIELDS favored the report of the committee. He could not see how it would be possible to determine the relative value of Treasury notes as compared with gold, and such a policy as that proposed in the bill would lead to confusion.

Mr. GRAVES said that he was distinctly in favor of the increase of the pay of the common soldier, but that increase must be fixed and definite, and must not depend upon the fluctuations of gold in Wall street. The pay should be raised but made payable in legal tender notes, now the national currency. He agreed with the Senator from Fayette (Mr. Claypool,) that gold had appreciated, and that legal tender notes had not depreciated.—In proof of this fact he cited the circumstance that a few years ago, and for aught he knew it was now the case, that Spanish dollars were 10 to 14 per cent. premium over gold in the city of New York. No Senator would contend that gold had then depreciated. The truth was that the demand for exportation had appreciated the value of those specie dollars. So now with gold It alone of our currency, would pay our debts in Europe, and hence the demand. It is no longer currency, but an article of traffic. As patriots we should encourage our legal tender currency, and all payments be in those funds. He should, therefore, vote in favor of laying on the table.

GENERAL KIMBALL.

Mr. COBB offered the following which was adopted:

WHEREAS, The distinguished patriot and soldier, Gen. Nathan Kimball, is in the city, therefore

Resolved, That he be invited to a seat in this Chamber, that a committee of three be appointed by the Chair to wait upon him and inform him of the passage of this resolution, and that the Senate give him a public reception upon his introduction by the President.

Messrs. Cobb, March, and Shields, were appointed.

The committee soon after appeared, accompanied by Gen. Kimball, who was introduced to the President of the Senate by Mr. Cobb.

The PRESIDENT welcomed General K. to a seat upon the floor of the Senate and said that his services on the battle field in defence of the Union and the Constitution had endeared him to the hearts of the people of Indiana, and in behalf of the Senate thanked him for the gallant bearing he had shown in nearly twenty battles and hoped his health might be preserved for many years to enjoy the blessings of peace, to requite him for the endurance, exposure and danger incident to war.

Gen. KIMBALL, in reply, returned his sincere thanks for the reception given him. He had done nothing to deserve it. Those who were entitled to the credit of whatever had been accomplished under his leadership were the soldiers who now sleep in soldiers' graves, and those who still lived to give up their lives, if necessary, in further defense of the country.—The cause in which he and they were engaged was the cause of the restoration of the Union and the sustenance of the Constitution made by our fathers, and he and the brave soldiers of our armies were still anxious to render further services, and to give up their lives if need be, in behalf of this most sacred cause. He had ever endeavored to keep the fair fame of Indiana soldiers from being sullied, and he trusted that he might be able to carry back to such of Indiana's brave volunteers as belonged to his division of the army the assurance that the Senate of their beloved State was still willing to render them all the aid that was necessary to encure a vigorous prosecution of the war in which they had staked their honor and their lives until the Union could be restored again and the Constitution of our country recognized throughout the whole extent of our once united and happy land.

At the conclusion of these remaks Gen K. was loudly applauded by the Senate and lobbies, and invited to a seat on the right of the President's chair.

FREEDOM OF THE PRESS.

Mr. WOLFE called up the special order his bill [79] to protect the liberty of the press.

The question being on the amendment (Mr. March's) to the committee amendment—see page 128 of these Reports.

Mr. WOLFE. The design of the bill was to strike a blow at mobocracy in this country. There was nothing that was working a greater evil than this spirit of lawless violence. It was this spirit unchecked, in his opinion, that had brought the country to its present deplorable condition. He proposed to check the spirit by stringent legal enactments. The people must be taught to respect the law. They must not be permitted to take vengeance into their own hands for real or fancied wrongs.—Loyalty meant obedience to the laws.—Acts such as are contemplated by the second section of the law could not be perpetrated where a wholesome public sentiment existed, and the section was framed to correct that sentiment wherever it was depraved. He characterized mob violence as worse than theft in its effects, and equal in moral turpitude. He said that we must legislate for the condition of things that surround us, and not as we would wish them. Newspapers were regarded in the several counties as their party organs, and to some extent the property of the parties whose principles they advocated. The destruction of one of these papers was felt

as a blow at the party, and could not fail to arouse a spirit of revenge that would seek for redress. It was the duty of the Legislature to seek to prevent the state of things pictured by him. He saw from the papers that the Rockport *Democrat*, a few days ago, had been destroyed by a few soldiers, backed up by bad and disorderly citizens, and since the commission of that lawless act it had been necessary to keep soldiers in that county to prevent outbreaks. Pass this law and you would prevent such acts in the future. He replied eloquently to the argument that public sentiment, in the absence of law, would hold a wholesome restraint over the press. An independent and unfettered press was the bulwark of our liberties, and he would preserve it pure and unsullied and unpurchased by power.

AFTERNOON SESSION.

Mr. CORBIN introduced a bill [119] repealing an act approved March 5, 1861, authorizing the Governor to obtain posession of all public arms and military equipments, to institute proceedings to recover the same, and providing for the distribution of the same, which was read the first time.

A committee report was concurred in recommending that the bill [S. 50] for the relief of John B. Redd, be laid on the table.

Mr. CORBIN offered a resolution which was adopted, requesting the Governor to inform the Senate what amount of arms he has distributed, where sent and for what purpose they were distributed.

The bill S. 38 (see page 80) was read the third time and finally passed by yeas 33, nays 10.

ARMING OF NEGROES.

On motion by Mr. COBB his joint resolution [10] protesting against the enlisting and arming of negroes, was taken up

Mr. REED moved to amend by striking out all after the first specification of the preamble and inserting the following:

AND WHEREAS, Great prejudice exists in the public mind against the negro race, it being regarded as inferior to the Anglo Saxon, and unfit to associate on terms of equality with the white citizen, and its employment in the military service of the country, as degrading to the white soldier, therefore,

Be it resolved by the Senate and House of Representatives of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to use their influence to shape the provisions of the bill, now pending before Congress for arming the negroes as aforesaid so as to secure the following ends:

1. That such negro troops, so far as compatible with the good of the service, and the efficency of the army be employed in separate departments in the military and naval service of the country, and not in immediate contact with white troops.

2. That in officering such negro troops no rank higher than that of Captain be conferred upon persons of African descent, nor shall such person in any instance, be placed in command over white officers or soldiers.

Mr. REED said that it was an undeniable fact that the blacks of the South would come within the lines of the Federal army for protection and it was proper that they should be put at some useful work. There were places in unhealthy regions where they could do military duty without being required to associate with white soldiers. He admitted the existence of the prejudice in the army and among citizens against the black race, and desired that negroes who might be armed should be placed where they would not come in contact with white soldiers.

Mr. WOLFE demanded the previous question, which was seconded by a vote of yeas 26, nays 20.

Mr. Reed's amendment was rejected—yeas 20, nays 25.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 13, 1863.

Petitions were presented and appropriately referred, to-wit:

By Mr BAKER, from citizens of Noble county, for allowing soldiers in the army to vote.

By Mr. GARVIN, from citizens of Vanderburg, for modification of liquor license law.

By Mr. HALL, from 667 citizens of Decatur county, asking for enforcement of the 13th Article of the Constitution.

Senate bill 93 (see page 121) was read the second time and referred.

NEW PROPOSITIONS.

The following bills were introduced, read the first and second times, under suspension of the rules:

Mr. DONALDSON, on behalf of the Select Committee thereon [187] apportioning the State for Senators and Representatives for next six years. (300 copies ordered printed for the use of the House.)

Mr. GIVEN, [188] to amend section 2 of act providing a Treasury system for the State of Indiana—authorizing the receipt of United States Treasury notes for taxes.

GENERAL KIMBALL.

Mr. NIBLACK saying that a distinguished gentleman was now in the hall, one who had participated in many of the battles of the war—a General of the Army of the Potomac—he thought it due to the patriot and soldier that the representatives of the people of Indiana should show him all respect and courtesy. He therefore moved that he be invited within the bar and presented by the Speaker to members individually.

The motion was agreed to.

The SPEAKER then announced General Kimball, who was received with universal applause, members rising to their feet.

Gen. KIMBALL responded briefly, feelingly, and modestly in recognition of the

honor conferred upon him, and through him, but a humble representative, upon the brave soldiers of Indiana in the field. Those gallant men, when he returned, he would be proud to tell of the high esteem in which the representatives of the people —their people at home—held them.

Gen. Kimball was then presented by the Speaker to each member in the hall.

BILLS ON THE THIRD READING.

The following described House bills were read the third time and finally passed, unless otherwise stated:

Mr. Forrester's, [17] relative to sales of real estate by foreign trustees and executors--yeas 76, nays 7.

Mr. Anderson's, [23] to fix the succession of title in real estate held by Agricultural Societies--yeas 82, nays 0.

Mr. McGauchey's, [78] to enable owners of wet lands to drain and reclaim them without effecting the lands of other parties —yeas 58, nays 23.

Mr. Brown's, (81) amending sec. 1 of act organizing the Supreme Court, providing for election of gve Judges in 1864. Rejected by yeas 29, nays 55.

AFTERNOON SESSION.

Mr. Newman's, [87] defining and punishing assault--yeas 73, nays 0.

Mr. Gregory's, [97] repealing act establishing courts of conciliation--yeas 64, nays 18.

Mr. Niblack's, [139] raising revenue for 1863-4. It levies 25 cents on the one hundred dollars taxable property—yeas 85, nays 0.

Mr. Lake's, [107] for the relief of Minerva Berry, of Madison county, out of fund of said county, for losses on purchases of seed corn for farmers of said county--yeas 68, nays 15.

Mr. Miller's, [114] requiring Recorders to certify to record of all legal transactions—yeas 79, nays 2,

Mr. Packard's, [117] to transfer the Congressional School Fund accruing to Jasper county, from lands in Newton county, to Newton county--yeas 71, nays 3.

Mr. Shaffer's, [119] to amend the 21st section of an act regulating the time of holding Common Plea Courts in this State. It simply increases the time of holding the Common Pleas Court in Fulton county—yeas 75, nays 0.

Mr. Miller's. [128] Entitling Recorders to their fees in advance--yeas 73, nays 3.

Mr. Waterman's [129] an act to prohibit public officers from receiving their salaries in advance—yeas 68, nays 4.

Mr. Howk's, [133] to amend the 20th section of the practice act, increasing the power of Justices of the Peace--yeas 69, nays 2.

Mr. Byerle's, [145] to relieve Geo, Arnold--yeas 70, nays 3.

On motion by Mr. NEWMAN it was—

Resolved, That when we adjourn it be till 2 p. m. Monday.

Mr. NIBLACK, in speaking of what had been done at this session, said it was charged that the business of the House was not advanced. It was more advanced than at any session he had known. The Committee on Ways and Means, in the maturing of their duties, were in advance of their predecessors.

JUSTICES' DOCKET.

Mr. NIBLACK offered a resolution that the Committee on Judiciary inquire as to the propriety of furnishing Justices' dockets at the cost of the county.

The resolution was adopted.

COMMITTEE ON JUDICIAL CIRCUITS.

The SPEAKER announced in pursuance of a resolution, the following: Messrs. Howk, Lamb, Given, Perry, Woollen, Humphreys, Lake, Cason, Packard, Griffith, Lasselle, Mustard, Moorman, and Garvin.

IN SENATE.

SATURDAY, February 14, 1863.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. BROWN, of Wells, [120] a bill to amend the 738th section of the practice act.

By Mr. HORD, by direction of the Swamp Land Committee, and in lieu of the bill S. 94, (see page 122) which was laid on the table, [121] for the relief of purchasers of swamp lands where the sale and conveyance thereof to such purchasers was invalid and conveyed no good and sufficient title therefor, or where the title to such lands may have failed after the sale thereof, and also declaring when such act shall take effect.

By Mr. BROWNE, of Randolph, [122] to amend the 1st section of an act for the relief of the borrowers of the Sinking Fund, and to repeal the 4th section and so much as applies to the Sinking Fund of the whole act entitled an act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School Fund and other funds, time of payment of loans, and prescribing duties of officers in regard thereto.

By Mr. DOWNEY, from Committee on Rights and Privileges, [123] to amend the 55th section of an act to revise, simplify and abridge the rules, practices, and pleadings and forms in civil cases in the Courts in this State, approved June 18, 1852.

By Mr. JOHNSTON, [124] to amend section 1st and 4th of an act to provide for locating and working highways situated upon county lines, approved March 3, 1859.

By Mr. WHITE, [125] to amend the 5th section of an act to amend an act entitled an act for incorporating the Manual Labor

College and Teachers' Seminary, approved January 15, 1834—approved February 8, 1851.

By Mr. BLAIR, [126] to amend the 5th section of an act regulating the adoption of heirs.

By Mr. NEW, [127] supplemental to an act entitled an act to provide for a general system of Common Schools, so as to allow the German language to be taught in schools in towns and cities.

By Mr. RAY, [128] concerning the redemption of real estate sold on behalf of the Sinking Fund, the College Fund, the Saline Fund, the Surplus Revenue Fund, and the Bank Tax Fund.

By Mr. BROWN, of Wells, [129] relating to the trial of offences committed against joint stock companies and associations.

By Mr. BROWN, of Wells, [130] in relation to suits and proceedings by and against joint stock companies.

By Mr. MARCH, [131] to amend the 99th section of the Practice Act, approved June 18, 1852.

By Mr. RAY, [132] a bill for the organization of the Circuit Courts of the State of Indiana, providing for the election and compensation of Judges, Prosecuting Attorneys, and jurisdiction of the said courts, and for repealing an act entitled an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of and providing compensation for the Judges thereof, approved May 14, 1852, and all acts amendatory thereof.

Mr. BROWNE, of Randolph, offered a resolution that the Senate hereafter meet at 8 a. m., and 1½ p. m., and hold night sessions.

Being an amendment to the rules it was laid over till a subsequent day.

WORK FOR COMMITTEES.

Senate bills 104 and 105, (see page 127;) and House bills 20, (p. 46;) 44, (p. 54;) 66 and 69, (p. 68;) were read the second time and appropriately referred.

House bills 54, (p. 57;) and 95, (p. 88;) were ordered engrossed.

AFTERNOON SESSION.

Senate bills 106, (p. 127;) 107, 109, (p. 128;) 110, (p. 129;) 112 to 118 inclusive, (p. 146;) 119, (introduced yesterday;) and joint resolutions 11, (p. 135;) and 12, (146;) were read the second time and appropriately referred.

House bills 17 and 23 (p. 46;) 48, (p. 57;) 57, 58, (p. 57;) 62, (p. 68;) 78, 82, 83, (p. 82;) 87, (p. 85;) 97, (p. 94;) 107, 110, 114, (p. 109;) 117, 119, (p. 110;) 128, 129, 133, (p. 112;) 139, (p. 119;) and 145, (p. 121;) were read the first time.

Mr. RAY presented the following:

MR. PRESIDENT: During the present session of the Senate, the undersigned has witnessed, with regret, the action of the Senate in granting leave of absence to members to leave the Capital, and their seats in this Hall, to return to their homes to attend to their private business, leaving the Senate for many days without a quorum to do legislative business.

He has likewise witnessed with regret the repeated adjournments, extending from Saturday forenoon to Monday afternoon. He has also witnessed with regret the liberty that members of this body take in absenting themselves from their seats for days without leave of the Senate—all of which has been done contrary to his conviction of public duty, and against his opposition expressed by votes and otherwise.

And inasmuch as the session is more than half expired without adequate fruits of legislative industry; and inasmuch as the Democratic party will be held measurably responsible for the aforesaid grievances; and inasmuch as the Senate on this day has granted leave of absence for several days to the Senators from Miami, from Clinton and from Bartholomew, against the vote of the undersigned; therefore he protested, and does now protest, against all and several the above enumerated grievances, against any repetition or continuance of the same, as impeding legislation by an abandonment of public duty, as injustice to those that remain, by throwing upon them the responsibilities of all legislation, as a reproach to the Democracy, by leaving them to vindicate in the future a line of policy which no one can approve or defend in the present.

He asks this protest to be spread on the journal of the Senate. M. M. RAY.

The protest was also signed by

PARIS C. DUNNING,
S. K. WOLFE,
A. J. DOUGLASS,
P. HOAGLAND.

IN SENATE.

MONDAY, February 16, 1863.

Committee reports recommending that Senate bills 29, (see page 50;) and 70, (p. 100;) be laid on the table, were concurred in.

Mr. MURRAY offered a resolution, which was adopted, that the Committee on Benevolent Institutions inquire as to the expediency of so amending the law as that insane persons may be received from the prisons in the State into the State Asylum.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. GRAVES, by direction of a select committee, and in lieu of the bill S. 104—see page 127—which was laid on the table, [133] fixing and determining the amount of the equivalent to be paid by persons conscientiously opposed to bearing arms in pursuance of the requirements of the Constitution, declaring when the same shall be due and payable; directing the making of rules and regulations for the collection thereof, and the manner in which suit therefor shall be brought and judgment recovered; and also declaring when this act shall take effect.

By Mr. MURRAY, [134] supplemental to an act to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors, approved March 5, 1859.

By Mr. WILLIAMS, [135] to amend the first and third sections of "An act for the encouragement of agriculture," approved February 17, 1852.

By Mr. RAY. [136] to divide the State into eleven Congressional Districts, and to repeal "An act to divide the State into Congressional Districts," approved February 9, 1852.

WORK FOR COMMITTEES.

Senate bills numbered 120 to 132 inclusive—introduced yesterday—were read the second time and appropriately referred.

AFTERNOON SESSION.

House bills 17, 23, (see page 46;) 48, 57, 58, (p. 57;) 62, (p. 68;) 78, 82, 85, (p. 82;) 87, (p. 85;) 97, (p. 94;) 10[illegible], 110, 114, (p. 109;) 117, 119, (p. 110;) 128, 129, 133, (p. 112;) and 145 (p. 121;) were read the second time and appropriately referred; except 114 and 119, which were ordered engrossed; and 129, which was laid on the table.

A call of the Senate revealed the fact that but thirty-two Senators were present, when, for want of a quorum—the State Prison Committee being absent, by leave—the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 16, 1863.

Mr. ROBERTS offered a resolution that the House hereafter meet at 8½ o'clock a. m. and 1½ p. m., and hold night sessions on Wednesdays and Fridays, which was laid over under the rules.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees were offered, read and severally adopted, to-wit:

By Mr. KILGORE, relative to the amendment or repeal of the law licensing the retailing of spiritous liquors.

By Mr. HARDIN, of Perry, relative to amendments of the Common School law—in reference to the employment of teachers by township trustees.

By Mr. WOODRUFF, relative to legislation to prevent the sale of lottery tickets.

By Mr. JONES, into the propriety of an appropriation by the State for the production of flax-cotton.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. HOWK, [189] to relieve Sam. M. Patterson.

By Mr MASON, [190] to amend section 45 of the common school act—in reference to school examiners.

By Mr. NIBLACK, [191] fixing the time of holding Common Pleas Courts in the 2d district.

By Mr. MILROY, [192] to amend section 420 of the practice act.

By Mr HOWK, [193] in reference to the distribution of the 16th volume of the Reports.

By Mr. FERRIS, [194] defining felonies and prescribing their punishment—for protection of the right of suffrage.

By Mr. GRIFFITH, [195] to better regulate the appointment of volunteer Surgeons—confining their appointment to the "regular" profession.

By Mr. LAMB, [196] to tax dogs and protect sheep.

By Mr. HUMPHREYS, [197] to amend section 101 of the common school act.

By Mr. NEWMAN, [198] to prevent persons from harboring or keeping unlicensed dogs.

By Mr. TARKINGTON, [199] concerning the sale of baggage, etc., by railroad companies.

By Mr. BYERLE, [200] to amend section 3 of the act regulating general elections.

By Mr. FERRIS, [201] to amend section 52 of the common school act.

By Mr. LASSELLE, [202] to provide for change of venue in certain cases from the Common Pleas to Circuit Courts.

By Mr. LASSELLE, [203] to amend section 23 of the common school act.

By Mr. LASSELLE, [204] to amend section 716 of the practice act.

By Mr. NIBLACK, [205] to fix the time of holding Circuit Court in the third Circuit.

By Mr. NIBLACK, [206] to amend sections 5 and 6 of the license law—allowing license for a less period than one year, &c.

By Mr. NIBLACK [207] to empower foreign insurance companies to transact business in the State by agents, and regulating the same.

The Senate resolution in reference to the distribution of Owen's Geological Reports was concurred in.

WORK FOR COMMITTEES.

House bills 151, (see page 128;) 153 to 168 inclusive, (p. 135;) were read the second time and appropriately referred.

The bill H. R. 150, (see page 128,) was ordered engrossed, and H. R. 152, (p. 133,) was laid on the table, and 300 copies ordered printed for the use of the House.

IN SENATE.

TUESDAY, February 17, 1863.

Mr. WILSON presented a petition from citizens of Vigo county, praying for laws to enforce the 13th article of the Constitution.

REPORTS FROM COMMITTEES

Were made and concurred in, as follows:

Recommending that the bill S. 106, (see page 127;) lay on the table, and 200 copies be printed for the use of the Senate.

Recommending that the bill, [S. 49] providing that the school tax levied on corporations should go to the principal of said fund, and not be distributed as school revenue, be laid on the table.

Messrs. BRADLEY and RAY spoke in favor of the bill and against the recommendation of the committee, and Mr. WOLFE defended the report.

Recommending that the bill S. 100—p. 122—be laid on the table.

PROPERTY EXEMPTION.

The Judiciary Committee recommended that the bill, [S. 36] proposing to increase the amount exempt from execution from $300 to $500 be indefinitely postponed.

The report was defended by Messrs. LANDERS, WOLFE, GRAVES, SHIELDS and RAY, and the indefinite postponement was opposed by Messrs. MARCH, JOHNSTON and MURRAY.

The report of the committee was not concurred in—yeas 20, nays 20.

Mr. JOHNSTON moved to recommit with instructions to amend by adding the following section:

SECTION —. Provided, however that where there is any doubt as to the amount of property in value owned by each, the plaintiff and defendant, it shall be the duty of the Sheriff or constable to make out an inventory and valuation of the property of both, the plaintiff and defendant, and if it shall appear upon such inventory and valuation that the defendant is the owner of more property in value than the plaintiff, then no exemption shall be allowed.

On motion by Mr. MARCH, the amendment was laid on the table—yeas 24, nays 17—and the bill was recommitted to the Judiciary Committee, without instructions.

REPRESENTATIVE APPORTIONMENT.

Mr. WILLIAMS called up bill [S. 111.] to apportion the State for Representative purposes, it being the special order for this day.

Mr. BROWNE, of Randolph, moved to amend, so as to give Jay one Representative, and to add Blackford to Wells for representative purposes.

On motion of Mr. WOLFE, the further consideration of the bill was postponed till Thursday.

AFTERNOON SESSION.

A committee report recommending that the bill S. 91—see page 127—be laid on the table, was concurred in.

On motion by Mr. MARCH, the bill S. 129 was taken from the table and referred to the Committee on Finance.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. DOUGLASS, [137] giving County Surveyors the power to administer oaths to viewers of roads; providing that when a Surveyor is one of the viewers he shall not be required to take an additional oath.

By Mr. DAVIS, of Cass, [138] to amend the title of an act providing for the increasing of the capital stock and the Directors of Railroad Companies, approved June 17, 1852.

By Mr. CULVER, [139] to repeal the 119th section of the valuation and assessment act, approved June 21, 1852.

By Mr. RAY, [140] to enforce the 13th article of the Constitution of the State.

By Mr. LANDERS, [141] to amend sections 57, 59 and 60 of "An act defining misdemeanors, and prescribing punishment therefor," approved June, 1852."

By Mr. DOUGLASS, [142] authorizing County Commissioners to fill vacancy in the office of School Examiner.

By Mr. LANDERS, [143] to prevent and punish illegal arrests, and fixing penalties.

WORK FOR COMMITTEES.

Senate bills 133 to 136 inclusive—introduced yesterday—and joint resolution 9—see page 117—were read the second time and appropriately referred.

RAILROAD MANAGEMENT.

Mr. BROWNE, of Randolph's bill, (S. 12) to compel railroad companies to keep a sufficient number of cars to accommodate the business on their lines, was read the third time.

Mr. MANSFIELD protested earnestly against the passage of the bill. He contended that it would bankrupt any company in the State to comply with the law, and would be manifestly unjust. There were times and seasons when any business would be overrun. As well compel hotels to have accommodation at all times for all the custom that a large gathering would throw upon them as to compel a railroad to carry off the product of an abundant harvest at one time.

Mr. SHIELDS was opposed to this war on railroads, and he argued to show that the business was not a profitable one. An immense amount of capital was invested in them, and so far from its being a paying investment, it was considered dead capital.

Mr. CORBIN moved to recommit the bill to the Judiciary Committee, with instructions.

Mr. BROWNE, of Randolph, had no desire to urge a war against railroads. The people had invested largely in them, and they had done much for the country. The bill did not contemplate reduction in the prices, but he did desire to correct the discrimination against the local business of the country. How is it that passengers and freight are carried from one end to the other of a line cheaper than way passengers are carried?

Mr. SHIELDS. It is because of the competition of competing roads

Mr. BROWNE, of Randolph, knew that, and he thought the Legislature had the power to correct these wrongs. He illustrated the working of this discrimination against the way freight and travel, and contended that it was unjust and unfair to the great mass of the people, who did not

live at the termini of the roads. The great object of the bill was to prevent the roads from giving all their means of transportation to the ends of the lines, where there was competition, to the exclusion of the way stations. Who ever heard of shippers here being obliged to wait for cars? But the way stations on all the roads are frequently crowded for weeks and months. It was unfair, unjust, and cried aloud for redress. The second proposition in the bill was to make the way and through freights uniform. This was also just, and should be the rule, to prevent the building up of monopolies at the ends of the roads by robbing the farmers along the lines.—The bill simply proposes to make the rates uniform.

Mr. SHIELDS contended that the true rule for the Legislature would be to let the railroads regulate their own business, and they would do it with far more advantage to the people (who were their customers) than Senators could do.

Mr. MURRAY would like the Senator from Randolph to tell him how this State could regulate by law the fares on roads which had their termini in other States.—The roads in his section ran north and east—their markets were at Chicago and New York.

Mr. BROWNE, of Randolph, did not know that we could regulate the roads outside of the State, but within the State we could, and thus set a good example to other States.

Mr. CORBIN explained the effect of the amendment he proposed to the bill, and made an able argument. He earnestly advocated some restraints upon the railroad corporations of the country. The people had been ground down since the troubles commenced, and if it was in the power of the Legislature relief should be afforded.

Mr. MARCH said there was great complaint and dissatisfaction among the people. The Legislature should act promptly or tell the people that they could not act. The railroads were built mainly by the people along the lines, and the stocks were now held by capitalists who had bought them up at a mere song. They had postponed the local freight, and given all advantages to through freight, and it had caused great discontent among the people. We must do something to quiet this feeling, or it might culminate in an outbreak.

Mr. RAY said that there were two classes of railroads in the State. Some were built under special charters and some under the general law. If the Legislature has not reserved the power to regulate under the charters, the right belongs to the corporations. The general law did reserve the right, and railroads built under this were under the control of the Legislature, as to their tolls, &c., but those built under special charters were free from control. He conceded the right as to those organized under the general law, but denied the right of the Legislature to say to those roads acting under special charters that they should carry at specified rates, or should keep a sufficient amount of stock on hand to meet extraordinary emergencies.

Mr. GRAVES did not feel like voting for the bill as it now stands, and yet he was anxious to have some legal regulation of the matters contained in it.

Mr. SHIELDS moved to indefinitely postpone the bill and amendment.

On motion by Mr. COBB, the motion was laid on the table by—yeas 30, nays 13.

The bill and amendments were then referred to the Judiciary Committee.

MEMORIAL FROM THE ARMY.

Mr. BROWNE, of Randolph, presented a memorial from the officers and soldiers of the 34th Indiana regiment, which was ordered printed with the papers sent from the army of the Cumberland.

The bill [H. R. 109] for the relief of borrowers from the Sinking Fund, was read the first time.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 17, 1863.

The reading of the Clerk's journal of yesterday's proceedings was dispensed with.

Mr. HANNA, on presenting a petition, from citizens of Indiana, praying that the German language be taught in common schools, said: Mr. Speaker, I hold in my hand a petition, signed by six hundred German citizens of Lawrenceburg, Aurora, Terre Haute and other important points throughout the State, asking that this Assembly shall endeavor to fix upon some plan by which they may enjoy their distributive share of the public school fund of the State. It is well known, sir, that above one-fourth of the population of Indiana is of German extraction. It is not surprising then that this class of our fellow citizens should feel particular anxiety on this question—that they should exhibit an extraordinary pride in the enjoyment of the educating funds of the State. All will agree that they are a frugal, earnest and intelligent people, obedient to law and ambitious for the perpetuity of our free institutions. That they should be anxious to teach their mother tongue to their children, is only a question of legal expediency—not a proper subject for party criticism. Schiller and Goethe have fired their hearts with the beauty and splendor of their vernacular. I will second all their endeavors to infuse the enthusiasm which these and other great masters of the German tongue have excited into the young hearts of the vast German population on this continent. I will do all I can in this direction consistently with my obligation as a member of this legislative body. I

believe this petition may be met successfully, but that the whole question may be carefully canvassed and fully presented, I move to refer the petition to the Committee on Education.

The petition was so referred.

REPORTS FROM COMMITTEES

Recommending that Senate bills 19 (see page 60;) 33, (p. 80;) and House bills 99, 101, (p. 94;) 122, (p. 110;) 134, (p. 112;) and 170, (p. 135;) be laid on the table, were severally concurred in.

The Judiciary Committee reported back a resolution in reference to the marriage of a female ward under age, with a statement that such marriage does discharge the guardian from responsibility for the property of the female ward.

On motion by Mr. VAN BUSKIRK the majority and minority reports on the bill H. R. 118—see page 110—were taken from the table and re-committed to the appropriate committee.

BILLS ON THE THIRD READING.

The following described bills were read the third time and finally passed:

Mr. Waterman's, (H. R. 27) providing for special sessions of Boards of County Commissioners, by yeas 83, nays 2.

Mr. Hoagland's, (S. 93) extending the time of completion of railroads upon which $2,000 per mile have been expended, by yeas 84, nays 1.

Mr. March's, (S. 16) in reference to the settlement of decedents' estates, by yeas 83, nays 0.

Mr. Roberts' resolution—introduced yesterday—to meet earlier, and hold night sessions, was adopted, after amending it so that sessions commence at 9 a. m. and 1½ p. m., and night sessions on Monday and Thursday evenings at 7½ p. m.

Mr. ROBERTS offered a resolution, which was adopted, directing the doorkeeper to procure a national flag, and place it on the dome of the Capitol on the 23d of February, and that Col. Carrington give a salute of 100 guns on that occasion.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees, were offered, read, and severally adopted:

By Mr. NEWMAN, as to steps to promote the cultivation of Chinese sugar cane.

By Mr. GREGORY, instructing the Sinking Fund Commissioners to distribute to the several counties their pro rata share of such funds.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. NIBLACK, (208) limiting action on forfeited recognizances to two years.

By Mr. MILLER, (209) an act entitling Attorneys to liens on judgments for fees.

By Mr. KENDRICK, (210) amending the common school law, providing for teaching the German language.

AFTERNOON SESSION.

By Mr. HOWK, (211) ceding to the United States of America certain lands in Floyd county as a burying ground for soldiers.

By Mr. SPENCER, (212) authorizing School Trustees to borrow money for the purpose of erecting school houses.

By Mr. BLOCHER, (213) amending section 45 of the road law so as to make a public highway after six years' use.

Mr. NEWMAN, (214) amending section 3 of the law licensing the sale of spirituous liquors.

By Mr. HALL, (215) establishing an Agricultural College and appropriating for its endowment.

By Mr. RIPPEY, (216) amending the 129th section of the practice act.

By Mr. WOODRUFF, (217) repealing section 57 of the act defining felonies.

By Mr. WATERMAN, (218) providing for distribution of surplus revenue fund to the several counties.

By Mr. GREGORY, (219) to protect farmers from the unlawful conduct of sportsmen and hunters of wild game.

By Mr. COOK, (220) to enforce the 13th article of the Constitution, offering negroes and mulattoes who come into the State and refuse to leave, or returning after being taken out, for sale first for three months, and for every offence thereafter for twelve months.

By Mr. HANNA, (221) an act providing for the organization of the Indiana militia, for a military tax, and for other matters properly connected with the militia of the State.

By Mr. LASSELLE, (222) to punish Sheriffs and other civil officers failing to turn over documents to their successors.

By Mr. WATERMAN, (223) providing for courts when Judges fail to attend.

By Mr. LASSELLE, (224) amending section 52 of the act amending the act authorizing the business of general banking.

By Mr. HOWK, [225] providing for the reduction of the par value of stock of incorporated companies in certain cases.

Mr. Miller's bill, [H. R. 109] relating to the relief of borrowers of the Sinking Fund, was read the third time and passed by yeas 87, nays 1.

Mr. PRIEST offered a resolution, appointing a committee of five to make arrangements for raising the national flag over the dome of the Capitol on the 23d inst., which was adopted, and Messrs. Priest, Tarkington, Van Buskirk, Roberts, and Packard appointed in pursuance thereof.

WORK FOR COMMITTEES.

House bills 169 to 190 inclusive—see pages 135 and 141—were read the second time and appropriately referred, except 170, 180, and 189, which were ordered engrossed.

IN SENATE.

WEDNESDAY, February 18, 1863.

Mr. WILSON introduced a bill [144] to regulate Sheriffs' fees in certain cases of sale on execution; which was read the first time.

BILLS ON THE THIRD READING.

The following described Senate bills were read the third time and finally passed, unless otherwise stated:

Mr. Browne of Randolph's, [13] requiring railroad companies in this State to have three fourths of their Directory elected from resident stockholders; by yeas 42, nays 3.

Mr. Downey's, [37] to amend the Supervisor's act. (The bill gives power to the County Commissioners to collect the road tax in money in any township under certain restrictions;) by yeas 27, nays 18.

Mr. Douglass', [40] to amend section 1 of the common school law. The bill defines negroes and mulattoes, as used in the law, to consist of one eighth or more of negro blood; by yeas 31, nays 12.

Judiciary Committee's [42] defining bastardy, and prescribing penalties therefor; by yeas 36, nays 6.

Mr. Beeson's, [45] to amend section 2 of the act in relation to County Auditors; by yeas 42, nays 1.

Mr. Culver's, [57] to allow County Commissioners to organize turnpike companies in certain cases. Failed for want of constitutional majority—yeas 24, nays 17.

AFTERNOON SESSION.

Senate bills 137 to 143 inclusive (introduced yesterday) and the bill H. R 109 were read the second time and appropriately referred.

A committee report was concurred in recommending that the bill S, 27 (see page 79;) be laid on the table.

BILLS ON THE THIRD READING.

The following described Senate bills were read the third time and finally passed, unless otherwise stated:

Mr. Dickinson's, (58) to legalize appropriation by county Boards for the support of the families of volunteers; by yeas 41, nays 2.

Mr. March's, (59) prescribing fees to be charged by the Secretary and Auditor of State in certain cases; by yeas 43, nays 0.

Mr. Corbin's, (65) to amend section 322 of the practice act. Rejected by yeas 13, nays 26.

Mr. Downey's, (74) to fix the time of holding the Common Pleas Courts in the Fifth District; by yeas 37, nays 4.

Mr. Bradley's, (112) to amend the 7th section of an act providing a Reporter for the Supreme Court; by yeas 26, nays 16.

Judiciary Committee's, (85) for the appointment of Master Commissioners in the several counties; by yeas 31, nays 9.

Mr. Wilson's, (92) to enable banks to change their location in banking districts; by yeas 27, nays 14.

Mr. Culver's, (57) to authorize County Commissioners to organize turnpike companies; by yeas 29, nays 12.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 18, 1863.

Mr. BRANHAM, from the Committee on Ways and Means, reported in reference to the defence bonds of the State, that they had examined, in connection with the Finance Committee of the Senate, bonds to the amount of $746,500, and burned the same.

Mr. SHOAFF, of Allen, from the same committee, made a similar report in reference to coupons.

Mr. JONES from the same committee, reported the destruction of Treasury notes, after examination, to amount of $135.

Reports from committees recommending that House bills 21, (see page 46;) 67, (p. 68;) and 127, (p. 112;) be laid on the table; and that 92, (p. 85;) be indefinitely postponed, were concurred in.

Mr. PACKARD from the committee on the State Prison North, reported as to its affairs, recommending an appropriation of $125,000; and also, appropriations to pay contractors and debts of the Board.

The report was made the special order for Friday next.

RAILROAD MANAGEMENT.

The bill (S. 15) concerning the rights of railroad companies, affecting chiefly the Indianapolis and Cincinnati railroad, was read the third time and passed by yeas 84, nays 3.

A NATIONAL CONVENTION.

The joint resolution H. R 8—printed on page 95 of these Reports—was taken up

Mr. BROWN said that the matter was of very great importance, and that consultation sufficient had not been had upon it. He hoped that the consideration of the resolution would be postponed, that more unanimity than he believed now exists might be obtained.

Mr. LASSELLE said the matter was all important not only to the people of Indiana but of the whole country. He was, therefore desirous of calm and deliberate consideration. He would, for that reason, not press the resolution. He thought that the resolution should be considered in Committee of the whole, and that, for the purpose of due consideration, the bill be printed.

Mr. BRANHAM thought it would be better for the friends of the measure to make it as nearly perfect as possible before submitting it to the House.

Mr. BUSKIRK (Mr. Miller in the chair) preferred to have the Committees on Federal Relations and Compromise report before discussion was had on the resolution.

Mr. LASSELLE submitted amendments, which provide for a vote of the people at the same time on the question of a National Convention; if a majority vote against the Convention this act fails. The soldiers in the field are to be allowed to vote by proxy, sending their votes, attested by a witness, to the judges in their several precincts. The delegates to receive the same pay as members of the Assembly.

Mr. GRIFFITH submitted an amendment to substitute June for April, and to provide that no force shall be withdrawn from any rebel State or blockade be raised.

The resolution and amendments were referred to the Committee on Federal Relations.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees were offered, read and several adopted, to wit:

By Mr. MILLER, In reference to the constitutionality of a dog tax.

By Mr. HOLCOMB, In reference to providing a fund for the use of sick and wounded soldiers.

By Mr. WOODRUFF, In reference to the expediency of amending the School Law so that School Funds can be loaned at a less rate than six per cent.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. NIBLACK, [227] in reference to the investment of the Sinking Fund surplus.

By Mr. GREGORY, [228] To provide for the reviewal of judgments rendered through fraud.

By Mr. MILLER, [229] Supplemental to an act on Corporations.

By Mr. NEWMAN, [230] To prevent persons form tearing down handbills, etc.

By Mr. RIPPEY, [231] To amend the school law.

AFTERNOON SESSION.

The following described bills were read the third time and finally passed, unless otherwise stated:

The bill [H. R. 25] providing that township trustees shall serve two years instead of one, was rejected, by yeas 31, nays 31.

Mr. Mutz's, [H. R. 75] providing for the inspection of petrolium and other coal oils; by yeas 73, nays 8.

Mr. Lasselle's, (H. R. 23) amending section 47 and 49 of the act defining misdemeanors—to protect the liberties of the citizens by enforcing obedience to writs of habeas corpus; by yeas 55, nays 30.

On motion by Mr. TARKINGTON, the bill S. 6 was taken up, and the majority and minority reports were considered.

Mr. LASSELLE said in this political juncture of affairs it was imprudent for the State to divest itself of any portion of its sovereignty. He did not know whether we were to have the Union of our fathers restored or not. In ordinary times he would vote for the bill. We should be careful now, for we did not know six months hence whether the government will be a government of the whole or a portion of the Union, nor what portion Indiana would belong to.

Messrs. TARKINGTON, PACKARD, ROBERTS, GREGORY and BROWN favored its passage.

The minority report to table the bill was rejected; yeas 15, nays 72.

The majority report was concurred in, and the bill passed; yeas 67, nays 12.

The bill (S. 20) to amend the assessment law; yeas 53, nays 35.

The bill (S. 26) relating to guardians and wards, touching property of female wards after marriage; yeas 73, nays 7.

The bill (S. 22) to amend the misdemeanor Law; yeas 75, nays 1.

The bill (S 32) in reference to giving notice of suits to persons whose residence is unknown; yeas 79, nays 3.

Mr. HOWARD introduced a bill (232) to legalize sales of land by town Marshals in certain cases, which was read the first time.

IN SENATE.

THURSDAY, February 19, 1863.

Committee reports recommending that the bills S 63,—page 98;—and H. R. 83,—p. 141;—be laid on the table, were concurred in.

THE FISH LAW.

The bill (S. 67) the better to secure the free passage of fish in the streams of this State, was called up.

Mr. LANDERS moved to recommit with instruction to amend by excepting White river and White Lick.

Mr. CORBIN explained that the bill at present under consideration was substituted by the committee for the one introduced by him.

On motion by Mr. SHIELDS the bill was subsequently indefinitely postponed; yeas 22, nays 17

Mr. MARCH was convinced that it was quite as essential to pass some law for the protection of fish, as it was to protect game. If this law was too stringent, amend it; but he did not favor the motion to kill it.

LEGISLATIVE APPORTIONMENT.

The hour having arrived for the consideration of the bill (S. 111.) to district the State for Legislative purposes, the Senate went into Committee of the Whole—Mr. Browne, of Randolph, in the chair,

A number of amendments to the first section—the Senatorial—were offered and voted down.

Mr. WOLFE moved to strike out all after the enacting clause, and insert what in effect would be a new bill.

The committee rose and reported the bill and the pending amendment—Mr. Wolfe's—to the Senate for further action.

Mr. BROWN, of Wells, moved to recommit the bill and amendment to the Committee on Apportionment.

AFTERNOON SESSION.

Mr. MELLETT moved to lay the motion on the table.

A division of the question was demanded and the amendment was laid on the table; yeas 22, nays 16.

The bill was recommitted.

THE $140,000 MILITARY FUND.

Mr. WOLFE offared a resolution, which was adopted, that the Governor be requested to communicate to the Senate what action he has taken under "an act to provide for the defense of the State, to procure first class arms, artillery, cavalry and infantry equipments and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money," approved April 1, 1861. That he show in such communication the amount of money borrowed, of whom, in what manner the same has been secured, and how and when the same is to be paid. Also, the number, kind, and value of arms and equipments that have been provided by him under the provisions of said act.

On motion by Mr. BEARSS his bill 98 —see page 122—was taken from the table and referred to a select committee viz: Messrs. Bearss, Ferguson and New.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. BLAIR, (145) to direct the Clerks of the Court of Common Pleas in the several counties of this State to procure certain docket and to direct the docketing of estates and guardianships and regulating the fees of said clerks in relation thereto, and repealing all laws in conflict with the same.

By Mr. FERGUSON, (146) granting the use of the State Prison at Jeffersonville to the United States for the imprisonment of criminals convicted of offenses against the United States, directing the Warden of said Prison to receive such prisoners, and prohibiting the officers of the Northern Prison from receiving the same.

BILLS ON THE THIRD READING.

The following described bills were read the third time and finally passed, unless otherwise stated:

Mr. Cobb's, (S. 18) to amend the act to provide for the opening of highways, so as to give County Boards discretionary power as to appointing reviewers of roads; by yeas 37, nays 1.

Mr. Gaff's, (S. 72) to amend section 42 of the act incorporating cities. The bill excludes from taxation notes, &c., in the hands of guardians belonging to non-resident minors; by yeas 35, nays 4.

Mr. Wolfe's, (S. 83) providing that creditors and suitors shall have a right of action in certain cases before the debt or liability is due, and providing for attachment in certain cases; by yeas 35, nays 0.

The bill (H. R. 119) to amend the act fixing the time for holding the terms of Common Pleas courts in the several counties of the State, was indefinitely postponed.

Mr. March's, (S. 96) requiring Clerks and Auditors to make indexes; by yeas 40, nays 0.

Mr. Hartley's, (S.97) to provide for the publication by railroads of the rates of passenger fares, and fixing penalties for charges above the published rates; by yeas 26, nays 13.

Mr. Wolfe's, (S. 99) to provide for the issue of fee bill on appeals from Commissioners' and Justices' courts; by yeas 28, nays 11.

Mr. Wolfe's, (S. 101) to amend section 40 of the practice act, regulating the publication of legal notices, by yeas 38, nays 0.

Mr. White's, (S. 125) to amend section 5 of an act for incorporation of manual labor schools; by yeas 37, nays 1.

Mr. Blair's, (S. 126 to amend section 5 of the act regulating the adoption of heirs; by yeas 37, nays 1.

Mr. Brown of Wells's, (S. 129) in relation to suits against joint stock companies was rejected; by yeas 16, nays 21.

The bill (H. R. 4) to amend the practice act was rejected; by yeas 19, nays 18.

The bill (H. R. 22) to amend the divorce law was rejected; by yeas 17, nays 18.

The bill (H. R. 18) to amend the law in relation to estrays was rejected; by yeas 17, nays 19.

The bill (H. R. 59) to empower Sheriffs to offer lands for sale at the door of the Clerks office in counties where there is no court house; by yeas 37, nays 0.

On motion by Mr. MARCH his bill 196 —see page 127—was taken from the table and appropriately referred.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 19, 1863.

The reading of the Clerk's minutes of yesterday's proceedings was dispensed with.

WORK FOR COMMITTEES.

House bills 191 to 214 inclusive—introduced day before yesterday and the day previous—were read the second time and appropriately referred; except 191, 193, 205 and 211, which were ordered engrossed.

GOV. MORTON AND HIS MILITARY OFFICERS.

Mr. HARNEY offered the following:

WHEREAS, It appears by the Indiana State *Journal*, of the 17th inst., that there was a meeting held on the 7th inst of the officers of the 27th regiment of Indiana volunteers at their camp, near Stratford Court House, Virginia, at which meeting among others the following resolution was adopted; "*Resolved*, that in the resolutions of Messrs. Brown and Wolfe, (Senators,) of Washington and Wells counties, we see nothing less than treason in its broadest sense, and as such deserving the penalty attached to the highest crime known to our laws, and we recommend that Governor Morton make an example of them at once, and, if necessary, to recall the 27th regiment of Indiana volunteers to enforce that or any other such emergency as may rise;" therefore,

Resolved, That it is a matter of deep regret on the part of the members of this House that any officer in the service of the Government should so far forget the obligations of the soldier or the duties of the citizen as to support or countenance resolutions of the character above recited, calculated to foment and encourage insubordination in the army by introducing party divisions and political discussions in their most violent and offensive forms, making it the right and duty of officers and soldiers who differ with them to protest against such measures in language equally as pointed and decisive, and tending directly to produce civil war at home by rallying the constituency of a representative to his defense when threatened by a power they themselves created and posted for the protection of the rights they now threaten to destroy, and

WHEREAS, The above recited resolution is reported to have been endorsed by all the commissioned officers of said regiment except one Lieutenant Jerger, of Company K, and have been sent to this city for the purpose of being published in the Indiana State *Journal* a paper ardently in the support of Governor Morton, which facts are calculated to give unusual significance to the proposition therein suggested, and involving as it does the dignity of this General Assembly, the personal safety of its members, we deem it due to ourselves and the Governor of the State to have a full understanding of the matters; therefore,

Resolved, That his Excellency the Governor be requested to communicate to this House at his earliest convenience whether he approves or condemns the above recited resolution; and also, whether any officers in the service of this State or the General Government, civil or military, has ever submitted to him a proposition to bring troops into this State, or using those that are now here for the purpose of overwhelming this General Assembly or to prevent the execution of any laws they might enact.

Mr. HARNEY spoke eloquently in support of his resolution. His illustrations from history were apt, beautiful and conclusive, touching the respect always paid by the citizen to the soldier, but insisting at the same time upon the subordination of the military to the civil authority. This matter had at last come to a point. Do we pay men, do we support them, do we honor them for the purpose of introducing politics in their camps? Do we do all these things for the purpose of having threats sent back against us while in the exercise of our liberties as citizens? He wished to know if Governor Morton approved of the action of these soldiers. If he disclaimed it, it would be all right. If he approved it, it then would be known where we stand. Then would we know whether it was determined or not to maintain the supremacy of the civil authorities that the rights and liberties of the citizen might be maintained intact.

Mr. JOHNSON said no doubt many regiments were willing to volunteer to come home to aid the Governor in suppressing rebellion, if it takes place, and put down traitors here. I think there are traitors in Indiana.

Mr. PUETT. Give the names of the men.

Mr. JOHNSON stated he had received a letter written by a Democrat to his son in that regiment, who was in the guard house, expressing his sorrow, but preferring that he would remain there till the end of the war rather than fight farther in this war. Also, that they had at home an organization, the K. G. C's., composed of Democrats only, and if he escaped from the army, they would protect him, as they would not let another deserter be taken back from Indiana. On such data he thought there were traitors in Indiana numbered by thousands.

Mr. HARNEY asked if the peace resolutions were treasonable.

Mr. JOHNSON. They are not outspoken treason.

Mr. LAMB read an extract from the Richmond *Whig*, endorsing them as treasonable.

Mr. HARNEY said if there was treason in the matter, it was in the editor of the Indianapolis Journal who got them published in the Richmond *Whig*.

Mr. JOHNSON. The army look on any compromise or armistice as treason.

Mr. HARNEY. Do you think it treasonable to favor an armistice?

Mr. JOHNSON. Such propositions are a disgrace to the State of Indiana. They are intended to protract the war, and secure the recognition of the Confederacy. He knew the sentiments of the army by resolutions and by letters. On the ground assumed by the soldiers they were guilty of no wrong in passing such resolutions. The majority of the officers in that regiment were Democrats, and loyal Democrats. He knew the men, officers and privates of the 27th regiment; he had the honor of serving in that regiment as Surgeon, and he knew that they regarded gentlemen on this floor, because of their disloyal resolutions, as sympathizers with traitors.

Mr. MILROY. Any man who says I am a sympathizer with traitors is an infernal liar.

The SPEAKER called "order."

Mr. PUETT hoped that the word "traitor," with regard to members on this floor, would be dropped henceforth.

Mr. JOHNSON did not say that there were traitors on this floor. He knew, he repeated, the sentiment of the soldiers. He had seen them shed tears of grief over the tidings which reach them through the Indiana *Sentinel*. Was it wonderful, then, that they should tender their services to Governor Morton, when those who had been their friends at home deserted them,

to maintain the laws of Indiana—to prevent the taking of Indiana out of the Union and attaching her to a Northwestern Confederacy?

Mr. BROWN. Does the gentleman really suppose that there are men in Indiana, Democrats, who desire to take Indiana out of the Union?

Mr. JOHNSON. I do.

Mr. BROWN. I demand that the gentleman shall name the men who desire to do this thing.

Mr. HARNEY hoped gentlemen would discuss the resolutions temperately.

Mr. JOHNSON. Did not believe the majority of the House intend to introduce resolutions this session to take the State out of the Union, because the majority don't favor it, and others dare not do it.

A VOICE—"Why do they not dare do it?"

Mr. JOHNSON. Because of the strong arm of the loyal people.

Mr. BROWN. Name them.

Mr. JOHNSON. There are members of the Democratic party who do favor it. They know who they are.

Mr. BROWN again demanded their names, as he would not lie under such imputation, and denied its truth.

Mr. JOHNSON declined to give way for questions, but was glad that gentlemen were ready to let the country know just where they stood. He was himself for the war till the rebellion was crushed. He referred to the threat that the Democracy would resist force by force.

Mr. HARNEY. Do you suppose any man would submit to such a threat as that in the resolutions without resisting it?

Mr JOHNSON. I understood him to say that he would resist threat by threat. These soldiers do not desire to crush any loyal man. Why need the gentlemen feel guilty and afraid if their skirts and that of their party are clear of treason?—If there were no traitors there would be no fear on this score, and fewer arbitrary arrests. The 27th Regiment is loyal, and and has not taken up political questions.

Mr. ABBETT. Are you willing to vote for a resolution to exonerate this body from this infamous charge of being traitorous?

Mr. JOHNSON. If you take back some of your resolutions relative to a National Convention and armistice I will.

Mr. BROWN. We do not propose to take back anything.

Mr. WOLFE. We have not passed them.

Mr. JOHNSON. You have respectfully received and referred them, and made them a special order and refused to table them.

Mr. WOLFE, I stand by the resolutions, and if that is treason, then I am a traitor.

Mr. HOWARD. Do you approve of the army, under any circumstances, telling the Legislature what they may or may not do?

Mr. JOHNSON. Under some circumstances, I do. If resolutions are introduced into the Legislature to take Indiana out of the Union, they have a right to express their opinion.

Mr. BROWN. Mr. Speaker, the gentleman who has just taken his seat, during the course of his remarks, stated that he knew of gentlemen belonging to the Democratic party in the State of Indiana who had expressed themselves as desirous of taking, and willing to attempt to take, the State of Indiana out of the Union. I ask him if he will repeat that statement?

Mr. Johnson declined to do so.

Mr. BROWN. I now ask him to name the persons to whom he has referred?

Mr. JOHNSON declined to answer.

Mr. BROWN. I now, sir, charge him with having uttered that which is wholly false and without the foundation of truth, and I desire that my denunciation and denial of his statement shall go to the country with his remarks.

Mr. GRIFFITH argued against the resolution.

Mr. WOLFE followed in support of the resolution. He demanded to know if the Governor, and Republicans on this floor approved and would assist in carrying out the threat contained in the resolutions purporting to come from the soldiers.

Mr. GIVEN also supported the resolution in most eloquent terms. There was one peculiarity about the resolutions coming from the field. They were signed by the officers, and not by the rank and file. The private soldiers—the majority of them—were Democsats. When they came home, they would act with the Democratic party. When, in the history of the world, was it considered treasonable to propose peace? All nations since time began, involved in war, had sought peace. He to-day sought peace. These were his sentiments, and gentlemen might call it treason if they were a mind to. He denounced all such resolutions as those purporting to come from the 27th regiment and assuming to speaks the sentiments of the true soldier. He did not consider it treason to wish the war ended. He wished to have the war ended, and the sooner the better, for he believed and had believed from the first, with Douglas, that war is disunion.—The rebellion could not be put down by arms. The rank and file of the army to-day sought peace.

Mr. KILGORE. Have you ever made speeches urging Indianians to volunteer?

Mr. GIVEN. I made one such speech at a special request, but I believed at that time, as now, that war is disunion. As to the threat of coercion, if we have a Cromwell at the door it is time for us to know it. Such were his sentiments, and men may call it treason if they wish.

AFTERNOON SESSION.

On motion of Mr. NIBLACK, the resolution—Mr. Harney's—was postponed till Tuesday morning at 10 a. m.

WORK FOR COMMITTEES.

House bills 215 to 232 inclusive—introduced yesterday and the day before—were read the second time and appropriately referred; except 215, 221, and 227, which were laid on the table and ordered printed for the use of the House.

BILLS ON THE FIRST READING.

Senate bills 13, (see page 55;) 37, 38, 40, (p. 80;) 44, 45, (p. 83;) 51, 52, 57, 58, 59, (p. 92;) 62, 66, (p. 98;) 69, (p. 100;) 73, (p. 101;) 74, (p. 105;) 82, (p. 113;) 85, (p. 114;) 87, 90, (p. 118;) 102, (p. 122;) and 112, (p. 146;) were read the first time and passed to the second reading.

WORK FOR COMMITTEES.

Senate bills 39, (p. 80;) and 76, (p. 105;) were read the second time and appropriately referred.

BILLS ON THE THIRD READING.

The bill [H. R. 30] excluding parties to suits from being witnesses was rejected; by yeas 22, nays 53.

Mr. Garvin's bill, [H. R. 147] to amend the practice act—it makes the law apply to contracts out of the State as well as in—was read the third time and finally passed; by yeas 72, nays 0.

IN SENATE.

FRIDAY, February 20, 1863.

Mr. FERGUSON offered a resolution, which was adopted, that a committee of three be appointed to compile and report to the Senate, from the reports of the officers of the two State Prisons, a statement of the annual expenses of each prison for the two years last past, exclusive of repairs, machinery and construction, but including salaries of officers, and showing the average annual expenses for each convict in each prison, during said period.

Mr. CLAYPOOL called up the bill, [H. R. 44) to change the time of holding Common Pleas Courts in Fayette county, which was read the third time and passed, by yeas 41, nays 0.

NEW PROPOSITIONS.

Were introduced, read the first time and passed to the second reading, to-wit:

By Mr. COBB, a joint resolution, (13) against the expediency of Congress accepting League Island for a Navy Yard.

By Mr. CORBIN, [147] a bill providing for the election and appointment of officers for the Benevolent Institutions of this State; prescribing some of their duties and other matters properly connected therewith; repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof.

AFTERNOON SESSION.

By Mr. BROWNE, of Randolph, [148] a bill for the relief of Peter Wells and Benoni Wells—read twice and referred.

A committee report recommending that the bill S. 110—see page 129—be laid on the table, was concurred in.

LEGISLATIVE APPORTIONMENT.

The hour having arrived for the consideration of the bill [S. 111] for districting the State for legislative purposes—

The bill was read by sections; and various amendments offered, some of which prevailed, and many others did not. Finally the bill and amendments got exactly into the shape the committee reported, and at that stage, and at a late hour, the bill and amendment were ordered to be engrossed. All sorts of parliamentary expedients were used to stave off the vote, but failed.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 20, 1863.

Petitions were presented—one from citizens of Marshall county for a military board of one from each Congressional District; one from Fountain county on the same subject; and one from Randolph county praying for a law prohibiting negroes from carrying arms.

REPORTS FROM COMMITTEES

Recommending that Senate bill 28, (see page 79;) and House bills 56, (p. 57;) 124, (p. 110;) 131, 134, (p. 112;) 148, (p. 122;) 179, (p. 135;) 183, (p. 141;) and 217—introduced last Tuesday—be laid on the table, were severally concurred in.

BILLS ON THE THIRD READING.

Mr. March's bill, [S. 24] providing for the conveyance of school lands to assignees who hold certificates from School Commissioners, was finally passed, by yeas 81, nays 0.

Mr. Gaff's bill, [S. 30] providing for the erection or repair of bridges across streams forming the boundary line between counties, was read the third time and passed; by yeas 81, nays 3.

FEES AND SALARIES.

Mr. HUMPHREYS, from the Committee on Fees and Salaries, introduced a bill, [233] to repeal the law in reference to fees and salaries, which was read the first time.

THE MORRILL TARIFF.

The Committee on Agriculture returned the joint resolution H. R. 21—see page 93 of these Reports—recommending its passage.

Mr. ANDERSON objected to the passage of the resolution as unwise and unjust. It was an echo of a speech made by a leader of the Democratic party, who complained that the West is ground down by the ex-

actions of New England to enrich its manufactures, till we are made hewers of wood and drawers of waters to them, and that when it could not be endured he would speak as a sectional man. He also essayed to show that the interests of the West were intimately connected with the South instead of the East. He thought few of the members had read the Morrill tariff, or understood its provisions, yet they claim that the agricultural population of the West bears the greater portion of the taxes under the tariff law. Indiana is an agricultural State, and h s a fertile soil. Massachusetts has a sterile soil, and is fitted for manufactures. Yet Massachusetts has an agricultural population, too, and they are crushed quite as much as the farmers of Indiana, for they are consumers, a so. We must consider the whole question. Our revenue can be raised by tariffs, direct taxation, or indirect taxation, on the principle of the internal revenue law. Instead of a direct tax, we have the tariff law and internal revenue law.—It was unwise to stigmatize one part of the system and overlook the other. What is not raised by the tariff must be raised by the internal revenue law. Had the capitalists of the East owned the Administration, they would have compelled them to levy a direct tax, which would come on the farmers directly. The State of Indiana, as an agricultural State, would have been heavily taxed. Indiana has a population of over 100,000 more than Massachusetts, and an excess of white male adults of nearly that amount. As the direct tax is levied according to representation. Indiana would pay more than Massachusetts. But under the income tax Massachusetts pays far more than Indiana as we have few capitalists, and very few whose incomes are over $600 a year; while Massachusetts has a large amount of capital in few hands, which has been accumulating for one hundred years. Massachusetts manufactures largely. There is a large amount of traffic, and consequently a much greater number of contracts are made there than here. Every contract must be stamped, and the amount of duties paid there is much larger than is paid in this State.—Undoubtedly Massachusetts will pay five or six times more revenue for stamps than Indiana. As to bank stock in the two States, it was in Indiana, in round figures, $4,000,000, in Massachusetts, $64,000,000. These banks pay heavily in stamp duties on checks, certificates, etc., and will, under the new financial act of Congress, about to pass, pay a tax of three per cent. on their circulation. Take into consideration the relative investments in insurance stocks, and the proportion is about $1,000 here to $1,000,000 there. For every dollar of revenue from the tax on the income from these investments the Government will receive about $1 here to $10 there.—Your farmers have no license to pay; the traffickers of Massachusetts, her dealers, her manufacturers, must take out a license as the first step to business. Their manufacturers pay a tax of three per cent. on all they manufacture, and on some manufactures it amounts to far more than three per cent. It may be said that they get it back from consumers by adding it to the price of the manufactures. They are compelled to go into the market, and run their own risks. Suppose a tax of three per ce t. was levied on produce, do you think farmers could compel their customers to pay the three per cent. additional? Massachusetts has also a large amount of capital invested in commerce, which involves a large amount of commercial transactions, adding to the revenue, under the income law. Let me refer a moment to the tariff. How does it affect the East? If the tariff does prevent the importation of foreign goods, then it cripples her commercial enterprise, and ruins a large amount of her industry. It strikes as heavily on the commerce of the East as on the production of the West. What would become of her merchant marine in such a case? Take the Internal Revenue Law, and see how it bears on all professions, manufactures and commerce, and you will find that for every dollar paid by the people of Indiana, ten dollars are paid by Massachusetts. He thought, including the income tax, the proportion would be the same. Suppose the tariff does bear heavier on the West than on the East, the internal revenue tax bears ten times more on the East than the West. While he was not disposed to misstate the opinions expressed by other gentlemen, he would, nevertheless, say, if you by harangues or resolutions, could embitter the people of the West against the East, and make them believe that they are borne down by its oppression; if you wish to get up a Northwestern Confederacy, the surest and best way to do it is to fill the people of the West with hatred of their brothers of the East. If you wish to cause separation of the Union, you can pursue no better course than to pass resolutions of this character, and make speeches denouncing the East. Hence we should hesitate to pass resolutions calculated to excite hostility against New England.

Mr. PUETT said that the gentleman (Mr. Anderson) did not seem to understand the first principles of a tariff. What was a tariff? He would quote Silas Wright and John Quincy Adams. They had declared it to be a tax on the country. The farmers, the planting men—that class that produced everything—bore all the burdens. They bore the burdens of the Government, and would continue to do it so long as we had a Government, the gentleman's talk about a Northwestern Confederacy to the contrary notwithstanding.

By the Morrill tariff the agricultural interest of the whole country was ground to the dust. The Morrill tariff was not for revenue, but for protection. The million paid by Massachusetts was paid by us, and we had to pay a half a million to pay that. He quoted from statistics to show that imports had fallen off since the passage of the Morrill tariff some $68,000,000. They could not have passed the Morrill tariff even through the present depraved Congress if it had not been tacked on to the revenue bill. We know we of the West were burdened, and that our money goes into the pockets of the Yankee manufacturers. If that money went to sustain the Government, cheerfully would the West pay it. In everything, discriminations were made in favor of New England and against the great West. Even in the matter of ammunition needed by our armies all over the country, the Chief of Ordnance (Gen. Ripley) had refused to purchase of the Indiana Arsenal a better article at one-third the price he was paying to contractors in the East. He eloquently exhorted gentlemen to throw aside their party predilections and stand by their whole country, the Constitution and the Union. If they did not do it—if the politicians did not do it—the people, very speedily, too, would take the matter in hand, and, telling them to get out of the way, save this their country and their Government themselves.

Mr. CASON thought that on its face the resolution might not seem to mean much, but its tendency should be looked to. If we have imported $68,000,000 less of foreign goods, we have just so far failed to protect the pauper labor of Manchester.—You must choose whether you will support the labor of England or New England.—Whenever New England has been stigmatized there has been applause here. This shows a bitter hate against New England, which forbids a fair examination of the question. The Morrill tariff brings in a revenue of $39,000,000, an expense of about $1 to each person in the United States, and yet you claim to be ground down by it. The Great West don't pay all this tax. It is absurd to talk about being crushed by the tariff. The farmers of the West use but a small portion of the imports, and are not the chief consumers.—How, then, can the Western farmers be borne down? The Arsenal had been dragged in. What State in the East owns an Arsenal? Not one. The Eastern Arsenals belong to the United States, and are worked by it.

Messrs. PUETT and HARNEY contended that Gen. Ripley was disposed to discriminate against the West.

Mr. CASON said if the West proposed to repudiate the tariff it gave New England an excuse for refusing to pay her tax under the internal revenue law.

AFTERNOON SESSION.

Mr. HALL offered a resolution, which was adopted, requesting the State Auditor to report to the House the amounts of the several funds of the State, parts of which belong to the School Fund, and whether they are in a condition to be invested according to the provision of the Constitution, and if so, what amount.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. NIBLACK, [234] supplemental to the swamp land act.

By Mr. GREGORY, [235] to relieve Jacob Haines, of Warren county.

By Mr. PACKARD, [236] to confirm the purchase of certain real estate in Porter county by the Northern State Prison Board of Control.

By Mr BUSKIRK—Mr. Holcomb in the Chair—[237] to amend the act relating to the State University. It provides for the election of eight trustees, and reorganizes the Board.

By Mr. HERSHEY, [238] to amend sections 14 and 15 of the license law.

By Mr. PACKARD, [239] to amend the 28th section of the election law—as to the duties of Judges.

By Mr. KEMP, of Dubois, [240] to amend the act relating to guardians and wards.

By Mr. PACKARD, [241] to amend the 7th section of the act relating to fees of county officers.

By Mr. HANNA, [242] an act to relieve G. F. Cookerly and Calvin Jones; $2,500 to Cookerly and $500 to Jones, for printing offices destroyed by mobs. (Read twice and referred to a select committee of five.)

By Mr. PACKARD, a joint resolution, [32] against the acceptance of League Island, near Philadelphia, for a navy yard.

By Mr. MILLER, a joint resolution, [33] to print 10,000 copies of the laws relating to the descent of estates, in pamphlet form.

THE MORRILL TARIFF.

The House resumed the consideration of the question pending at the morning adjournment—the joint resolution with reference to the Morrill tariff.

Mr. NIBLACK was surprised at the energy with which gentlemen in opposition to the resolution had enforced their views. He entered his protest at the outset against considering the question as a sectional one. It was simply a question of legislative consideration, having only an incidental reference to anything sectional.—He had thought that every one in the Northwest had long since taken it for granted that tariffs for protection alone ought to be exploded. The agricultural interests of this country had always been opposed to protective tariffs; to laws indirectly taxing them for the benefit of man-

ufactures. The Morrill tariff never could have passed Congress had it not been for the secession of the Southern States; for the absence of those who represented a constituency opposed to tariffs for protection. He was in Congress at the time the bill was under consideration, and he voted against almost every proposition it contained. Nobody pretended to deny that the bill was not passed to protect the interests of manufacturers in opposition to the interests of agriculturists. It was universally conceded, and therefore he was surprised at any serious opposition to the resolution, But gentlemen could not talk about these public questions without talking about a Northwestern Confederacy.—Simply because a man was born in the West it was taken for granted that he was opposed to New England. This idea was pursued so far that it was beginning to be ridiculous. Why, if he was a single man, he would almost be afraid to propose marriage to any other than a Yankee girl, for fear it might be said that his proclivities were for a Northwestern Confederacy.—But, seriously, he felt like standing on his reserved rights as one of the great Northwestern people. He could remember the time when, unless a man had the Yankee nasal twang, he was not considered fit to hold an office. But times had changed, and now, when everything is claimed for New England—brains and all the rest—and measures were adopted for her benefit, and oppressive to us, he involuntarily put his hand upon his pocket, and said they should rob us no more. He had an admiration for whatever was great, noble and patriotic in New England; but he had an equal admiration for all that was great, noble and patriotic in the Northwest. The two portions of the country were equal under the Constitution. Because this had been forgotten had such sectional legislation as this of the Morrill tariff obtained. The people of the West had always been opposed to such class legislation—to the odious and unjust distinctions and discriminations of tariff laws. Again, the people of the West, who had no hand in bringing on this war, were cheerfully bearing its burdens. They had promptly filled their quotas by volunteers and drafted men, while that of Massachusetts was not yet full. And all this while New England was being enriched by the war, and our burdens were almost greater than we could bear. It was natural, then, that we should complain of and resist all oppressive measures enacted for the especial benefit of those for whom we had and were now contributing everything. Every Northwestern man asked for nothing but what was just and right, and he insisted that by a modification of the tariff our burdens might be lightened. He had regarded with astonishment many of the measures passed by the present Congress. Measures which, in times of peace, would not have been considered at all, were in time of war adopted. Among these measures was the abolition of slavery in the District of Columbia; another was the Pacific Railroad bill. He never could understand why men should advocate such measures. In time of war these measures had been adopted. And now our first great duty was to do that which was right, maintaining our own rights and conceding the rights of others. We must stand by our own State, our own section, granting what is due to every other State and section. In the Valley of the Mississippi was the seat of future empire. The interests of the great and growing people of that valley must be consulted. They were not consulted by such measures as the Morrill tariff, and the sooner it was got out of the way the better. He defied any intelligent man to take that law and read it, and say upon his honor that it was a law doing equal and exact justice to the people of the West. It was because of such measures as he had indicated, because of peculations and plunderings of the public Treasury, and because of the diversion of the war from its original objects, forcing men to fight in a cause for which they never enlisted—it was because of all these things that that "moral power" so much talked of by the gentleman from Jefferson, had been lost by the Republican party, now drifting before the wind. The Democratic party, by reason of divisions, jealousies and treacheries among its leaders, lost that "moral power," and in 1860 was overwhelmingly defeated. Now it was regaining it, and it would be used to restore the Government, the Constitution and the Union once more.

Mr. ANDERSON said it was not a political, but a statistical question. It was a Democratic Congress which passed the Morrill tariff, and it was signed by James Buchanan. The gentleman had said the Democracy were honest, and couldn't steal. He knew why they succeeded last fall. 90,000 men were in the field, and some members who are here were elected because they claimed to be in favor of a vigorous prosecution of the war. He had asked the friends of the resolution to give the facts, and they had not been given.—Those best informed had given little information. The tariff had been called a protective tariff. In 1857, we had a revenue tariff. In 1860-1, to June, it yielded $39,000,000. Then this was passed. It went into effect when war was destroying our industry. Yet the revenue was, for the same time, $49,000,000—an increase of $10,000,000. It was a revenue tariff.—Under the indirect system, these high livers, who have no property, are compelled to aid in supporting the Government. Under direct taxation, the tax would come on the land, and that would almost crush our agriculturists. In reference to our de-

pendence on the South, he granted that our Southern outlet was important before railroads and canals were built, which all run east. The greater portion of our produce goes east.

Mr. BUSKIRK asked if it did not cost four times more to carry a bushel of corn to New York by railroad than by river.

Mr. ANDERSON admitted it might now, from river towns. He then quoted statistics showing that in 1860, sixteen times more grain went east than to New Orleans, and a similar proportion of other produce. He would admit there were defects in the tariff, and the internal revenue law, but, as a whole, it was a system not to be set aside. If it was to be repealed and a direct tax laid, the people would soon hurl from power the men who imposed it on them.

Mr. HANNA denounced the Morrill tariff as the most wicked and monstrous measure ever imposed on the American people. The New England delegation in Congress had made it an ultimatum that the Morrill tariff should be adopted before they would vote for a single proposition of the revenue law. They made this demand to fill their own pockets at the expense of the people of the West. He proceeded to show in detail the manifest injustice of the tariff operating in favor of the East and oppressively on the West.—The people of the West, the consumers, were bearing the burdens of the war by taxation out of all proportion. And yet, under the operation of the tariff, not one dollar, or fraction of a dollar, went into the hands of the Government, but into the pockets of a most remorseless set of speculators. He wanted the New England States to enjoy their rights under the Government—no more no less. But the labor of the West—the source of all our wealth—was burdened with a taxation the heavy load of which must be removed.

Mr. BRANHAM stated that he was disposed to agree that whoever put himself in the way of the people would have to get out of the way. In regard to the resolution, he contended we had a right to express our opinion on public measures, but there was a question of expediency as to speaking that. At the present time he thought it doubtful. He favored a revenue tariff with incidental protection. It was no fault of the Morrill bill that tea and coffee were taxed, but of Jeff. Davis. It was admitted free till the war. Had the country been at peace, its effect might have been very different. Bring your manufacturing establishments as near the consumer as possible. If the New England manufactories were in Indiana, it would make the price of produce higher, and goods lower. The same rule holds good in reference to foreign manufactures. It was the interest of Indiana to develop her manufacturing interests, and that is the best mode of protecting the farmer.—Cotton cloth had not advanced at all over the rise in cotton. This rebellion, which was brought on the country by arch-traitors, was caused by their revolt at the decision of the people. The war had caused an increased demand for all the materials of war, which New England had. The West ruined? Corn was sold at sixty cents per bushel, and the price of wheat and cattle had never borne such prices before. Our true course was to give implicit confidence to the Government, as far as we can. If there had been a great expense in the war, men of both parties were responsible. The army of the Potomac had been the most costly, and was controlled by men of Democratic associations. As to the prohibition on steel, New England did not have the benefit, but Pennsylvania.—A united interest could control legislation to some extent. Mr. Bright had said it was not for the interest of the Democracy to allow slavery to be destroyed, because no other interest would unite them as one man. The present high rates of transportation were due to Jeff. Davis, for the war had called into requisition the railroads, and used the transportation of the country, sometimes for months at a time.

Under the previous question the resolution was ordered to an engrossment—yeas 50, nays 28.

Mr. HOLCOMB offered a resolution limiting speeches to fifteen minutes, which was laid over under the rules.

IN SENATE.

SATURDAY, February 21, 1863.

Mr. NEW presented a petition from the 7th regiment, which was ordered to be printed, with the papers forwarded from the army of the Cumberland.

Reports from committees recommending that Senate bills 109, (see page 128;) 120, (p. 150;) and joint resolution 9, (p. 117;) be laid on the table, were severally concurred in.

Mr. MELLETT offered the following, which was adopted:

WHEREAS, The General Assembly desire to join, on Monday next, in the proposed celebration of Washington's birthday; therefore,

Resolved, That when the Senate adjourn this afternoon, it adjourn to meet on Tuesday, at 9 a. m.

FURLOUGHS FOR SICK SOLDIERS.

Mr. MURRAY offered the following:

WHEREAS, The policy pursued by the military authorities having charge of the volunteer militia of this State, in the prosecution of the war, in refusing furloughs to our sick and wounded soldiers, whereby they could return to their homes for the restoration of their health, until their recovery was beyond reasonable hope, is a needless and cruel sacrifice of the lives of our citizen soldiery—detrimental to the public service by discouraging enlistments, and creating a feeling of hostility to the war; and,

WHEREAS, The Legislature of Indiana has already placed the necessary means in the hands of the Governor to avert, as far as possible, the sad calamities of this war, which is filling our State with

desolated homes, and is still willing to adopt any means in its power to save the lives of those who have generously and patriotically offered them to the service of their country for the restoration of the Union; therefore,

Be it Resolved by the Senate, the House concurring, That His Excellency, Oliver P. Morton, together with our Senators and Representatives in Congress, be, and they are hereby, respectfully requested to use their influence with the War Department in such manner as shall procure for each sick and wounded Indiana soldier a furlough home at the expense of the Government, whenever the Regimental or Hospital Surgeon shall certify that such sick or wounded soldier is not likely to be fit for duty within twenty days.

Resolved, That suitable arrangements also be made whereby all such furloughed soldiers of this State shall be reported to the Adjutant General of the State, their names, places of residence, and the time for which they have been furloughed, in order that, at the expiration of their furloughs, or at such time after the expiration thereof as they shall be declared fit for duty by competent Surgeons at their place of residence, all such soldiers may by the Adjutant General of the State be ordered back to their several regiments.

Resolved, That upon the passage of this concurrent resolution, a copy thereof be presented to the Governor, and one forwarded to each of our Senators and Representatives in Congress by the Secretary of the Senate.

The resolutions were adopted unanimously.

BILLS ON THE THIRD READING.

Mr. Blair's bill, [S. 4] to amend the law fixing docket fees, increasing the salaries of prosecutors, and prohibiting them from appointing deputies; failed for the want of a constitutional majority; yeas 25, nays 12.

Mr. Beeson's bill, [S. 80] to amend the liquor licence law so as to require the license money to be paid to the County Treasurer before receiving the license certificate, was read.

Mr. WOLFE moved an amendment to reduce the license from $50 to $20.

Mr. FERGUSON moved to amend the amendment and make the license $30.

Mr. NEW moved to lay both amendments on the table.

The bill was informally passed over.

Senate bills, [144] regulating Sheriffs' fees, 145 and 146—introduced day before yesterday—147, and joint resolution 13—introduced yesterday—were read the second time, and appropriately referred—except 146, 147, and the joint resolution, which were ordered engrossed.

AFTERNOON SESSION.

House bills 27, (see page 50;) 35, (p. 54;) 72, (p. 68;) 75, (p. 82;) 123, (p. 110;) 147, (p. 122;) and joint resolution 15, (printed on pages 77 and 78;) were read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. MARCH, [149] to prevent the circulation of counterfeit coin, and altered and worthless bank bills, Treasury notes, and postal currency. (The bill authorizes banks to stamp such counterfeits, and affixes penalties for stamping genuine coin or paper.)

By Mr. DOWNEY, [150] to amend an act to amend section 19 of an act to fix the time of holding the Common Pleas Court, approved February 15, 1861.

By Mr. BROWN, of Wells, [151] to prohibit Clerks of Circuit and Courts of Common Pleas and their Deputies from practicing law or performing any of the duties of Attorneys in any of the Courts of which they are Clerks.

By Mr. COBB, [152] to amend section 19 of "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.

By Mr. NEW, [153] to amend section 6 of an act to repeal all laws now in force for the incorporation of cities, approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March A. D. 1857, approved March 1, 1859.

Mr. RAY called up the resolution in regard to the time of meeting of the Senate and for holding night sessions two evenings in the week. The resolution passed, amended so as to meet at 8½ a. m. and 1½ p. m., and to hold evening sessions on Wednesday and Friday evenings of each week, commencing at 7½ p. m.

On motion by Mr. MARCH, the bill H. R. 109,—see page 109—was taken from the table and referred back to the Finance Committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 21, 1863.

Reports from committees, recommending that the joint resolution proposing amendments to the Constitution relating to Common Schools; and the bill H. R. 169—see page 135—be laid on the table, were concurred in.

On motion by Mr. HUMPHREYS, the bill H. R. 174 was taken from the table and referred to the Judiciary Committee.

RESOLUTIONS OF INQUIRY

Addressed to appropriate committees were offered, read and severally adopted, to-wit:

By Mr. WATERMAN, as to expediency of more clearly defining the mode of surveying lands.

By Mr. BLOCHER, calling upon Superintendents of Deaf and Dumb and Blind Asylums to furnish a list of the persons of whom they have made purchases, and the amount of each bill.

By Mr. MILLER, that, the Senate concurring, we will go into an election of one Trustee for each Asylum, on Friday next, at 2 p. m.

By Mr. GRIFFITH, relative to visiting the benevolent institutions by committee.

By Mr. MILROY, as to certain changes in the road law.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. MASON, [243] enabling Judges of Circuit Courts to appoint Prosecuting Attorneys in cases where the regular Prosecutor is charged with felony.

By Mr. SPENCER, [244] amending the act incorporating cities.

By Mr. ROBINSON, [245], fixing the time of holding Common Pleas Courts in Lake, Porter, Jasper, Stark, Newton and Pulaski.

By Mr. NIBLACK, [246] to classify the incorporated cities of Indiana and the better to providefor their police regulations—establishing a Board of Commissioners, to be elected by the Legislature, who shall act in conjunction and upon counsel taken with the municipal authorities. Indianapolis is declared a city of the first class, and David Macy, William O. Rockwell, R. H. Hall, and John W. Dodd appointed Commissioners.

FURLOUGHS FOR SOLDIERS.

The resolution relative to sick and wounded soldiers—printed in the Senate proceedings of this day—was taken up.

Mr. BUSKIRK (Mr. Woollen in the Chair) hoped that the resolution would be immediately acted on, and that it would pass.

Mr. MILROY and other gentlemen also argued in favor of it.

The resolution was unanimously adopted.

On motion by Mr. MILLER, the bill S. 33 was taken from the table and referred to a select committee.

House bills 233 to 241 inclusive—introduced yesterday—were read the second time and appropriately referred; as were also Senate bills 13, (see page 47;) 37, 38, 40, (p. 80;) 42, 45, (p. 83;) 51, 52, (p. 126,) 57, 58, 59, (p. 92;) 62, 66, (p. 98;) 69, (p. 100;) 73, (p. 101;) 74, (p. 105;) 82, (p. 113;) 85, (p. 114;) 87, 90, (p. 118;) 102, (p. 122;) and 112, (p. 146.)

House joint resolutions 26, (see pages 111 and 112;) 28, (p. 123;) 29, (p. 127;) 30, (p. 135;) 31, (p. 141; 32 and 33—introduced yesterday—were read the second time and appropriately referred.

Senate bills 18, (p. 60;) 72, (p. 101;) 83, (p. 114;) 96, 97, 99, 101, (p. 122;) 125 (p. 150;) and 126, (p. 151;) and joint resolution 5, (p. 97,) were read the first time.

HOUSE OF REPRESENTATIVES.

MONDAY, February 23, 1863.

The reading of the Clerk's journal of Saturday's proceedings was dispensed with.

WORK FOR COMMITTEES.

House bills 243 to 246—introduced Saturday—were read the second time and appropriately referred—except 246, which was laid on the table, and 200 copies ordered printed for the use of the House.

Senate bills 18, (see page 60;) 72, (p. 101;) 83, (p. 114;) 96, 97, 99, 101, (p. 122;) were read the second time and appropriately referred.

Senate bills 125, (p. 122;) and 126, (p. 151;) and joint resolution 5; (p. 97;) were ordered engrossed.

On motion by Mr. HARNEY, it was—

Resolved, That when the House adjourns, it be until 7½ o'clock this evening.

On motion by Mr. WATERMAN it was—

Resolved, That the Auditor of State be required to furnish this House at as early a day as possible, a statement showing the amounts, if any, that have been drawn during the two years ending on the 30th day of January, 1863, out of the general fund on account of the expenses for which appropriations were made at the last regular or special sessions of the Legislature; and also state whether warrants have been drawn on appropriations made for certain purposes, to pay other items of expense, and if so, state their nature and amounts.

Mr. KILGORE offered a resolution ordering 10,000 copies of the Governor's message printed for distribution i the army.

Mr. NIBLACK moved to refer the resolution to the Committee on Printing.

NIGHT SESSION.

Mr. Niblack's bill, [H. R. 94] enabling railroad companies authorized by other States to make extensions in this State, er ct depots, &c., was passed—yeas 70, nays 0.

IN SENATE.

TUESDAY, February 24, 1863.

Mr. CLAYPOOL introduced a joint resolution, [14] expressing the opinion of the Legislature in condemnation of desertions from the army, which was read the first time.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. COBB, [154] an act to amend sections 3, 5, and 6 of "An act to provide for the government and discipline of the prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857.

By Mr. BRADLEY, [155] requiring all persons hereafter sentenced to confinement in the State Prison to be conveyed to the State Prison at Jeffersonville; providing for the transfer of convicts from one State Prison to the other, and repealing an act to authorize the removal of convicts from the Southern State Prison to the Northern.

By Mr. REED, [156] to amend the 4th section of "an act in relation to County Auditors," approved May 31, 1852.

By Mr. WOLFE, [157] defining the offences of unlawful seizures, arrests, imprisonments and removals of persons in or from this State; prescribing punishment therefor, and declaring when this act shall take effect.

By Mr. RAY, [158] to provide for the printing and binding of two thousand copies of the laws passed at the regular session of the General Assembly in the year 1863, in the German language, and for the distribution and sale of the same.

By Mr. MARCH, [159] regulating the fees to be charged for the services of the Clerk of the Supreme and Circuit and County Auditors, the disposition to be made of the same, and to repeal all laws inconsistent therewith.

By Mr. NEW, [160] to amend section 12 of "an act to fix the times of holding the Common Pleas Courts in the several counties of the State, and repealing all laws inconsistent therewith," approved March 5, 1859.

On motion by Mr. HORD, the bill S. 33 —see page 80—was taken from the table and referred to the Judiciary Committee.

The bill, [S. 80] to amend the liquor law, was laid on the table; by yeas 24, nays 17.

Mr. BROWNE, of Randolph, offered a resolution that no more leaves of absence be granted, and that the roll be called each morning after the reading of the journals, and the absentees noted. Laid over until to-morrow.

AFTERNOON SESSION.

Mr. CLAYPOOL offered a resolution calling on the Committee on Elections to report its action on the contested election case of Messrs. Murray and Baker, which was laid on the table; by yeas 19, nays 13.

WORK FOR COMMITTEES.

Senate bills 149 to 153 inclusive—introduced Saturday—were read the second time and appropriately referred; except 150, 152 and 153, which were ordered engrossed.

FREEDOM OF THE PRESS.

The bill [S. 79] to protect the liberty of the press, being the special order, it was taken up.

The question being on the amendment to the committee amendment—see pages 128 and 148 of these Reports—

Mr. MARCH explained his amendment. It was to strike out the section allowing injured parties to collect damages from cities, towns and counties.

Mr. REED objected to the entire bill, and more particularly to the second section. He considered it wrong to hold one man liable for another man's wrong.

Mr. RAY made a clear, concise and logical argument in favor of the bill and in defence of the second section. It was competent for the Legislature to define an offence, and to prescribe penalties for it.—The principle of making city corporations responsible for injuries sustained by their neglect was right and just. There could be no question of its justice. He considered the policy of the section, and contended that it was required in the present excited state of the public mind. He admitted the abuse of the press, but with all that we cannot do without it, and a bold, manly, and independently conducted press was a safeguard to our liberties. Let us tolerate the evils to secure the greater good. A shield should be thrown around it. The law, in these times of excitement should come in and stay the hand of violence; it was both just and politic.

Mr. CLAYPOOL was opposed to the bill, and would offer amendments at another stage. He was in favor of the liberty of the press and the liberty of speech.—The provisions of the bill should be extended. If it is right in one case it is right in another. He would offer an amendment to make the provisions of the bill work the other way. If a party got a judgment against the editor for slander and failed to collect it, let him go back to the county for it. He contended that all the little papers throughout the country whose subscription lists were about run out, would publish such articles for the sake of selling out under this bill. He contended that public sentiment was the best regulator, and there was scarcely an instance of a press being destroyed that had not outraged public sentiment.

Mr. RAY. What does the gentleman think of the destruction of Lovejoy's press in Illinois, and the press of Cassius M. Clay in Kentucky?

Mr. CLAYPOOL admitted that the papers alluded to had been destroyed. The public sentiment of the country was opposed to them and it was in bad taste to aggravate it by publications in the midst of such sentiment. There was no loyal paper in the North in danger from a mob.

Mr. COBB. The Senator from Fayette (Mr. Claypool) guarantees the safety of all loyal newspapers. That term loyalty has become a relative term. Who was to construe loyalty? If the Senator from Fayette was to be the judge it would not include all the newspapers now published. People differed in their interpretation.—The principle of the bill is a good one. When you look behind all the mobs that have disgraced the land, you find men of means and influence urging on the reckless among them. By this bill you reach that class of men, and it is the best means of putting a stop to mobs. In reply to the argument that public sentiment would control the press, he admitted that it could and should. They had the power to put it down by withholding patronage from it, and that was the only way that a press or any lawful business should be put down.

Mr. BROWNE, of Randolph, had always, from his earliest recollection, condemned mob violence. He was willing to vote for the penal part of the bill, and he would enforce it. He was glad to see his Democratic friends get up to the point of the free expression of opinion. He was in favor of agitation where evil existed, and he was opposed to meeting a free expression of opinion with brick-bats and stones. In days gone by the Abolition presses were mobbed. He opposed such acts then, and he would oppose them now. But he was opposed to making municipalities responsible for acts such as this bill contemplated. It was inflicting a penalty on innocent men.

Mr. MELLETT criticised the bill, particularly the second section, contending that it would be inoperative in courts. He contended, also, that the principle of the bill was wrong.

Mr. WILLIAMS would like to know how far a paper could go before it could be called treasonable. Senators here, by their arguments had rather justified mob violence. He would read an article to them, and ask if it was treasonable. He read a violent denunciation of the corruptions of the Administration from the Cincinnati *Times*, and asked what Republican Senators thought of that?

Several Senators replied that the extract would make good Democratic capital.

Mr. WILLIAMS. But if a Democratic paper had published the extract it would have been pronounced treasonable.

The amendment was rejected; yeas 15, nays 24.

Mr. CLAYPOOL offered an amendment to include other property as well as printing presses; and also to make corporations and communities liable when judgment against an editor for libel cannot be made.

The amendment was laid on the table; by yeas 25, nays 13.

Mr. MARCH moved to amend by making the provisions of the bill apply to public speakers, remunerating them for injury in person or property.

Mr. BROWNE, of Randolph, moved to amend the amendment by striking out the second section and inserting the following:

SECTION 2. That in case a Democratic printing press is destroyed by mob violence, the Republicans and Unconditional Union men of the city, or town, or county wherein the same is destroyed, shall be liable for the damages thus done; and in case an Abolition, Republican or Unconditional Union press is destroyed by such violence, the Democrats of such city, town or county shall be responsible for such damages. The said damages may be recovered in an act of debt, to be brought in name of the owner or owners of the press as plaintiff, and against the political party as aforesaid, by name, as defendant.

Mr. COBB moved to lay the amendments upon the table.

Upon a division of the question the amendment to the amendment was laid on the table, yeas 28, nays 11; and the amendment was also tabled; yeas 25, nays 14.

Mr. MARCH made an ineffectual motion to lay the bill on the table; yeas 15, nays 24.

The bill was then ordered to be engrossed.

A NATIONAL CONVENTION.

Mr. BROWN, of Wells, offered the following:

Resolved, That the Committee on Federal Relations, to whom was referred Senate joint resolution No. 6, entitled: "A joint resolution proposing a general convention of all the States in the Federal Union, including the so called Confederate States, with a view to the restoration of the Union with all the dignity, equality and rights of the several States unimpaired," is hereby instructed to report to the Senate, on next Saturday morning, the 28th inst., the said joint resolution, with such amendments, if any shall be necessary, as shall make the said joint resolution embrace the following Propositions:

1. An indorsement of the following language:—"Suppose yo go to war, you cannot fight always, and when, after much loss on both sides, and no gain on either, you cease fighting, the old identical questions as to terms of intercourse are again upon you."

2. Asking the Chief Executive of the nation to establish an armistice, with a view to a convention of all the States, including the so-called Confederate States, for the restoration of the Union with all the dignity, equality and rights of the several States unimpaired.

3. Asking the present Congress to provide for such convention.

4. Inviting each and every State in the Federal Union, including the so-called Confederate States, in the event of the present Congress failing to provide for such convention, to meet Indiana in such convention, at Louisville, Kentucky, on the 1st day of June, or not later than the 4th day of July 1863, with a view to the restoration of the Union with all the dignity, equality and rights of the several States unimpaired, and providing that should not three-fourths of all of said States send delegates to said convention, for the reservation to Indiana of the right to withdraw from such convention at pleasure, and to consider the action of such convention as of no binding force and effect.

5. Providing for the election, from the State at large, of delegates to represent Indiana in such convention.

On motion by Mr. BROWN, of Wells, the resolution was made the special order for 2 p. m. to-morrow.

On motion by Mr. WILLIAMS, the bill H. R. 94—see page 88—was read twice, and ordered engrossed for the third reading.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 24, 1863.

A committee report recommending that the bill H. R. 103—see page 94—be laid on the table, was concurred in.

GOV. MORTON AND HIS MILITARY OFFICERS.

The resolution (printed on page 159 of these Reports.) with regard to the resolutions purporting to come from the 27th Indiana regiment, and inquiring whether Governor Morton approved them, was taken up—it being the special order.

Mr. KILGORE said he was of that number who had desired to avoid all discus-

sions calculated to divide those who should be engaged in a common cause. Unfortunately for the country, the majority had chosen to make political issues. Resolutions of censure, and of inquiry, calculated to excite party animosity between the members had been introduced at an early stage of the session. This resolution censures the 27th Indiana Regiment for denouncing the sentiments of Senators Wolfe and Brown. Had he occupied the position of the soldiers, and been vilified as they have been on this floor, he should have used the strongest terms in reply. They have been called "shoulder-straps," "abolitionists," &c., and when they have resented these epithets, Democrats have introduced such resolutions of censure — When these men volunteered we were united in the defense of the Union, no one expressing contrary sentiments; and now, after eighteen months of toil and struggle, they were denounced as engaged in a "hellish abolition war," by resolutions and speeches on this floor. They were told that they were laboring not for their country, to put down treason, but simply making a raid on the established institutions of the States. And yet they must be silent. He did not believe the Democracy of Indiana were traitors, but were he a soldier at Stafford Court House, and should take up the *Sentinel* and read the propositions of these Senators, knowing the intentions of the traitors South, he would be forced, as these soldiers were, to come to the conclusion that they were offered in the interest of those traitors. All these resolutions were treasonable in effect, lacking only the intent. Their authors may not have had such an intent, but believed their advocacy would be a popular movement for the Democratic party.— What would be the effect of an armistice? It would be to end the war, and establish forever the Southern Confederacy. By proposing it you dishearten the soldier, encourage desertion, and say to the traitors, we cannot conquer you, and are willing to grant you your own terms. The rebels receive these propositions with contempt. Foote's resolutions for peace introduced in the rebel Congress are based on a formal recognition of their independence. The opinions of these rebels were known to the Democratic Senators who introduced these resolutions. Any thing which gives aid and comfort to the enemy only lacks the intent to make it overt treason. All who have stood by the Administration have been stigmatized as abolitionists. You claim that you are not sympathizers. Yet when you use such epithets, is it not done to break down the Administration by opprobrium? Your investigating committees have been raised for the same end. Yet you do not denounce the rebels in the same terms of bitterness you do the Administration. Even T. A. Hendricks uses this language: "I have no defence to make for the South in her present position, and am no advocate of her cause." That's the severest language he uses. That is what your leader declares. What further does he say?— "Should our Government go down in the vortex of this revolution the responsibility rests on Abolitionists." Who are Abolitionists? He terms every man so who supports the Government, and denounces him as an Abolitionist. Governor Hendricks is not alone in this. Judge Perkins in his speech uses no language worse than that "they have acted in bad faith towards the North." Yet he makes nearly one hundred and fifty charges against Abolitionists; that we have not kept faith in our obligations to the South, and specifies the reasons why the South had a right to rebel. Stealing their negroes is an absurd justification. Treason began in South Carolina, where they lost no negroes, and saw no Abolitionists. The soldiers have a right to complain of these resolutions, because their tendency is to demoralize the army. The resolutions propose to ask Congress to call a National Convention, and if it refuses, the people are to act for themselves. Their plan gives the go-by to the Government, and is treasonable in effect. The Foote resolutions talk about "sympathizing most kindly with those who have brought about the change in the North," and would propose peace with those States who, leaving out New England, would form a union with the South. Yet you say, let us go down to Nashville and re-construct the Government, on their basis, for you know the terms they offer. Those resolutions have found their way to Richmond, and are declared by the Richmond *Whig* to have the flavor of treason. Another reason why the 27th regiment have a right to speak their sentiments is this. Your organization is led by the men I have named. I challenge you to tell me when these men have ever sustained the vigorous prosecution of the war.

Mr. WOOLLEN asked: did you not say at the first there was a universal agreement for the war?

Mr. KILGORE said they did not dare express their sentiments, but went crouching around. At his Shelbyville speech, Mr. Hendricks said, he had urged no one to go into the service. When did Turpie, Hendricks, Perkins, Voorhees and Vallandigham urge any man to go into the war?

Mr. RICHARDSON. I will answer for Mr. Turpie. He made the first war speech in White county, and helped to raise the first company who went to the war from Northern Indiana.

Mr. SHAFFER said Turpie's county was free from the draft, while Colfax's was not.

Mr. ANDERSON said the draft was heaviest in the Democratic townships, and

did not take place in some Republican townships.

Mr. HOLCOMB said the heaviest draft in the State was in Marion county.

Mr. TARKINGTON said we had not seen the draft here.

Mr. HOLCOMB referred gentlemen to the report of the Draft Commissioner.

Mr. KILGORE said those who had been the head and front of the Democratic party here had always been opposed to the war. Turpie had made war speeches, yet in his recent speech he indicates that he did it for party effect, against his real convictions. It proves that he was always in heart opposed to the war, and was not an honest and upright statesman. Take the case of Jesse D. Bright, who was a traitor, and expelled from the United States Senate for attempting to place in the hands of traitors improvements in fire-arms. Gov. Wright was appointed his successor, and he was at once denounced an Abolitionist.

[Mr. Kilgore was called to order, and the Chair ruled that the discussion must be confined to the one resolution set forth, and that a general discussion on the conduct of the war was out of order.]

Mr. KILGORE said he was about to give a reason why the soldiers had a right to come to the conclusion they had done. He took the resolutions pending to be an act of censure on that regiment for adopting and publishing their resolutions.—Hence he had a right to call in question the course of the legislators who had offered armistice resolutions. He believed the soldiers had a right to infer that these Senators were unfriendly to the prosecution of the war, and they had spoken as they had a right to speak. It will not be denied that every man in your party who has favored the vigorous prosecution of the war has been read out of the party, and bitterly denounced. Their only sin is patriotism. The letters constantly sent to soldiers to encourage desertion is another reason why they have spoken. They have been assured that they should and could desert, and be protected in their treason. He read but yesterday a letter from Monroe county, Indiana, in which desertion is encouraged. The letter is signed by Mr. McManus and his wife.

Mr. BUSKIRK denied knowledge of any such person.

Mr. KILGORE said that Gov. Dunning had stated to him that he knew such a man. Mr. McManus claimed that there were three hundred who wore the lone star, and were going to protect deserters.

[Mr. Kilgore was again called to order, as traveling out of the record.]

Mr. KILGORE said if it was not competent to give the reasons why the soldiers had formed their conclusions; if it was not competent to show the character and tendency of these armistice resolutions of the Senate, he would yield the floor.

Mr. BROWN challenged the gentleman to instance a single word uttered by any Democrat disrespectful of the Northern Army. Democrats had spoken disrespectfully of "things" which had succeeded in introducing themselves into the army.—The term "shoulder straps" had been used with regard to some of them, but it had never been used with reference to brave and true officers. No democrat on this floor, or on the floor of the Senate, had ever denounced the soldiery; but they had denounced the itinerant vagabonds, so to speak, who, getting furloughs, came home and perambulated the State, doing the dirty work of the Abolition party—men who had gone into the army for pay, and were too cowardly to risk their precious carcases in battle.

[Mr. Brown was called to order by the minority in all parts of the House.]

Mr. BROWN. When a soldier fails in his duty, we have a right to censure him as well as any one else. But the true soldier was respected and honored by the Democracy everywhere. Had it not been for the machinations of the Abolitionists—if the examples of the fathers of 1850, who then compromised, had been followed in these patent days of patent Abolitionism, the national flag would float in triumph from Maine to Georgia. Suppose an armistice takes place, would it give aid and comfort to the rebels? The intention of a peace convention would be to see if we could not restore the country under one Constitution and one flag. He claimed that the military law was subordinate to the civil. It would be more proper, therefore, for this Legislature to instruct the soldiers than for the soldiers to instruct us. In his opinion the soldiers, the gallant privates, had no more to do with these resolutions than he had. In his opinion, they were concocted here in Indianapolis, and sent on to Abolition officers for signatures—men who controlled brave Democratic privates for the base purposes of Lincoln and his petty Cabinet. He would like to know if Governor Morton had in any way held out inducements to these soldiers to come home and overawe this Legislature. It was the attempt of the Abolitionists to turn the soldiery against the Democratic party. Sir, the Democratic party is not a band of traitors. The Democratic party sought only to restore the Constitution and maintain and perpetuate the Union. It was the duty of the Democratic party to sustain the Government when that Government sought sincerely those great objects. But the Democratic party were he judges themselves as to whether those in power transcended the Constitution, to the rigid observance of which that party would ever hold them.

Mr. BUSKIRK, (Mr. Miller in the Chair) remarking that already gentlemen had been heard on both sides, and as business

was pressing, he would demand the previous question.

The demand was sustained, and the main question ordered.

The resolution was adopted, by the following vote:

YEAS—Messrs. Abbett, Atkison, Bird, Blocher, Brown, Burton, Collins, Cook, Donaldson, Given, Hall, Hanna, Harden, of Washington, Hardin, of Perry, Harney, Hetfield, Holcomb, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Lake, Lasselle, Lee, Lemmon, of Harrison, Lemmon, of Spencer, Mason, Miller, Milroy, Mutz, Niblack, O'Brien, of Martin, Osborn, Packard, Priest, Puett, Reitz, Richardson, Rippey, Ryan, Shaffer, Shoaff, of Jay, Spencer, Veach, Wolfe, Woollen and Mr. Speaker—50.

NAYS—Messrs. Anderson, Baker, Branham, Budd, Cass, Chambers, Forester, Gregg, Gregory, Griffith, Hershey, Higgins, Hostetter, Hutchings, Johnson, Jones, Kendrick, Leeds, Marshall, Mustard, Newman, Noyes, O'Brien, of Hamilton, Perry, Pettibone, Robinson, Roe, Stone and Tarkington—20.

AFTERNOON SESSION.

On motion by Mr. HANNA, his bill [221] the military Board bill, was made the special order for 10 a. m. to-morrow.

THE COLONIZATION FUND.

Mr. BRANHAM offered a resolution, which was adopted, requesting the State Auditor to report the appropriations for, disbursements of, and present condition of the Colonization Fund.

THE COMMITTEE OF THIRTEEN.

Mr. NIBLACK, from the Peace Committee, made a majority report, which was informally tabled, and 500 copies ordered to be printed. The minority were allowed till 2 p. m. to-morrow to report.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. ANDERSON, [248] to provide for the elective franchise by legal voters temporarily absent from the State in military service.

By Mr. WOOLLEN, [249] to authorize Circuit and Common Pleas Courts to issue warrants for contempt in certain cases

By Mr. KILGORE, [250] to amend section 4 of the act relating to sidewalks.

BILLS ON THE THIRD READING.

The following described House bills were read the third time and finally passed, unless otherwise stated:

Mr. Kemp, of Dubois', [47] to legalize the acts of deputies of civil officers who have entered the military service; by yeas 67, nays 7.

Mr. Given's, [91] to provide compensation for animals killed by railroad trains; by yeas 59, nays 19.

The bill [102] to fix the equivalent for exemption from military duty on account of conscientious scruples at $200 was rejected; by yeas 48, nays 27.

The bill [H. R. 111] to provide for the transfer of Sinking Fund mortgages to the respective counties failed for want of a Constitutional majority; yeas 43, nays 37.

The bill H. R. 116 was laid on the table.

The bill [H. R. 118] amending the license law, making adulteration of liquors felony and punishable by fine and imprisonment in the State Prison, failed for want of a Constitutional majority; yeas 44, nays, 37.

Mr. Howk's, [130] to give additional powers to Circuit and Common Pleas Judges in vacation; by yeas 76, nays 0.

Mr. Garvin's, [142] to amend the 656th and 661st sections of the practice act. It extends the lein on boats to contracts made out of the State as well as in; by yeas 73, nays 0.

Mr. Lamb,s, [143] to authorize County Auditors to issue fee bills in certain cases; by yeas 63, nays 6.

Mr. Howk's, [149] Supplemental to the act incorporating mining companies. It prevents fraudulent insolvency of said companies, and makes the directors personally liable in such cases; by yeas 70, nays 5.

IN SENATE.

WEDNESDAY, February 25, 1863.

The bill [S. 111] to apportion the State for Senators and Representatives, being the special order for 9 o'clock—

Various amendments were proposed and laid on the table.

Mr. RAY moved the previous question which was seconded by yeas 26, nays 20.

The bill was then passed by yeas 26, nays 8.

ARBITRARY ARRESTS.

The Military Committee, reported back the bill S. 143 with amendments.

Mr. RAY moved to lay the bill and report on the table, for the reason that a bill introduced by him, and other bills of a similar character had been before the Judiciary Committee. They had considered these bills and had considered his bill, and recommended its passage. The bill recommended by the Military Committee the Judiciary Committee did not consider as constitutional. The bill he proposed was a copy of the New York code, and it was considered by legal gentlemen to cover the whole ground, and would amply secure the citizens of Indiana from illegal arrests.

Mr. LANDERS called for the reading of both bills, that the Senate might be the judge of the merits of them. All he desired was the protection of citizens. In his opinion our Government was fast hastening to the condition of a military despotism, and it was the duty of this Legislature to throw all the safeguards possible around the citizens.

The bill and report were laid on the table.

A FALSE RECORD OF A VOTE.

Mr. WRIGHT arose to a question of privilege. He said his name was recorded as voting against the apportionment bill, when the fact was that he was not in the Senate when his name was called and did not vote.

Mr. CLAYPOOL moved to correct the tally paper and the record of the vote so far as Mr. Wright's vote affected the same.

Mr. BEARSS said he knew Mr. Wright was not in his seat at the time his name was called.

Mr. RAY said if gentlemen will hide in the corners and closets and dodge about to defeat what they all acknowledge to be a fair and just measure, they should not complain.

Mr. BEARSS said he was out to defeat the passage of the bill. He intended to do so if he could.

Mr. MARCH said such action was fraud and forgery, and if the Senate bolstered up the conduct of its Principal Secretary, it was equally guilty of committing a fraud and a forgery.

Mr. DUNNING said the Senator had the right to have the tally paper corrected when it was a falsification of the truth so far as his own vote was concerned, though such falsification was no doubt unintentionally. He thought the Senator's own statement ought to be conclusive.

(The Principal Secretary, in explanation, said he heard distinctly some one say "no" when Mr. Wright's name was called, and made the entry accordingly. He supposed it was Mr. Wright that gave the vote.)

Mr. BEARSS said he and Mr. Wright went out of the Senate Chamber during the reading of the bill, and did not return until some time time after it had been announced that the bill was passed.

Mr. RAY moved to amend the motion to correct the tally paper, in regard to the vote of Mr. Wright; and to show that the Senator from Henry (Mr. Mellett) was in the Chamber, and not voting.

Mr. JOHNSTON made a point of order. The time to correct the tally paper was on the reading of the journal in the morning.

The PRESIDENT (Mr. Shields in the chair) overruled the point of order.

Mr. RAY spoke to his amendment. In contemplation of law the journal was being made all the time. He desired the whole proceeding to appear of record. He was willing, although the proceedings was irregular, to have the tally paper corrected in regard to the Senator from Jasper; but he insisted that the Senator from Henry should be noted also as present and not voting. He would make the Senator himself a witness. It would not alter the result in that event.

Mr. MELLETT contended that he was not in the Senate at the time the vote was taken. He was in the lobby, and he contended that the lobby was no more a part of the Senate Chamber than the library room below was a part of it.

Mr. WILLIAMS said that at the last session the gentleman's friends always counted those in the lobbies as present and not voting. It was their invariable rule. He favored the amendment to the motion.

Mr. COBB read from the journal of last session when Senator Miller entered his protest against the passage of the bill to reduce the prices paid for public printing and also another case. These Senators in both cases were without the bar, and entered as present and not voting. That Senate refused to correct the journal and he believed they were right.

Mr. MARCH read from Cushing on parliamentary law to show that the bar was the limit of a Legislative body.

Mr. BROWNE, of Randolph, moved to amend the amendment by adding that the Senator was within the room, but without the bar of the Senate when the vote was taken.

Mr. LANDERS stated that during the time the vote was being taken, he saw the Senator from Henry walk out, and immediately after he saw the Senator very comfortably seated just outside of the bar reading a newspaper.

Mr. WOLFE wished the motion as amended to pass. It would show the facts as they existed, and the Chair could decide what effect would be had. He did not desire the passage of the bill as it stood, and only voted for it because he saw the minority on the floor bolting to defeat the bill.

Mr. MELLETT was satisfied with the position the amendment placed him in.—He was represented as comfortably reading a paper outside the bar, and he did not dispute the statement.

Mr. WILLIAMS moved to refer the whole matter to a select committee.

Mr. COBB would vote for the reference, if that would be satisfactory to the minority. He would tell gentlemen, however, who were striving to obstruct legislation, that for himself he would not vote a dollar of appropriation until this bill and other needful measures of legislation were passed.

Mr. CLAYPOOL would go home and leave his district unrepresented, if bills were declared to be passed as this one had been.

Mr. WILLIAMS would withdraw his motion to refer, if the vote could be taken without further debate on the motions and amendments.

The amendmeat was laid on the table by yeas 23, nays 20.

Mr. WOLFE offered the following:—That upon the vote taken on the question

of the passage of Senate bill 111, the Senator from Jasper is recorded by the Secretary as being present and voting in the negative, and the said Senator afterwards states to the Senate that he was not in the Senate Chamber when the vote was taken; it is therefore ordered that the record be corrected so as to show that the Senator from Jasper was not present, and did not vote on said question. That upon the question of the passage of the same bill the record does not show that the Senator from Henry was present and failed to vote when his name was called; the fact being that said Senator was present in the lobby of the Senate Chamber when the vote was taken, and he failed to vote when his name was called. It is ordered that the record be corrected so as to show that fact.

This was accepted by Mr. Ray, and agreed to by the Senate.

Mr. JOHNSTON offered a resolution, which was adopted, that the House return to the Senate instanter, bill 111 of this body.

AFTERNOON SESSION.

Mr. BRADLEY, from Finance Committee, reported back the bill [S. 106] to provide for the prompt payment of the soldiers from Indiana, with amendments. The amendment appropriates $2,000,000, and that the officers of State be associated with the Governor in the negotiation and management of the fund.

Mr. HORD did not know that he was prepared to vote for the appropriation just now. The Senate had asked the Governor, by resolution, what amount was due to soldiers from this State, and his Excellency would not condescend to reply. The State might borrow money and pay interest on it, and a large portion of it might not be required, and thus it would lay in the vaults of the treasury—the interest a dead loss to the State. It was asking but little to be informed of the amount required, and yet that little remained unanswered.

On motion by Mr. DOWNEY, the bill was amended by adding in the proper place the following:

Provided however, that if there is not enough to pay both the officers and soldiers, the non-commissioned officers and soldiers shall be paid the amount due them, before any sum shall be paid to the commissioned officers.

Mr. COBB moved to amend so as to confine payments exclusively to non-commissioned officers and privates.

The amendment was warmly urged by Messrs. LANDERS, COBB and WOLFE, and opposed by Messrs. CLAYPOOL, McCLURG, RAY, MANSFIELD, REED and MARCH.

Mr. SHIELDS demanded the previous question which was seconded.

The amendment was rejected by yeas 11, nays 23.

The bill was then ordered to be engrossed.

LEGISLATIVE APPORTIONMENT.

On motion by Mr. COBB the bill [S. 111] was taken up and passed by yeas 26, nays 18.

A NATIONAL CONVENTION.

Mr. BROWN, of Wells, notified the Senate that a special order existed for this hour, which was the consideration of his resolution, introduced yesterday, instructing the Committee on Federal Relations to report, on Saturday, in favor of an armistice and peace convention.

Mr. WOLFE moved to postpone the special order until this day two weeks.

Mr. BROWN, of Wells, said that he would call the yeas and nays on that question. He desired to see what Senator here would thus refuse to meet the questions involved in the resolution which was to be considered at this time. The people of the State shall know what Senators upon this floor are not disposed to carry out the wishes of the people in this direction. If the Senator from Harrison (Mr. Wolfe) could go back to his people without representing their will on this subject, let him go; he (Mr. Brown) could not go back to this constituency with a clear conscience if he did not exert his efforts, humble though they were, to secure to them the objects contemplated in the resolution.—But he trusted the motion to postpone would be withdrawn for the present, in order that the views of the people upon these topics might be represented here.

Mr. RAY said the question would call up an exciting party debate, and he was opposed to such debates now.

Mr. BROWN, of Wells, said that it was well known that the joint resolutions, referred to in the resolution now before the Senate, had been introduced by him, and had been the subject of much comment.—He had been branded as an enemy to his country; had been grossly assailed in the other end of the Capitol, and it was but just to him that he should have an opportunity to be heard in defense of his measures. If the question to postpone prevailed, the resolution would be defeated. Two weeks from to-day the Senate would not be in session. The Senator from Jackson (Mr. Shields) intimated a desire to have the resolution go to the Committee on Federal Relations. The success of such a motion, equally with the motion to postpone, would kill the resolution by consigning it to an everlasting sleep.

Mr. WOLFE explained that his object was not to stifle the gentleman. The Committee on Federal Relations would soon report, he could then be heard. He withdrew his motion.

On motion by Mr. SHIELDS the resolutions were referred to the Committee on Federal Relations by yeas 32, nays 13.

FREEDOM OF THE PRESS.

On motion by Mr. WOLFE, bill 97 to protect the liberty of the press, was called up

Mr. MELLETT moved to recommit, with instructions to provide that if it should be proved that any paper whose press had been destroyed had uttered treasonable or disloyal sentiments, no damage should be collected; yeas 16, nays 26.

The previous question was demaded and seconded, and the bill passed by yeas 26, nays 17 as follows:

YEAS—Messrs. Bradley, Brown, of Wells, Cobb, Corbin, Davis, of Cass, Douglass, Dunning, Ferguson, Finch, Gaff, Gifford, Graves, Hartley, Herd, Jenkins, Johnston, Landers, McClurg, Marshall, Moore, Murray, Ray, Shields, Williams, Wilson, and Wolfe—26.

NAYS—Messrs. Bearss, Berry, Blair, Browne, of Randolph, Claypool Dickinson, Downey, Grubb, Mansfield, March, Mellett, New, Pleak, Reed, Teegarden, White, and Wright—17.

On motion by Mr. Claypool it was—

Resolved, That when the Senate adjourn it adjourn until Friday morning next.

INVESTIGATING COMMITTEE.

Mr. BROWN, of Wells, from the select committee appointed to investigate the State Quartermaster General's Department, reported a joint resolution [15] granting leave to the committee of the Senate and the House to set jointly, after the adjournment of the Legislature, for the transaction of the business for which they were appointed. The joint resolution was read the first time,

RAILROAD MANAGEMENT.

Mr. WILLIAMS called up the bill [H R. 94] to enable railroads incorporated in other States with their termini on the line of this State to acquire the right of way and make connections in this State, &c., which was read the third time and passed by yeas 42, nays 2.

BENEVOLENT INSTITUTIONS.

Mr. COBB called up his bill [S. 47] for the government of benevolent institutions.

Several ineffectual motions were made to stave off the vote.

The bill was read the third time and put upon its passage. The vote stood—yeas 26, nays 6—no quorum voting.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 25, 1863.

By resolution (introduced by Holcomb) debate was limited to 15 minute speeches by yeas 38, nays 36.

Reports from Committees recommending that the bills S. 66, (see page 98;) and H. R. 14, (see page 43;) be laid on the table, were concurred in.

AN EXECUTIVE COUNCIL.

Mr. Hanna's Military Board bill [221] was taken up and the House went into Committee of the Whole—Mr. Niblack in the chair.

Mr. COOK offered a substitute for the whole bill; in which the active militia are sworn to sustain the State against all its enemies, and all Constitutional laws of the United States and of the State; the election of regimental officers to be supervised by the State officers, and the Governor required to issue commissions to those certified to by them; Brigadier and Major Generals to be elected by the Military Board. The bill contained ninety-four long sections

The CHAIRMAN decided that bill 221 must be considered by sections before the question could be taken on the substitute.

Mr. HIGGINS moved to strike out the military tax, section 3.

Mr. BRANHAM said the tax would produce at least $100,000, and asked what good would result from it.

The amendment was rejected by yeas 33, nays 43.

The committee then rose and reported progress.

AFTERNOON SESSION.

The House again went into Committee of the Whole on the bill H. R. 221, but immediately rose and were discharged from the further consideration of the bill.

The minority report of the Committee of 13 was informally tabled and 500 copies ordered to be printed.

The bill H. R. 221 was taken up.

The question recurring on the substitute—

Mr. LAMB moved to informally table both bills and to print 200 copies of the substitute.

The substitute was withdrawn.

Mr. GRIFFITH offered several verbal amendments preserving the powers of the Governor, which were tabled by yeas 53, nays 35.

Mr. CASON moved to refer the bill to the Committee on Judiciary to inquire into its Constitutionality.

The motion was laid on the table by yeas 51, nays 30.

Mr. BROWN demanded the previous question on the bill.

Mr. ANDERSON asked to be excused from voting, which was objected to, and the yeas and nays being demanded, ordered and taken, he was excused by yeas 44, nays 37.

The previous question was seconded by yeas 53, nays 16.

Mr. CASON asked to be excused from voting, and demanded the yeas and nays.

The SPEAKER. If gentlemen wish to indulge in parliamentary tactics they must be a little quicker. The call has already commenced, and the Clerk will proceed with it.

The bill was then ordered to be engrossed—yeas 53, nays 18.

REPORTS FROM COMMITTEES

Recommending that the Senate bill 58, (see page 126;) House bills 104, (p. 94;) 184, (p. 141;) 234 and the joint resolution H. R. 33 (p. 163,) be laid on the table, were severally concurred in.

Mr. BROWN offered a resolution empowering the Committee on Arbitrary Arrests to sit for thirty days after the adjournment of the General Assembly; providing for the printing of their report, and for the employment and pay of certain necessary officers; which was made the special order for to-morrow evening at 7½ o'clock.

Mr. GRIFFITH offered a resolution that when the House adjourns it be until Friday morning, 9 a. m, and that the use of this hall be tendered to those meeting in Republican Convention to-morrow.

Mr. BROWN moved, in amendment, that 7½ p. m. to-morrow be substituted for 9 a. m. next day.

Mr. ROBERTS and Mr. LASSELLE opposed the adjournment.

The yeas and nays being demanded they were ordered and taken, resulting yeas 45, nays 13 — no quorum voting.

A call of the House being demanded and taken, but 57 members answered to their names.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 26, 1863.

The SPEAKER remarked that the first business in order would be to ascertain whether a quorum was present.

A call of the House was demanded, and being ordered and taken, revealed the fact that but 54 members answered to their names—to-wit:

Messrs. Abbett, Atkison, Bird, Blocher, Brogan, Brown, Burton, Collins, Cook, De Bruler, Donaldson, Ferris, Garvin, Given, Griffith, Hall, Hanna, Harden, of Washington, Hardin of Perry, Harney, Hetfield, Holcomb, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Lasselle, Lee, Lemmon, of Harrison, Lemmon, of Spencer, Mason, McGaughey, Miller, Milroy, Mutz, Niblack, O'Brien, of Martin, Osborn, Packard, Priest, Puett, Rippey, Roberts, Robinson, Ryan, Shaffer, Spencer, Veach, Waterman, Williams, Wolfe and Mr. Speaker—54.

No quorum being present—

The SPEAKER decided that under the Constitution the House could do nothing but adjourn from day to-day.

Accordingly the House adjourned till 9 a. m. to-morrow.

IN SENATE.

FRIDAY, February 27, 1863.

Mr. SHIELDS, from the Committee on Elections, reported a resolution that Chas. L. Murray is not entitled to the seat as Senator from the counties of Elkhart and Lagrange, but that John H. Baker is.

Mr. JOHNSTON moved to postpone the farther consideration of this matter until the 7th of March.

Mr. CLAYPOOL opposed the motion, stating that its effect would be to postpone the matter till after the adjournment of the Senate. If Mr. Baker was entitled to his seat he should have it at once.

Mr. JOHNSTON said that he made the motion so as to expedite business. But one week remained in which to pass bills, and as discussion must arise on the question, it should be passed over for the present.

Mr. BEARSS hoped that the question would not be postponed. The Committee had decided that Mr. Baker was legally entitled to his seat, and it was a plain question that should cause no discussion. It should be decided at once.

Mr. BROWN of Wells favored postponement.

Mr. MURRAY thought it strange that repeated efforts should be made by his party friends to oust him from his seat. The Senator from Fayette (Mr. Claypool) had persisted in traveling into his district to interfere with the will of his people. It was because he had refused to make himself a tool of that Senator—to wear a collar on which was inscribed: "Senator Murray, my dog." It was because he had refused to forget his duty to his constituents and join the revolutionary schemes of his party friends. He knew well the tricks and party schemes of that Senator. He refused to go at the beck and bidding of men who assumed to be the leaders of the Republican party.

When these gentlemen violated the rules of this Senate by their disorganizing proceeding, the other day, for the purpose of defeating a bill which we were obliged by our oaths as Senators to pass, I refused to go at the beck of men who attempted to be leaders on this floor in that thing. And when these gentlemen, in the after part of the day, came in and consented to the passage of the bill which they undertook to defeat, in that respect they put me were I want to stand, as acting in the discharge of my duty; and they placed themselves, in defiance of their duty, in a position condemning themselves and stultifying their own action by consenting to the passage of that bill which they tried to defeat. And what was the reason they did not again break a quorum? Why, sir, because the Senate hall was packed, as it is to-day, by Republicans who had come up to the capital to attend the meeting of the day following, and they dare not, in the face of Republicans representing different parts of the State, do such a revolutionary act as those Senators had done but a few short hours before. That is my honest conviction, sir, about that.

I know, sir, very well, all the power and influence of party discipline; but while holding a seat in the other branch of this capitol, and while holding a seat in this Senate chamber, I have on all ocasions,

before my constituents and before God, attempted to discharge my duty, with a conscientious conviction of that duty, and according to my own best judgment. I know I have been met with arguments that a man representing a party had no right to plead his conscience or his judgment. I know arguments have been used that whatever pledges we have made to the people, we have no right to carry out those pledges, but it was, on the contrary, our duty to violate those pledges; and, if necessery, disorganize this Legislature and prevent the carring out of those legitimate objects for which it was convened. These were the arguments brought to bear upon me to control my action as a Republican —a better Republican than these self-styled leaders dare ever be--a Republican that never gave a Democratic vote. Never, sir. A Republican, sir, that has been an advocate of the politics of that party which has laid its very foundations broad and deep in the counties he represents, as is well known to every Senator on this floor from that part of the State. One who, when the first demand of the President of the United States was made for volunteers, left his seat in this hall, sir, as is well know to this Senate, and as a private soldier went into the ranks and shouldered a musket, and there remained during the entire time of enlistment. And when that demand was repeated I left my family and my home, and for nine months served in the Army of the Mississippi; and now I stand before God, my country, and the world self acquitted. How stands the question here? Upon a technical quibble, growing out of my services as a private soldier and officer in the army, these Republicans undertake to oust me from my seat; and then they go out upon the street and plead that they are the *only* loyal people in this State—the *only* defenders of the Union and the flag of our country! Shame on them, I say. And I will say further, that I have not only seen here, but in my own District I have found more genuine sympathy in the cause of my country existing on this floor than among those men to whom I should think I ought to look for it. [Mr. Mellett desired to obtain the floor, but Mr. Murray remarked, "I expect the Senator is uneasy," and proceeded as follows:]

Mr. President, I say, sir, that these are some of the influences attempted to be thrown around me and compel my votes, and because I have refused to lend myself as a mere machine to act contrary to my judgment. I say before this Senate what I know, that contrary to the judgment of a majority of my political associates, these Senators introduce resolutions day after day for the purpose of ousting me from my seat, for reasons growing out of my services to my country. If I wanted to come back to this Legislature or this seat, or to run for any other office before my people, I would not want better capital than could be made out of these disgraceful acts. I mean revolutionary acts, for it is revolutionary, and is in the same identical spirit of those traitors of the South who are attempting to secede from this Union, as these gentlemen have frequently from this Legislature. I say, sir, it is the same spirit of those rebels—it is a revolutionary spirit. [That's so!] When a leader of the Republican party in the House of Representatives undertook to admit that revolutionary measures were right, he attempted to commit the Republican party to what, sir? To the very doctrine of those traitors of the South who desired to break up this glorious Confederacy of ours. As a Republican at that time, I repudiated such doctrine, and I take this occasion to repudiate it again, sir. Secession is revolutionary, contrary to the forms of law, and is not and cannot be justified. Now, sir, I shall wait till I hear from the honorable Senator from Henry, [Mr. Mellett.]

Mr. MELLETT. The honorable Senator from Wells [Mr. Brown] had suggested that sixty-one days is not long enough to determine the contested seat cases. The question before the Senate is not as to whether I am entitled to this seat or not, but how much service must the Senator from Elkhart give to the democratic party to purchase his seat here? He tells us the Senator from Fayette would put a collar on his neck and call him "Senator Murray, my dog." But he has allowed the Democratic party to put the collar on him———

Mr. MURRAY (interrupting:) I deny it. It is false. I say you are a liar when you say it, sir—a base and cowardly liar.

The PRESIDENT. The Senator from Elkhart will take his seat. The Senator from Henry will be kept in order. The Sergeant at Arms will take charge of both Senators.

Mr. MELLETT (resuming:) That is the complication that arises. What I said in reference to this matter is a matter of history—a matter of truth. It is as well an established fact as anything that appears upon the journals of this session. Now, I sir, stated from the first that I was ready and willing for the question in regard to my seat to come up. I have no desire to retain my seat. I would not beg to have my seat here. I prefer, personally, to go home. No Senator upon this floor will say that I have not been at all times anxious to have that question settled, and it ought to have been settled.

Now I make another statement. The gentleman wants to know why the questions in refereuce to the Senators from Miami, Laporte, Shelby, and myself, have not been settled—why we are pressing his case and not ours. I say it sir, and I challenge contradiction when I say that

there is not a Senator upon this floor who has not been from the start, of the opinion that the Senator from Elkhart was not entitled to his seat. There may have been some question as to whether Mr. Baker is entitled to his seat, but not one Senator will rise and say that Senator Murray has been entitled to his seat; and yet the gentleman from Wells says he wants time to investigate the complication.

The very Senators who are insisting that the seats of the Senator from Shelby, and myself, ought to be declared vacant, are the very Senators begging for the Senator from Elkhart. Why do they do it? If we are not entitled to our seats on account of having an office, can they have any doubt as to the Senator from Elkhart? None under heavens. Then why beg to have the matter of the Senator from Elkhart delayed? It is but a matter of justice to the gentleman claiming that seat to have this matter settled; and it is a matter that the Democratic party on this floor owe to themselves to say they are not defering this matter. The Senator from Elkhart may serve them a better purpose than the other Senators—the young Democratic Senator from Elkhart. [Laughter in the lobby by one or two voices.]

The PRESIDENT: Order must be kept in the lobbies or they will be cleared.

Mr. MELLETT: He has never deceived me since the first two weeks I made his acquaintance. I always knew he would not do to be trusted, and I say to his Democratic brethren, don't trust him out of your sight. If you do, you are sold out just as sure as you do it. The gentleman [Mr. Murray] says he remained in his seat when the Republican Senators were bolting. If he did, there were two other Republican Senators in. A man that would beg for his seat upon this floor, begging time and again—who would face upon his constituents who elected him, and face upon the men who he says he came here to act with, for the purpose of keeping his seat, is not to be relied on and not to be trusted. I insist, we are doing injustice to him properly entitled to a seat upon this floor—Mr. Baker. The Committee on Elections have decided unanimously against the Senator from Elkhart and, I am informed, without hestitation from the start; and yet the Senator is begging and asks that this matter shall be postponed. If gentlemen see proper to postpone this case till the last day of this session it will be done over my vote and by reason of the complications involved in the question I speak about.

Mr. COBB called the Senator to order. His remarks were offensive not only to the Senator from Elkhart, but to the Senate. They were unparliamentary.

Mr. MELLETT explained that the Senate owed it to themselves to settle this matter. The people might impugn their motives. This was all he designed to say.

The PRESIDENT hoped that gentlemen would discuss the question without excitement.

Mr. MURRAY said that the Senator from Henry could not point to a single vote on any question, when National questions were involved, where he had not recorded his vote with his party friends.

Mr. BROWNE, of Randolph, asked if he did not vote for the rejection of the Corrinth resolutions?

Mr. MURRAY did so vote, but there was no national question involved there. The resolutions were disrespectful to the Senate. He voted against an amendment offered to the printing office bill by the Senator from Henry, and that gentleman then called him a "d—d traitor to the Republican party." He could not resent the insult then as a man should, and perhaps he was a little warm in his reply to the imputations cast upon him this morning by the Senator from Henry.

Mr. MANSFIELD said that he had always been a friend of the Senator from Elkhart (Mr. Murray) but as he had attempted to make it appear that the minority here were revolutionists, it was proper for him to say that, in a caucus, when he (Mr. Mansfield) had opposed the proposition to bolt, the Senator made no opposition, but asked the privilege to come into the Senate and sit there, that it might not injure his chances of keeping his seat, knowing that his presence could not help to make a quorum.

Mr. SHIELDS, in behalf of the Election Committee, declared that it had not been influenced by the motives alleged by the Senator from Henry (Mr. Mellett). The delay in making a report was because it was a long, litigated case.

Mr LANDERS demanded the previous question.

The demand was seconded, and the motion to postpone agreed to; by yeas 24, nays 21.

A report from a committee, recommending that the bill S. 88, (page 118;) be laid on the table, was concurred in.

RELATING TO CORPORATIONS.

Mr. Bearss' plank road bill, (see page 122,) was read the third time and passed; by yeas 26, nays 15.

PAY OF SOLDIERS.

Mr. HORD offered a resolution, which was adopted, requesting Governor Morton to respond to the inquiry of the Senate in regard to the amounts of pay due the soldiers from Indiana.

NEW PROPOSITIONS.

Mr. HORD offered a joint resolution [16] declaring that the conscript law passed by Congress was subversive of State sovereignty, and its enforcement should be legally resisted.

The following bills were introduced, read the first time, and severally passed to the second reading, to-wit:

By Mr. FERGUSON, [161] to enable Courts of Common Pleas to hold special terms at any point agreed upon. (Read twice under a suspension of the rules.)

By Mr. HARTLEY, [162] to amend section 14 of an act providing for the election and qualification of Justices of the Peace, approved June 9, 1852.

By Mr. LANDERS, [163] to amend the 18th section of an act for the organization and regulation of the Indiana militia, approved May 11, 1861.

By Mr. DOWNEY, [164] providing for the payment of the Indiana Legion and other troops for services in defending the Ohio River border, and providing payment of other expenses of said troubles during the time of such service. (Rules suspended and read twice.)

By Mr. CULVER, [165] requiring Recorders to record stamps on instruments, or otherwise indicate the fact whether the same is stamped or not, and making the record thereof, or copies of the same evidence of such facts. (Rules suspended and read twice.)

By Mr. JOHNSTON, [166] to establish an Agricultural College, to teach such branches of learning as are relative to agriculture and the mechanic arts, military tactics, normal school instruction, and such other scientific and classical studies as the Board of Trustees of said College may direct, and to appropriate revenues for its endowment, support and maintenance, and to provide a Board of Trustees for its management.

By Mr. WRIGHT, [167] to authorize the sale of land deeded to the State by M. G. Bright, lying in Jasper and Newton counties, and prescribing the manner of making such sale, and granting pre-emption to attract settlers on said land.

AFTERNOON SESSION.

On motion by Mr. BROWN, of Wells, his joint resolution, [15]—introduced day before yesterday—authorizing the Committee to investigate the State Quartermaster's Department, to sit after the adjournment of the Senate, was read the second time.

Mr. BROWN, of Wells, moved to suspend the rules and read the resolution the third time.

Mr. MARCH moved to amend by making the joint committee to consist of five instead of nine. He was opposed to the entire measure, but if it was decided to have the Committee sit after the adjournment, five could do just as much work as nine. There had been no fact presented yet to the Senate that, in his opinion, would justify the authorizing the committee to sit.

Mr. BROWN, of Wells, read from the report of the Congressional Committee, made to Congress by Mr. Washburn, to show the necessity of the investigation, and the importance of the matters to be investigated.

Mr. JOHNSTON moved to amend the amendment by making the number three, one from the Senate and two from the House.

Mr. BROWNE, of Randolph, said that it was simply absurd to suppose that the committee could investigate matters of the importance proposed during the sitting of the Senate. It would take all their time. He thought also the number in the resolution (nine) was not too large. The affairs not only of the Quartermaster's Department, but of the Commissary Department, the Arsenal, and the purchase of arms, needed investigation. There was much work to do. On the score of expense gentlemen need not think there would be any unnecessary expense. It is time that investigations should be had, and if corruptions existed they should be exposed.

Mr. MELLETT did not think a committee of nine too large. If they attempt to examine all the vouchers it will take them two years; but if they only investigated cases of alleged fraud, it could be done in two or three weeks.

Mr. CLAYPOOL was opposed to the appointment of the committee. The Government had already settled the claims that the Congressional Committee attended to. But if it was raised; three would be sufficient.

Mr. DUNNING (Mr. Cobb in the chair) said that if the committee was reduced to three the Senate would have to appoint either a Democrat or Republican, and one party in this chamber would not be represented on the committee. It was useless to deny that there was more or less party feeling in the matter, and parties should have a fair representation in the investigation. The committee should not be less than five, although he would prefer nine. If the State authorities should come out clear, their reputation would be enhanced. He gave them the benefit of the law, and believed them guiltless, and would believe them guiltless until they were proved criminal. The people demanded it, and they should be gratified.

An amendment, making it two from the Senate and one from the House was adopted; by yeas 32, nays 15.

The motion to suspend the rules was rejected; by yeas 16, nays 30.

Mr. BLAIR made an ineffectual motion to amend by limiting the sitting to thirty days, and to strike out all that empowers the committee to employ a Clerk and Doorkeeper.

On motion of Mr. BROWNE, of Randolph, the joint resolution was referred to a select committee.

ARBITRARY ARRESTS.

On motion by Mr. RAY, his bill 114, (see page 146) was read the third time and passed; by yeas 29, nays 11.

NEW PROPOSITIONS.

The following bills were introduced, read the first time, and severally passed to the second reading:

By Mr. FERGUSON, [168] to prevent the abandonment of plank, turnpike roads, McAdamized and gravel roads in certain cases, and declaring who shall not be liable to pay toll on such roads in certain cases.

By Mr. HORD, [169] to amend section one of an act to amend section seven of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State approved March 5, 1859, so as to change the time of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect, approved March 9, 1861.

BREVIER LEGISLATIVE REPORTS.

Mr. CORBIN offered the following:

Resolved, That the Doorkeeper be directed to contract with W. H. DRAPIER, for six hundred copies of the BREVIER LEGISLATIVE REPORTS—being the usual number furnished for the use of this Senate every session since 1857—the same to be sent by express, an equal number of copies to each Senator, as soon as possible after the adjournment of the session—*provided* said Reports shall not cost more than one dollar per copy.

On motion by Mr. RAY, the resolution was amended by providing that one copy for each Senator should be bound.

On motion by Mr. CLAYPOOL, the resolution was further amended "so as to require the copies to be furnished within 60 days from the adjournment."

Mr. MOORE made an ineffectual motion —affirmative 15, negative 22—to reduce the number of copies to 300.

On motion by Mr. HORD, the vote agreeing to the amendment restricting the time of publication to 60 days was reconsidered.

The question recurring on the amendment (Mr. Claypool's)—

On motion by Mr. HORD, it was laid on the table.

On motion by Mr. CLAYPOOL a proviso was added "that said Reports shall not be paid for till printed."

The resolution, as amended, was adopted by yeas 27, nays 19—as follows:

YEAS—Messrs. Blair, Bradley, Brown, of Wells, Cobb, Corbin, Davis, of Cass, Dickinson, Douglass, Downey, Dunning, Ferguson, Finch, Gaff, Gifford, Graves, Hartley, Hoagland, Hord, Landers, McClurg, Marshall, Murray, Ray, Reed, Williams, Wilson and Wolfe—27.

NAYS—Messrs. Bearss, Berry, Browne, of Randolph, Campbell, Claypool, Culver, Davis, of Parke, Fuller, Grubb, Jenkins, Mansfield, March, Mellett, Moore, New, Pleak, Teegarden, White and Wright —19.

CONTESTED ELECTION CASES.

Mr. DOWNEY offered a resolution allowing John H. Baker and William H. Dills, contestors for the seats of Messrs. Murray and Dickinson, the pay and mileage of Senators from the first of the session until the time their cases were decided.

The resolution was referred to the Committee on Finance, with instructions to inquire into the justice of the claim, and, also, as to the claim of Alexander White, the contestor of the seat of Mr. Browne, of Randolph.

On motion of Mr. BLAIR the several contested election cases were taken up.

The Senate then adopted the resolutions declaring that Messrs Dickinson, Browne, of Randolph, Mellett, Bearss, Ray and Teegarden were entitled to their seats.

NIGHT SESSION.

Senate bills 154, 155, and 156 (see page 167;) were read the second time and referred to appropriate committees; as were also Senate bills 17, (p. 60;) and 54, (p. 92;) which were taken from the table for that purpose.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. CORBIN, [170] a bill repealing sections 1, 2 and 12 of an act to provide for the erection of a new prison north of the National Road, approved March 5, 1859, and an act supplemental thereto, providing for the election of officers for the Northern Prison—prescribing some of their duties, providing for the government of said prison, and other matters properly connected therewith, and continuing in force all laws applicable thereto, and not inconsistent therewith. (Read twice.)

By Mr. HORD, (171) to classify the incorporated cities of the State of Indiana, and for the better regulation of the police of the same.

House bills 47, (see page 57;) 130, (p. 112;) 142, 143, (p. 121;) were read the first time; and 91, (p. 85;) and 149, (p. 122;) were read twice and appropriately referred.

HONOR TO OUR SOLDIERS.

The joint resolution H. R. 15 (printed on pages 77 and 78 of these Reports,) was read the second time.

Mr. DICKINSON moved to amend by striking out the word "Librarian" wherever it occurs, and inserting in lieu thereof the words "Adjutant General," and by striking out "$500" and inserting "$300."

On motion by Mr. COBB the amendment was laid on the table; by yeas 19, nays 15.

Mr. MARCH moved to amend by striking out $500.

Mr. COBB moved to lay the amendment on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 13, nays 20—no quorum voting.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 27, 1863.

The reading of the Clerk's minutes of Wednesday's and Thursday's proceedings was dispensed with.

Mr. HARNEY, from the Committee on Ways and Means, reported that the State was not liable for any fraudulent stocks issued, and introduced a joint resolution [34] to appoint a Commission to obtain the cancellation of the fraudulent Indiana five per cent. stocks, which was read the first time.

REPORTS FROM COMMITTEES

Recommending that House bills 135, (see page 115;) 194, (p. 152;) 216, 222, (p. 155;) 240, (p. 163;) and 243, (p. 167;) be laid on the table, were severally concurred in.

Mr. PACKARD, from a majority of the Committee on Federal Relations, reported on joint resolutions 7, 13, 16, 20, (all in relation to the state of the nation, which assert the right of the President to suspend the writ of habeas corpus and justify military arrests, and pledge to the Government support in every act done to suppress the rebellion); that the majority of the committee dissent from the resolutions, and the report at length argues the question. The majority hold Chief Justice Taney's decision in Merriman's case in 1861 as binding till reversed. They also rely upon Seward's opposition to the fugitive slave law, because it denied the right of habeas corpus to the negro; what was good for the negro was certainly good for the white man.

On motion of Mr. BROWN, the report was tabled, and 3,000 copies ordered to be printed.

Mr. GIVEN asked the favor of the House until Tuesday morning to make a report upon subjects not touched on in the report of the majority.

EMANCIPATION OF SLAVES.

Mr. PACKARD, from the Committee on Federal Relations, reported a joint resolution, [35] relative to the assumption of the President to liberate slaves in various portions of the United States, protesting against any such measure, and denying any right in the President in the regard; which was read the first time.

Mr. PACKARD, from the same committee, reported an amendment to his joint resolution, [2] in relation to compensation for emancipated slaves, declaring that the action of the President and Congress had no warrant in the constitution, and was in bold and wicked defiance of the rights of the people, and recommending its passage. The report was concurred in.

PAY OF SOLDIERS.

Mr. PACKARD, from the same committee, reported a joint resolution, [36] for payment of troops in the army in the legal and Constitutional coin of the United States; which was read the first time.

A NATIONAL CONVENTION.

Mr. BURTON offered the following, which was referred to the Committee on Federal Relations:

WHEREAS, The time allotted for the sitting of this Legislature is well nigh spent; and

WHEREAS, The people are looking anxiously for this Honorable body to adopt some measures which look to a cessation of hostilities, and to the establishment of an honorable peace; and

WHEREAS, It is evident that the demands of the people of Indiana in this regard will not be met, unless some prompt and immediate action is taken; therefore,

Resolved, That the Committee on Federal Relations be, and are hereby, instructed to report to this House, on Wednesday morning, March 4th, next, a bill or joint resolution, recommending, or embodying, in substance, the following propositions, viz:

1. That we favor the calling of a National Convention, at as early a day as practicable, in the city of Louisville, or at such other place as may be designated, with a view of restoring peace to a divided and distracted country.

2. That we memorialize Congress to act promptly in this emergency, and to devise means by which the wishes of the people may be expressed through a National Convention, at the earliest possible day.

3. That in the event of such a Convention, we will instruct our delegates thereto to oppose the prosecution of the war for another day, or another hour, while the President adheres to his abolition policy, and disregards the restrictions imposed by the Federal Constitution.

4. That Indiana will not willingly furnish another man or another dollar for the further prosecution of this wicked and unnatural war, (if the Administration is determined to further wage it, in spite of the wishes of the people,) unless it is explicitly and unequivocally understood that it shall be waged *solely* for the preservation of the Constitution, and the restoration of the Union under the Constitution, "with all the rights, dignity and equality of the several States unimpaired."

ARBITRARY ARRESTS.

Mr. Brown's resolution, granting leave to the Committee on Arbitrary Arrests to sit thirty days after adjournment, &c., (see page 176,) was taken up.

Mr. BROWN stated that some outrageous arrests had taken place very lately which ought to be investigated, and they wanted more time. It was an utter impossibility for the committee to report during this session.

After debate an amendment authorizing three of the committee to sit was agreed to, and the original resolution was adopted—upon a division of the House, affirmative 26, negative not counted, the minority giving it up.

AN EXECUTIVE COUNCIL.

Mr. GRIFFITH offered a resolution indefinitely postponing the militia bill H. R. 221, as its discussion and passage would inflame the public mind, and tend to bring about a state of anarchy.

Mr. GRIFFITH. Mr. Speaker: I propose briefly to discuss the merits of this bill, in connection with the resolution which I have offered indefinitely postponing it, and endeavor to point out to gentlemen constituting the majority here why the bill should be laid aside.

I conceive this bill to be a flagrant violation of the constitution of Indiana, and it seems to me, without question, that it is intended by it to divest the Governor of his rightful authority as Commander-in-Chief of the military forces of the State, to set up a provisional military Government, composed of the officers of State, who, so far as military matters are concerned, shall virtually hold and exercise the executive power, and by so doing depose our worthy chief magistrate from the position assigned him by the constitution, the law, and the voice of the people of the State.

The subsequent effect may also be, to paralyze the efforts of the State in sustaining the general government, and induce a neutral position, if not a worse one, on the part of Indiana towards putting down the rebellion.

Messrs. ROBERTS, BUSKIRK, (Mr. Packard in the Chair) and HANNA severally desired Mr. Griffith to point out those sections of the bill (221) which were unconstitutional.

Mr. GRIFFITH. Section 11 of this bill constitutes the Secretary, Auditor, and Treasurer of State, and the Attorney General a Military Board, who shall appoint the Major and Brigadier Generals of the militia of Indiana, and really commission them as such. 'Tis true the bill says, "*they shall recommend* to the Governor suitable persons to be appointed," but also says, "at the time of recommending a person for appointment as above, the said officers of State shall make out and deliver to such person a *certificate* to the effect that he has been *chosen* Major or Brigadier General, as the case may be, which *certificate* shall have all the force and *effect* of a *commission*, until a commission issued by the Governor has been received." If they never should be commissioned by the Governor, they are already virtually and fully commissioned by this military board, viz: the officers of State.

I came here to abide by and render obedience to the constitution and the forms of law, and while the majority of this House conform thereto, I will remain in my seat, but whenever the majority, in endeavoring to carry through party measures of this and like character, seek to commit what I hold to be a gross infraction of the constitution of Indiana, I will not sit here and see it done. I would not have bolted upon the election of United States Senator if other gentlemen upon my side of the House had done so, for that question was settled at the October election. When the Democratic party sent up their Representatives to this Hall, they sent a majority, and it was their right under the constitution and within the law, to select whom they pleased to represent them—even Jesse D. Bright—even one whose loyalty was questioned; for the United States Senate has the right to judge of the qualifications of its own members, and can receive or reject them at its own option. But now a measure is introduced which is in contravention of the constitution, and the passage of which will inflame the already overwrought public mind to the point of anarchy, bloodshed and ruin.

The Constitution makes the Governor Commander-in-Chief of the military forces of the State. If Major and Brigadier Generals are to have certificates issued to them, by this Military Board, which are as valid as commissions from the Governor, what, I ask, is the necessity of commissions at all? It is absurd to pretend to bestow upon the Governor any power in this regard at all, when this Military Board of State officers are really invested with the whole, and can do as they please—the Governor and his constitutional privileges to the contrary notwithstanding.

Section 13 gives the Brigadier Generals appointed by this Military Board power to disband a company or regiment, in case of subordination, and take from them their arms, without assent or dissent by the Governor.

Sections 22 and 23 take from the Governor his power in regard to the control of the arms.

Section 22 makes it the duty of the Staff officers of the Major General "to forthwith call in all the arms, military accoutrements, and munitions belonging to the State." They, when called in, "shall be kept in a safe place, and in good order, by the Assistant Quarter Master General, on the Staff of the Major General, and issued by him in accordance with the directions of the officers of State."

Section 23 says "the requisition of the Brigadier General for arms shall be directed to the Assistant Adjutant General on the Staff of the Major General, and shall designate the number of arms required, and the person to whom and the place to which they are to be sent." The requisition shall be "laid before the officers of State, and if approved by a majority of them, shall be served on the Assistant Quarter Master General, who shall ship the arms designated to the person and place designated without delay."

Section 30 reads, "No person holding an office under the Government of the United States shall hold one in the militia of Indiana."

Now, Mr. Speaker, we find this state of facts: the Assistant Adjutant General and Assistant Quarter Master General are the creatures of the Major General, and he in turn is the creature of the Military Board, and they are all independent of and uncontrolled by the Executive power proper of the State.

Now it must be plain to every gentleman upon this floor that this bill has provisions violative of the constitutional pow-

er of the Governor such as to perfectly nullify that power, and set up instead another Executive, namely, the Military Board. I ask, would the majority have conceived any necessity for this bill and this attempted division of power had the officers of State named in this bill been of the Republican party? I understand the gentleman from Marshall, now in the Chair, (Mr. Packard) made a speech in Plymouth, recently, and I believe he assents to the truth of the statement, and I do not desire to misrepresent him, in which he said "they intended to have the lion (meaning Governor Morton) shorn of his power." I believe the present bill was framed for that purpose, and I will oppose it by all legitimate means, and I ask the majority not to attempt to press it further upon the minority of this House. Whenever the majority determines to do that which is outside of the provisions of the constitution, I will not remain and be a spectator of it. 'Tis true I have not yet left my seat; but the spirit is willing, and I am in sentiment and purpose with those members who have vacated theirs. And though they have been denounced as seceders and rebels, for resisting an attempted gross infraction of the constitution, with what consistency are those charges made, when members of the majority have frequently said here "that they would not vote another dollar or another man towards the prosecution of this war while this 'infamous Abolition proclamation of the President,' (as they are pleased to term it) is in force." It has also been said by the gentleman from Jackson, (Mr. Brown): let us conform to principle, and let expediency take care of itself. So I say, sir, and the minority of this House, who are resisting this bill by what gentlemen see fit to term rebellion and secession, are governed by principle in so doing;—by a sense of duty to their constituents, to the State, and the nation.

Mr. HANNA. If the majority attempt to pass this bill will the gentleman from Lagrange secede from the House?

Mr. GRIFFITH. If it is, as I conceive, that this bill violates the constitution, I will not deem it my duty to remain here and make a quorum to aid in its passage.

Mr. HANNA. What is the difference between you and the South?

Mr. GRIFFITH. The Government of the United States had committed no trespass upon the rights of the seceding States—nor attempted any infringement of their Constitutional privileges. I make a difference between secession and revolution.—When the fundamental rights of the people are invaded, and they have no redress under the constitution by which they are held together, then the right of revolution begins.

Mr. Speaker, I have been informed through unofficial sources that the majority do not purpose to pass this bill. If so, now is the proper time to show it by the adoption of the resolution I have offered. I believe this bill ill-advised and ill-timed to say the least. The public mind is in a state of ferment, easily precipitated into civil war, and this feeling not only seems to influence gentlemen upon this floor, but pervades the whole mass of our people. I believe that, as true as God reigns, if this bill becomes a law, nothing can prevent civil war upon the soil of Indiana. Shall we confine ourselves to the legitimate business of this session, and lay aside these measures of discord, or shall we go beyond our proper sphere and privileges of legislation, and invoke the horrors of civil war here?

I came here, sir, elected upon an Unconditional Union ticket. I came here in one sense a no-party man, and resolving to know no party save that which gave a steady and unfaltering support to measures of the government in putting down treason and cementing the Union. 'Tis true I am an intense hater of the system of slavery, for I was born and reared among it, and know its objectionable features, and I would be glad to see slavery stricken out with the left hand whilst rebellion was being crushed by the right hand of this government. But my love for the Union being paramount, if the crushing of rebellion and the restoration of the Union does not *now* obliterate slavery, I should gladly accept the first condition of things alone, hoping that justice would eventually bring liberty to the African race; for without it we can never have permanent peace. I therefore call upon every gentleman here who loves civil and religious liberty, who professes to revere the principles of our government and its constitution, who looks with pride upon the emblem of our nationality, who desires the supremacy of law and order instead of civil war and a divided government, to lay aside the spirit of party which seems to animate them, to lay aside these schemes fraught with anarchy, and come up as one man and one party in support of the national and State governments, without prescribing *any* conditions upon which we will sustain them.

I know that the paramount object of the government is to restore and maintain the integrity of the Union, and in view of that purpose I can endorse any and every measure having that intention which it may adopt, the President's proclamation included. With me it is a conscientious duty. I may say here that I have been accused of having too much conscience.—I think there is some hope of a man when he is willing to exercise it, and does not permit party to override and silence it. I thank God I think I have a regard for the monitions of conscience, and that I find one Democratic gentleman upon this floor

who is alike conscientious with myself, who voted against the engrossment of this objectionable bill—I mean the gentleman from Cass (Mr. Lasselle). I take him by the hand, and bid him God speed.

In conclusion, sir, I earnestly trust that the resolution I have offered will be adopted by the majority on this floor, and the bill be indefinitely postponed, that we can then come together and go on with the legitimate business demanding our attention.

The appropriation and other bills should be passed, but if the passage of this military bill is to be made a *sine qua non* to the carrying through of those necessary measures, I say, knowing as I do the intention of the minority of this House, that unless this bill is abandoned legislation is at an end for this session, and we had as well adjourn to our respective homes.

I think gentlemen will bear me witness that my course here has been such at all times as was calculated to allay rather than promote excitement, and that, as a Representative of the people of Indiana, I felt that it became me to endeavor to unite the people of our State in these times of peril, and I say now that if by my act I could bring Indiana united to sustain our government, put down rebellion, and re-unite this distracted country, I would give up all I hold dear in life, and would feel like going to the scaffold, if it became necessary, in accomplishing so desirable a condition of things.

Mr. HANNA. The gentleman goes further than Alexander Stephens, of Georgia, ever went. He asserted the right of secession only when the majority said it was right. He (Mr. Hanna) had taken an oath to support the constitution. He had carefully looked at the measure of it. And he allowed no man to assume a superiority over him in rendering obedience to that oath. He had introduced this bill. The Governor of Indiana, whom the gentleman contended was to be shorn of his rightful powers by this bill, was simply the Executive of Indiana. In order to create a military and naval force over which the Governor should be Commander-in-Chief, it certainly did demand legislation, under the constitution, at our hands. The last Legislature conceived it its duty to legislate in this regard. His principal objection to the law now existing was that too much power was placed in the hands of one man. He stood here opposed, as he always had been, to one-man power—to taking that power from the people which belonged to them only. He stood not here as the traducer of Governor Morton; but shall we give him the right of absolute domination over the people of the whole State? The Constitution provided expressly that the organization of the militia should be by law. He compared the clauses of the bill objected to with the clauses of the Constitution bearing on them, and made a conclusive argument in their favor. The officers of State who were made by the bill advisers of the Governor had no duties to perform but those prescribed by law. The Legislature could contract or expand those duties. When gentlemen talked about this bill infringing on Governor Morton's constitutional powers, they did not know what they were talking about. Here in the Constitution was an express declaration that the officers of State should perform such duties as the Legislature enjoined upon them. Governor Morton, or any other Governor, must obey the constitutional laws put by the people's representatives upon the statute book. In the national government all appointments were made only upon consultation and advice of the President's Cabinet. For more than half a century the American people had acquiesced in the constitutionality and propriety of the procedure. You could not deceive him with reports purporting to come from the soldiers. He knew their sentiments. He had had some opportunities to know their sentiments. They were with the people of the State, and if rightful legislation was sought to be defeated by revolutionary proceedings they would unite to overwhelmingly rebuke it. He was opposed to revolution. He was opposed to any violation of law. But if threats uttered by the minority were carried out, he would ask gentlemen what state of things they would expec throughout the State? Certainly four men freshly elected by the people were to be trusted as the advisors of an accidental Governor. The hour was gone by when a minority can seek to drive a majority by secession. The Legislature had not the power to make the law constitutional unless it was so. The Supreme Court must pass upon it, and if valid, it would stand; if not, it would fall.

AFTERNOON SESSION.

Mr. NIBLACK moved to refer the resolution to the Judiciary Committee.

Mr. HANNA said that to refer the resolution was the same thing as to refer the bill, which had passed to engrossment.

Mr. HARNEY had opposed some of the features of the bill. He thought, however, that the argument that it took from the Governor any of his rightful powers, was not well founded. That he should have the sole power of distribution of arms and commissioning of officers of militia was a streteh of prerogative not granted even to the President. Heretofore the Governors had nothing to do with the distribution of arms. Under the law the County Auditors made requisitions of arms, and the Governor was bound to obey, and the County Auditors distributed the arms.—This had been the law, and any opposition to it was, in his opinion, intended to give

the Governor unwarranted and unconstitutional powers. He read from the present law, introduced by the Republicans, and passed and approved by the present Governor, to show its odious features. A mere Deputy Sheriff, a man never selected by the people, might order the officers of the militia to fire upon a mob, and if they fired blank cartridges, they, the officers, were to be held answerable for punishment. A Deputy Sheriff; a man whom perhaps the people did not know, a man employed perhaps by the Sheriff a little cheaper than anybody else, could, under the present law, do these things. The bill now under consideration contained no such bloody provisions.

The motion to refer was agreed to.

NEW PROPOSITIONS.

The following bills were introduced, read the first time and severally passed to the second reading:

By Mr. NIBLACK, [251] amending section 11 of an act organizing the militia—requiring election of regimental officers by the regiments for four years. Section 18 is amended so that arms shall be issued on a requisition of the Quartermasters, in case of invasion, approved by the Governor, Secretary of State, and Auditor.

By Mr. GARVIN, [252] amending sections 83, 84, and 85 of the act for the incorporation of cities.

By Mr. HANNA, [253] amending section 24 of the act for opening, vacation, and change of highways.

By Mr. NIBLACK, [254] touching the public arms of the State, and regulating their distribution.

By Mr. LASSELLE, [255] amending section 16 of the law regulating descents.

By Mr. BUSKIRK, (Mr. Howk in the Chair,) [256] for the relief of Isaac D. Johnson.

WORK FOR COMMITTEES.

House bills, [247] for the relief of Ann Blizzard, (introduced by Mr. Snoaff, of Allen, last Saturday;) 248, 249, 250, (see page 172;) and 251, (see a few lines above) were read the second time and appropriately referred.

The bill S. 79, (see page 113,) was read the first time.

COMMUNICATIONS.

The SPEAKER laid before the House a communication from the President of the Board of Sinking Fund Commissioners, stating that the losses to the fund thus far are $3,283;

Also, a communication, signed by many citizens, congratulating the honorable Democratic members of the General Assembly on the glorious success of the Democratic party, and making sundry sensible suggestions as to their duties;

Also, a communication from Major General Rosecrans, thanking the Legislature for their resolutions adopted with regard to the battle of Stone River, and speaking at length of the duties of citizens at home with regard to soldiers in the army fighting the battles of the country;

Also, a communication from citizens of the county of Monroe, with reference to the formation of societies for public discussion of the affairs of the country, in favor of an armistice and a National Convention for the restoration of the Union, for legislation enforcing the 13th article of the Constitution, expressing unalterable opposition to the present "unconstitutional and Abolition" war, and denouncing, repudiating and condemning it, as pursued only for the purpose of freeing Sambo and Dinah; and insisting that Democrats had had their rights trampled on about as long as they could stand it;

Also, a communication to the same purpose from citizens of Rush county.

LEGISLATIVE APPORTIONMENT.

The bill [S. 111] apportioning the State for Senatorial and Representative purposes, being read the first time—

Mr. BUSKIRK (Mr. Milroy in the chair) moved to reject it.

Mr. MUTZ moved to table the motion, which was agreed to.

Mr. NIBLACK demanded a call of the House.

The House seconded the demand, the call was ordered, and the following members answered to their names:

Messrs. Anderson, Baker, Byerle, Branham, Budd, Cason, Cass, Chambers, Davis, Forester, Gregg, Gregory, Hershey, Higgins, Hostetter, Hutchins, James, Johnson, Jones, Kendrick, Lamb, Leeds, Moorman, Morgan, Mustard, Newman, Noyes, O'Brien, of Hamilton, Perry, Pettibone, Roe, Stone, Tarkington, Van Buskirk and Woodruff—35.

No quorum being present, the House adjourned.

IN SENATE.

SATURDAY, February 28, 1863.

Mr. BROWN, of Wells, from the special committee thereon, reported a joint resolution, [17] as a substitute for joint resolution S. 15. (It creates a committee of five, three from the House and two from the Senate, to sit after adjournment, to investigate the State Quartermaster's Department, which was read the first time.

RAILROAD MANAGEMENT.

Mr. DOWNEY, from the Judiciary Committee, made a report recommending the passage of the bill [H. R. 91] providing for compensation for stock killed by railroads and other public conveyances.

Mr. MANSFIELD opposed its passage in a speech of great warmth, and its passage was advocated with equal force by Messrs. WILLIAMS, DOWNEY, SHIELDS and COBB.

The bill passed; by yeas 32, nays 8.

Mr. BROWNE, of Randolph, presented

a memorial from the officers and men of the 19th regiment.

Mr. NEW presented a memorial from the 20th regiment.

Mr. BROWNE, of Randolph, moved their reference to the Committee on Federal Relations.

Mr. COBB did not object to the reference. He simply asked what object was had in that reference?

Mr. BROWNE, of Randolph, did not anticipate a special report. It was simply a guide to that committee in any resolutions they might hereafter present.

Mr. RAY moved to amend the motion by including in the reference all similar papers. There were a number of them.—Unfortunately the soldiers in the field labored under the delusion that the Legislature was engaged in some treasonable scheme. He did not know how or by what means this delusion had been created, but the Legislature owed it to themselves and to the army to reply in a temperate manner to these papers.

Mr. COBB desired that the course indicated by the Senator from Shelby should be adopted. It was evident that influences had been used to mislead the soldiery, and he desired that they should be in possession of the facts connected with the action of this body.

Mr. MARCH did not object to the reference, but contended that the soldiers had ground to be alarmed about the course this Legislature would take. The armistice measures alone was enough to create alarm in their minds.

Mr. DUNNING (Mr. Corbin in the chair) said it was due to the people of Indiana and the Democratic party to brand the insinuations contained in the memorial with the lie. Since the commencement of this session we have been insulted by memorials and communications sent to this body by men who pretend to understand that we have been engaged in treasonable practices, and still the Senator from Delaware (Mr. March) is unable to point out these treasonable practices. The Democratic party has done nothing to arouse the suspicions of this regiment, or any other regiment in the army of the United States. What has this Legislature done that it should be so charged? Is it because they have thanked General Rosecrans and the men under him for their heroic bearing at the battle of Murfreesboro? Is it because they have thanked the Governor for his devotion to the sick and wounded soldiers of Indiana? Is that the treason of which these men speak? Is it because the Democratic side of this Chamber have voted $2,000,000 for the purpose of liquidating the indebtedness of the General Government to Indiana volunteers? Is that the treasonable conduct of which the majority of the Indiana Senate has been guilty? He would go as far as the Senator from Delaware, or any other Senator in this Chamber, for the purpose of upholding the hands of those men who peril their lives and the happiness of their families at home for the purpose of maintaining the Constitution of the United States and the integrity of this Government.—The minds of the soldiers have been poisoned—they are laboring under misapprehensions—their true friends are to be found in the ranks of the very men they are abusing. If they knew what were the intentions and the conduct of the Indiana Legislature, you would not see such memorials as have been presented here to this Legislature. It all proceeds from the fact that misrepresentations have been made to them. If these treasonable practices have been carried into effect, or an attempt has been made to indulge in treasonable practices, let them be pointed out—let public attention be drawn to it, and the men in these regiments are as capable, as the same number of any other men, of judging whether a man is guilty of treason, or of disloyal or treasonable practices; but they must have the correct information given to them.

Mr. REED. I cannot do justice to my own feelings and remain silent during this discussion. The memorial under consideration comes from the 20th Indiana, in whose ranks I have endeavored to serve my country by meeting her enemies upon the ensanguined battle-field, under the folds of whose glorious war-worn banner my brave, patriotic boy breathed his last breath, and shed his last drop of life-blood in the defense of his country and its star-spangled emblem. When the war-worn veterans of the glorious old 20th, the bones and blood of whose fallen comrades bleach and crimson a score of hard-fought battle-fields, are attacked, either openly or by inuendoes, others may remain silent—I cannot.

It is said, Mr. President, that the Indiana soldiery have been imposed upon by artful and designing demagogues, whose object is to malign the motives and purposes of the dominant party in this Legislature, and in the State, that they may draw to their support the political influence and power of the soldiers on their return from the war. It is said, sir, that the soldiers are made to believe that the Democratic members of the Indiana Legislature are disloyal, and are plotting treason against the State and government; when, in truth, they are of all men most loyal to the country and faithful to its constitution; and they propose to report an address to our soldiers in the field, undeceiving them as to the purposes of the Legislature and of their Democratic friends throughout the State. Well, sir, the soldiery may be misled, and for the good of our beloved country I most devoutly trust there may be no real foundation for their apprehensions of

bad faith on the part of the dominant party in the Legislature.

But, sir, what are the charges that the soldiery make against the Legislature? They are not, sir, general charges of disloyalty, but they specify the measures which they have reason to believe are purposed by the majority here, and which they see fit to regard as disloyal. Some of those measures are, 1st—The erection of a Military Board which is to supersede the Governor in his constitutional control of the State, thus crippling her efficiency as a war power by placing her military strength under the control of those who are opposed to the further prosecution of the war; and 2d—An armistice by which the army of the Union would be withdrawn from the rebel territory, and diplomatic negotiations instituted in place of the rifle and the sword, which must necessarily end in a reunion of the States by humiliating and disgraceful compromises with, and concession to, rebels, or a permanent disunion of the States and a recognition of the Southern Confederacy. Another is, encouraging desertions and protecting those who ignominiously deserted their comrades and the flag of their country in its time of need and in the face of the enemy.

These, sir, are some of the charges made by the brave and patriotic sons of Indiana, who are now offering their lives upon the altar of their country, against the Democracy in the Legislature and in the State. Is there no foundation for these charges? Have the soldiers been deceived? and if so who has deceived them? Is the Democracy of this Legislature and of the State in favor of stripping the Governor of his control of the militia of the State, and placing the management of military affairs in the hands of a military board who are averse to the further prosecution of the war? Sir, I need but refer Senators to the files of the Indiana State *Sentinel* and other Democratic newspapers of the State, containing reports of the proceedings of Democratic meetings for ample proof that this is a favorite scheme of the Indiana Democracy. This scheme has assumed the character of a bill, and is now pending in the other end of the capitol, where its passage could only be defeated by breaking a quorum and stopping legislation. In view of these facts, will Senators persist in saying that such purposes are not entertained by the Democracy of this Assembly—that the soldiers who believe that such intentions exist are misled into that opinion by unscrupulous and lying demagogues for mere partisam purposes?

But the soldiers have been fraudulently induced, say Senators, to believe that the popular sentiment in this Assembly and of this State is in favor of an armistice. Sir, I have the same kind of testimony to offer in support of the correctness of this opinion of the soldiers. Democratic meetings have lately been held in the various counties of the State, and the leading sentiment of such popular assemblages has been an armistice and negotiations based upon concession and compromise, for the settlement of our national difficulties.—Resolutions passed by a number of such meetings have been forwarded to this Assembly inviting its co-operation with them in forwarding the views and opinions of such meetings. Resolutions have been introduced into both branches of this Assembly adopting and endorsing the policy indicated by such meetings, and seeking to force it upon the administration at Washington as the policy; is advocated by every Democratic newspaper in the State; and yet Senators will be heard saying that no such policy is proposed by the Democratic party, and that the soldiers have been shamefully imposed upon by designing Republican demagogues for party purposes.

But the soldiers charge that this Democratic party is corrupting the army, promoting desertions, and harboring and protecting the dastards who have basely deserted their comrades and their country's flag in the presence of the public enemy. Sir, whatever may be said of deception upon the mind of the soldiery in reference to the project of a military board, and an armistice, surely, in this respect, it cannot be said that the soldiers in the field are imposed upon and misled by designing politicians at home. If the army is demoralized the soldiers know it, and know the cause also; and if desertions occur the soldiers know that, and the cause far better than we do at home. In that particular, sir, the soldiers have the advantage of us, and cannot be imposed upon by us.

[Mr. REED spoke at length, reflecting severely upon the course pursued by certain Democratic newspapers and legislators, continuing, by consent of the Senate, for nearly double the length of time prescribed by the rules.]

Mr. LANDERS was in favor of having the petitions referred, and a report made on them. They say they have been informed that certain things exist in Indiana. He wanted to know where they got their information. If Indiana is paying to send men into the army to demoralize it, the people ought to know it. They ought to know if the Governor's $100,000 contingent fund is to be expended in that way. The soldiers would not so far forget themselves as to make such charges, if they had not been misled by mischievous politicians who are trying to use the money of the people of Indiana to poison the minds of men in the army.

Mr. BLAIR. The Committee on Federal Relations have had these questions before them now for 52 days, and what have they done? We have heard no honest,

outspoken sentiment in favor of these soldiers who are risking their lives for the suppr ssion of this rebellion. Thus far the majority here have done nothing calculated to allay the suspicion of these soldiers.

AFTERNOON SESSION.

Mr. WILLIAMS spoke in defence of the Democratic party from the charges against them, and ably defended them, and vindicated the Democratic members of this and the last Senate against said charges.

Mr. CLAYPOOL spoke warmly on the other side, not charging the masses of the Democratic party with treason, but contending that they were being led astray by aspiring men.

Mr. COBB demand the previous question.

The demand was seconded by the Senate —yeas 27, nays 14—and the motion to refer was agreed to.

SHERIFFS' SALES.

Mr. HORD introduced a bill, [172] to amend section 1 of an act to amend an act entitled an act to revise, simplify and abridge the rules of practice, &c., approved June 18, 1851, which was read the first time.

BILLS ON THE THIRD READING.

The following described bills were read the third time and finally passed:

Mr. Howk's, [H. R 149] supplementary to an act incorporating manufacturing and mining companies; by yeas 44, nays 0.

Mr. Hord's, [S. 23] amending the Justice of the Peace act so as to authorize suits in replevin at any place where property may be found; by yeas 36, nays 2.

Mr. Johnston's, [S. 78] to amend the 8th section of the act in relation to County Treasurers, so as to require such officers to retain from county orders presented the amount due by the holder for taxes, by yeas 34, nays 3.

Mr. Landers', [S. 87] to punish election officers for receiving ballots of persons not entitled to vote, for abstracting or destroying ballots, for substituting ballots, and for allowing false names to be entered on poll books, or false counts to be made; by yeas 37, nays 0.

Mr. Davis, of Cass', [S. 138] to amend the title of an act to provide for increasing the capital stock of railroads; by yeas 38, nays 1.

Senate bill 110, (see page 129,) was taken up and ordered engrossed, as was 158, (p. 168,) after being read the second time.

NEW PROPOSITION.

Mr. RAY introduced a bill, [173] to amend sections six and twenty-eight of an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852.

Senate bills 167 and 168 (introduced yesterday) was read the second time and referred to appropriate committees.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 28, 1863.

The SPEAKER asked, "What is the pleasure of the House?"

Mr. BROWN moved to suspend the reading of the journal.

The motion was agreed to.

Mr. ATKISON moved a call of the House.

Mr. MILROY asked him to withdraw the motion, as it was inexpedient to press it.

The motion was withdrawn.

Mr. DONALDSON offered a resolution, that hereafter the names of all absentees without leave shall be entered upon the journal each day, and published in the newspapers recording the proceedings of this body.

Mr. GRIFFITH moved to table the resolution, and demanded the yeas and nays.

Mr. BROWN insisted that the resolution was unnecessary. The names of absentees would necessarily go on the journal, and the newspapers, without resolution, would take note of them. They ought to be so noted, in his opinion, and held up to the scorn and contempt of the world.

The resolution was withdrawn.

Mr. BROWN moved a call of the House.

Mr. HARNEY seconded the motion.—The minority had left this Hall for the purpose of impeding necessary legislation, and he wanted the responsibility fixed where it belonged. Under the Constitution we had no power to act for ordinary legislation. To carry on the legislation for four or five days, and at the last hour admit the bolters, the journals not showing a quorum all the time, puts a responsibility on us for the action of the House which he did not care to assume. Hence he wished a call of the House.

Mr. HOLCOMB hoped that the motion for a call of the House would not be persisted in. The minority, by leaving the Hall in a body, sought to defeat measures necessary for the interests of the State.—They alone were answerable. By their conduct they were digging their political graves. Let us remain at our posts and do our duty. Because the minority had been revolutionary we should not be idle, but should do all the business we can, read bills, receive reports, and place the responsibility of failure on those who had left us without a quorum.

Mr. LASSELLE coincided, and said we could have a call at the close of the evening session, and place the names of the absentees on the record. He hoped the call would not be pressed now.

Messrs. NIBLACK and ATKISON joined Messrs. BROWN and HARNEY in demanding a call of the House.

Subsequently, the motion for a call of the House was withdrawn, and the House adjourned—ayes 34, noes not counted.

AFTERNOON SESSION.

Mr. MUTZ moved a call of the House.

The motion was agreed to, and the following members were ascertained to be absent without leave:

Messrs. Abdill, Anderson, Baker, Branham, Budd, Byerle, Cason, Cass, Chambers, Davis, Forester, Gregg, Gregory, Hershey, Higgins, Hostetter, Hutchings, James, Johnson, Jones, Kendrick, Lamb, Leeds, Moorman, Morgan, Mustard, Newman, Noyes, O'Brien, of Hamilton, Perry, Pettibone, Roe, Stone, Tarkington, Van Buskirk and Woodruff—36.

The following members were ascertained to be absent with leave:

Messrs. Abbett, Blocher, Hall, Kilgore, Lake, Marshall, Pendleton, Puett, Shoaff, of Allen, Spencer and Woollen—11.

Fifty-three members answered to their names, when for want of a quorum the House adjourned.

IN SENATE.

MONDAY, March 2, 1863.

Mr. Landers' bill, [S. 103] to amend sections 18 and 20 of the election law—providing for the numbering and enveloping of ballots cast at elections, &c., was read the third time and passed; by yeas 28, nays 14

The morning hour was occupied in the consideration of reports from committees.

AFTERNOON SESSION.

Mr. RAY, from the Judiciary Committee, reported back the bill [S. 140] to enforce the 13th article of the Constitution with amendments. The amendments were adopted.

Mr MARCH moved to amend by striking out the clause which requires Clerks of Courts to summon negroes before them to prove their claim to a residence, and supported his views by an able speech.

Mr. RAY replied, defending the whole bill as being what the people demanded, and what the circumstances surrounding us required at the hands of the Legislature, to keep the State from being overrun by a degraded race.

On motion by Mr. WOLFE, the amendment was laid on the table; by yeas 25, nays 18.

Mr. WOLFE moved to amend by adding, "that the certificate of the Clerk of one county should be prima facia evidence in another county of the right of residence.

On motion by Mr. SHIELDS, the further consideration of the bill was postponed till to-morrow.

On motion by Mr. SHIELDS, it was—

Resolved, That members of the Senate be restricted to five minutes in debate during the remainder of the session, unless by unanimous consent of the Senate.

HONOR TO OUR SOLDIERS.

On motion by Mr. COBB, the joint resolution H. R. 15, (printed on pages 77 and 78 of these Reports) pending at the adjournment last night, was taken up.

The pending motion being to strike out the $500 compensation to the State Librarian.

On motion by Mr. COBB, the motion was laid on the table; by yeas 24, nays 17.

Mr. BEARSS moved to strike out Librarian and insert Adjutant General, and strike out $500, and insert $250.

On motion by Mr. BROWN, of Wells, the motion was laid on the table; by yeas 27, nays 14.

Mr. GRAVES moved to strike out $500, and leave the compensation to some future Legislature.

On motion by Mr. BRADLEY, the motion was laid on the table.

On motion by Mr. COBB, the joint resolution was read the third time and passed; by yeas 42, nays 0.

Mr. NEW introduced a bill [174] to provide for taking the vote of officers and soldiers of the volunteer service in the army of the United States from this State at all legal elections for civil officers; also, providing for the counting of the ballots and certifying the return of such election, which was read the first and second time.

BILLS ON THE THIRD READING.

The following described bills were read the third time and finally passed:

Mr. Garvin's, [H. R. 57] in relation to Government stamps being taxed as other costs; by yeas 41, nays 0.

Mr. Ray's, [S. 124] in relation to working roads on a county line; by yeas 42, nays 0.

Mr. Corbin's, [S. 109] authorizing County Boards to pay for work done under the three per cent fund; by yeas 28, nays 10.

Mr. March's, [S. 54] to take six sections from Jay county, and give the same to Blackford being read—

Mr. BROWN, of Wells, moved to indefinitely postpone the bill.

The Senate took a recess until 7½ o'clock.

NIGHT SESSION.

Mr. MARCH introduced a bill, [175] to authorize the settlement of the estate of decedents out of Court.

Mr. MOORE introduced a bill, [176] for the relief of Loudun, and for the conveyance of certain tracts of land therein named.

These bills were read the first time.

THE STATE OF THE UNION.

Mr. DOWNEY offered the following:

WHEREAS, The General Government, aided by the loyal States, is engaged in putting down a wicked rebellion, which was commenced and has been continued without justification or adequate cause;

AND WHEREAS, It is fit and proper that the Senate should express in a temperate but firm and unequivocal manner, the convictions of its members in regard to the duty of the State and its citizens in the present crisis; therefore,

Resolved, 1. That we recognize to the fullest extent the duties and obligations of allegiance, fidel-

ity and loyalty to the Federal Government and the Government of the State, each in its proper sphere.

2. That any violation or alleged violation of the Constitution of the United States, by any of the co ordinate departments of the Government, while it may be a reason for displacing those who may be guilty thereof from the positions of public trust which they occupy, by an application to the proper tribunal, or by an appeal to the peaceful arbitrament of the ballot box, does not release the citizen from his obligations to support the Government in that which i constitutional and right.

3. That the obligations of allegiance, at all times, but more especially in times like these, when the Federal Government is threatened with overthrow and destruction, require not only a passive obedience, but an active, unceasing and united effort to suppress rebellion, to assert and maintain the supremacy of the Constitution, and to enforce the laws.

4. That we recogaize the right of any and every citizen to oppose by writing, speaking, and his suffrage, the measures of any party, and to insist upon a different line of policy, whether such party be the party in power or a party out of power, while that opposition shall be made in accordance with the Constitution and the laws, and shall be unmixed with disloyalty to the Government.

5. That with this right conceded and secured to the citizen there can be no occasion or excuse for resorting to other than peaceful, constitutional and legal means to displace objectionable rulers, or to correct abuses in the administration of the Government.

6. That the present, as well as all other wars prosecuted by our Government, must be prosecuted in such manner, and for such purposes as will be sanctioned and approved by the sentiment of a majority of the people of the loyal States; for as the National Executive is dependent upon Congress for the means of carrying it on, and the Congress is composed of men freely chosen by the people, and bound to carry out the will of the people by whom they are elected, if the people are opposed to the manner in which the war is being prosecuted, or the objects sought to be accomplished, the President must change that manner, or abandon that object.

7. That if, therefore, the present war is being or shall be prosecuted by the National Executive in an improper manner or for improper purposes, there is no occasion for extraordinary, unconstitutional or illegal remedies. Our Constitution and laws, when unperverted, are such that in due time the people may apply the proper remedy.

8. That we have no evidence of any desire on the part of the Rebel Government, or of any considerable number of the people in the Rebel States, to return to their allegiance to the Government of the United States, and become obedient to its Constitution and laws, nor have we any assurances that any advances by us toward an adjustment of the pending difficulties would be met by a corresponding disposition on their part, but on the contrary their object seems to be, as it has been from the beginning to compel permanent dissolution of the Union by the recognition of the Southern Confederacy.

9. That while this continues to be the case, we are opposed to an armistice or cessation of hostilities and in favor of a continued and more vigorous prosecution of the war, not to carry out the views of extreme men in the mere abolition of slavery, but to put down the rebellion and compel obedience to the Constitution and the laws.

10. That as the combat on one part has been for the support of the Constitution and the perpetuation of the Union, against those who sought to destroy them, we can accept no adjustment which does not fully recognize the accomplishment of these objects. We contend for the supremacy of the Constitution and the perpetuation of the Union with all the dignity, equality, and rights of the several States unimpaired.

11. That we owe a great and lasting debt of gratitude to the brave men who have gone to the battle field from our heroic State, and who, by their deeds of gallantry, have given her a position for patriotism and devotion to the common cause second to no other in the Union. Some of us have induced them thus to devote themselves to their country's cause. We will not now repudiate our obligation to them, or stultify ourselves by saying that they went to accomplish that which from the commencement was known to be impossible, but we will continue to support and encourage them, and if necessary will labor to increase their numbers, and will continue the contest, by the grace of God, till He, in His good time, shall see fit to crown our efforts with success.

12. That the idea of forming a Northwestern Confederacy, of attaching this State to the Rebel Confederacy, or of a reconstruction of the Union with any of the States left out, is only equaled in wickedness and folly by that which would now, or at some future, but not distant day, acknowledge the independence of the Rebel States, or that which would refuse to reconstruct the Union with any slave States in it, any and all of which we repudiate denounce and condemn.

13. That the President of the United States has the constitutional and legal power to call out the militia in time of invasion, insurrection or public danger, and he alone has the power to decide when an emergency exists which requires it. We therefore affirm it to be the duty of the State and the citizen to respond to such call, when made in accordance with the constitution and the laws; and that any forcible or armed opposition and resistance to such requisition would most probably lead to collision, bloodshed and civil war in the State.

14. That all attempts, by word, letter, or publication, to render the soldier dissatisfied with the service, or induce him to desert, and all efforts to prevent the capture of deserters in order to compel them to perform the service which by their enlistment they are bound to perform, are regarded by us as unwise, improper, and in gross violation of law.

15. That we regard secret and oath bound political combinations as at all times improper, and especially so at the present time; and we can but express the hope that our fellow citizens will refrain from entering into, or continuing such organizations if any such exist; that they will refrain from heated and angry discussions, and by a calm and dispassionate exercise of judgment try to think and act together in a cause which should be equally dear to all true patriots.

16. That we are opposed to any attempt to deprive the State Executive of any part of his constitutional powers as Commander-in-Chief of the State militia, but we are of opinion that the exposed condition of our southern border demands a more efficient military organization than can be had under the present law.

Mr. DOWNEY said he did not think it necessary to make an argument in support of the resolutions. They had been prepared without consultation with any Senator on this floor. They expressed his views and the views of his constituents.—He asked the reference to the Committee on Federal Relations.

They were so referred.

The joint resolution [S. 17] authorizing the Committee on the Quartermaster's Department to sit after adjournment, was read the second time.

Mr. COBB moved to amend by authorizing the committee to include the benevolent institutions.

The amendment was agreed to.

Mr. NEW made an ineffectual motion to amend by making the committee to consist of seven members.

Mr. JOHNSTON moved to amend by making the committee consist of Senators

Williams, White and Downey, on the part of the Senate.

The amendment was agreed to.

Mr. CORBIN made an ineffectual motion to amend by adding the State Prison North.

Mr. MANSFIELD moved that the committee be empowered to appoint a clerk at not exceeding $3 per day.

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed.

On motion by Mr. MARCH it was—

Ordered, That the committee commence work at the earliest day possible, and finish up the work as soon as practicable.

House bills 130 (see page 142;) and 142 (p. 121;) were read the second time and referred to appropriate committees and the bill S. 147 (p. 161;) was ordered engrossed.

Mr. Allen T. Fleming, Senator elect to fill the vacancy occasioned by the death of Mr. Shoulders, appeared and was sworn into office by the President of the Senate.

MILITARY EXEMPTION.

Mr. LANDERS from the Military Committee, reported back, with amendments, the bill [S. 31] fixing the amount of the equivalent for exemption from military duty.

The Committee amendments were agreed to.

Mr. MURRAY moved to amend by adding a section, that the exempts by reason of conscientious scruples be enumerated as others liable to military duty.

Mr. RAY argued against the bill entirely. The conscript law of Congress did not exempt any body, and this legislature had no power to legislate further than for the regulation of the militia within the State. He did not wish to place himself on the record as voting for a bill that would only result in complicating the question.

Mr. CORBIN moved to amend by making the exemption $300, and that only conscientious exempts who were drafted be liable to the penalty.

On motion by Mr. BLAIR the bill and pending amendments were laid on the table for further action in full Senate.

DESERTERS FROM THE ARMY.

Mr. COBB offered the following, which was adopted:

WHEREAS, Major General Rosecrans has sent a telegraphic communication to his Excellency Governor O. P. Morton, in regard to deserters from the army of the United States, which communication, the Governor has transmitted to this Senate for its action; therefore,

Resolved by the Senate, That the Governor be requested to inform the Senate, at as early a period as convenient, whether or not the laws already in force are sufficient for the purpose contemplated by said communication, and if not, what legislation, if any, is necessary on the part of this General Assembly.

At a late hour the Senate adjourned till to morrow morning.

HOUSE OF REPRESENTATIVES.

MONDAY, March 2, 1863.

A call of the House was ordered, and being taken, only two Republicans (Messrs. Griffith and Robinson) answered; the rest were Democrats, 48 in all.

The absentees without leave were ascertained to be as follows:

Messrs. Abdill, Anderson, Atkison, Baker, Byerle, Branham, Brogan, Budd, Cason, Chambers, Davis, Forester, Gregg, Gregory, Hershey, Higgins, Hostetter, Hutchings, James, Johnson, Jones, Kendrick, Lake, Lamb, Leeds, Moorman, Morgan, Mustard, Newman, Noyes, O'Brien, of Hamilton, Perry, Pettibone, Roberts, Roe, Stone, Tarkington, Van Buskirk, and Woodruff—39.

On motion of Mr. BROWN, further proceedings under the call was suspended, and the House adjourned till 1½ p. m.

AFTERNOON SESSION.

A call of the House being ordered and taken, 58 members answered to their names

Mr. LASSELLE offered the following:

WHEREAS, The following members of the House, to wit: Messrs. Anderson, of St Joseph, Baker, of Noble, Branham, of Jefferson, Budd, of Parke, Byerle, of Kosciusko, Cason, of Boone and Hendricks, Chambers, of Warrick, Davis, of Elkhart and Lagrange, Forester, of Laporte, Gregg, of Hendricks, Gregory, of Warren, Hershey, of Tippecanoe, Higgins, of Laporte, Hostetter, of Boone, Hutchings, of Jennings, James, of Grant, Johnson, of Morgan, Jones, of Wayne, Kendrick of Marion, Lamb, of Switzerland and Ohio, Leeds, of Howard, Moorman, of Randolph, Morgan, of Henry, Mustard, of Tippecanoe, Newman, of Wayne, Noyes, of Steuben, O'Brien, of Hamilton, Perry, of Fayette and Union, Pettibone, of Lake, Roe, of Jefferson, Stone, of Wabash, Tarkington, of Marion, Van Buskirk, of Decatur, and Woodruff, of Wayne, did, on Wednesday, the 25th ultimo, leave this House in a body, and have not since returned to their seats, whereby, in violation of their constitutional obligations, they have impeded the course of legislation and rendered this House and the General Assembly of the State unable to proceed further with the business of the State and the people; therefore,

Resolved, That the Sergeant-at-Arms be directed by the Speaker to summon the said delinquent members to appear forthwith and resume their seats in this House as such Representatives of the people of Indiana.

Mr. GRIFFITH offered an amendment indefinitely postponing the militia bill, the excutive council bill and the bill reorganizing the Board of Benevolent Institutions.

Mr. LASSELLE rose to a point of order. The resolution was not germain to the question. But the principal ground of his objection was that as a call of the House was just had and quorum not ascertained to be present, we could do nothing further than take measures to compell the attendance of absentees, and adjourn from day to day to that end.

Mr. WOLFE offered a resolution declaring that the fears of the minority that the majority purposed to trample on the rights of any officer under the Constitution, or of any portion of the people of the State, were groundless; and that secession was not peculiar to Southern citizens, but was a growth in the North, as exemplified by the action of the minority in this House.

The SPEAKER pronounced the amendment and the resolution out of order. The House could do no business, acting under a call of the House, except action pertaining thereto, until the record shows a quorum.

Mr. HANNA hoped that the resolution of the gentleman from Cass [Mr. Lasselle] would not pass, inasmuch as the gentleman from Jefferson [Mr. Branham.] had said that he would not be brought back here unless he came to hang Democrats. He [Mr. Hanna] being a sound Democrat, did not wish just now to be hung.

Mr. NIBLACK said that he was opposed to compromising with traitors or secessionists, North or South. He was for fighting according to law first, and otherwise if it became necessary. He therefore moved that the Sergeant-at-Arms be sent at once after the delinquents.

Mr. LASSELLE defended his resolution. He though that first the Sergeant-at-Arms should be requested to notify them, and then if they refuse to obey, their attendance might be compelled.

Mr. PRIEST opposed the resolution. These men who were seceding were making a record for themselves. Let us deal mildly but firmly with them. Let us meet here from day to day, and if the sixty-one days under the Constitution, expired without requesite legislation, theirs would be the responsipility. He feared if the Sergeant-at-Arms was sent after these recursants bloodshed would be precipitated.

Mr. KILGORE said he had been home, and his constituents justified the minority in their course. They had authorized him to say that, if every member would resign, the people would welcome the act. Many members upon this floor did not in their canvass take the position in regard to the war that they here have taken. If they had, they would have been defeated. The gentleman from Jackson (Mr. Brown) did not dare in his canvass to take the position he assumes here.

Mr. BROWN. When I was a candidate for the position I now occupy the Hon. John F. Carr was my competitor, and, to say the least about him, you must admit he is a politician of large experience. In the canvass I asked Mr. Carr whether he indorsed the Crittenden Compromise; or indorsed the abolition of slavery in the District of Columbia; whether he indorsed the confiscation act; and, as soon as the President issued his emancipation proclamation, I took issue upon that and denounced it. I indorsed the Crittenden proposition and opposed the others, and directly said that I would not support the Administration in the prosecution of the war for the Abolition purpose for which the Administration was prosecuting it.

Mr. KILGORE. Your people must not be very patriotic or honest in purpose.

Mr. BROWN. Does the gentleman question the honesty or integrity of the people I represent?

Mr. KILGORE. I must question their intelligence.

Mr. BROWN. If the gentleman questions the intelligence of the noble people whom I have the honor to represent, and makes himself the exclusive judge as to their intelligence, I will make no objection. But if he calls in question their honesty or integrity, I will hold him to the strictest accountability for it.

Mr. PUETT. I will say to the gentleman from Delaware [Mr. Kilgore] that if Governor Morton will resign, and appeal again to the people, every one of the majority on this floor will do likewise. His Excellency will then quickly see how the matter stands between the people and himself and the people and ourselves.

Mr. KILGORE said that the Democrats wished Gov. Morton to resign, in order that they could send the country to the devil in the interim, as would be the result if some of their resolutions offered here, were carried out. Before Governor Morton could resign and go before the people on ten days notice, Indiana would be made the tail end of the Southern Confederacy. He looked upon the military board bill as designed to defeat the vigorous prosecution of the war. Considering the feeling of the Democratic party toward Gov. Morton, it was imprudent to put in their hands the power to cripple him. So long as the Democratic members persist in attempting to cripple the Government, he would justify bolting. Whenever you attempt to paralyze the arm of the Governor of Indiana, whenever you say to Abraham Lincoln that because of his infamous proclamation you would not support the war, you were doing all you could to defeat the crushing of this rebellion. Before we would be brought back here to support such resolutions we would wade in blood up to our knees.

VOICES. "Ah! ah! ah! Does your party own all the gunpowder?"

Mr. HANNA. Does not the Constitution authorize the arrest of the delinquents?

Mr. KILGORE. It does.

Mr. HANNA. Did you not swear to support that Constitution?

Mr. KILGORE. So did you, but your measure proposes to subvert that Constitution.

Mr. HANNA. I have sworn to support that Constitution and I will do it. I WILL DO IT.

Mr. KILGORE. It was upon the military bill that his party friends had bolted. And to defeat that bill we would continue to bolt until we were brought in here and the doors bolted. You have not passed that bill, and you never shall.

Mr. HANNA denied that it took from the Governor his power as Commander-in-Chief.

Mr. KILGORE said it made him a technical commander in chief, but took all real power from him. It was evident to every man who had read Perkins' speech that everything that could be done to put down the Union party would be done by the tribunal presided over by that Judge. It was an outrage to talk about appealing to him. It was clearly constitutional to bolt. Several leading Democratic members had told him they did not endorse the bill, and would not vote for it. But they voted for its engrossment. He had reason to believe they would vote to pass it.

Mr. NIBLACK said threats were made that they should not pass the bill, and they determined to try the mettle of the minority.

Mr. KILGORE said they would never suffer the bill to pass. They had day after day in this House seen evidence of an attempt to thwart the prosecution of the war. We have been sitting here day after day listening to the propositions and measures of gentlemen until we had become convinced that their sole object was to assist the Southern Rebels to overthrow this Government. If he had been President of the United States he would not have issued the proclamation of emancipation, because the leaders of the Democratic party stood ready to go before the country and misrepresent it, and because the grand Army of the Union were doing their work without it. But since the proclamation had been issued he indorsed it. Yes, sir, yes, sir.

Mr. HANNA made a point of order. The President's proclamation was not legitimately under debate.

After a statement by The Speaker, Mr. Kilgore proceeded. He gave his reasons at length for supporting the proclamation.

Mr. PACKARD opposed the resolution. Any effort under it would be futile. The State of Indiana would never send up another such a set of men to break a quorum and defeat necesary legislation. In reply to the gentleman from Delaware [Mr Kilgore,] he said he had told his constituents that whenever the President turned the war into an abolition raid, he would oppose it; and showed in a masterly manner the inconsistencies of the minority, who by unconstitutional and revolutionary means, would defeat the will of the majority. He defended at length the measures proposed by the majority, and objected to by the minority. The gentleman desired to know what Governor Morton had done that we should seek to throw guards around his power? One thing Governor Morton was doing was the placing of arms in the hands of secret political societies, to overthrow the liberties of the people He has seen citizens of this State s ized and dragged out of it without lifting a finger in their behalf. A beautiful Executive he is! He has used members of the army to overawe the people in fair elections; he has seen printing offices mobbed; he has seen private residences invaded; he has seen women insulted. He, the excellent Governor, had seen all this, and had not bestirred himself in respect of the rights and liberties of the citizen. He had, too, used the money appropriated by the Democrats of the last Legislature, and used it all for his own glory. It was for these things that the Democracy wished to bring this Governor down to his proper level. The people had pronounced against Governor Morton. He wished the plan of the gentleman from Putnam [Mr. Puett] could be carried out that the Governor would resign with the rest of us. The people would send us and a Democratic Governor back in less than two weeks by a majority of 100,000. The gentleman from Delaware county might just as well leave his seat at once if he supposed the measures he opposed could not be carried and other legislation be done. The minority of this House had sought by all means of intimidation to overawe the majority. But we were not to be terrified. We were not to be bullied. They send up their resolutions here from the army. He knew how it was done. They were sent up by shoulder straps. We would demand from Governor Morton and his Abolition minions the full and free expression of our rights as representatives of the people. From the commencement of the session revolution had been inaugurated by the minority. They had finally left their seats. Let them go. They were off to Madison on a big drunk, he understood. The Sergeant-at Arms could not find them if he was sent after them. We shall do nothing, if the gentleman from Delaware speaks by authority, for we will press these measures. *We will press them*—and if rightful legislation is defeated we will go back to our people, and appealing to them, they will teach this Executive, and the minority on this floor doing now his bidding what their duties were.

Mr. BUSKIRK (Mr. Holcomb in the chair) argued in favor of the power to arrest absentees, but was opposed in this juncture to the exercise of that power. If they come back, and a single one of the obnoxious measures is taken up, they will bolt again and again. We should resort to no act which would perhaps end in civil war. He greatly feared that in a very short time we should have nothing of a Government left except what we had in Indiana. Here we would keep a Government in its pristine strength. Whoever bolts is guilty of revolution; as guilty as the Rebels of South Carolina. If these members had a right thus to withdraw, any State in the Union had a right to secede from the Union. If they asserted their right to leave the Legislature—they

indorsing the right of the Rebels thereby—ought they not to favor an armistice? He denied the right of secession. He admitted the right of coercion, but denied its expediency. These gentlemen arrogated to themselves the right to decide whether a bill was constitutional or not. If the agents of the people have this right, the people themselves have the same right.

Mr. BROWN spoke in favor of the resolution. He said that these men, in violation of their oath of office, of their duty to their constituents and themselves, have, without just cause, seceded from this body. We have the constitutional right and power to compel their attendance, and let us at least attempt to do so. It is a duty we owe to ourselves and our constituents. Gentleman say let us consult policy. Principle and not policy is what is right, and actuates the true man. He who consults policy without reference to principle will never arrive at very great prominence. The gentleman from Delaware has told us that any attempt to bring back the minority to this House would end in insurrection. He tells us that were he with the seceders, and an attempt was made to compel him to return to this House and submit to the majority passing what he calls unconstitutional and unjust measures, he would wade in blood to his knees before he would submit. Bold, heroic man! We have been told that we dare not attempt to compel their attendance. Shall we bow down and submit to their mighty boasts? Our constituents demand that we shall protect their rights and sustain our own characters. An Abolition meeting has been held here to overawe and terrify this body, and do we submit in silence? Sir, the present Administration by its acts shows that its policy is not endorsed by the people, and it now attempts by vile despotic and arbitrary measures to compel the people to an indorsement of it. In kingdoms were the people are raised in ignorance and taught to believe that their rulers are by divine inspiration endowed with power to rule them and pronounce laws for them, such a procedure might succeed, but not in this country. Here the people are sovereigns and not subjects. We are told that insurrection and civil war will take place. I trust and believe not. I cannot think that the minority will so far forget themselves as to attempt to resist the rightful officer of this body in the exercise of his sworn and constitutional duties. But if civil war, anarchy and desolation are to come; if the spirit of mobocracy is to be invoked; if a military despotism is to be established instead of a free government and a Constitution guaranteeing liberty to the citizens, the sooner the people know it the better. Let the issue be made. But woe upon him who attempts to override the Constitution and enslave the people. When such a system is about to be inaugurated the people of the country (not your towns and cities) will rise and speak in thunder tones, and when they speak they will speak the *law*. A fearful and dreadful crisis is upon us. I trust peace and order may be maintained. It is the duty of all good citizens to enjoin upon their neighbors a strict observance of the Constitution and the laws, and to obey the Constitution and the laws themselves. But it is the slave and coward who bows down with passive submission to a party in power, when that party is endeavoring to take from him his constitutional rights, and place him in a state of subjection. Let the resolution be passed. Let the Sergeant-at-Arms apprehend these secessionists, and bring them before the bar of this House and show them that we know our rights, and that their cowardly threats are of no avail.

Mr. WOLFE pursued the argument against the resolution. He feared there was no remedy for our National or State evils.

Mr. PUETT opposed the resolution. The minority had done just as the Southern Senators. He avowed in his place in the presence of the citizens here and the few members who heard him, that no man could bolt without violating the oath he had taken, and contributing to tear down our Government. The minority might use every parliamentary rule to defeat, but if they bolted, they were just as much secessionists as any member of Jeff. Davis's Government. He should remain in and about the city until this Legislature expired by constitutional limit, ready to transact the people's business. Let us stay here, standing by the Constitution and the laws, doing our duty.

Mr. BURTON. Mr. Speaker, I had intended to take no part in this debate, but as my course upon this floor has been reflected upon, and indirectly assailed in the discussion by the gentleman from Delaware, (Mr. Kilgore,) I feel that now is the proper time for me to vindicate that course. I will say in the first place, however, that I am opposed to adopting the resolution under discussion, with or without the proposed amendment, in any shape or form. I am opposed to making any attempt whatever to compel or force those bolters or seceders to return to their duties upon this floor. I oppose it, sir, because I am now, and ever have been, opposed to the principle of coercion being exercised in a free Government like this. I am opposed to it as applied to States or to individuals representing a free people, because in either case it endangers civil liberty. Sir, when we undertook to preserve the Constitution and perpetuate the Union as our fathers made them, by the sword, we lost sight of the cardinal doctrines of our Government, and departed from the spirit of our free institutions.—

So, likewise, the moment that we attempt to carry on the legislation of this General Assembly by forcing and holding away portion of the representatives of the free people of Indiana here, at the point of the bayonet, that moment we thwart the very object for which the Assembly was instituted, and depart from the fundamental principles which distinguish a free government from a monarchy. But, sir, aside from this objection upon principle, we must remember that these are indeed critical times, when excitement runs high, and a decided step of this character, upon a question of doubtful policy, might possibly inaugurate a bloody revolution in Indiana; and I, for one, am opposed to inaugurating revolution. The majority upon this floor profess to love peace, and advocate it in preference to war; and I, as one of that number, will resist to the last, by my vote and my voice, any measure which might result in the unnecessary shedding of blood, unless it be a measure of legitimate legislation, absolutely demanded by the people.

If the Abolitionists who have seceded from this body desire to inaugurate a revolution, let them shoulder the weighty responsibility and take the consequences.—If revolution is forced upon us, we are prepared to meet it. If fight we must, let it be on the defensive, not on the aggressive. We have yet done nothing which, in the least, justifies the minority in bolting from this House. The gentleman from Delaware, who presumes to speak for the minority upon this floor, took occasion while discussing this resolution, to justify his friends in bolting, on the ground that we were attempting to pass an unconstitutional law, and were introducing and voting for resolutions here of an infamous character, such as the people did not indorse. In this connection he referred particularly to certain resolutions introduced by myself. I must be permitted to depart somewhat from the question before the House to notice that part of the gentleman's speech which referred directly to me. I will say to the gentleman from Delaware that he need give himself no trouble about the resolutions that I have introduced. It was not expected that they would please him or his friends. Not at all. It was expected, however, that they would grate harshly upon Abolition ears. Sir, I did introduce, as he says, a resolution here declaring the President's Abolition proclamation as infamous. Why did I do it? I did it because I believed it to be so. And why did I believe it? I believed it because Mr. Lincoln himself, a short time previous to the issuing of the proclamation, declared over his own signature that he believed he had no Constitutional right to declare the slaves of the South free, and if he had, he thought it inexpedient to do so then, for the reason that it would tend to destroy the Union feeling in the seceded States, and drive thousands to the rebellious standard who were then loyal; and besides, it might drive from the Union army the strength and support of the border States. He declared further, that the proclamation would not liberate a single slave; and, admitting that it would set all free, what, said he, would we do with them? There is no provision to colonize them, said he, and they would necessarily be a dead weight and a heavy expense upon our already overburdened Government.

That, sir, is the substance of his letter to the Chicago clergy. And a few days afterward he issued the proclamation, in spite of his convictions against its truth, its justice, its policy, and its constitutionality. Why, then, this great ado about charging the President with infamy, when, by his own admissions, he brands himself with disloyalty. Disloyalty is treason, and treason is infamous. Tell me, ye friends of the Administration, and lovers of war, bloodshed and revolution, where stands your *immaculate* President, according to his own showing? I, sir, indorse the resolution, in spirit and in letter, and in doing so, I stand not alone. I can assure the gentleman from Delaware that the twenty-two hundred Democratic voters whom I have the honor to represent upon this floor also indorse it.

Mr. KILGORE. I would inquire of the gentleman whether he went before his people, and advocated from the stump the doctrines of his resolutions, and whether he opposed the further prosecution of the war?

Mr. BURTON. I will answer the gentleman. I did, sir, go before my people and advocate the doctrines I now utter.—I did go before them, denouncing the Abolition policy of the President and opposing the prosecution of the war, as I believed then, as from the beginning, that this Union could never be restored by war, that "war was disunion, final, eternal separation," and the sooner it was stopped the better. I advocated then, as I do now, the calling of a national Convention, that the people might accomplish by peace and compromise what it was impossible to accomplish by war.

Mr. KILGORE. You do not answer me fully. I desire to know whether you told your people that you would not vote another man or another dollar to further prosecute this war.

Mr. BURTON. I will answer to your satisfaction, sir, before I get through. I was proceeding to say, when the gentleman interrupted me, that the people desire that this unnatural war should cease; that the issue was fairly made in the last canvass whether they were willing to support a war for the abolition of slavery. They decided, in thunder tones, through the

ballot-box, that they were not. And, in order that my position may be understood, I will repeat here now what I have said to my constitnents time and again—here in the face of this House, and of this people, I will say now, once for all—that I am in favor of an armistice and a Peace Convention, and opposed to giving another man or another dollar for the prosecution of this war for another day or another hour while the President adheres to his Abolition policy and disregards the Constitution of the country. Is that satisfactory to the gentleman?

Mr. KILGORE. That is satisfactory.

Mr. BURTON. In this position I am satisfied that the people are with me, though I do not claim to reflect the sentiments of the majority upon this floor.—Some think me a little ultra, but, while I reflect the sentiments of the people, I can't be far wrong. These are my individual opinions, asserted upon my own responsibility. If I am wrong, it is an error of the head, and not of the heart, for I know I love my country and study her interest. The masses of the people are far ahead of us here, and I am satisfied that if a fair and honest expression of the people of Indiana could be had to-day, a majority would indorse the resolutions which I have had the honor of submitting to this body, embodying the sentiments that I have just uttered. [Voices — "That's so."] Then, if the people are to rule in this country, and they demand a suspension of hostilities and a National Convention, with a hope of settling these difficulties without bloodshed, in God's name why not have it? Why not let the voice of the people be heard in this dark and trying hour? for "*Vox Populi*" is "*Vox Dei.*" The people, and not Mr. Lincoln, furnish the means of carrying on this war, and why should not their wishes be consulted and their demands be respected? In the name of Constitutional liberty, and all that is dear to the American people, I ask, why shall they not be heard?

Legislation had better cease if it has come to pass that the will of the people cannot be expressed here, through resolutions or otherwise, without causing members to bolt from this body, and revolutionize. If the wheels of legislation are to be thus blocked, to test this thing, we had better all resign our seats here and go home to the people. I, for one, would have no fears in that event, but that I would be returned here with even an increased majority, and find the minority upon this floor smaller than it now is.—But let them bolt—I will never vote to coerce them back. We are here from day to day, and will be till our constitutional term expires, ready to do our duty in legislating for the people, and if the minority here are willing to take the responsibility of defeating all legislation, let them do so, and sustain themselves and their revolutionary course before the people if they can. We have done nothing to cause this bolting, and, so far as I am concerned, will not yield one "jot or tittle" to them, and will offer no compromise to get them to return. If nothing more is enacted here, a just and an outraged people will hold *them* responsible, and not *us*.—Should we force them to return at this late day of the session granting that it might be done, little or nothing could be accomplished, because, forsooth, our time here is not sufficient to override the Governor's veto, which we should certainly have to meet upon every bill that is obnoxious to these Republicans.

Then if nothing can be gained by resorting to force, as proposed, why should we attempt it? The Constitution empowers us to compel the attendance of a quorum. I'll admit, though it does not make it obligatory upon us to exercise the power. It is a matter which rests within the sound discretion of his honorable body, and my judgment is, that when no good and much harm may result from the exercise of the power, we had better not resort to it. The people know we of the majority are here ready to transact business, and are only prevented by a factious, bolting opposition, whose motto is "rule or ruin." And if human blood has yet to flow in our happy and prosperous State, which God forbid!—the great God of nature, "who holds in the hollow of His hand" the destinies of our proud State and nation, will fix the responsibility of the damning sin upon the Abolition party, where it justly belongs. With this view of the case, I, sir, will sit here till the last day allotted, and oppose, with an approving conscience, the coercing of the Abolition seceders.

Mr. NIBLACK was for sending for the bolters by the Sergeant-at-Arms, with the proper writ to arrest them. We had just as well know now as not whether these gentlemen intended to precipitate the State into revolution on an issue so trivial as this. He was, for the purpose of treating the threats of the minority with defiance, for the adoption of strenuous measures. The day of compromise had passed with him. If we do anything, let us do it like men, coming square up to the work. These men knew that it was their duty to be in their seats. We had no proposition to make to them. This was a contest for power in this Legislature. They (the minority) were endeavoring to undo the work the people did at the ballot-box.—We will send writs for these gentlemen, and arrest them by due process of law.

On motion by Mr. HOWK the resolution and pending amendments were laid on the table—yeas 35, nays 17.

No quorum voting, the House adjourned until 9 a. m. to-morrow.

IN SENATE.

TUESDAY, March 3, 1863.

Mr. Corbin's bill, [S. 147] to re-organize the Benevolent Institutions of the State, was read the third time and finally passed; by yeas 26, nays 18.

Mr. Downey's bill, [S. 164] appointing an auditing committee to audit claims for the expenses of the Indiana Legion, and for the payment of troops called out to defend the Ohio River border, passed; by yeas 42, nays 0.

ARMING OF NEGROES.

Mr. COBB called up his joint resolution, (10) in relation to the enlistment and arming of negroes in the service of the United States.

Mr. MARCH said that since the bill had been introduced the Senate of the United States had disposed of the question by reporting against the bill. He therefore thought the best way was to quietly dispose of this resolution.

Mr. COBB did not desire to speak upon the joint resolution. He wished it quietly disposed of by passing it.

Mr. BROWNE, of Randolph. In order that the colored individual may no more trouble us, I move to lay the joint resolution quietly on the table.

The motion was rejected; yeas 17, nays 27.

Mr. BEARSS moved to indefinitely postpone, and Mr. COBB moved to table that motion, which latter motion was agreed to; yeas 26, nays 17.

Mr. DAVIS, of Cass, demanded the previous question, which was seconded—yeas 27, nays 17—and under its operation the resolution passed; by yeas 28, nays 15.

Mr. MARCH moved to amend the preamble by adding, "provided that there is any bill pending before the Senate as indicated herein."

Messrs. WOLFE and RAY contended that the preamble could not be amended after its passage, although the title of it could.

Before the decision of the President was given the hour for the special order arrived.

NEGRO EXCLUSION.

The question being on the amendment, (Mr. Wolfe's) offered yesterday afternoon, to the bill [S. 140] to enforce the 13th article of the Constitution—

Mr. MANSFIELD assured gentlemen that a law of this kind would be received by every noble spirit in the South with contempt—they will look upon it as a piece of vandalism. The severity of the punishment is unjust, and he hoped this thing would be altered; and the bill will look more fair in the eyes of every Southern gentleman.

Mr. LANDERS was well aware that the Senator and his party friends will not vote for any measure that will damage what they conceive to be the rights of the negro.

Mr. MURRAY undertook to say that whenever a law is passed against the conviction and conscientious scruples of a vast majority of the people of this State, it can never be enforced; and what is the use of encumbering the statute books with such laws? This bill strikes at the fundamental principles of the Christian religion, and the duties of every Christian man growing out of that religion which we all profess. It is punishing a man because God has made him of a different color, and for what? Why, for traveling in or through our State, or for getting his honest living by his own industry. He wanted to see a law passed by which negroes will be kept out of the State of Indiana; but he was not willing to violate his own conscience by voting for such a bill as this. If that part which makes these acts a felony was stricken out, he would vote for the bill.

Mr. FERGUSON was anxious that this bill should be got in such a position that he could vote for it and that it might be passed. This morning and last night he examined it carefully, and he should vote to recommit it that he might go before the committee and point out some matters he would like incorporated in it. There were some circumstances connected with his county that did not exist in other counties.

Mr. CLAYPOOL opposed the bill because it would render more difficult a reunion of the States. Senators have already voted that the negro shall not go into the army and be killed, and he was in favor of their living somewhere; and coming into the States upon terms of perfect equality. He agreed with the Justice of the Peace in Randolph county, who decided that the negro was a citizen; at any rate if he had a right to live in the South, he ought to have a right to be here. He was willing to go upon terms of perfect equality with our Southern brethren upon this subject, and if the negro does demoralize society, we ought to take from our Southern brethren some of that odium.—It was an ancient tenet of the Democracy that a Southern gentleman could pass through the free States with his slaves, and this bill might interfere with that right, and thus irritate the public mind — He wanted the bill recommitted to the Judiciary Committee, and that they report upon that point. He desired to stand by the Constitution,

Mr. LANDERS. Would you stand by the fugitive slave law?

Mr. CLAYPOOL. Yes, and all the compromises of the Constitution. He would stand by the Constitution as it is and the Union as it was, longer than the Senator from Morgan.

Mr. LANDERS. Then the gentleman will live longer.

Mr. CLAYPOOL wanted the bill re-committed to the Judiciary Committee that it might there sleep the sleep of death.

Mr. RAY said the gentleman had exposed the secret of the opposition. They wanted the bill re-committed that it might sleep the sleep of death. If the majority want a bill on this subject they had better take this one, for at this late hour they would get no other. We were not legislating now for citizens. We were legislating to keep off a certain class of population—to prevent them from becoming citizens. In the bill the language objected to was the language used in the Constitution, and the Courts must decide on it as they would on any other.

Mr. MARCH. It is not necessary to trample upon every right and every feeling of humanity in order to carry out that Constitution. If the records of this Legislature shall ever be preserved, and this bill becomes a law, history will pronounce that it renders the State infamous, for it is the most heartless and cruel enactment ever attempted to be placed upon a statute book. It creates a police officer in every county, and though a fellow-being be pursued by the hounds of slavery, he cannot drink a cup of cold water, nor can a white man give it to him, without being liable to be prosecuted, and the officer fined if he don't do it; the decision of the Clerk of the Court to be final; and further, every negro upon the soil of Indiana is presumed to be illegally upon its soil; reversing every principle of evidence ever established in a civilized court. If there be necessity for passing a law to protect the soil of Indiana from the colored population, he was willing to vote for any respectable proposition of that kind.

Mr. MELLETT. If this bill was for punishing any party likely to be guilty of any crime, I would not oppose it. Since the adoption of the Constitution negroes and mulattoes have been coming into the State and going out of it, and the people have not clamored for a more stringent law. I have not heard a single demand in Eastern Indiana that there should be any more stringent law passed upon this subject.

Mr. RAY, (in his seat.) The gentleman has not been a reader of Democratic newspapers.

Mr. MELLETT. There is but one printed in Eastern Indiana, and I seldom get hold of it. The Senator from Shelby (Mr. Ray) has stealthily set a trap, which he induces men to run into, and by which they are sent to the Penitentiary.

Mr. RAY, (*sotto voce.*) The bill follows the Constitution in this.

Mr. MELLETT. But the Constitution does not send them to the Penitentiary.

Mr. RAY, (in his seat). The bill enforces the constitutional provision by penalties; that is all.

Mr. DOWNEY. I am not satisfied with the provisions of this bill. I intend to vote for a bill on this subject which will be reasonable in its provisions, if I can get an opportunity to do so, but I do not wish to vote for or against this bill in its present shape under the operations of the previous question. This bill can be re-committed to the committee, amended, reported back to the Senate this afternoon, and then passed, and I don't see any reason why Senators should insist upon bringing the Senate to a vote upon it when it is so far from being satisfactory. I think the arguments of some Senators ought to be addressed to an amendment of the Constitution instead of to this bill.

Mr. DUNNING (Mr. Williams in the Chair). I would be glad for this bill to be re-committed, and I am sorry there is as much feeling as there is about it. I have not as much hope that some Senators will vote for this bill as I ought to have. I am as much opposed to the immigration of negroes as any Senator, and desire to see them excluded from this State. This is a measure of great importance to the people of the State. It is proper that we should exclude them. The war is calculated to cause an increased colored emigration to the Northern States, and I do not want to be troubled with slavery, nor with any more negroes. At the same time there are some provisions in this bill I would like to see amended. I think the evidence of the colored man should be received in the absence of the white man, for if we were to exclude his testimony altogether, it might be out of his power to prove certain things, when in truth and fact he ought not to be punished. The people in my section demand such a measure, and I believe a majority of the people are in favor of preventing free negroes from emigrating and settling amongst us. The Senator from Fayette (Mr. Claypool) hit me exactly this morning. I am willing that a slaveholder should pass through this State with his slaves to a State where slavery is recognized, for I do not feel that we have any right to interfere with him in his passage through our State. And if we had a watering place in Indiana, I am willing to see the master come to that resort with a sufficient number of servants to wait upon him; so they don't come with the intention of residing. It is not necessary to say anything upon that subject, but, in a word, I am willing where slavery lawfully exists that a man shall enjoy it temporarily in a free State.

Mr. CLAYPOOL. (interrupting). I would ask the Senator if, under the provisions of this bill, a slaveholder should come into our State and bring his darkey, whether the darkey would not be liable to the provisions of this bill?

Mr. DUNNING. I would not pretend to say. I know I would be glad to see some

of my old Carolina friends and acquaintances. I would give their negro to sleep and eat as good as I have, but he should never sit down and eat with me at the same table, so help me God; and yet I would walk up to a negro and give him as hearty a shake of the hand as I could any Governor of a State. But this is a mere personal matter, sir.

On motion by Mr. BRADLEY, the bill and pending amendments were referred to a select committee, consisting of Messrs Ray, March, Ferguson, White and Downey.

BILLS ON THE THIRD READING.

Mr COBB called up the bill [S. 106] appropriating $2 000,000 for advance pay to Indiana soldiers, and it was passed; by yeas 42, nays 0.

Mr Lord's bill, [S. 121] providing for paying parties out of the Swamp Land fund the amounts paid by them for lands when they have failed to receive titles for the same, was passed; by yeas 43, nays 0.

The bill S. 108 (see page 178) was ordered, rossed; S. 176 (introduced yesterday) was read the second time and referred, and joint resolution S. 8 (p. 113) was laid on the table.

Mr. Douglass' bill, [S. 137] giving additional powers to County Surveyors, was passed; by yeas 41, nays 0.

NEW PROPOSITIONS.

Mr. WOLFE introduced a bill, [177] to divide the State into eleven Congressional Districts.

Mr DICKINSON introduced a bill, [178] to repeal the 2d, 3d, 4th, 5th, and 7th clauses, mentioned in the 7th section of an act regulating the granting of divorces, approved May 13, 1852, and to provide for the separation of married persons and their holding property.

These bills were read the first time.

AFTERNOON SESSION.

Reports from committees recommending that Senate bills 17 (see page 60) and 95 (p. 12) be laid on the table, were concurred in.

BILLS ON THE THIRD READING.

Mr WILLIAMS called up the bill [H. R. 66] to amend the act incorporating the Walsh Navigation Company, which was read the third time and passed; by yeas 38, nays 0.

Mr DOUGLASS called up the bill [S. 150] to amend section 19 of the act fixing the time of holding Common Pleas Courts, and it was passed; by yeas 36, nays 0.

Mr CORBIN called up his bill, [S. 170] to repeal sections 1, 7, 9 and 12 of the act for the government of the State Prison, North, &c., and it was passed; by yeas 36 nays .

Mr FERGUSON called up his bill. [S. 146] granting the use of the Jeffersonville Prison to the United States for the confinement of prisoners, and forbidding the Prison North to receive such prisoners, and it was passed; by yeas 36, nays 2.

Mr. LANDERS called up his bill [S. 141] to amend the election laws, and it was passed; by yeas 36, nays 4.

Mr. Dickinson's bill, [S. 48] to create the 14th Judicial Circuit, was passed; by yeas 32, nays 12.

Mr WRIGHT called up the bill, [H. R. 117] in relation to the school lands in the county of Newton, which was passed; by yeas 45, nays 0.

NEGRO EXCLUSION.

Mr. RAY, from the select committee thereon made a report recommending the passage of his bill [140] with amendment.

Mr. CLAYPOOL moved to amend so that negroes can stay six months in the State before being liable to prosecution under this act.

On motion by Mr. MANSFIELD, the amendment was laid on the table; yeas 33, nays 13.

Mr. RAY demanded the previous question, which the Senate seconded, and under its operation the amendments were adopted as recommended by the committee.

Mr. WOLFE asked what had become of his amendment.

Mr. RAY considered it was included in the report of the Committee.

After a discussion on matters of fact in relation to the action in the committee room, and the condition of the bill and amendments, Mr. Wolfe's amendment was adopted—yeas 31, nays 17—and the bill was ordered to be engrossed.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 3, 1863.

The SPEAKER decided as to the power of the House. It was a doubtful question when the House adjourns on a call which shows no quorum as to the status of the House at the next session. But, after deliberation and consultation, he believed the presumption would be that there was a quorum at the next session. The House, therefore, would proceed to receive reports from the Committee on Claims, to enable the Committee on Ways and Means to perfect their business, messages from the Senate, from the Governor, and transact all other business not requiring a call of the yeas and nays.

Mr. HANNA inquired if this ruling would not conflict with the action of the House with regard to the Governor's message?

The SPEAKER decided that it would not

BORROWERS FROM THE SINKING FUND.

A report from a committee recommending that the bill H. R. 136, (see page 115,) be laid on the table, was concurred in.

MOBBING PRINTING OFFICES.

Mr. HANNA, from a select committee, reported a resolution, which was adopted, directing incorporation in the specific appropriation bill of $2.500 to Grafton F. Cookerly, of Terre Haute, and $500 to Calvin Jones, of Rockport, for printing offices destroyed by mobs.

THE BOLTING MEMBERS.

Mr. KILGORE asked leave of absence for Messrs. Griffith and Cass until to-morrow noon, that they might visit Madison to see if terms could not be made with the bolting members, who were understood to be in that city.

Mr. HANNA opposed the request. He was for making no terms with those gentlemen. They knew their duty. Let them return and conduct themselves as honorable gentlemen should. The majority would make no compromise with them. For the Republican gentlemen who had remained on this floor, obedient to their oaths, he had the highest respect, but as for the Secessionists, the majority defied them—THEY DEFIED THEM.

Mr. PUETT was opposed to adopting a resolution which would authorize any members to go with terms of compromise to men who were standing out in violation of their oaths. Let us remain here, do our duty, and upon the factious minority would rest the responsibility.

Mr. MASON followed in a like argument. Were it not for the revolutionary state of affairs, the sentiment was to bring these men back by force. He entered his protest most emphatically against granting any leave of absence for the purpose of attempting to compromise with them.—The majority should stand upon their rights as representatives of a free people.

Mr. PACKARD said there was a powerful outside pressure brought to bear upon these seceders. Prominent Republicans—Governor Williams among the number—had told them that these gentlemen would come back. He (Mr. Packard.) wanted to see them come back, but not through any compromise on the part of the majority. He indorsed the sentiment of Mr. Hanna: if they would come back and do their duty they would be treated as honorable gentlemen.

Mr. CASS said the minority would never come back so long as the militia bill was pending. They never would.

Mr. HANNA. Let them stay away then.

Mr. BROWN. Are you not pledged to bolt on the bill with regard to arbitrary arrests?

Mr. CASS. No, sir.

Mr. BROWN. You know you are.

The SPEAKER. Order, gentlemen, order.

Mr. KILGORE. It might just as well be understood, once for all, that so long as the military bill was before the House, the minority would never come back. If it was determined to persist in that measure, a large sum of money could be saved to the people of Indiana by adjourning at once. While that bill was pending, no appropriation or any other bills should be passed.

Mr. PUETT wanted to know, if three men, of high legal attainments, who were not Democrats, men so high in public esteem that all parties respected them, were chosen, to whom the military bill should be submitted, and they pronounced it constitutional and a proper matter of legislation, would the minority then come back?

Mr. KILGORE. No, sir! we will never come back to vote on that bill. And he would bolt, not only on that bill, but upon any other bill that his party said he should bolt upon.

Mr. HOLCOMB. It is of no use, then, to trifle with such men.

Mr. PUETT named Messrs. Blythe, of Evansville, McDonald, of Indianapolis and Griswold, of Terre Haute, as gentlemen to whom the bill might be submitted.

Mr. KILGORE. They are all very clever gentlemen, sir, but it makes no difference.

Messrs. PRIEST, NIBLACK and others followed, declaring that no compromise would be made with the minority. A large portion of the minority intended not to vote upon other measures than the militia bill. He was in favor of letting these gentlemen come back, of course, but he wanted them to sneak back just as they had sneaked away. If unconditional submission was good upon one side, it was good on the other. We, the majority, would remain here, ready to do our duty. We were peace men when a proper spirit was shown by secessionists for peace. He moved to table the motion asking leave of absence for the purpose indicated.

The motion was agreed to.

A call of the House showed 59 members present.

IN SENATE.

WEDNESDAY, March 4, 1863.

The bill S. 177 (introduced yesterday,) was read the second time. The militia bill S. 163 was taken up and referred to a select committee.

BILLS ON THE THIRD READING.

Mr. Reed's bill, [S. 156] to amend the law defining the duties of County Treasurer, so as to require that officer to deduct from all county orders presented the amount of taxes due from the holder, was read the third time and passed; by yeas 37, nays 11.

Mr. March's bill, [S. 54] to take six sections from Jay county and give the same to Blackford, was called up, the pending motion being to indefinitely postpone.

Mr. BROWN, of Wells, as the Representative from Jay county, spoke urgently in favor of the postponement of the bill.

The motion to postpone was voted down.

Mr. BROWN, of Wells, then endeavored to get it referred to a special committee, which motion also failed, and the bill passed, by yeas 35; nays 15.

Mr. Garvin's bill, [H. R 142] to amend the practice in reference to liens on water craft passed; by yeas 43, nays 0.

Mr. McGaughey's bill, [H. R. 78] to enable other than corporations to reclaim waste lands was passed; by yeas 38, nays 4.

NEW YORK AND INDIANA.

Mr. COBB, Chairman of the Committee on Federal Relations, reported back the memorial from the House to the Governor and Legislature of New York, recommending its passage.

Mr. MARCH moved to amend by striking out that portion of the memorial congratulating the people of New York upon the election of Governor Seymour. He said that if the object of the memorial was to secure commercial advantages, it was improper and in bad taste to insert anything of a partisan character. He thought that portion would be distasteful to the majority of the New York Legislature, which was what is termed Union.

Mr. COBB said that was the only thing the critical gentleman from Delaware (Mr. March) could find objectionable in the memorial. He hoped it would pass just as it came from the House. All admitted the correctness of its statements, and to amend it now would kill it.

On motion by Mr. COBB, the amendment was laid on the table; by yeas 29, nays 17.

Mr. BROWNE, of Randolph, moved to amend by congratulating the people of New York on the ministrations of Henry Ward Beecher, and the publication of the New York *Tribune*. He intended to withdraw the amendment, but proposed it to express his views on the memorial. He considered it in bad taste to introduce political matter into a paper asking the Legislature to reduce the rate of tolls or of freights on their great lines of railroads. He presumed that the New York Legislature—the parties in it—were as partisan as parties here.

Mr. JOHNSTON moved to amend the amendment by making it read the State of New York was dishonored by the ministrations of Henry Ward Beecher.

On motion by Mr. COBB, the amendment was laid on the table.

Mr. MARCH moved to amend by congratulating the people of New York on the election of an unconditional Union Democrat as Speaker of the House of Representatives.

Mr. COBB demanded the previous question, which was sustained—yeas 31, nays 15—and under its operation the amendment was rejected.

Mr. BROWNE, of Randolph, moved to re commit with instructions to so amend the memorial that it shall contain nothing of a political character, and also to amend by "assuring the State of New York that Indiana is now, as she ever has been, for the suppression of the existing rebellion, and the restoration of the Union upon the basis of the Constitution, and that to that end she pledges her entire resources of men and money, hoping that the loyal men of New York will cordially unite with her in this patriotic and laudable purpose."

Mr. COBB demanded the previous question, which was sustained; the motion to recommit was rejected—yeas 18, nays 27—and the joint resolution passed; yeas 30, nays 14.

A committee report recommending that the bill S. 136 (see page 152,) be laid on the table, was concurred in.

AFTERNOON SESSION.

Mr. BRADLEY called up the bill [S. 108] in relation to the acceptance of a grant of land from the United States for the establishment of an Agricultural College. (The bond of the Commissioner created by the act was fixed at $100,000, and the salary $500 per annum, and a commission on the proceeds of the sales of 1 per cent., but in no case to exceed $1,200 per annum.) The bill passed; by yeas 43, nays 0.

Mr. COBB called up Mr. Garvin's bill, [H. R. 147] to extend liens on water craft to include wharf boats and floating warehouses, and it was passed; by yeas 44, nays 1.

Mr. DOWNEY called up Mr. Roberts' bill, [H. R. 110] to amend the act for the regulation of weights and measures; (The bill makes the standard bushel of coal to correspond with the Pennsylvania and Ohio standards;) and it was passed; by yeas 42, nays 2.

NEGRO EXCLUSION BILL.

Mr. LANDERS called up the bill S. 140, to enforce the 13th article of the Constitution.

Mr. WOLFE moved to re-commit to a special committee of three, with instructions to strike out all that enables the negro to testify in his own behalf.

Mr. MARCH moved to amend by giving the right of appeal from the Clerk to the Common Pleas or Circuit Courts.

Mr. LANDERS made an ineffectual motion—yeas 17, nays 29—to lay the motion to re-commit on the table.

Mr. DUNNING (Mr. Williams in the Chair). I desire to ask whether, by the provisions of that bill, the negro is rendered a competent witness in favor of himself?

Mr. WOLFE. Not directly, but indirectly.

Mr. DUNNING. When he is sworn by the Clerk of the Court to answer whether he has properly registered himself; that is the only point in which I desire to see him made a witness. Notwithstanding I have as little love for the negro as any other gentleman on this floor, I desire to do justice to all.

Mr. WOLFE. It does not only permit him to testify as to whether he has registered, but whether he has been a resident of the State.

Mr. DUNNING. Well, sir, if, when the negro is called upon to testify, the Clerk of the Court has not got sense enough to ascertain whether that negro is telling the truth or no, I do not know but what the negro ought to have the right to a certificate. I do not desire to see the negro made a witness upon the trial of an indictment against him, nor upon the trial of any criminal prosecution; but as to the fact whether he was a resident of the State at the time of the adoption of the Constitution I am willing he should testify; and I am willing, sir, that it should be conclusive as against the man who employs him. This I say while I have not a drop of Abolition blood in me, nor a sentiment that beats in unison with the doctrine of making the negro my equal, or the equal of any white man on the face of God's green earth. What were the purposes of the Almighty in making some men black is not for me to know; but I do not want to treat him as if he were a brute, or as if he had no feeling. I do not wish to treat him as if he had no rights other than the rights that might be claimed by a horse. But, as has been said, we may go too far in this matter, sir. I shall not be governed in my vote by any question of expediency as to whether it is policy to vote to keep him out. I go for carrying out the provisions of the Constitution of the State of Indiana, which has received the sanction of over 90,000 free voters in this State.—If it operates oppressively upon the black man, it is the fault of those who framed the Constitution, and there has never been offered any provisions in the General Assembly for the purpose of changing this feature of that Constitution. No, sir, this anxiety has been manifested only since this war has been inaugurated. I say there are good reasons to make stringent laws now. I want to give the negro what will be a protection against the cruel features of the bill; and when I have placed myself right upon the record, if the wisdom of the Senate shall deem that the measure should be stricken out, I shall, nevertheless, vote for the bill. I never want to see the face of a negro unless I know that negro has a master or a mistress; and I am opposed to the emigration of negroes or contrabands to this State—He was anxious to see a bill passed on the subject that would be sufficiently stringent to carry out the views of the framers of the Constitution, and he thought the bill without the amendment would effect that end.

Mr. RAY thought that there was a misapprehension in regard to the testimony of the negro. It only gave him the right to testify, leaving the credibility to the Clerk of the Court. Parties interested were not deprived of the right to offer testimony to contradict it.

The motion to re-commit was rejected—yeas 14, nays 32.

The amendment was also rejected—yeas 19, nays 28.

Mr. CLAYPOOL said that the law seemed to be modeled after the dog law, and in order to make it assimilate nearer that famous law, he would move to re-commit with instructions to amend so as to provide "that it shall be lawful to kill any such negro or mulatto found in this State after the first day of July, A. D. 1863, who shall not be licensed under the provisions of this act."

The motion was rejected—yeas 19, nays 35, refusing to vote 2.

The bill then failed for want of a constitutional majority; yeas 24, nays 23.

FINAL ADJOURNMENT.

Mr. COBB introduced a concurrent resolution declaring that a factious minority in the House of Representatives had revolutionized, and left the General Assembly in such condition that no legislation could be transacted; that there was no hope of the minority of that body returning; and, therefore, that the General Assembly adjourn *sine die*, on Thursday, March 5th, at 10 o'clock a. m.

Mr. GRAVES. I am in favor of adjourning, but I do not like the preamble. I am not disposed to stand in judgment upon others, who, like myself, have taken an oath to support the Constitution and discharge their duties faithfully. For the simple resolution, without the preamble, I am prepared to vote.

Mr. COBB. That resolution states nothing but facts. It states that the minority are revolutionary. They have been absent from their seats seven days; and if that is not revolution I do not know what is. I was disposed on Monday to introduce this resolution; indeed I thought of doing it on Saturday, but I hoped the absconding members of the House of Representatives would return to their seats. I have now lost all hope in regard to them. I understand they have determined not to come back, and I am in favor of an adjournment. I believe it is our duty to adjourn. I believe we ought to have adjourned before now—when the minority in the House broke a quorum and left the city of Indianapolis, thereby saying to this Legislature and to the world that they would not act in conformity with the law

under their oaths. Sir, they have sent certain propositions to the House, but where are they to receive an answer?—They are not in the city; they have gone, we do not know where. They may be at home; in the State of Kentucky; Illinois, or Ohio As far as the constitutional provision is concerned, I have not the least doubt but that the House has a right to adjourn *sine die*. That provision of the Constitution which says they may adjourn from day to day, and send for absentees, has no reference to lessening their power to adjourn *sine die*, but it is for the purpose of increasing their power and enable them to continue in session and force the attendance of members. I hope this resolution will be carried. It states nothing but facts, and those facts should be placed upon the record.

Mr. BROWN, of Wells. While I am ready to admit the facts, I do not come to the same conclusion with the Senator who has preceded me. There is a great responsibility attached to this measure, and we should consider well what action we should take in this matter, before we take any. The minority in the other branch have chosen to disorganize this Legislature, and inaugurate revolution; yet, sir, it occurs to me the majority still have a duty to perform, and that duty can only be discharged by remaining here to the last hour the Constitution allows us to remain. The purposes for which this Legislature met will be defeated no doubt by the action of this factious minority, but at the same time there are other matters devolving upon us which we may accomplish by remaining to the last hour. Suppose this Legislature were to adjourn on the 5th instant, there would be still left four days, and during that time, (the minority would charge) if we had remained at our post, legislation necessary for the interest of the State might have been transacted. The gentleman says that this is what they intend to do, and what they will do. They are speaking by the card. It is understood that they expect to charge upon us that they are not in fault. I do not know whether the gentlemen who are nodding their heads are in jest or in earnest, but there is some reason for it. There might be a question whether this factious minority might not come here and meet from day to day, elect a Speaker, Clerks, and Sergeant-at-Arms, and compel the attendance of absent members. I simply throw this out as a suggestion.

Mr. MANSFIELD. I believe I am as much opposed to revolutionary measures, and opposed to compromises openly made in legislative halls between two political parties, as any other gentleman, but I——

Mr. COBB (interrupting). Does the gentleman oppose bolting?

Mr. MANSFIELD. I am going to explain.

Mr. MELLETT (interposing). I should like to ask the Senator from Lawrence (Mr. Cobb) if he is opposed to bolting?

Mr. COBB. Yes, sir.

Mr. MELLETT. When did he become so?

Mr. COBB. Since the Republicans got at it. [Laughter.]

Mr. MANSFIELD (resuming). I would have no objection to vote for an adjournment *sine die* if I thought we could constitutionally do it, and there would be no chance left for additional legislation in case those gentlemen return. But I rise to touch upon another point. We are called a factious minority. Now, sir, I deny that we are a minority. We are, to be sure, a minority in these legislative halls; but, sir, we do not represent a minority of the people. I speak candidly.—If we look at the returns we find that the majority amounts to no more than nine thousand, some hundred. Now I doubt whether there is a Senator here who will deny that some 50,000 voters are out of the State, and we have seen enough of the resolutions which have been laid before this Senate, coming from those brave men who are deprived of a vote, to know that the majority—if they had not through their patriotism lost their right to this great franchise—the majority would have been as great this year in favor of the party of which I have the honor to be a member, as it was four years ago. I say, then, Mr. President, though we are in the minority here, we do not represent a minority of the people; and, sir, the measures which this accidental majority of members have the power to force upon us are distasteful to a great majority of the people of the State; and under such circumstances I feel disposed to step a little beyond the marks which the letter of the law prescribes. I oppose revolution in ordinary cases, but when I stand here pledged to do that which is the will of those who sent me here, (and I consider they would have sent a majority of members if they had their rights,) had I been in the House, and that militia bill, which tramples our Constitution under foot, and throws the military power where the hearts of the people do not want it, were put upon its passage, I declare that the last drop of my blood should flow before I would submit to it; and had I been a member of the House, I would like to see a man shut the door against me; I would go through.

A Voice.—"Consent." "You might go now."

Mr. CLAYPOOL. I would vote for a simple proposition to adjourn, but I cannot vote for such a resolution as this one. We have no official notice of anything of the kind that is charged. I am not aware that the members of the House have bolted; but I hear it in the streets and around the lobbies that a certain number of gentle-

man have gone down to Louisville to hold a peace convention; and in strict accordance with the resolutions of the Senator from Harrison (Mr. Wolfe.) If the House have the power to adjourn, they have the power to pass a resolution to that effect, and if it comes in I shall be found in favor of it. We have seen bills taken up out of their order.—almost every one that is passed.—we have seen the reading of the journal dispensed with; we have seen the orders of the day suspended; and we have seen bills brought up from the bottom to the top of the files of the Senate that a vote might be taken upon them; and thus the business of the session has been delayed; and we have been told by a factious majority that until certain things were passed we could not be heard. I undertake to say that the people are not sending up petitions to have our time taken up in passing negro bills and military bills, and in favor of the discussion of resolutions looking to an armistice and to a secession of States. The majority had brought the present condition of affairs in our legislation upon their own heads by their conduct. They had not only introduced obnoxious measures, from day to day, but had insisted upon passing a bill the object of which was to destroy the military power and render it unavailable to aid the Government in opposing the rebellion; and which was in violation of the Constitution. He was willing to let the responsibility rest where it properly belonged.

Mr. RAY. This is not a question of partisan politics; it is a question of duty, entirely, whether the Senate should adjourn or not. We might commit the blunder of adjourning and give to the factious minority, so much denounced, the advantage of our blunder. They can come here to-morrow from Madison or Louisville, and be ready for legislation. There are many bills before the Senate which ought to be passed. Our duty is to travel straight on in the path of duty, letting the other end of this Capitol take care of itself and answer to the people. We will do our duty, and if necessary legislation fail by reason of the acts of a faction in the other end of the Capitol, let the fault be with them.—We can answer the people that we stayed as long as the constitutional limit, and passed on every measure, whether coming from the House or originating in the Senate; and if there be fault, it lies at the doors of others, and not at ours. We do not know anything about what the condition of things will be in the other end of the Capitol to-morrow or next day. They might pass the revenue and appropriation bills, and coming to these halls, and finding no Senate, where then would the people say the responsibility is? If not with the Senate alone, it would be divided between the Senate and the House. He understood the House had refused to adjourn by a large majority of those present, and he thought it was a wise and patriotic conclusion, and he hoped the Senate would do the same.

Mr. COBB. It is a peculiarity of the Senator from Fayette (Mr. Claypool) that he cannot make a speech without bridging in questions foreign to the subject, by way of making charges against the majority on this floor. Greater latitude has been allowed that Senator and his friends than was allowed to us two years ago. Cannot the Senator do justice to any one but his friends? Does he not remember that two years ago, when he and his friends forced the minority to bolt, that he pointed to me and said he would give me and my friends to understand that they had a rope around our necks and they would bring us up to taw. Sir, we have not treated the Senator and his party so, yet the action of the Senator would warrant us in doing it. But now to the resolution. I know it is said we ought to stay and do our duty, and that is what we should do; but I submit to the gentleman from Shelby (Mr. Ray) and others, whether or not, when we have stayed here until we are convinced we cannot pass upon the necessary legislation that is before us, owing to the factious conduct of the minority in the House—I submit whether it is not our duty to ourselves and to our constituency that we should adjourn? Why stay here? Is it a duty imposed upon Senators and Representatives who are here, to remain here when they know legislation is stopped, and we cannot pass upon it? But it is said we should pass the appropriation bills. I cannot believe that we should pass one dollar of appropriation, unless it would be for the Benevolent Institutions of Indiana. I am opposed to a single dollar of appropriation for any other purpose, and that would be out of regard for the inmates and not for the officers. The Senator from Jefferson [Mr. Mansfield] would find when the people spoke again that if any change had taken place since the elections it would be still stronger against the Republican party.

Mr. MELLETT. The Senator from Lawrence (Mr. Cobb) was one of the number who gave me my first lessons in bolting. The distinguished gentleman himself led the first grand bolt I ever witnessed, and it was done up splendidly. Now, sir, I do not know, but I believe the Senator from Lawrence has learned that it is revolutionary to bolt, and a violation of an oath. That may be so, sir. If it is revolutionary he knows it, for he has tried it; and if it is a violation of an oath he knows it, for he has tried it. I know it is pretty hard to take, for I remember how abominably mean I felt two years ago when he was out, and I got up and made loud speeches; and if my speeches at that time were re-

ported it would be a good thing for him to read. But what good did it do me? I got mad. I made big speeches, and we almost swore we never would yield to the minority; but we counseled and reflected, and finally we did come down. That is the fact about it. We put ourselves on paper; I feel ashamed of it to this day, but I did do it. I think, from the gentleman's speech, that he is excited, and as I got up for the benefit of gentlemen who get excited, my advice is to use ice-water, and keep cool, because getting into a flurry won't do a bit of good. Speaking to the question of adjournment he contended that we could not adjourn until the time limited by the Constitution had expired.

Mr. WOLFE. With regard to this question of adjournment, I am clearly of opinion that we have the power to do so to morrow; but upon the question of expediency I am inclined to the opinion that we had better not adjourn. Let us do all the business we can, paying no attention to what is going on in the other end of the Capitol, and if any necessary legislation fail let it not be the fault of the Senate.

Mr. CORBIN. I am opposed to an adjournment at this time, not because of the preamble, for it states the truth in regard to the case, and that would tend to make me vote for the resolution, but I have a better reason, in my judgment, than that; and that reason is founded upon my construction of the Constitution that we have no right to. I cannot see any authority given this body to adjourn, without the consent of the other, for more than three days. Where do we get our authority?—And what is this body or the other but creatures of the Constitution? and what are the acts of this legislative body?—Those that are performed by a constitutional majority; those that are performed by a quorum of two-thirds; and all other acts are void. The act we could perform by adjourning *sine die* would be a void act, and any number of members would have the right to come in and adjourn over from day to day until the close of this session. Now can we adjourn *sine die* without the consent of the other house? and is that a House when there is no quorum there? There has to be a quorum in both houses to authorize us to adjourn.

Mr. DOWNEY. This resolution is based upon facts not officially known. The other branch of this General Assembly advise us by resolution when the House is organized, and when they think we ought to adjourn, and if we concur we adjourn at the time agreed upon by both branches. I suppose all the discussion has been taken upon the resolution that it is desirable to have, and without insisting upon the point of order, I move to lay it on the table.

The motion was agreed to by yeas 33, nays 12.

So the resolution lies on the table.

PRESIDENT OF BENEVOLENT INSTITUTIONS.

The PRESIDENT laid before the Senate a communication from the Auditor of State, informing the Senate that in consequence of a decision of the Supreme Court that the President of the Benevolent Institutions had forfeited his office, he could not audit the accounts of said institutions, and asking some action of the Senate in that regard, which was referred to the Judiciary Committee.

NIGHT SESSION.

Leave being granted, Mr. MOORE submitted the following report, which was concurred in:

Mr. President: The Committee on Claims have had the claim of W. H. DRAPIER under consideration, and recommend that he be allowed thirty dollars for preparing and publishing the Acts and Joint Resolutions passed during last session; and also fifteen dollars for organizing the present Senate; and recommend the same to be referred to the Committee on Finance and be allowed.

Senate bills 162, 166, 171, joint resolution 16 (introduced Friday;) 173, (Saturday; 175, (day before yesterday;) 177, (yesterday;) and House bills 27, 31, (see page 50;) 47, (p. 57;) 72, (p. 68;) 75, (p. 82;) 143, (p. 121;) were read the second time and referred to appropriate committees; and Senate bills 31, (p. 59;) 160, (p. 168;) 169, 172, and H. R. 128 and S. 77 (p. 110;) were ordered engrossed.

The joint resolution S. 14, (see page 167;) was changed to a concurrent resolution and adopted.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 4, 1863.

Mr. HOLCOMB rose to a question of privilege. He sent to the Clerk's desk a copy of the Indiana *Journal* and had an article from that sheet read accusing him of attempting to cast a slur upon Governor Morton in the matter of the draft. He had no disposition to slur that gentleman. His record was bad enough without slurring him. In this (Center) township, the hot bed of Abolitionism, according to the Draft Commissioner's report, the heaviest draft of any township in the State, save one, had been assessed. Governor Morton had made speeches in this township. He had impressed his doctrines on the people. There was the assessment reported by the Commissioner. If the full number were not obtained, it was to be explained only by one of two suppositions: Either the draft was not enforced in Center township, Marion county, or citizens, after the assessment had been made, came forward and volunteered. In his [Mr. Holcomb's] district, in the Southern part of the State, a Democratic district, the only draft made was in a county which voted for Mr. Lincoln, while in Governor Morton's district, the Burnt Republican District, the draft had obtained in every county. These

were a few facts for the *Journal* and Governor Morton's other few friends to think about. They, by their organ, had suggested facts, as they called them, for him to cogitate upon: he suggested facts which were facts for their rumination.

BREVIER LEGISLATIVE REPORTS.

Mr. WOLFE, from the Committee on Claims, submitted the following repor :

Mr Speaker: The Committee on Claims to whom was referred the claim of A. E. & W. H. DRAPIER for sixty-six dollars, balance due on BREVIER LEGISLATIVE REPORTS of the House of Representatives, have considered the same, and recommend that the Committee on Ways and Means be directed to incorporate said sum into the Specific Appropriation Bill in favor of said claimants.

The report was concurred in.

THE STATE OF THE UNION.

Mr. GIVEN, from the Committee on Federal Relations, submitted a minority report fully agreeing with the report of the majority (see page 181) upon all subjects touched upon, but insisting that the great and paramount matter—a declaration in favor of a peace convention—had been overlooked, and introducing a joint resolution [57] to that end, designating Louisville as the place.

The report was laid on the table and 500 copies ordered printed.

The joint resolution was read the first time and passed to the second reading.

A call of the House was ordered and but 53 members answered to their names. 38 members were absent without leave. No quorum being present the House adjourned.

IN SENATE.

THURSDAY, March 5, 1863.

A report from a committee recommending that the bill S. 176 (see page 189) be laid on the table, was concurred in.

NEW PROPOSITIONS.

Mr. GAFF, introduced a bill [179,] to protect shareholders and to prevent officers and employees of railroads from embezzling and squandering the earnings. Rules suspended read the first and second times and referred to the Committee on Corporations.

Mr DAVIS, of Vermillion, introduced a bill [180,] to amend the act concerning partition of lands; which was read the first time.

BILLS ON THE THIRD READING.

The following described House bills were read the third time and finally passed, unless otherwise stated:

Mr. Atkinson's, [20] To amend the law concerning the assessment and collection of school house taxes so as to levy taxes on all property lying within the townships, without reference to where owners reside; by yeas 28, nays 11.

Mr. Anderson's, [23.] To amend the law authorizing the organization of Agricultural Societies, so that when such Societies disband their property will revert to the counties in which they are located; failed to pass; by yeas 15, nays 25.

Mr. Spencer's, [48] To prohibit Common Pleas Judges from practicing in inferior Courts; by yeas 42, nays 1.

Mr. Spencer's, [82] Authorizing County Commissioners to hold sessions in County Auditors' offices; by yeas 43, nays 0.

Mr. McCauchey's, [95] Fixing the time of holding Common Pleas Courts in the counties of Adams, Allen and Huntington; by yeas 42, nays 0.

Mr. Miller's, [114] Requiring County Recorders to record a certificate that all deeds, mortages, &c., were duly stamped according to act of congress; by yeas 43, nays 0.

THE GOVERNOR'S CONTINGENT FUND.

Mr. WILLIAMS, from the Finance Committee, presented a majority report in response to a resolution directing inquiry as to whether the $100,000 appropriated for Governor's contingent fund had been properly expended. The report charges that $25,000, to repay a loan which should have been paid out of this appropriation, was paid out of another fund, which is deemed by the Committee to be a misapplication.

Mr. CLAYPOOL, presented a minority reported from same committee, setting forth that no meeting of the committee had been held, and that the majority report had only been submitted to the minority on yesterday, and should be considered as an exparte report. The majority report does not claim that any money had been squandered, or that the $25,000 alluded to had not been justly paid. The minority contend that it was not the intention of the Legislature to authorize the loan of $25,000, out of the contingent fund appropriation of $100,000, and that its payment out of another fund was not a misapplication.

Both reports were made the special order for—to morrow morning.

AFTERNOON SESSION.

Mr. DOUGLASS introduced a bill [181] To fix the time of holding Courts in the 19th Judicial Circuit. Rules suspended and the bill read three times and passed; by yeas 36, nays 0.

Mr. MARCH introduced a bill [182] Defining the manner of submitting to the vote of the people certain amendments to the Constitution. Read twice and referred to a select committee.

Mr. Forester's bill [H. R. 17] To make valid sales of land by foreign executors and administrators; was passed by yeas 44, nays 1.

Mr. Lake's bill [H. R. 107] For the relief of Nineveh Berry; was passed by yeas 27 nays 19.

THE GENERAL ASSEMBLY AND THE ARMY.

Mr. COBB, on behalf of the majority of the Committee on Federal Relations, submitted a lengthy response to the several memorials presented to the Senate from certain Indiana regiments in the field; and moved that the report lay on the table and 10,000 copies be printed for the use of the Senate.

Mr. MARCH stated that the minority would submit their report to-morrow morning, and he asked that the report they would submit be printed with the majority report. He said there was a great deal of fine language in the report just read, but there was some matters of fact that the correction should go with.

Mr. COBB. I shall look with some anxiety to see what kind of report the Senator will get up. It was charged by the Senator and his friends as these resolutions and memorials came in, that they were directed to the majority here; that they were sent here for the purpose of instructing us as to our duty. We have received them in a respectful manner, and we have prepared in respectful language an address in reply and we are going to submit it to these soldiers. We have prepared facts that the Senator and his friends cannot deny; in respectful language, as I said before, and in such forcible language sir, and embodying such sentiments, that the Senator will not be able to get up a minority report that will be respectful it self if he takes issue with it He cannot deny a single fact in that report, not one, sir. He may indirectly, as he has in his place upon this floor, declare that we are traitors; but he will not dare, in his place nor upon paper, declare that the things set forth in that report are false. No, he will not dare do it. Then how can he get up a minority report that will be respectful and appropriate to accompany this majority report? I, for one, will never consent that he shall publish his minority report with it.

Mr. MELLETT. That report is far from being the kind of report I should have made; but, sir, it is such an immense improvement of the feeling and sentiment of the gentleman from Lawrence (Mr. Cobb) that I thank the gentleman for the report and the soldiers for sending the petitions that have produced it. It has produced in the Senator from Lawrence an immense change—

Mr. COBB (interrupting.) Mr. President, I deny the charge, sir; I state that the Senator is immensely mistaken. I have not changed my sentiments. The gentleman don't understand the case.

Mr. MELLETT. It is probable I dont, but I understood the Senator fro a Lawrence to say when these petitions came here, that they did not emenate from the soldiery, that they were from the officers — the shoulder strap gentlemen; — and now, in his report, he uses the most honied words. How is that; is there no change? I tell the Senator from Lawrence that the soldiers will believe there is a change, and they will thank God there is a change. And I will tell the Senator, further, that everybody who is acquainted with him will believe there is a change. When we first met here it was an armistice; a cessation of hostilities; a peace Convention; taking the powers out of the hands of the Administration at once, and stopping this blood shed:—that was their stock in trade. How is it now? Why, we have had nothing to do with this war; we did not commence it; it was our duty to pay taxes, support the soldiers, and feed and clothe the sick soldiers in hospitals;—this is the duty of the Democracy. How humble!—My God! what a change!

Mr. RAY (in his seat.) Will the gentleman say that we shall print 20,000 instead of ten?

Mr. MELLETT. Yes sir, I say 100,000 and will be borne out by the soldiers. I am in favor of printing 200,000 copies if gentlemen will ask it, although the report is not just as I would desire it, and states some things not in accordance with my views as matters of fact. It is said in the report that the soldiers have petitioned us to cast aside party, and I am in favor of that. I clasp hands and say good-bye party until this war is ended. The Senator from Shelby [Mr. Ray] and myself met here on the 18th of June and we adopted a simple resolution in favor of a vigorous prosecution of the war, laying aside all party. The Senator from Lawrence has not given up his party.

Mr. COBB. Has the Senator from Henry [Mr. Mellett] been serving his party since?

Mr. MELLETT. I have been voting against party.

Mr. COBB. I will testify that he is one of the best republicans in that party.

Mr. LANDERS. Does the Senator from Henry stand upon the resolutions he refers to as having been adopted in June.

Mr. MARCH (in his seat.) Yes

Mr. MELLETT. I think so. Certainly. I adopted them then and have not changed face.

Mr. LANDERS. Does the Senator endorse the proclamation of emancipation?

Mr. MELLETT. I do not think it was expedient. I would not have issued that proclamation of Lincoln's, but because Lincoln has done a thing I would not have done must I rebel against my government? Not at all. I am a no party man, sir, and stand upon the platform made by the Senator from Shelby and us disappointed democrats on the 18th of June.

Mr. RAY (interposing). I had nothing to do with making the platform, but I endorsed it.

Mr. MELLETT. He made the best speech in his life, and the best I have read in the last ten years, on that occasion. It was a no party speech. Now, sir, I stand upon that, but the Senator from Lawrence must save the Democratic party; the Government is good enough in its way; the Christian religion is an excellent thing, but all these things must stand aside for the Democratic party.

Mr. MARCH. I agree with the Senator from Henry that it is one of the most fortunate circumstances in the history of the country that the soldiers and officers now serving in the armies of the Union thought proper to lay their address before the General Assembly; for I doubt if there has ever been more effectual preaching since the foundation of the world, unless it was that which Paul met with when on his journey to Damascus. [Laughter.] But the Senator says he is unwilling that the minority report shall be printed with the majority. Now in the first place it is usual and universally a parliamentary rule that whenever the majority of a committee make a report upon any subject whatever, and that report is printed, the minority report is printed along with it, if respectful in language; and I will say that if it is not respectful in language we will not ask to have it printed. We expect to do nothing more than report a history of facts, and let them speak for themselves. Now, sir, it is said that this army and these soldiers have been misled. It is not for me to say whether they have been misled or not; but I say they are just as competent to speak for themselves as any Senator upon this floor. These soldiers are our friends, neighbors and brothers. They have lost none of their interest in their country because they are in the army; but, rather, they have proved that they feel more of an interest in the cause of their country than those of us who stay at home; and they must necessarily watch our proceeding with more interest than we do ourselves. I would not under any circumstances cast any improper reflections upon any citizen, from the highest to the lowest; but I am in favor of having the facts on both sides presented to the army and the country. I desire to join Senators in returning my thanks to these gallant men for their words of wisdom, counsel and patriotism. They expect unfaltering, undying devotion to our country; asking no armistice of traitors, but swearing they will stand by the flag of our country until every foe is trampled into the dust. Then as it is the part of the brave to be merciful, I trust they will exercise that trait in the proper time.

Mr. WOLFE. It seems to me that nothing can be done by the majority upon this floor that gentlemen in the minority will approve of. The demand made by the Senator is extraordinary.

Mr. MELLETT (interrupting). I approve most heartily of this report as a good Democratic document.

Mr. WOLFE. Some corrupt and base partisans of the State of Indiana have poisoned the minds of the soldiers in regard to the sentiments of the majority of the people of this State, or at least a majority of the members on this floor, and they petitioned the majority of this Legislature to do certain things. Their petitions were referred to the Committee on Federal Relations, for the purpose of obtaining a report from that committee presenting to the soldiers the facts in the case, so that they might not be further misled in regard to these questions. These gentlemen of the minority pretend to be opposed to party in the State, amongst the people or in the army; and what do they propose to do?—Nothing to remove the false impressions made on the minds of the soldiers; but they want to print a minority report to speak for themselves, and not for the majority on this floor. These petitions were addressed more directly to the majority on this floor, and they have the right to speak responsive; but anything the minority may say will not be in response to the petitions sent to us. They have no right to repeat the foul slander already circulated against the majority upon this floor. If they do so it will be for the purpose of keeping up a party strife among the soldiers, which we seek to remove.—Any man of any patriotism, or even common sense, can see and appreciate the fact that if this discussion is carried into the army it will get up the same kind of a feeling that it has upon this floor. This report is intended to inspire the soldier upon the battle-field with confidence that the Legislature is sustaining him. If the minority bring in a report it will be for the purpose and will have the effect of infusing a different feeling in the hearts of our soldiery. And will that be calculated to nerve the arm of the soldier, or strengthen his heart? No, sir, it will be doing the very thing these petitions seek to remove—the very thing the false and corrupt charges that were made in the first place were intended to do. For one, I am opposed to it, and will never give my sanction to any party to carry their feeling to that extent.

Mr. LANDERS. What is this report?—It is the majority upon this floor speaking their sentiments to the soldiers in the field in reference to their petition, that the minority insist was particularly addressed to the majority here. Now, sir, I give the opposition to understand in advance that I am not willing to allow them to speak for us in this matter. The majority report expresses our sentiments. Now we have understood that the opposition expect to bring in a minority report here for the avowed purpose of showing that this re-

port does not reflect the sentiments of the Democratic party. It is the same kind of principle which has actuated these gentlemen from the time they came here, and that is to dictate to us the resolutions we should adopt. These gentlemen have had an opportunity of conversing with the soldiers; they have had their men sent into the army to talk to them; we have had no such opportunity, and now we ask the privilege of expressing our sentiments in this way

Mr. CLAYPOOL. I am surprised at the course the majority are taking in this matter. They seem to ignore the fact that this is a General Assembly, and plant themselves upon the ground that it is a mere party convention. These petitions were addressed to the General Assembly of the State, and not to any particular branch; and I have no objection to this statement of the majority going to the army in the number of ten or 20,000, but while it goes I want the report of the minority to go with it. It may be that the report of the majority is only a partial statement. There may be some facts they ought to state, that are not stated there They may believe all that is stated, but other facts ought to go along with that statement. If it be true that the Democratic party is on trial, I ask if they want to submit their case to a jury without a rejoinder? But it has been said upon the floor of this Senate that these resolutions were gotten up at the city of Indianapolis —sneeringly pointing the finger at the Executive of this State. This thing has been rebutted again and again; and I rise now more for the purpose of disabusing the public mind on that question, than to speak to the motion to print. If they see proper to refuse to print the two reports together, they will find that the minority report will be printed. I have in my hand a letter from Col. John T. Wilder, of the 17th Indiana, dated Murfreesboro, February 18, 1863, addressed to Governor Morton, which will set at rest the imputation that these petitions were gotten up by the Governor. [Mr. C. read the letter.] I read this for the purpose of meeting that accusation against the Governor, and leaving the matter where it belongs—to the patriotism of the Army of the Cumberland.

Mr. BROWNE, of Randolph. The report of the Committee on Federal Relations will never be printed and sent to the army by my vote; gentlemen may depend upon that. It is nothing but a Democratic speech, containing the platform of the Democratic party; not denunciatory of the minority on this floor, but containing by indirection, and I might say by direction, charges against certain persons of this State that are false in fact. The report is a long one——

Mr. COBB (interposing). I would like for the Senator to point out the falsehoods.

Mr. BROWNE. I can do it with a great deal of pleasure. It is charged directly in the memorial that funds appropriated by the Legislature have been used by the Executive in the hiring of minions to the Executive to poison the minds of the soldiery against the Democratic party. [That's so.] and I undertake to say, sir, that it is false in point of fact; and Senators have no reasonable grounds for making such a charge.

Mr. RAY (interrupting). There is no such accusation in the report in the language the Senator puts it.

Mr. BROWNE. It is a long report, and I cannot remember the language, but I undertake to say it is substantially charged.

Mr. RAY. The accusation is this:—those who were sent to look after the soldiers were men actively engaged in poisoning their minds.

Mr. BROWNE. I would like to know how much the Senator has improved my language? I undertake to say I am as well informed upon that point as the gentleman from Shelby; and whether the charge be true or not, it is an unjust charge in the absence of proof by which it is established. I do not care about the minority report. I don't believe either of the reports ought to go to the army. I do not think political arguments should be sent there. I do not expect to unite with the minority in charging disloyalty upon the Democracy of the Senate, but there have been resolutions introduced in this Legislature by Democratic members urging a compromise, an armistice, and denouncing the Administration in bitter terms, which shows there is an element at work in the State that is not in harmony with the great Union movement.

Mr. LANDERS (interrupting). Does the Senator consider it disloyal to differ with the President?

Mr. BROWNE. No, sir, I do not. But I believe that it is no part of unadulterated loyalty to propose any condition to the support of the Government in an emergency like the present one. I believe that the old Democratic party platform was right:—"Our country, right or wrong." In 1847 the Whigs differed with the Democrats in reference to the justness of that war, and they told us it was a question about which we had no right to inquire; that the Government was involved in war, and it was our duty to support the Government until success crowned the efforts of our armies.

Mr. LANDERS. I will ask if the Democratic party attempted to suppress the expression of opinion in regard to that war?

Mr. BROWNE. I do not know. I remember Gen. Jackson suppressed Judges and men both in New Orleans, where he suspended the writ of *habeas corpus*.

Mr. RAY. I am opposed to printing the minority along with the majority report, without knowing what it is. If it attempts to sustain the original charges, of course I would object to printing it at all. The Senator from Fayette (Mr. Claypool) says he wants a rejoinder—re-affirming and attempting to prove the original charge, as a matter of course. Now I am opposed to making political issues for the use of the army, but I am ready to furnish evidence to disabuse the minds of the soldiery. I am not able to say by what instrumentality they have been imposed upon; but that they have been imposed upon is not open to question. I think a response is due them from the people of Indiana, and it is not due to the people of Indiana, to the Senate, nor to the army that a rejoinder should accompany it, re-affirming the original scandalous and infamous charge I am not willing that a partisan report shall accompany this response. Let this response go out with the memorial, and there let the question rest unless the minority feel that they are justified in presenting a minority report, and if respectful I will vote to print it.

Mr. MANSFIELD. I think it will be an advantage to the majority to have the minority report sent along with it. It appears that there rests some suspicion upon the action of the party now in power; and if this report is sent to them alone, it is a one-sided affair, and will only show that the majority have the power to keep from them the other view of the case. It is customary when a majority and minority report are submitted, for them both to go together; and in this case there is particular occasion for it.—Our soldiers seem to express a fear that the legitimate power of their favorite man—our Governor—might be taken out of his hands: and I would like to send a word of consolation to our boys that are fighting, and tell them that that law will not be passed. And there are many other little matters about which they should have a word of comfort, but I can't see it in what my friend terms "that Democratic speech." From first to last there is no word in it—nothing that will arouse the drooping spirits of our brave men, and I would like this minority report to show that there are some men here who have hearts, every pulsation of which beats in unison with theirs for the preservation of this Union. I hope the motion to print will be postponed till we see our minority report.

Mr. CORBIN. We have heard ever since the organization of this body that the difficulties in the army were in consequence of the want of that unity of feeling and concert of action on the part of the people at home; or, in other words, upon the part of the Democratic party with those that claim to be of the "*Union*" party. We have heard it also said by the minority on this floor that they were the persons who were encouraging the soldiery—the strong arm of the Government—and it has been charged indirectly and directly that the majority upon this floor, and the Democratic party throughout the State were the very cause of creating this disaffection and division. This same sentiment comes to us from the soldiers in the field in the shape of a petition. Now, then if that is the case, what should be the object of these men who are "*the loyal* men of our country?" To try and heal those difficulties and help to create a re union where there is a disunion of sentiment. Should not that be the sentiment which should prompt every honest effort? I say, yes. We have set forth in answer to these memorials that which has a tendency to soothe their dejected spirits, and heal this disunion of sentiment on the part of these soldiers; and if this is so, why is it that the minority ask to send a minority report? Do they want to help spread oil upon the waters of discord?—Why no, they say: "We want to present a further indictment, and make it good by further charges." I say, by that act they show that they are not honest in their professions; that they are not for that unity of sentiment which is the strength of an army. They are false to their pledges and the people when they seek to put forth sentiments that will produce discord. And that is why I am opposed to sending any more missiles of discord.—I say let them go by some secret, underground railroad. They have gone to the army before, and that is what has brought forth these petitions charging the Democracy upon this floor with disloyal acts and sentiments.

Mr. WHITE. I thought this Senate was up to the standard of liberality, and why is it that the majority intimate that they will not publish our report? I am gratified that so liberal a report has come from the majority, although there are things in it which I cannot endorse. These gentlemen tell us that they had no agency in bringing on the war, and have no agency in carrying it on. I will vindicate the Democracy of Montgomery County by saying they have an agency in carrying on this war.

Mr. RAY (interrupting). The report does not say the Democracy have no agency in carrying on this war.

Mr. WHITE. You say "we."

Mr. RAY. The old Federal power is in the hands of the other party; and in the sense of power we have no agency in it.

Mr. WHITE. I don't think that explanation makes any material difference.—But gentlemen accuse Governor Morton with having sent men to the army for the purpose of relieving the wants of the soldiers, who made themselves mere political

colporteurs. I ask whether the soldiers have not had opportunities to learn what the majority intended in regard to this war, without any such emissaries, as they charge have been sent? On the first day we assembled here the Senator from Fayette offered a resolution setting forth that we were in favor of a vigorous prosecution of this war within the Constitution, and the majority on this floor voted that down. These are things that found their way in the papers, and the papers went to the soldiers, and the soldiers read, reflected, and spoke.

Mr DOUGLASS (interrupting). Did the Senator mean to say that the resolution was voted down.

Mr. WHITE. It was in effect voted down, from the fact that they sent it to a committee that had no creation.

Mr. COBB. Is it not in strict accordance with parliamentary law that a deliberative body has the right to send matter to a committee before it is raised?

Mr. WHITE. The President of the Senate so decided, and on his judgment I am willing to act. But these things went to the soldiers without the decision of the President. And on that same day, it being the 8th of January, the majority on this floor refused to adjourn for the purpose of commemorating the glorious victory won by General Jackson over a foreign foe at New Orleans. I refer to these things for the purpose of showing how the soldiers came to the conclusions they did, without Governor Morton sending persons there for that purpose.

Mr. RAY. Can the gentleman tell by what avenue they got the very same set of resolutions in the armies of the Potomac, Cumberland and Mississippi, all at the same time?

Mr. MELLETT. I would ask if they are identical?

Mr. RAY. Yes, sir. I can find resolutions from the Potomac, from Murfreesboro, and from Corinth all identical in preamble and resolutions with those adopted by certain regiments from Illinois.

Mr. WHITE. My view is this, and I thank God for it, that there is a concert of action between all the armies. I believe that all parts of the one grand whole are acting in concert together—all speaking the same voice for the same glorious cause. It only nerves me, and gives me brighter hopes for the future

Mr. COBB. Did not Democrats, two years ago, vote with Republicans to furnish money to assist them in fighting?

Mr. WHITE. Yes, sir, and I thank them for it. If there was a Democrat on this floor at that time, I did not know it; and if there was a Republican I did not wish to know it; and when I went to my people the brightest record I could hold up was the Reports of the Special Session of the Legislature.

Mr. MURRAY. I wish to express my approbation, in the main, of this report; and that gratification chiefly arises from the fact that I have uniformly, from the first, taken issue with my Republican friends in charging disloyalty upon the Democratic party of Indiana, and my position in this respect has been literally fulfilled by this report. sir. Although there are many things I do not like, yet upon the main issue—in everything pertaining to the prosecution of this war—I can take this report home in my hand and show those Republican friends of mine there that I have not misconstrued their action—that I have been correct in my estimate of the patriotism of this party, sir. It has been my desire and wish to see all parties upon the soil of Indiana true and loyal to the Government, and willing to spend the last cent in defence of our country, and to maintain the integrity of this Union; and that has been my belief, therefore I am gratified. But how has this misapprehension got out? Their party leaders have party politics and no other, and there has been no man attending these Abolition meetings but what has seen and heard these charges of disloyalty made upon the great Democratic party of the Union.—These speeches have been reported in the public press, and that is the way the soldiers have been made to believe that there was a great portion of the Democatic party in this State disloyal. This report sets out by simply stating that this Democratic party has done no disloyal act, and do gentlemen want to come in and controvert that, sir? I do not think they do. sir.—That charge has been made in every county and by every stump speaker in the State against the Democratic party.—When I have been home on a visit I have been met by hundreds of inquiries to know if this Democratic party was disloyal; if it was going to take this State out of the Union and attach it to the Southern Confederacy; and whether it would undertake to set up a Northwestern Confederacy? I have denied these charges, sir, and said that when this Legislature broke up there would be sufficient evidence to show that I was right. And now we have a report expressive of the sentiments of that party, and I am glad of it, and am willing to vote to print it.

Mr. BLAIR. I am always glad to receive anything that is good, come from what source it may; and I am glad that the Committee on Federal Relations—at the close of the session, after they found out that the majority could not pass any peculiar schemes they were urging,—have come up with a part of a confession of faith. I am truly glad, after all these things have been defeated, that these gentlemen have come up at the close of the session and presented us with a small part of patriotism.

Mr. RAY (interrupting). What measure has been defeated thus far that the Democratic party or any member of the party has demanded, of a partisan character, except through a bolt of the opposition?

Mr. BLAIR. That is the best way that can possibly be devised to defeat these things. A military bill has been urged in the other end of the Capitol to take the power from the hands of the Governor; and you come presenting a resolution for an armistice——

Mr. COBB (interrupting). Who does?

Mr. BLAIR. The gentleman from Wells.

Mr. COBB. Is he the Democratic party? The Democratic party has presented no such measure here.

Mr. BLAIR. I say these measures have been presented by men of your party, and you have not placed a negative upon any of these propositions

Mr. RAY. The Senator says they have been defeated. Now I want to know how?

Mr. BLAIR. I say they have been defeated by the session drawing near to a close and the urging of these measures in the other branch until you succeeded in driving the minority from the Hall in order to defeat them. A resolution was read here only last evening denouncing the course of the present Administration.

Mr. LANDERS. The Senator says, if certain things be true, it is evident that we intend to rob the Governor of his military power. I ask where did the Governor get that power?

Mr. BLAIR. The Governor gets it from the Constitution.

Mr. LANDERS. Does this bill propose to take that power from him?

Mr. BLAIR. It does most assuredly. But I don't propose to discuss that measure any further. In reference to this report a strange course has been pursued, for they tell us in advance of any expression of the views of the minority that they are unwilling it shall be published.

Mr. RAY. I said to the contrary for one, and have not heard anything to the contrary come from others.

Mr. BLAIR. But there has.

Mr. COBB. I don't know who the Senator understood as saying so.

Mr. BLAIR. I understood the Senator from Lawrence (Mr. Cobb) to say so.

Mr. COBB. The Senator never understood me to say any such thing.

Mr. BLAIR. With reference to the use of funds by the Governor which that report charges have been used for the purpose of sending out emissaries to poison the minds of the soldiers, I pretend to say that is not true. It is nothing but just and fair that the minority——

Mr. COBB (interrupting). It does not say that the Executive has sent out these emissaries.

Mr. BLAIR. I have read over the report since it was read at the Secretary's table, and I understand that to be the fact. The minority have a just right to set forth the facts and have them go out with the majority report; and that minority report will be prepared, and it will go out.

Mr. DOWNEY. If there is any thing, sir, which I desire above another while a member of this body, it is that Senators of all parties might agree upon one thing, and that is to sustain the government of our country in the suppression of the rebellion, and save for ourselves and posterity the Constitution that our fathers adopted, and the Government and its blessings, which resulted from the adoption of that Constitution. I am pleased, in the main, with the statements made in this report; and I am grateful to the gentlemen who have prepared and introduced that report, for it certainly will have a good tendency towards the production of that unity of sentiment and action which every friend of the country ought to desire, and which I presume he does. As far as the question is concerned as to whether this minority report shall be printed or not in connection with the report of the majority, I am not prepared to vote until I shall see and hear what that minority report is. If it is a proper report—such as ought to be printed—I shall vote for printing it; and if gentlemen who wish to bring in that report desire time, I should favor a postponement of the further consideration of this question until to-morrow or some other convenient time.

I wish to say something in regard to a question about which gentlemen have been interrogating each other, and that is this: in regard to the effort to take from the Governor his constitutional military power. Why, sir, the Senator from Hendricks [Mr. Blair] concedes in answer to a question by the Senator from Morgan [Mr. Landers] that the proposition [the military bill] pending in the other branch is unconstitutional, and yet the Senator from Hendricks, being a member of the legal profession, would contend that there would be some validity in that law. How unwise is it, sir, to create agitation upon a point in which there is nothing—as I contend there is nothing in that point. Does not every man—every Senator here know that any law passed by the Legislature in violation of the State Constitution is a nullity? Why then talk about designing men leaving their seats because some one has introduced an enactment unconstitutional in its provisions? Suppose that bill should pass the House, it then has to come and be passed by this Senate, and after that it must go to the Governor for his approval; and it is his high duty, sir, in that emergency, to decide whether it is constitutional or not, and if not it is within his power to veto it. Not until all this has been done, and until it has been passed

by a majority of the members of both branches over that veto can it become a law, and not then if it is unconstitutional.

Mr. BLAIR (interrupting). Have not the members of the Legislature a right to judge whether the measures which come before them are constitutional or not?

Mr. DOWNEY. Why, certainly; but I suppose the gentleman is too good a lawyer to presume that members are the final arbiters in that matter.

Mr. BLAIR. But they need not make fools of themselves by letting such a bill pass.

Mr. DOWNEY. Nor are they bound to make fools of themselves by bolting from the Legislature, because they suppose a measure that is urged is unconstitutional. Let them perform the duty they are called upon to perform by voting upon that measure. As far as this body is concerned I desire to call the attention of Senators to a report made in the early part of the session. The Senator from Randolph introduced certain resolutions, which were referred to a committee of nine, perhaps, and that committee made a report in regard to the Governor's military power.—[Mr. D. read from the report of the committee, in which they declared they had no intention to infract the constitutional powers of the Governor.] Now, in the face of that report, sir, it is pretended that there is a disposition on the part of the majority of the members of this Senate to enact a law which would deprive the Governor of his proper constitutional authority! I do not believe any such thing. I do not believe any such measure could pass this Senate. I have too much respect for the sense and judgment of gentlemen who sit here, to think that they would pass an unconstitutional measure. I am willing to say, as far as I am concerned, that those powers given to the Governor by the State military law have been properly used. I know of no reason, and have not heard of any, for interfering with the Governor's constitutional powers as Commander-in-Chief of the State militia. You cannot take away from the Governor any power the Constitution gives him. But we might have a better military law than we have now.

Mr. MANSFIELD. I agree with the gentleman from Ohio [Mr. Downey] that according to the letter of the law, there is nothing to be found in that bill which is unconstitutional. Now, sir, the Constitution directs and gives the power to the Governor to issue all commissions. How is that in the bill? Will it allow him to do that? He cannot issue a commission under that bill, but it gives to other men the power to give certificates which that bill says shall have the force and effect of commissions whether issued by the Governor or not. In effect that law is unconstitutional. Even the people are deprived of the rights which that bill pretends to give them.

On motion by Mr. DOWNEY, the further consideration of the subject was postponed.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 5, 1863.

Mr. GIVEN offered a resolution, which was adopted, calling upon the special committee raised by the last Legislature to investigate the affairs of the Land Office and Wabash and Erie Canal, to report.

THE PUBLIC MONEYS.

Mr. BIRD offered the following, which was adopted:

Be it Resolved by the House, the Senate concurring, That the Attorney General be instructed to sue in the name of the State for any money drawn from the State Treasury, and appropriated by the person drawing it to a purpose not contemplated by the act of appropriation, or that has been paid to any person for the benefit of the State for advances of money or property made to the General Government by the State, and has not been paid into the State Treasury by such persons.

Mr. LEE offered a resolution, which was adopted, authorizing the Speaker to appoint a committee of one from each Congressional district, who shall prepare an address to the people showing the causes which have obstructed the necessary legislation of this session.

Mr. BROWN. Mr. Speaker: I had hoped that the excitement of the last canvass and the charges made in that canvass against political parties would be cast aside, and that gentlemen of different political opinions would meet here as equals and express their opinions with a view to the promotion of the welfare and interest of the entire people of this State, and not with a view to the promotion of a political party and the manufacturing of political capital. I thought after the election which occured last fall, politics in Indiana would subside a little, and that the struggle for political prominence by political parties would cease for a season. I supposed the large majority the Democratic party had received at the hands of the people of this State, as well as elsewhere, was sufficient evidence to prove its loyalty, its fidelity to the Constitution, its desire to preserve the Union, and to convince the people that the charges of disloyalty, disunion and treason which had been so loudly made against it were false, and had been made only for political and partisan purposes, and I presumed those charges would be permitted to

"Sleep the sleep that knows no waking."

I presumed that when this body met here in this hall it met as the Representatives of the people of this State, elected and sent here by them, not for the purpose of creating political parties and making political platforms, but for the purpose of enacting laws and making provision for

the carrying on of the State Government and the management of the State institutions which should result to the common use, enjoyment and benefit of all the people of the State. But I find I have been greatly mistaken. Perhaps my youth and inexperience is the reason for my being mistaken. Yet it is true that scarcely had this House been called to order before gentlemen belonging to the Abolition party—a party whose life has been of short duration, and while it lived was looked upon by honest men with contempt and suspicion; a party that has been judged by the people, and by them condemned on account of its dishonesty, corruption and profligacy—I say, scarcely had this House been called to order, before gentlemen belonging to that corrupt and condemned party began introducing resolutions of a partisan character and commenced a system of discussion which for fanaticism, abuse, scandal and slander upon the Democratic party, far excelled the course of conduct and discussion pursued by the Abolitionists in the canvass of last fall.

I have witnessed this course of conduct until I have become convinced that it is the desire and intention upon the part of the minority to prevent necessary legislation from being accomplished in order that they may have something to proclaim to the people for the purpose of promoting their party interests. They, themselves, have deceived the people. They have no merit brought about by their own action and conduct upon which they can succeed, and their intention is to attempt to succeed upon what they term faults and crimes of the Democratic party. And for the purpose of gaining something that can be made the pretext for such a course of conduct, they are willing to violate that duty which they owe to themselves and their constituents and that duty which they owe to the people of this State.—They are willing to cast aside the dignity belonging to this body and convert it into a place of resort for political scavangers and gamblers, rather than keep and protect it as a part of the General Assembly of the State of Indiana, called together by the people thereof, for the purpose of making provision for their happiness and comfort.

I have too much confidence in, and too good an opinion of the patriotism and intelligence of the people of Indiana, to believe or think that they would band themselves together for the purpose of overthrowing the government or giving aid and comfort to its enemies, as has been charged upon this floor. The one hundred thousand soldiers from this State, who are now upon the field of battle, risking their lives, as they believe, for the maintenance of the Constitution and the restoration of the Union, speaks too loudly in favor of the patriotism of the people of Indiana to give credence to the charge of the existence of such a society. But it is said common rumor gives evidence of its existence, and consequently it certainly must exist. Common rumor! What does "rumor" mean? It usually means a current story, passing from one person to another without any known authority for the truth of it. By prefixing the word "common" to it, it simply makes it mean that the rumor or story, is generally or widly circulated. Then we have it that the story is being widely circulated, that such a society does exist, without any known authority that the story is true.

But, sir, I cannot admit that common rumor does bear witness of the existence of such a society. If it is a rumor at all, it is a rumor that has been put in circulation by the leaders of that malignant party to which the advocates of this Administration belong; that party which has done much to bring the present troubles upon the country. It is a rumor composed of slander and falsehood created by the imaginations of the rulers of the abolition party, and is now being circulated by their willing and obedient servants for party effect. This same charge or slander was made against the Democratic party by them last fall, and what was the result?—The voice of the people at the ballot box, fairly expressed, condemned and pronounced it false by a majority of ten thousand votes. Yet that voice, so loudly and so earnestly spoken, by the sovereign people of the State of Indiana, whose will it is our duty to obey, and whose voice it is our duty to heed, is heeded not by the advocates of this pet measure of abolitionism. Their lords, high-priests and masters, in their temple at Washington City, have furnished an example for disregarding the will and voice of the people—for disregarding the Constitution and the laws; and they are commanded to follow and uphold that example. They must obey—they dare not disregard it. Like passive subjects to cruel masters, they do obey to the best of their power and ability.

But we are told that newspapers are publishing to the world that such a society exists. What class of papers are they? Are they the class which, from the commencement of our present national difficulties, have stood by the Constitution and by the laws, and desired a restoration of the Union upon the basis of the Constitution as our fathers bequeathed it to us?—Are they a class entitled to credit and respect? They are not, and shall receive none at my hands. They are that class of papers like the Indianapolis *Journal*, whose editor admitted upon his oath, before a legal and competent Grand Jury of this State (as I have before stated upon this floor,) that he drew upon his imagination for the facts contained in his editorials.—They are like that same journal which on

the 28th day of November, 1860, in one of its editorials declared

"That if any State in this Union feels the Union to be injurious and oppressive, a civil war won't change her opinion; in fact, it is not calculated to change it, and if she will not stay in the Union it will be cheaper and kinder to let her go;"

and which now declares all persons who do not endorse every political doctrine of the present Administration, and particularly those who do not endorse the conduct of that Administration in the prosecution of the present civil war, (which that same journal now declares is a war for the purpose of changing the opinions of States and bringing them back into the Union) to be enemies to the government and traitors to their country. They are like that same journal which on the 7th day of December, 1860, in its editorial declared in favor of a peaceable separation of the Union when states desired to secede from it, and now it condemns all as traitors who are not in favor of war, blood shed, fire and sword;—it now says for the purpose of bringing back into the Union States that have attempted to secede, and the restoration and preservation of the Union. They are like that same journal which, on the 31st day of July 1862, declared a convention of the people of Indiana to be "TRAITORS IN COUNCIL. *That it was a conglomerate admixture of treason, prejudice and hypocricy. That there had not been so much treason concentrated together since the rebel army marched out from Richmond to attack McClellan;*" that paper well knowing that it was one of the largest and most respectable Conventions that had ever assembled in the State of Indiana; a convention composed of true and loyal men who had come together for the purpose of expressing their fidelity to the Constitution and their devotion to the Union. A Convention which by resolution had declared

"That the Constitution, the American Union, and the laws made under and by authority of the Constitution, must be preserved and maintained in their rightful and proper supremacy—that the rebellion now in arms against them must be put down and suppressed, and that it is the duty of all good citizens to aid the general government in all measures necessary and proper to that end."

All that, however, did not prevent the convention from being slandered by that hypocritical and indecent paper. It had committed a great crime of omission. It had failed to worship at the altar of Abolitionism and had not expressed love and sympathy for some "free American of African descent." The newspapers that have been giving publicity to the existence of secret political societies, the "Knights of the Golden Circle," or anything of that character, are that class of newspapers which, when this monstrous rebellion first broke out, did all in their power to compel the Administration to permit States to secede; not to undertake to restore the Union, but to recognize the Southern Confederacy. They are that class of papers which, from the commencement of the present civil war up to the present time, have done much to produce distraction and dissension here at home, where we should be a united people. They are that class of papers which have paid no respect whatever to Constitution, to law, nor to liberty; but on the other hand, they have supported the "higher law" doctrine, and have spurned and disregarded the Constitution. They are that class of papers which have supported the present Administration in its wicked progress toward the establishment of a centralized and despotic power, instead of upholding the Government of freedom and liberty which our fathers gave us. They are that class of papers which have been inviting civil war and bloodshed to our own doors and hearth stones by advocating and invoking the spirit of mobocracy; by endeavoring to suppress free speech, and by an attempt to place the military above the civil authority. They are that class of papers which from the commencement of the present deplorable civil war have been giving aid and comfort to the secessionists of the South by telling them there was a large party here in the North which desired the rebellion to succeed, and was opposing the Administration for the purpose of giving aid and encouragement to the rebellion. I have no regard for them. I pay no respect to them. They have been a curse to the country, and will continue to be a curse to the country so long as their pestilential teachings and doctrines are presented to the people.

A great and fearful responsibility is resting upon the present Administration. The people are submitting to its conduct with patience; and I hope they will still exercise patience and forbearance. I desire that all differences shall be determined by law; by order; by the ballot-box. But I tell the advocates of the Administration—the men who think it can commit no wrong—that there is a point to which, in my judgment, it would be extremely dangerous to attempt to force the people. I hope the Administration will not farther attempt to encroach upon their rights. I hope it will plant itself upon the Constitution of the country, and administer the Government in accordance with the Constitution. The people desire to uphold and support the Administration. They desire to preserve the public peace, to maintain good order; to obey the laws, and to restore the Union; but they ask the privilege of enjoying that liberty and those rights which their fathers in the Constitution said they might enjoy. They ask protection in the enjoyment of those rights at the hands of their public servants, and they will have it. THEY WILL HAVE IT.

It is said that a Grand Jury of the United States Court for this District of Indiana has published to the world that treasonable societies exist in this State. I have but little to say in reference to that Grand Jury, for its own conduct has condemned it. It was called together by authority of law to serve the people. It was a part of the Judiciary of the country — It was its sworn and bounden duty to perform all its labors impartially;—to preserve the rights of community in general on the one hand, and to protect the rights of citizens thereof upon the other. It was its sworn and bounden duty in the presentment of persons for violation of law to present none on account of malice or hatred, and to leave none without presentment by reason of favor or the hope of reward. When that Grand Jury was empanelled every member of it solemnly swore to keep secret all its proceedings.— The oath was properly administered to them by competent authority. It was intended to be binding upon their consciences, and should have been so treated by them. Yet what is the truth in reference to their conduct while acting under the sacred obligations of that solemn oath? Scarce one week had passed away before members of that Grand Jury were making speeches all over the State to political meetings gotten up for party purposes, and for party effect, and there retailing publicly what had transpired before them while engaged in their official capacities as Jurors, acting under the sacred obligations of an oath to keep all their proceedings secret. Not content with that, they made a publication; styled it their report; published it in the newspapers, and sent it broadcast all over the land; in which they say there came to their knowledge while acting in the capacity of Jurors evidence of the existence of fifteen thousand traitors in Indiana; that they had a society in which they were banded together by oaths to give aid and comfort to the Southern Confederacy, and also to assist in the establishment of a Northwestern Confederacy; that they had grips and signs by which they could recognize each other—signs by which, in case they we drafted, they could let the enemy in battle know them to be friends, and thus they would escape unhurt. All this that Grand Jury published as being true; and to compel the people to believe it they say they acquired their knowledge of it while engaged in the performance of their duty as Jurors. These reports are false in fact, or else these Jurors were false to their oaths. Was that all they did? Sworn to make presentment against no person on account of hatred or malice;—the oath was so administered to them; the Judge so charged them—yet we find that citizens of Indiana were presented by that Jury; charged by it with having committed treason—the highest crime known to the law of the land—because, forsooth, they did not walk under the yoke of Abolitionism and cry with a loud voice, "Great is the latter-day Abraham." They allowed themselves to be made the willing slaves of a wicked and corrupt party. On account of the entertainment and exercise of political opinions, and upon insufficient testimony, they presented citizens as culprits and felons, and caused their incarceration in dungeons. The day for final trial came. A traverse Jury was selected—selected, too, by political friends of the Administration. The strongest possible case was selected and presented to that Jury, and it refused to convict the prisoner of any crime at all. Thus ends the labors of that remarkable Grand Jury. Its action and conduct is entitled to neither respect nor credit. The members of it have disgraced themselves, and time itself cannot blot it out. I fear their children after them will be taunted with the disgraceful reproach that their fathers foreswore themselves.

The statement that the Democratic party is opposed to the Government, or that it is giving aid and comfort to the Southern rebellion, or that it is desirous of the formation of a Northwestern Confederacy, is false; and I appeal to the history of the Democratic party to verify the falsity of such a statement. That party is to-day, as it has been for years gone by, devoted to the Constitution and the Union. It desires but one Union and one Constitution, and it wants that Union to be the Union of all the States, and that Constitution to be the Constitution which our fathers gave us. I challenge the advocates of Abolitionism and Despotism—the men who obey the law given them by their wicked leaders—for the proof of their declarations that the Democracy is not true to the Union, or desires it to be divided. The proof presented is, that the Democracy speak against the Government. Speaking against the Government has become a very familiar charge, and the men who make it are either too ignorant to distinguish the difference between the Government and the Administration, or else they are too dishonest to do it.— They are that class of men who would have us believe that some high officials at Washington City are the Government. I do not believe that Abraham Lincoln and the entire body of his political satellites are yet the Government. I regard the Constitution of the country, made and adopted by the people, as the Government; and not some men who have happened to be elected to office. The Constitution is founded upon the axiom that all Governments derive their just powers from the consent of the governed. It is the instrument which our fathers made, giving us liberty, and it protects us in the enjoyment of it. The people have ac-

cepted it as the Great Charter which is to hold them together, a happy, united and prosperous people. They sustain it and give it force and power. Let it not be violated and all will yet be well. It is true that the Democratic party criticises the conduct of the Administration—of men in official position. The Constitution gives the people that right. It says:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the *freedom of speech* or of *the press*."

What is it that makes these latter day officials so supreme and sacred that the people dare not speak in reference to their action and conduct? Is it because they have permitted the public Treasury to be pillaged, plundered and robbed, and have failed to bring one culprit to justice? Is it because they have sat as rulers of a bleeding country and heeded not the will and voice of the people at the ballot-box fairly expressed? Is it because they have trampled the Constitution and laws under foot and appealed to the "higher law" doctrine? Is it because they have seen printing presses mobbed, private property of every description sacrificed and destroyed, and have not raised their voices against it, or undertaken to compensate the owners? Is it because they have seen the *white* citizens of this country, without respect for sex, age, rank or condition in life, ruthlessly kidnapped;—torn from their homes, families and friends;—cast into dungeons without charge or accusation preferred against them;—denied a trial;—but there to remain, sicken and die? The people are descendants of a noble ancestry, and that ancestry has furnished them the example for criticising the conduct of public men, and they will criticise it. You cannot prevent it. By your physical force which you now possess you may succeed for a season in abridging discussion;—you may in some instances crush out free speech;—but your days are numbered. Truth, right and justice will prevail. I warn you to retrace your steps and change your conduct, lest the indignation of an outraged people become so great, and their hatred for you so intense that reason itself cannot control them.

We are told that the Democratic party does not endorse the conduct and policy of the administration. Of course it does not. If it did it would not be a constitution-loving, a law-abiding and Union preserving party. It does not refuse to approve the conduct and policy of the Administration for the reason that it desires to oppose it in any rightful and proper efforts it may make to put down the rebellion and restore the Union, but it refuses to endorse and support the Administration in all things, for the reason that it believes the course of conduct already pursued by it and the course which it is now pursuing has a tendency to further separate rather than restore the Union. The earnest desire of the Democratic party is a restoration of the Union, and it has furnished all means ever demanded of it by the Administration for that purpose. When this rebellion first threatened the country the Democratic party desired to walk in the footsteps of the fathers, and follow the example which they left us. They desired by fair and honorable compromise—by proper concession by all parties to quell the fearful storm—to save the Constitution—to save the Union and to save liberty without a great effusion of blood; but they were spurned with contempt from the foot of the abolition throne. This new party for the first time in the history of our country had come into power, and it must rule or ruin. One of its leading advocates had declared that the "Union without a little blood-letting was not worth a rush," and that was accepted as the law which was to govern them. The war began. The President issued his proclamation for 75,000 men to engage in the contest. His call was quickly responded to by the people of all parties. No Administration was ever more unitedly supported by the people of the northern and western States than was this Administration at that time. Congress met and passed the Crittenden resolution which was

"That this war on their part, should not be waged in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

The passage of that resolution gave satisfaction to the people. The nation took heart, and it was hoped ere long all would be peace and quiet again. An army of 500,000 men was asked for and the people, irrespective of party, made up that army. Indiana furnished her full share, and more; and I certainly will no claim too much for the Democratic party, if I say of Indiana's portion of our army that at least one-half belongs to the Democratic party. I certainly will no claim too much for the Democratic party when I say that in the performance of all things for the comfort of the soldiery and the main enhance of the families of the soldiery it has been at least, as liberal and devoted as the abolition or republican party. Proscribed and despised as that party has been by men having position and power, it yet has stood by the Constitution with unfaltering devotion and has done all within its power for the restoration of the Union.

What fruits have the abolitionists to bring as the results of their labors for the suppression of the rebellion and the restoration of the Union? They have abol-

ished slavery in the Dis ric of Columbia wi hou he consent of heir owners. They have enac ed a sys em of compensa ed emancipa ion, in viola ion of he Constitution. in viola ion of the rights of he S a es, and unjus and oppressive o he people. They have passed a law permi ing he es imony of negroes in cer ain cases aga ns he whi es! They have repeal ed the law against the transportation of the mails by the negroes. They have amen ded he law maki ng i a high o fea se for an officer of he army o re urn a run-away slave o his mas er;—making no difference whe her ha mas er is loyal or disloyal.—They have refused o pass a law making it an offence for an officer o en ice away a slave. They have passed a law au horizing he Presiden o call negroes in o mili ary service, and hey are now recrui ing hem as soldiers upon erms of equali y wi h he whi es. They have passed a law pos poning he inves iga ion of frauds upon he governmen for wo years. They have passed a law suspending he wri of *habeas corpus* and also o indemnify hose who have been par icipan s in he wicked and unjus arres s which have been made. They have made Washing on Ci y an asylum for "free Americans of Afric n descen." They have passed a law recognizing as our equals he negro governmen s of Liberia and Hay i—one a pro ec ed republic and he o her a despo ism, and, in he language of the Hale and Juli n pla form, hey have "placed our co mmercial rela ions wi h hem on he foo ing of the mos favore d na ions." The Presiden has issued a proclama ion a emp ing o give freedom o he slaves, making no difference whe her hey are owned by loyal or disloyal mas ers, which by Grea Britain in 1815 was declared o be "a deviation from he usages of war;" and in which proclama ion the P esiden says: '*and the Executive Government of the United States including the military and naval authority thereof, will recognize and maintain the freedom of such persons and d no act or acts to suppress such persons or any of them in any efforts they may make for their actual freedom;*"—hereby leaving hem free o commi deeds of bu chery, of assassina ion and murder, such as were prac iced by he hea hens of he dark ages. And o finish his sy tem of insani y and folly here has been impor ed from France a Conscription law which the monarchs of Eng'and would despise and condemn. Las ly, from the commencemen of his rebellion up o the presen ime, hey have been giving aid and comfor o he Sou h by publish ing o hem ha here is a large par y nor h desirous of he success of he Sou hern Confederacy.

The Democra ic par y does no approve bu opposes he conduc of he Administra ion, for he reason that such conduc prolongs ra her han shortens he rebellion, and renders a res ora ion of he Union he more improbable, if no impossible.—When he war firs broke ou Mr. Lincoln said ha here was a majori y of Union men in all he sou hern S a es, exce p i was Sou h Carolina. How is i o day?—In stead of a weak army, as i was in he beginning, and a divided people, as hey hen were, they have an army nearly as large as ours, and hey are a uni ed people. Wha has caused his grea change Sou h? I is the conduc of he presen Adminis ra ion, such conduc as tha which I have referred o. The leading spiri s of he secessionis s in he Sou h, would ake he doings of our adminis ra ion and our aboli ion Congress and submi i o he people as evidence of he in en ion of our A dminis ra ion o crush ou heir ins i u ion of slavery; and h s na ural resul was ha hey became a uni ed people, as hey supposed in he defence of hat institution. Not only that, but such conduct has produced discontent and dissatisfaction at home. The people are losing confidence in the Administration. I hope it may pursue a line of policy which will regain their confidence.

I sincerely hope tha he presen sys em of fana ical legisla ion will be depar ed fro n by he par y in power; I hope ha free speech and free press will be respec ed; he liber y of he ci izen preserved, and ha men in posi ion will administer he Governmen in accordance wi h he Cons i u ion and he precep s and examples which our fa hers have lef us. Le tha be done and le a proper effor be made o res ore he Union by he means provided in he Cons i u ion, and ere lo g we will be a uni ed, happy and prosperous people.

A call of the House showed 56 members in attendance, 37 absent without leave and 7 with leave, when for want of a quorum the House adjourned to 9 a. m. to morrow.

IN SENATE.

FRIDAY, March 6, 1863.

A report from a committee recommending that the bill H. R. 72 (see page 68) be laid on the table, was concurred in.

BILLS ON THE THIRD READING.

Mr. Waterman's, [H. R. 27] authorizing county officers to call special sessions of county Boards, in case of the death of an Auditor or Clerk was passed by yeas 38, nays 0.

Mr. Lamb's, [H. R. 143] authorizing Auditors to issue fee bills for costs before Commissioners' Courts was passed by yeas 37, nays 0.

NEGRO EXCLUSION.

On motion by Mr. WOLFE the order of business was suspended and his bill [140] to enforce the 13th article of the Constitution was taken up.

The pending motion was to lay the motion to reconsider the vote to recommit, with instructions, on the table.

The motion to table was rejected—yeas 15, nays 27; and the motion to reconsider agreed to by yeas 27, nays 16.

On motion by Mr. DOWNEY the instructions were amended so as to make them "to inquire into the expediency"

Mr. FERGUSON moved to amend by adding: "that no certificate shall issue to any negro upon his own evidence, unless corroborated by other testimony; and in case of the refusal to grant such certificate that the right of appeal to the courts shall be given."

Mr. LANDERS opposed the amendment. He was not sent here to legislate for the negro. The right of appeal would open the door for endless litigation.

Mr. RAY thought the instructions to give the right of appeal useless. It would cause litigation, and in the event that the negro got his certificate, it would not place him in any better condition. It was not an appeal from a final judgment, but merely an appeal from an interrogatory.

Mr. BENSON favored the amendment.

Mr. WOLFE was also in favor of the amendment. If wrongs were committed, either intentionally or unintentionally, there should be some means left to correct them. He would not accept the amendment for fear that it would jeopardize the bill.

Mr. RAY said the same proposition of appeal had once before been offered by the Senator from Delaware [Mr. March] and voted down.

Mr. MELLETT spoke of the legal effect of the bill with its several amendments.

Mr. LANDERS wished the vote taken. He feared if it was debated much longer the Democratic members would get as full of negro sympathy as were the Republicans. Already we see two or three of them joining with the Republicans in their efforts to guard with jealous care the rights of the negro. More time had been spent over these legal quibbles than would be given were the legislation for the white man. He wanted the bill passed, and he wanted a bill that would effect the object intended.

Mr. BROWNE of Randolph, made an ineffectual motion to make the amendments imperative—yeas 18, nays 27.

The amendment to the instructions was adopted—yeas 27, nays 11—and the motion to recommit agreed to by yeas 29, nays 20.

THE GOVERNOR'S CONTINGENT FUND.

Mr. WILLIAMS said, in presenting the report the majority of the Committee on Finance [yesterday forenoon] I had nothing at heart but fairness and justice to all parties concerned. I shall speak of the minority report first. Now the minority report goes on to say that if any meetings of the Committee were had the minority have no knowledge of it. I will put the Senator from Henry [Mr. Mellett] on the stand and ask whether there was not submitted to him in the committee room a copy of the vouchers embraced in this report within the last 15 days?

Mr. MELLETT. I do not propose to be examined in the manner and form the gentleman proposes. I will not answer questions during his speech, but when he is done I will answer. I do not propose to go into the case a pettifogging like they do before Justices of the Peace.

Mr. WILLIAMS. The gentleman declines to answer.

Mr. MELLETT (interposing.) I desire the Reporter of the BREVIER LEGISLATIVE REPORTS to state that I did not decline to answer; but if the gentleman will give me an equal amount of time with him I will answer.

Mr. WILLIAMS. The Senator from Vermillion [Mr. Davis] is not in his seat I believe. I will ask the Senator from Floyd, [Mr. Bradley,] if he does not recollect of this matter being submitted to these gentlemen in the committee room within the last 15 days?

Mr. BRADLEY. I recollect a meeting which the Committee on Finance had some days since ——

Mr. MELLETT (interrupting.) I call the Senator from Knox [Mr. Williams] to order. That gentleman has but five minutes under the rule to make his speech in, and no Senator has the right to rise upon the floor and bring witnesses on the stand and make inquiries around. It is unparliamentary and unusual.

The PRESIDENT (Mr. Moore in the chair.) I suppose he has the right to ask questions.

Mr. WILLIAMS. I will ask leave of the Senate to interrogate these gentlemen?

VOICES—"Consent." "consent," "yeas and nays."

Mr. BRADLEY. Will the Senator from Knox yield the floor for one moment?

Mr. MELLETT (interrupting.) I am going to give full testimony and I apprehend my testimony will not differ from that which will be given by the gentlemen from Knox and Floyd. I insist it is discourteous for a member to undertake to call up witnesses to prove certain facts which he is going to make a speech upon.

Mr. WILLIAMS was not particular.—He denied the assertion that the minority had no notice of the intention of the majority to make the report they did, or to meet with them and examine the facts presented. He would appeal to members of the minority to bear him out. He controverted at length the position taken by the minority, and referred to the acts of the last Legislature to sustain the views presented by the majority. The record shows

that the act appropriating $100,000 was passed before the act legalizing the borrowing of $25,000, and yet it was not signed first by the Governor, and why?—That is for the Senate and the public to determine. He contended that this fund was drawn on before it existed; that it had been managed with irregularity; that an amount had been drawn from the general fund and disbursed, which should have been drawn from the contingent fund; that the money was not applied as the law intended it should be; and proceeded step by step to prove these statements by official documents and other papers in his possession.

Mr. DOWNEY. I am satisfied from the facts stated that there has been some irregularity and error committed in the paying of claims, as to the fund out of which they should have been paid. If the Auditor of State has made a mistake in not drawing from the proper fund, that is the mistake of the Auditor, and the Governor would not be responsible for that unless the Senate supposes he is bound to have an oversight over the Auditor also. I am unwilling by this report to do any injustice to any one, but still if the facts operate against an individual or official, of course that is a matter I do not and can not control. The motion which I make to amend is in this sentence: "The Governor quietly put his hands into the Treasury of that fund and pays the loan of $25,000 while he has $80,000 of the Governor's contingent fund on hand." I presume Senators do not desire to make this imputation unless the facts are such as require it. I am willing to observe this rule in regard to every official; I will presume that he has done his duty as the law requires until facts are shown which shall justify me in coming to a different conclusion. After carefully listening to both reports I am unable to bring myself to the conclusion that there is any intentional wrong shown on the part of the Executive, and until I am satisfied of that I am not willing to censure him; and with this report amended as I propose, it will not place us in the awkard position of drawing an inference unwarranted by the facts in the case. I propose to amend the majority report by striking out the words "the Governor quietly put his hand into the treasury of this fund;" and inserting the words, "the Auditor of State out of this fund."

Mr. WILLIAMS. If the minority will withdraw their report we will make the amendment at once.

Mr. CLAYPOOL. I will say that the Senator has notified me on several occasions that the Committee on Finance would meet, but not for the purpose of examining that matter. I was aware that the Senator was prosecuting some investigations but not aware that he was making them for the purpose of making a report. I never was informed that the Committee on Finance were to meet to examine this matter. The main object of this report seems to be to indicate to the country that the Governor has been guilty of indiscretions, and to let it go to the country as an electioneering document. The important charge is that the Governor took out of the treasury $25,000 improperly—They don't say the money was improperly used; and they are now willing to accept of the amendment by the gentleman from Ohio which takes from the report its virus. I believe the majority and minority reports show the facts, and I am willing those two reports shall go to the country side by side. If discrepancies existed in the accounts of the Auditor, the Governor was not responsible. And the Auditor of State should not be censured without first having an opportunity of showing whether such irregularities existed or not, and explaining them if they did exist. His character for integrity could not be impugned. From the time the State of Indiana was a State until the present time, the Administration of the Auditors department has not been more able and honest than under the administration of Albert Lange.

Mr. MELLETT stated that the Chairman of the committee [Mr. Williams] had called upon him to look over an abstract of vouchers, and he had replied that it would be time enough to look into the matter when the committee clerk found discrepancies on the Auditor's books. He had no other notice that the matters stated in the report were to be embodied there. He admitted there were irregularities in the account, but there were no charges of misapplication of the funds, and there could be none. The Auditor's accounts were susceptible of explanation, and if a fair chance were given that officer to defend himself from these charges, without doubt he could do so satisfactorily. The Governor had done nothing in the management of the funds under his control that any one could take exception to.

Mr. LANDERS. The Finance Committee, sir, have been careful in their investigations. They quoted the laws, and showed where the laws had been violated. What is the use of making laws if the State officers and the Governor could violate them at pleasure? I take the bold ground that an officer who would draw a warrant upon a fund not in existence subjects himself to the heavy penalties of the embezzlement law. The minority excuse these violations. The $25,000 which should have been paid out of the Contingent Fund, as the law contemplated, was not so paid, and there was a surplus in that fund now. What use is there of passing a law if it can be set aside at pleasure? It was a violation of law, and those

who violated the law deserve punishment for it. It was plead in excuse that no harm had been done by it. That was no excuse. If the precedent was set that the Governor could draw without drawing from any specific fund, it would be useless to meet here at all. It is an act of men violating the law. Those men know the law, and it is evident from the facts in this majority report—which is correct to a letter—every letter is correct—that they wanted to keep a large fund for them to use; and if we sanction this act of the Governor's it will matter nothing to him whether we pass appropriation bills or not; he can draw his warrants upon any money in the treasury without any law whatever. He can go along using the public funds as he pleases. I will not vote to excuse this gentleman for he don't want to respect the law.

Mr. BROWNE, of Randolph. I think the Committee on Finance has paid the Governor a high compliment, for after having worried itself by a long and learned investigation, and spreading out its report over numberless pages of foolscap, it has made the discovery, not that a cent has been used wrongfully, or that frauds to the amount of a farthing or a dollar have been committed, against the treasury, or that the people have lost anything by mismanagement, but that the Auditor of State has directed his warrant to the wrong fund for payment. I tell Senators there has been no fraud committed, even if the facts are true.

Mr. LANDERS. I would ask whether the Senator can explain how it happened that this order for $25,000 was changed by a pen mark drawn over it after it was filled out?

Mr. BROWNE. I do not know anything about that. If the Senator will call upon the Auditor who drew the warrant, if any such change was made perhaps he can ascertain. He knew that the warrant in this case had been drawn by the Auditor without any consultation with the Governor.—The Governor had paid out of the contingent fund sums properly chargeable to the General Fund. Large amounts had been paid out of the contingent fund in aid of our sick and wounded soldiers. I wish Senators to look at these things as statesmen and not as partizans.

Mr. RAY. I do not think that any corrupt motive actuated either the Governor or the Auditor in the irregularity that all admitted. There was no evidence that the Governor ever knew, advised or connived at the drawing from the Military Fund. The simple question is, does the public interest demand the condemnation of the Auditor. Now if he done this thing himself for corrupt purposes he ought to be condemned. It was evidently a violation of the embezzlement law. But there was no positive evidence of corruption anywhere. He objected to the language used in the majority report that the Governor put his hands into the Treasury and took what he had no right to. Technically it was a violation of the embezzlement bill by the Auditor, and he was willing to say so, but he was unwilling to charge the Governor with wrong when no intention of any wrong doing was shown.

Mr. DUNNING (Mr Moore in the chair.) I have not had an opportunity of examining the two reports, but I can briefly state that the object I have in view is simply to know that no more money has been expended by the officers of State than what was authorized by law to be expended; and that there is no double charging of the matter. I have conversed with Governor Morton in reference to this very transaction and he informs me upon the honor of a gentleman, and, as I take it, upon his official oath—for I take it he is at all times acting under oath when talking about official matters—that he was not in the city of Indianapolis when this warrant was drawn; had given no authority for it; had no personal knowledge of its being paid; and that it was a matter entirely with the Auditor. Now I am not for throwing censure upon the Auditor. In a word, if there has been no fraud practiced upon the State I don't think we ought to be severe in censuring our authorities. It does not seem to make much difference whether it was paid out of one fund or the other——

Mr. LANDERS (interrupting.) I desire to ask the Senator what is the use of making appropriations for any purpose at all? and what is the use of passing the embezzlement bill?

Mr. DUNNING. I hope the Senator will not understand me as saying it is right that a warrant should be paid out of a different fund from what the law has set apart for a certain object, and I trust he will not think I am likely to cover up the embezzlement bill. But suppose he gave an order or certificate for $500 for Legislative expenses, and the Auditor charged it to the Military Fund, would he be held liable? Certainly not; let the fault fall upon the Auditor. Let the law be vindicated but do not censure, where censure does not properly belong. I have no doubt the Senator from Knox [Mr. Williams] is doing what he considers right in the case. I have examined the warrant and I have seen that it was headed in print "Military Fund" but there is an erasure. When the Senator from Randolph [Mr. Browne] appeals to the Senate to lay aside party, I do not think he appeals in vain. It will require all we can do, and more I am fearful, to put down this rebellion as soon as it should be. We should look to the one grand object.

Mr. COBB. I presume as far as the majority of the committee is concerned, they

have done what they conceived to be their duty. I know they have given this subject their serious consideration; and there has been a violation of law, if the papers are not forged. It is nothing but begging the question when these officers violate a law, to say that they have not done it corruptly. There is nothing here, so far as I have examined it, to show that the Governor has done wrong; but, sir, there is a damnable wrong here somewhere. This $25,000 was drawn, it would seem from the heading, from the Military Contingent Fund, and if drawn upon the Military Fund it was illegal, because the law making he appropriation had not been passed Then th re was a palpable violation of law It is well known for what purpose this embezzlement bill was passed. It was insisted upon by the Republicans four years ago and by me. We then passed that law and it was vetoed by Governor Willard. Two years ago the law was passed by the friends of these officers and by the votes of Democrats.—I voted for it,—and it should not be evaded with impunity.

AFTERNOON SESSION.

Mr. JOHNSTON said the object of making distinct appropriations, was that warrants should only be drawn upon the distinct appropriations, and if that object was not carried out the law was violated, and those who violated it should be punished. The law had been violated, but it was said without any evil intent. Money had been taken from one appropriation and applied to another purpose. The officers of State had no right to do any such thing. The committee simply showed the state of the facts. The officers take the law out of the hands of the Legislature, and this one fund is increased larger than the Legislature designed it should be.—The defense was a pettifogging one, and the speeches might be appropriate on the stump, but not here. The report should be printed, and gentlemen might make their defense before the people, who were the jury to try the case.

Mr. BERSON said that as a member of the committee he had failed to find out anything to warrant the declaration made by the majority of the committee, that the Governor had put his hands into the treasury and drawn out $25,000 without warrant of law.

Mr. MURRAY said that the facts elicited by the reports and debates had convinced him that the Governor's skirts was clear of the charges preferred.

Mr. BRADLEY. I desire to say one word in regard to the investigation of the committee. There were two resolutions passed this body and sent to that committee for the purpose of ascertaining certain facts: First, to ascertain whether the $100,000 appropriation was spent according to law, and the other to see whether the embezzlement law was violated. The question as to whether the State of Indiana has received "value received" in the disbursement of this fund has not been before the committee. The committee intended to have an investigating committee to sit after the adjournment to investigate this fact, but owing to revolutionary measures in the other end of the capitol that has been frustrated.

Mr. LANDERS contended that investigation so far had and reported on, did not say that Governor Morton had or had not applied the money to a proper use. Vouchers were found for the sums expended, but the committee had not examined these vouchers, and could not and did not say that they were given for a proper and praiseworthy purpose.

Mr. RAY said the discussion took a wide range. The question was simply, did the Governor corruptly thrust his hands into the Treasury and take money therefrom. He was willing to say that the Auditor had made an error—violated the law technically, but there was no evidence of fraud. The error was the Auditor's, and therefore he was willing to vote for the amendment which charged the wrong where it belonged.

Mr. McCLURG. I think the amendment proposed by the Senator from Ohio [Mr. Downey] is nothing more than an act of justice. It does seem to me the justness of the correction which the amendment demands is so palpable that it can require but a word to explain it. Her is a proposition which would indirectly cast an imputation of fraud against an officer of State. Let his politics be what they may it is nothing more than just that we should mete out to him the merits of his case.—The facts in the report itself does not sustain the inference that would seem to be put on it by the report. And I do not apprehend when I shall vote in favor of the amendment presented by the Senator from Ohio that I will be voting in favor of a winking at a violation of the embezzlement law. If these are the only acts of wrongs or fraud—the only violations of law—that can be brought against Governor Morton, it does seem to me to be a small affair to make a fuss about. I would be as willing to mete out justice to him as any other man, although I differ with him in everything as far as politics are concerned.

Mr. WILLIAMS. I have no disposition to make charges against Governor Morton or any other State officer which are not warranted by facts, as I said in the outset, and I said to Senators this morning that if they would withdraw the minority report the correction will be made. That seems to be about all they complain of for they don't seem to pay any attention to warrants drawn before the 21st of May.

The amendment was agreed to.

On motion by Mr. MURRAY the minority report was laid on the table—yeas 26, nays 19.

The majority report was then concurred in—yeas 26, nays 21.

NEGRO EXCLUSION.

Mr. WOLFE, from a select committee, reported back his bill [140] to exclude negroes from the State, with amendments according to instructions adopted this morning.

The amendments were concurred in and the bill passed by yeas 27, nays 20—as follows:

YEAS—Messrs. Bradley, Brown, of Wells, Cobb, Corbin, Davis, of Cass, Douglass, Downey, Ferguson, Finch, Fleming, Fuller, Gifford, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, McClurg, Marshall, Moore, Ray, White, Williams, Wilson, Wolfe and Mr. President—27.

NAYS—Messrs. Bearss, Beeson, Berry, Browne, of Randolph, Campbell, Claypool, Culver, Davis, of Vermillion, Dickinson, Graves, Grubb, Mansfield, March, Mellett, Murray, New, Pleak, Reed, Teegarden and Wright.—20.

Mr. DOWNEY, from a select committee, made a report on the death of Miles J. Fletcher, late Superintendent of Public Instruction, accompanied by appropriate resolutions, which were unanimously adopted.

FEDERAL RELATIONS.

Mr. COBB, from Committee on Federal Relations, made a report, returning sundry resolutions referred to that committee, with a recommendation that they be laid on the table; also, reporting a preamble and resolutions on the state of the Union.

Mr. MARCH, on behalf of the minority of the same committee, submitted a series of resolutions on the same subject and moved that they be substituted for the resolutions reported by the majority of the committee.

The motion was rejected—yeas 20, nays 25.

Mr. MANSFIELD offered as a substitute, a series of resolutions (the same introduced into the Senate, a few days ago by Mr. Downey—see pages 189 and 190 of these Reports.

On motion by Mr. COBB the amendment was laid on the table by yeas 25, nays 23.

Mr. DOWNEY moved to add to the majority resolutions, the 8th and 9th of the resolutions just laid on the table, (see page 190.)

Mr. WOLFE offered an amendment declaring that while this was not, perhaps, the proper time to have an armistice, yet it was the duty of the government to favor an armistice when occasion offered without withdrawing our armies.

On motion by Mr. CLAYPOOL the amendment (Mr. Wolfe's) was laid on the table by yeas 31, nays 16.

Mr. WOLFE moved to add to the amendment (Mr. Downey's) "provided that it is the duty of the President to immediately withdraw his emancipation proclamation."

The motion was agreed to—yeas 25, nays 22.

The amendment as amended was rejected, by yeas 23, nays 24.

Mr. DOWNEY moved to amend by adding resolution numbered 12 of the series printed on page 190 of these Reports.

Mr. WOLFE moved to amend by striking our after the resolving clause and inserting: "That the charge that the Democratic party or any of its members was in favor of establishing a Northwestern Confederacy, the reconstruction of the Union with any of the States left out, or the attachment to the Confederacy, is a base and wicked slander. The Democracy now as ever are for the whole Union with an unbroken Constitution."

Mr. BROWNE, of Randolph, said that there were members of the Democratic party who favored a Northwestern Confederacy, and it was no falsehood to charge that fact. If the party as a party was opposed to such a scheme it was proper enough to say so.

Mr. LANDERS. No good Democrat was ever in favor of anything but the whole Union.

Mr. MELLETT. If the Knights of the Golden Circle, and all who favored the recognition of the Southern Confederacy were kicked out of the Democratic party, we shall beat you terribly at the next election.

The amendment was then adopted by the following vote:

YEAS—Messrs. Bradley, Brown, of Wells, Cobb, Corbin, Davis, of Cass, Douglass, Dunning, Downey, Ferguson, Finch, Fleming, Fuller, Gifford, Hartley, Hoagland, Hord, Jenkins, Johnston, Landers, McClurg, Marshall, Moore, Murray, Ray, Williams, Wilson, and Wolfe—27.

NAYS—Messrs. Beeson, Blair, Browne, of Randolph, Campbell, Claypool Culver, Davis, of Vermillion, Dickinson, Grubb, Mansfield, March, Pleak, Teegarden, and Wright—14.

REFUSED TO VOTE—Messrs. Bearss, Berry, New, and Reed—4.

EXCUSED—Messrs. Mellett and White—2.

On motion by Mr. DOWNEY the resolutions reported by the committee were further amended by adding the resolution numbered 14—printed on page 190 of these Reports.

Mr. MELLETT moved to amend by adding sundry resolutions adopted by the soldiers at Murfreesboro.

On motion by Mr. HORD they were laid on the table—yeas 24, nays 22.

Mr. BLAIR offered an additional resolution that resistence to law is revolution, and that any resistance to the conscription act, the revenue, or any other law of Congress should be frowned down and promptly met and suppressed by proper authority.

Mr. RAY said the same thing was better expressed in the majority report, and he would move to table the amendment.

The motion was agreed to by yeas 25, nays 21.

Mr. MURRAY moved to further amend by adding the following:

And be it further resolved, That the same measure of condemnation implied of the soldier who deserts his post, is hereby meted out to all other servants of the Government absent from their posts, be they Judges, Jurors, or Legislators, and that there is no obligation resting on one class to discharge their duties according to law and the obligations of their oaths, which are not equally applicable to and binding on the other.

Mr. COBB demanded the previous question, which was sustained, and under its operation the amendment was adopted—yeas 34, nays 11.

The resolutions were adopted as a whole by yeas 26, nays 17.

REVENUE BILL.

The bill H. R. 139, to raise revenue for 1863 and 1864, was read the third time and passed, by yeas 42, nays 0.

NIGHT SESSION.

Mr. BROWN, of Wells, offered a resolution raising a committee of five to investigate frauds in the Quartermasters' Department, and other expenditures, with power to sit forty days after the adjournment of the Legislature, and to send for persons and papers.

Mr. MOORE moved to strike out five and insert three.

The motion was agreed to by yeas 28, nays 8.

Mr. CLAYPOOL. I am opposed to the investigation because no respectable person makes a charge. I ask will Senators on this floor vote out of the Treasury of this State four, five, six or ten thousand dollars for the purpose of gratifying the idle curiosity of some one? I shall vote upon this measure out of regard to the public Treasury of the State, out of regard to the public interests and the spirit of justice that ought to control it. Why, sir, has it come to pass that no man can occupy a public position—an office, no matter how well he does it - that some committee shall not be appointed to go around, to investigate and hunt up charges, when the searching eye of party for two years, fails to get up charges against him? Sir, I would not do it unless some respectable gentleman preferred a charge against him. The political status of Indiana is low enough, God knows, and I ask that Senators will not give it another kick and knock it still lower. I trust Senators are not willing to do this thing; and trust no Senator wants to be upon such a committee. I trust the resolution will be voted down; and that will deprive members on this floor of the opportunity to vote in myself or my friend from Wells [Mr. Brown.] But suppose such a committee were organized, what could they do? They meet—no charges are preferred, and they go to work smelling around the purlieus of the public offices, and summons A. B and C. and ask them if they know anything about frauds. If there is a single, solitary Senator upon this floor willing to make a charge of malfeasance against any officer I would vote for a resolution authorizing an investigating committee.

Mr. BROWN, of Wells. Mr. President: I regard it as a healthy sign for the Senator who has just preceded me to say that he is in favor of an investigation when any Senator will make a charge of sufficient importance to warrant it. But he says no Senator has made any charge upon this floor against any public official. The gentleman certainly could not have been present the other day when I read to the Senate from Mr. Washburne's report of the Select Committee of Congress appointed by the House to examine into the Government contracts. Let me refer him sir. to the charges made by that Republican investigating committee. Let me refer him to what was said on the floor of Congress, by Mr. Van Wyck, of New York, a Republican, and chairman of that investigating committee that "the mania for stealing seemed to have run through all the relations of Government; from those nearest the throne of power down to the merest tide-waiter every man who dealt with the Government seemed to feel or desire that it would not long survive, and to think that each had a common right to plunder it while it lived." And if this be insufficient, then let me call the gentleman's attention to the statement made in this chamber the other day by the Senator from Lawrence (Mr. Cobb) that the poor laborer in the State Arsenal was compelled to pay a certain per centage of his scanty earnings as the price at which only he could retain his place.

But let us see what the Congressional investigating committee say. They come to our own State—they make due investigations and say that the Quartermaster in this city has performed his duties in such a manner as compels them to question his fidelity. And they stop not with this statement. They intimate further, that if Mr. Vajen (they speak of him by name) had been a United States' officer instead of a State official, his conduct would warrant a special report, and they impliedly advise the State authorities to give his transactions a rigid investigation.

The gentleman speaks about the mere matter of expense. A small item it will be, sir. Three men to sit forty days at three dollars a day amounts to $360, and the contingent expenses might be $50 more. But say it will cost $500; what is five hundred dollars on the part of the State of Indiana? Why, sir, I can go into my own district and easily raise enough by subscription to pay the expenses of this committee, and my people would willingly pay it for the satisfaction of knowing

who have discharged their duties well—who have been faithful to the trust and confidence reposed in them, and who have not.

But what will be the moral effect, sir, of voting this resolution down? It has been charged upon one State official, at least, that he has violated the trust committed to him, and if he be not brought to an account, may not others commit more frauds, thinking to escape? They can say there was not a majority of this Legislature in favor of investigating the conduct of recreant officials. They can say the honorable Senator from Lawrence made a charge from his seat in this Senate that laborers in the arsenal were compelled to buy their situations there with a per centage of their hard earned pay, and the Legislature refused to investigate the matter, therefore, we may commit frauds, peculations, yea, steal as much as we wish without fear of the Legislature.

Mr. President, I must refer again to the matter of cost. The gentleman says it will cost something. I have intimated it may cost five hundred dollars. What is the small pittance of five hundred dollars to the great State of Indiana? Why, the public treasury of the country is drawn upon every day to the amount of a million of dollars, without the objections of these gentlemen, to carry on an ungodly civil war that should never have been commenced and ought not to be prosecuted one day longer, and yet they object to paying five hundred dollars for the purpose of seeing what has been the extent of these transactions which, an honorable Senator says upon this floor, smack of peculation, fraud and dishonesty. They are in favor of draining the treasury of its last dollar and the North of its last man in the prosecution of this destructive civil war, and yet cannot vote five hundred dollars for this investigation. For one, sir, I want to know what Senators will refuse to vote for this investigation on this ground.

I desire to say one word further. This is a matter I have had under my especial care and charge, and the resolutions which have been introduced here, exhibiting towards me parliamentary discourtesy, shall not affect in the least my purpose to prosecute it to an ultimate termination. But gentlemen, or men, I will say, who can so far forget the courtesy due to a fellow-Senator, shall hereafter receive from me the treatment that is due to any one but a gentleman. I, sir, am the peer of any man upon this floor. I, sir, by the laws of the State, represent as honorable a constituency as any man here. I, sir, have had reposed in me the confidence of a people who expect me to do my duty in this Senate chamber, and I will march straight forward in its pursuit, regardless of the ungentlemanly insinuations implied by any such resolutions.

Sir, I intend to favor this resolution until I get it through the Senate, or it falls. I shall discharge my duty at any rate.

The resolution was adopted by yeas 27, nays 9.

The PRESIDENT made the committee on the part of the Senate to consist of Messrs. Brown, of Wells, Cobb and Claypool.—Messrs. Wolfe and Browne, of Randolph, were added to the committee by a resolution of the Senate.

The bill [H. R. 69] prohibiting the State Librarian from letting books go outside of the capitol building, was passed by yeas 34, nays 0.

Mr. DUNNING offered a resolution, which was adopted, fixing the compensation of the Secretaries and their Assistants at $4 per day, and the Doorkeeper, the Assistant Doorkeeper, and their employees at $3.50 per day.

THANKS TO THE PRESIDENT.

On motion by Mr. CLAYPOOL it was—

Resolved, That the thanks of the Senate be, and the same are hereby tendered to the Hon. PARIS C. DUNNING, for the prompt, dignified and impartial manner in which he has presided over the deliberations of the Senate during the present Session.

The bill H. R. 75 (see page 82) was read the third time.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 6, 1863.

Mr. HOLCOMB made a report from the select committee appointed last session on the Wabash and Erie Canal.

Mr. PUETT offered a resolution, which was adopted, referring the report and the accompanying documents to a select committee of three, with leave to sit during the recess and report at the next session.

A call of the House revealed the fact that but 60 members were in attendance, to-wit:

Messrs. Abbett, Atkison, Bird, Blocher, Brogan, Brown, Burton, Cass, Collins, Cook, De Bruler, Donaldson, Ferris, Garvin, Given, Hall, Hanna, Harden, of Washington, Hardin of Perry, Harney, Hetfield, Holcomb, Hon, Howard, Howell, Howk, Humphreys, Kemp, of Dubois, Kemp, of Vigo, Kilgore, Lake, Lasselle, Lee, Lemmon, of Harrison, Lemmon, of Spencer, Mason, McGaughey, Miller, Milroy, Mutz, Niblack, O'Brien, of Martin, Osborn, Packard, Priest, Puett, Reitz, Richardson, Rippey, Robinson, Ryan, Shaffer, Shoaff, of Allen. Shoaff, of Jay, Veach, Waterman, Williams, Wolfe, Woollen and Mr. Speaker—60.

The following named members were ascertained to be absent by leave of the House, to-wit:

Messrs. Marshall, Pendleton, Roberts and Spencer—4.

The following named members were found to be absent without leave, viz:

Messrs. Abdill, Anderson, Baker, Byerle, Branham, Budd, Cason, Chambers, Davis, Forester, Gregg, Gregory, Griffith, Hershey, Higgins, Hostetter, Hutchings, James, Johnson, Jones, Kendrick, Lamb, Leeds, Moorman, Morgan, Mustard, Newman, Noyes, O'Brien, of Hamilton, Perry, Pettibone, Roe, Stone, Tarkington, Van Buskirk, and Woodruff—36.

IN SENATE.

SATURDAY, March 7, 1863.

The hour of 9 o'clock being the time named for the consideration of the majority report of the Committee on Federal Relations, in response to the memorials from the army—

Mr. MARCH presented the minority report from the same committee, which was read. He said that it had been proposed on a former day to print a large number of copies of the majority report. It was in most part a political document, and there was no reason why any political document should be printed at the State's expense — He doubted the policy of circulating such documents among the soldiers. If controversy or bitterness of feeling existed in the army, it would only serve to increase it. There was no necessity for the Senate's vindicating itself. It should be judged by its own acts. But if the Senate should determine to print the majority report, he should insist that the minority be printed also.

Mr. WOLFE had no objection to printing the minority report. It was a gentle backing down of the Republican party from the charges made against the Democratic party. It was as good as could be expected of a political or partisan document. It was couched in respectful language, and probably arrived at the same conclusion with that of the majority report. The latter report defends the Democratic party from charges of disloyalty, while the minority is a defence of the course of the party that contributed to give publicity to those charges. He did not think the circulation of these documents would have any bad effect. On the contrary, both reports would go to show the utter untruth of the imputations cast upon the Legislature.

Mr. HORD. It seems that these resolutions gotten up by the army are directed exclusively to the Democratic party on this floor. Senators over the way, when they were introduced, said they were not directed to them. Then I say it is due to the dominant party to respond to them.— These gentlemen who introduced the minority report have responded to resolutions not directed to them. Then why print their report? Why subject the State to the expense of vindicating themselves when no charge is brought against them? I say it is useless, but I do hold, as the majority are accused of high crimes, that it is necessary to print the majority report, which is a complete vindication of the charges brought against them.

And now, Mr. President, I shall beg indulgence a very brief space of time for the purpose of succinctly stating my views on a few of the political questions engaging public attention. Every citizen in the land, whether he pursues life in an humble and obscure way, or whether lifted up on the pedestal of power and fame, feels deeply interested in the current of events around him. The torch of discord and civil war now lights up the broad land, and the place dedicated by our fathers to freedom and a common friendship is changed to a field of bloodshed and carnage—a war the most bloody and desperate the heavens e'er looked upon since the morning stars first sang together; involving the existence of the freest and grandest Government that ever honored the wisdom of men. From thirteen Colonies that nestled on the Atlantic Coast we had grown with strange haste until our country's banner stretched from the Lakes to the Gulf, and from the rising to the setting sun; and, take it all in all, it seemed that nature had framed us for one affection, one progress, and one hope—having reciprocal interests, and bound together in bonds of friendship as by hooks of steel. But alas, sir, the fiend has crept into the Garden of Eden, and destroyed the paradise we once enjoyed. That fiend that has mocked at our happiness, that has beguiled us into contentions, and undermined our country, is nothing more nor less than *Slavery Agitation*. When the Constitution of the American people was made, twelve of the States then composing the Union held slaves, and that Constitution was so constructed that it left each State to rule its domestic matters as suited its discretion; such powers not granted to the General Government being reserved to the States respectively. Some of the States freed themselves from the burden of slavery by a system of emancipation, whilst others have retained the institution to the present time, and the Government, though part slave and part free, has traversed its prosperous course shedding upon every one all that was delectable in Government.

I do not stand here the apologist of slavery—to vindicate the propriety of shackles upon any human being, but I do, sir, pretend to vindicate the doctrine founded on a peaceful and prosperous experience, that free and slave States can exist together, under one and the same Constitution, under one flag, and in one Union; and the Democratic party, that possessed the helm of State from the beginning of the Government up to the year 1861, almost uninterruptedly, held to this constitutional view of our political questions, and by it the olive branch has been kept alive, peace has shed its selectest influences, and men and earth gave signs of gratulation. The Constitution, like a great solar system; the States, like planets, depended upon and drew life and power from it; and any interference of one with the other, drives each from its orbit, and political chaos must inevitably follow, until God shall create men with different tastes and passions.

We have a party in this country that does not believe this Union can exist part slave and part free; and that party since the year 1856 has grown great in its dimensions, and now possesses the helm of Government. There is nothing inherent in slavery itself to make it inconsistent with the existence of the Union, but it appears there is something in its agitation. The agitation of the slavery question has created hostile feelings in both sections of the country, and from these seeds has sprung war.

But why speak of the past? Our misfortunes are heavy on our backs and they seem to thicken like the sands of the sea. Let us turn our eyes to our stricken country, and see if we can lift the cloud that obsures us, and with our hand and reason give aid to our cause. I wou'd love, sir, to see this country united and peaceable once more; but believing the policy that dictated the radical measures of the past Congress, and the President's proclamation, was not the safest for the country, I certainly cannot concur in them. Time has already tested the worth of the Presidential edict. In the first campaign of this war the leaders of the rebellion could only raise 300,000 men with whom to execute their madness against the Government, and with 500,000 men we overthrew the enemy, and possessed nearly all of the Southern soil. When the war commenced the North was a united people, and the South was divided in its sentiment. Some Southern men still clung to the folds of their country's flag for existence and protection, but after the radical measures of Congress, and the President's proclamation, the Southern army immediately increased to 700,000, and it took a million of our valiant boys to hold what 500,000 had conquered. These measures solidified the South. Instead of emasculating the rebellion, they have armed and intensified it.

I do not esteem the policy of the measure to arm the negroes of the South. Not, sir, that I abstractedly object to negroes aiding to restore this Union, for I would hitch the devil to the Chariot of the Union if he could drag it safely from the flames of this discord uninjured, but I believe it, sir, impolitic. This measure authorizes the recruiting officer to go into Kentucky, and take the negro of the loyal master. Would this perpetuate a Union sentiment in the South? A man loves his Government in proportion as he is protected by it. It is our duty to nerve the loyal man, and give him an argument, in the protection he shall receive, but I believe, sir, this measure will alienate the loyal sentiment in a country where we need it. We gain more for our cause in nerving the strong arm of the white man in the border States by pacific measures towards them, than by driving them from us in arming slaves whose spirits have been dastardized by long servitude; and it appears that in some localities our soldiers have mutinied on account of the employment of negro soldiers. Let us as a nation be politic and wise. But the Republican party have great confidence in the measure. They esteem the negro as one of the ordained instruments of protection. I advise them against such a delusive and fallacious hope. With them

> "There is a poor, blind Samson in the land,
> Sh rn of his strength and bound by bonds of steel,
> Who may, in some grim revel lift his hand,
> And shake the pillars of the *Southern* weal,
> Till the vast temple of their liberties
> A shapeless mass of wreck and rubbish lies."

Let us, sir, in this dreadful state of things, adopt the means by which the greatest good can be attained. There is statesmanship in war as well as in peace. But when shall this contest cease?—When shall grim-visaged war smooth his wrinkled front? We have had an uninterrupted clash of arms for two years past without knowing whether these multiplied troubles could be compromised in any way suitable to the interest and dignity of both sections. This sad havoc could have been stayed on the principles of the Crittenden Compromise before our troubles culminated in war; and when the State of Virginia called for a Peace Congress the States then could have stayed its red right hand by proper adjustment, but the Congress of the United States would not listen to the voice of compromise; no terms of pacification could find responsive pulsations in their hearts. Ah! reason had reeled from its throne, and madness ruled. Then let some measures be had to discover whether the rebellious States are willing to accede now to terms of honorable settlement in one Union, contented with a common destiny; with the Constitution as a shield to life, liberty and estate. If they yield to proper terms, then we have an end to sad calamities. If not, our course will create division in the South, because men will not fight for rebellion when proper terms of adjustment have been offered and refused. Then, with a united North and a divided South, we have a surer pathway to success, for

> "Thrice is he armed who hath his quarrel just,
> And he but naked, though locked up in steel,
> Whose heart with injustice is corrupted."

But I regret that I cannot put trust in the Administration of the party in power. While it has been impotent in its efforts to restore the country, it has been encroaching on the liberties of the people. It has arrested men without warrant, refused them the writ of *habeas corpus*—that great muniment of human liberty—refused them a trial, and held them without charging them with crime, to pine and rot in filthy prisons; and all this, sir, when the Courts were open, and all crime against the Government could be properly punished, if any crime had been committed. And the Congress of the United

States, truculent and obsequious, has passed laws indemnifying the President for his unconstitutional conduct in making false arrest and imprisonment of American citizens. It has also put the money-making power in his hands, and passed a conscription bill that totally obliterates State lines; assails the reserved rights and sovereignty of the States; putting the whole militia of the States in the President's hands, subject to his own control, without the intervention of State authorities, and making his will the scope of justice to all who exist within the shadow of his power. Here is a basis for tyranny. A union of the purse and the sword in the same hands, the separation of which has been the pride and glory of our past history, and the object of every wise Government that seeks the protection of the liberty of its citizens.

It is useless to be oblivious to the truth. Our form of government is being changed by the party in power. It is centralizing power in the hands of a few. If the war continues much longer on the policy adopted by the Administration, with its disregard of the Constitution and the laws of the country, I have fears for the liberty of the people, and we may well have visions of a Cromwell, Dictators, and a tyranny in the future.

But I hope, sir, that the banner of our country, carried by our gallant soldiers through the red baptism of blood to victory, may wave over a free and united country, and "that all the clouds that lower upon us may be buried in the deep bosom of the ocean, our bruised arms hung up for monuments, our stern alarums changed to merry meetings, and dreadful marches to delightful measures."

Mr. MELLETT. I know it is a common thing for the Democratic party to say that the Government is made for the benefit of the white man exclusively, but I think my friend from Bartholomew [Mr. Hord] is progressing a step further. I have no doubt my friend believes that the Government is made for the entire benefit and use of the Democratic party and nobody else. In effect he says that the people—the Abolitionists in my district, who he holds have no rights that Democrats are bound to respect—are to pay taxes to publish his vindication to the soldiers, and have no right to hear from our side of the House. He says he wants to be vindicated. I think he has vindicated himself. I believe he offered a resolution proposing to resist the conscription act. Our soldiers have said a man that would do that is not loyal. And yesterday he voted against a resolution declaring in favor of an armistice. Upon the record my friend stands condemned; doubly condemned.—I am not surprised that he don't want anybody else to say something about his record. But he will learn before his head gets gray that there is something else in the United States besides the Democratic party. Now my advice is to be not quite so radical, and come to the conclusion that even the Democratic party may not always succeed; that there is something good outside of party; that fair dealing is always right in all cases, and if the people are to be taxed for printing a report made by one half of the Senate, they should pay for printing the report of the other half. But I do not care one farthing whether you print our report or not; it makes no difference to me personally. We can print it ourselves. This little Republican party—this contemptible Abolition party—have more papers, more types, more brains, anp more printing presses than you—infinitely more. We double you in printing presses, and have always done it. Go anywhere and you will find the Republicans always have more type and printing presses than the Democrats. Now if you don't want to print our report, don't do it.

Mr. DOUGLASS. At the very opening of this session the two political parties of which this body is composed commenced a contest of railing against each other. It has been pretty well kept up, and I find in all probability that the session will close with it. However that may be, let me say, Mr. President, that the Republicans on the very first day intimated that they had suspicions against the Democratic portion as to their loyalty. They have carried it out in their every act, and their every step, and in every word spoken in this body. Their speeches made in the city of Indianapolis contain direct reference to the Democratic portion of the Legislature, in which they have denounced us. Their denunciations have been published in their papers and sent to the army, and this is why these resolutions have come up from the army. This is the reason why Democrats in this body have been assailed as they have, and this is the reason why the majority of the Committee on Federal Relations have made the report they have to set ourselves right as true and loyal men. Even Republican members upon this floor have said they did not doubt but that we were loyal men, and that they did not suppose there was a disloyal man in this branch, and I believe in the Legislature entire; yet when we set forth in our answer that this body have no disloyal views to carry out; when we wish to disabuse the minds of the soldiers in the army, they oppose it. They don't wish to have their minds disabused. They would rather have the army think the Democracy were disloyal than to have them think the Democracy were loyal.

You are opposed to political extremes, and you are stirring them up eternally; and when the Democacy make any attempt towards setting the soldiers right upon this matter, you are opposed to that.

You are afraid the army will have faith and confidence in the Democratic party, and you are working might and main against it. You would rather have the army under the conviction that the Democratic portion of the North were disloyal to a man. You are jealous of the Democratic party. When a Democrat volunteers, you are jealous of it; and when a Democrat makes a speech to the army you are jealous of it. You want to have it all in your own hands—in your own power,—and even now I see when we attempt to set ourselves right you are opposed to it.

I am opposed to that minority report from the fact that it contains sentiments which I cannot endorse. If it is printed let it be printed as a document. If it is printed let it be printed merely out of courtesy; but I want the majority report sent to the army, that they may see—that they may know for themselves that the Democracy are not disloyal, but that they are ready and willing to stand up for that unity of Government—the Union—the entire Union.

When we say we are opposed to a Northwestern Confederacy then again you are jealous. There has not been an individual on this floor who has intimated that he was in favor of a Northwestern Confederacy. Then why not have unity in the Legislature and let the army know we are united, as far as the Union is concerned and as far as the Constitution is concerned?

The gentleman from Henry [Mr. Mellett] says they have more type and presses and papers than we. Yes, well may he say it; and in a short time they will have all of them, for they are demolishing Democratic presses one after another until bye and bye we will not have a Democratic press left us. Saturday night Samuel Medary's press went down—one after another they are blotted out by this *loyal* party.

Mr. CLAYPOOL. I trust we will adjourn with the kindliest feelings, one for another. The minority are willing that the majority report shall go to the army, but we want the privilege of sending along with it another love letter; for I confess I never read a document from the time I was twelve years of age till the present time that was so much fashioned after the love letters printed in the little books entitled "Letter Writers." It is said that the army is composed of a large number of Democrats, and are we not to woo them? Another thing, if this army is composed rank and file of Democrats, I want to know who it was that mobbed the printing office of Sam. Medary? Who tore down a printing press in Eastern Indiana, if they are all Democrats? Now I do not believe everything the Senator said. I believe there are Democrats in the army, and loyal Democrats on this floor and throughout this whole country; and no one thing on this earth could afford me more consolation than to know that parties North and South were one in their loyalty to this Union, that they were one in their devotion to the flag of their country; and I shall say no word nor do no act to deprive either party in the North from coming to that conclusion; and I shall say no word nor do no act that will prevent both parties sending to the army such a consoling thought. Then let us send these love letters to the army, and let them read and understand and believe that we are truly loyal in the North. I know the chairman of the minority, who drafted that minority report, carefully avoided any allusion to that party that was calculated to cause an unjust suspicion, and if there was in that report any such insinuation, I would not sanction that report, although I might say it was true; but I do not believe it is true. Do you want to send out a statement of the Democratic party at the public expense, and refuse to let the Republican party be heard? That would be unkind. There are things in the majority report I know Republicans subscribe to, and things in the minority report which Democrats subscribe to. I believe the Democratic party as a party is loyal, but before sixty days it will be still more loyal. I believe those not willing to offer up their rights for their country will be denounced from one end of this land to the other. The finger of scorn should be pointed at them. But let us adjourn in peace, and with glad words to the soldiers that the North is a unit for the maintenance of the Union of the States unbroken—the old Union undivided—that while it may be true we disagree with reference to the proclamation of emancipation, we believe the Union must and shall be preserved. Let it be understood that there is not upon the floor of this Senate a Senator who is not willing to forego all his interests here, and I might say hereafter, for the maintenance intact and unbroken of the Union of these States.

Mr. BROWN, of Wells. The Senator from Henry [Mr. Mellett] enlightened us on one point that I was not aware of. He is a gentleman of great age and experience, and takes it upon himself to advise young Senators upon this floor, as if he were the embodyment of wisdom. He gives us a piece of information, viz: that the Abolition party possesses more brains than the Democratic party.

Mr. BROWNE, of Randolph, (in his seat.) Do you doubt it?

Mr. BROWN of Wells. Yes sir, I do; but it is a good joke on brains if it is so. But I wish to invite the attention of the Senate to the assertions and charges made against me because of my humble efforts in this Senate Chamber in behalf of peace. A great cry came up from the people to me,—it came up to this General Assem-

bly—asking, for the sake of humanity, to do something to stop this bloody and desolating war. In response to that cry I introduced resolutions into this Senate proposing an armistice and a peace convention. This has brought down upon me denunciations from the press, from the hustings, from the pulpit and from the other end of the capitol. It has also brought denunciations from the army in the field—I won't say from the soldiers. In the other end of the capitol a gentleman whose name itself suggests to me the idea of murder and other horrible kinds of things, has assailed me and called me a traitor—except I lack the intention; and upon last Sabbath, sir, in one of the pulpits of this city I was indirectly assailed as a traitor to my country. Now let me say to every Senator upon this floor, and let it go forth to the country, that there is no man on top of the earth who loves his country more than I do; and, sir, if I believed that by prosecuting this war, the rebellion could be stopped I would go to-morrow—I would be ready to enlist with the Senator from Fayette and go to the field to morrow to fight for that purpose. But there is an honest conviction in my heart that this war can never accomplish the purpose which they or I design. The only difference between us then is as to the means we would use; similar to the difference between the religious sects both desiring to go to heaven—both desiring to secure for themselves the blessings of a hereafter — yet each pursuing different means and bearing in different channels for the accomplishment of the same purpose. So I stand side by side with the Senator from Fayette or any other Senator, hoping that the country may yet enjoy the blessings it has heretofore enjoyed.

Those resolutions of mine have been denounced in the same spirit that the Hartford Convention was denounced. Now I desire to say that there is this difference between that Convention and the Convention I propose. That was an assembly of the representatives of but a portion of the States—the New England States, in a time of war against the government by a foreign power; while this would be an assembling of 3-4ths of the States of the entire Union in times of civil war. That was a secret body; and the Convention I propose is one open to the scrutiny and observation of the whole world. That was held with the view of taking the States to a foreign power, while the Convention I propose is one to restore the Union with the dignity of the several States unimpaired.

The proposition I introduced is not without precedent. Early in the history of this rebellion there came from Virginia and North Carolina a proposition to the various States which composed the Confederacy, for a Convention of States to take into consideration the impending difficulties; but I find no where is that Convention condemned as traitorous or treasonable. No longer ago than in 1861, Virginia proposed a peace Convention, and that was not denounced as a treasonable convention. Indeed, but the other day in the halls of Congress an honorable member of the Republican party proposed a cessation of hostilities and a separation of our glorious Union. It was Mr. Conway, of Kansas.

Mr. CLAYPOOL (interrupting.) Conway is not now in that party. We denounce him.

Mr. BROWN. I looked in vain for memorials to come up from the army denouncing him. I have read the proceedings of Congress, too, without finding any of the members on either side of the House denouncing Mr. Conway as a traitor to his country, or making any insinuations against that gentleman's loyalty, such as has been made against me by members of this Legislature. Then what is the conclusion I come to from these facts? I come to the conclusion that the army can endorse the principles of men who look to a dissolution of the Union, while they do not endorse the sentiments and principles of a man who looks to a cessation of hostilities with a view of restoring the country to its former glory. If, sir, to be loyal is to favor a cessation of hostilities with a view to the dissolution of this Union, I do not wish to be loyal; and if it is to be a traitor to my country to propose a cessation of hostilities with a view to restoring the Union with all its dignity, equality and rights unimpaired, then, sir, let the word be written upon my brow, and I will wear it proudly there. What, a traitor, when I would use my every effort for the purpose of restoring our country to its former position among the nations of the earth? Why, our honorable representative under the last Administration to the Sandwich Islands, gives me to understand that our country is ridiculed there as a nation. He says there 19 out of 20 are in favor of the South, [consent,] and yet when I would propose to restore this Union, under the Constitution, with all its dignity, equality and rights unimpaired, I am denounced as a traitor.

Gentlemen say they are ready to vote the last dollar and give the last man to the prosecution of this war. When I heard an honorable gentleman on this floor make a remark similar to that, the other day, there was brought to my mind a duel said to have been fought on the border of Texas between two men placed in a dark room each with pistols and with knives, and they locked up and left to hack each other until death ensued. Now that is just the result. I expect nothing else. What is the experience of the last two years? It has been asserted that after two years

hard fighting throughout the entire country from the Atlantic to the Mississippi our army has succeeded in advancing four feet. Now with that fact—which may be exaggerated, though it smacks something of the truth—staring us in the very face, who will attempt to say where is the remedy for the evils existing in our country? If we prosecute this war, as it is being carried on now, it must result in the destruction of both sections.

In conclusion, I desire to say, that when any man charges me with being a traitor to my country, he may do it through mistake; but, sir, if he reiterates that charge, after he has heard me to-day, then sir, I shall regard him as a falsifier, and if he reiterates the charge I shall brand him as a liar. I, sir, know my own heart best, and know to what tune its impulses keep time:—it is to the music of the Union, one and inseparable, now and forever. Not a Union such as gentlemen of the opposition would have, with the rights of the States obliterated; not such a Union as their members of Congress have praised, blotting out State lines and rights; but a Union with all the dignity, equality and rights of the several States unimpaired. That is the kind of Union I favor.

Mr. MANSFIELD. I would ask the Senator by what means he will obtain it?

Mr. BROWN. I propose to obtain it by peaceable means—a cessation of hostilities—by compromise. Why, suppose you raise armies in the North sufficiently strong to over run the South, you don't restore the old Union, never. You can't enforce the Constitution; you will require a new Constitution—a Constitution sir, which requires force of arms.

Mr. CLAYPOOL. In the event the proposed Convention could not agree, what would then be the course of the Senator from Wells?

Mr. BROWN, of Wells. The course of the Senator from Wells, as he now feels would be to fight; but, sir, until that desperate alternative is presented to me, my voice shall be for a peaceful solution of the difficulties surrounding us.

Mr. REED. The gentleman states that he favors the Union—the old Union, nothing but the Union. Yesterday there was a resolution offered by the Senator from Ohio [Mr. Downey] condemning the idea that there was any party in this State in favor of a Northwestern Confederacy, or the Northwest leaving New England out in the cold; and I understood the Senator to vote against that proposition. Was that for the Union or against it?

Mr. BROWN. I do not know how the record stands, but I have no knowledge of voting against any proposition of that kind. I stand here pledged against any Northwestern Confederacy, or any Union of the Northwest with the Southern Confederacy, or any arrangement of the difficulties whereby New England will be left out in the cold. I have announced it, sir, and stand by it, that I am in favor of the old Union, and nothing but the Union as our fathers gave it to us.

Mr. BROWNE of Randolph. In the event the independence of the Southern States is to be recognized, and they have to be cut off, would you then favor a Union between the South and the Northwest, leaving New England out?

Mr. BROWN of Wells. I desire to say this, in answer to that question: I contemplate no such an event as that. But in conclusion, Mr. President, I desire to say that in introducing the propositions I have, I think I have expressed the sentiments of the people; and the reports I receive are that the soldiers are all in favor of peace—that they are all tired of this war, and desire peace. But suppose the course which has been pursued by myself and others here may be condemned by the soldiery, they form but a small minority of the people of the North; and I believe the people of the North are with us. So long, then, as I believe a majority of the people of the North demand the armistice I propose, so long I shall favor it while I am their representative in these legislative halls.

Mr. BROWNE, of Randolph. If the people of the North are in favor of an armistice why did your own party ignore it in their report to the Senate?

Mr. BROWN of Wells. I do not undertake to answer for what my party has done upon this floor. It will speak for itself. Mr. President, I trust that what I have said is sufficient to satisfy any candid mind that what I have done has been done for the good of the whole people and for the good of the country.

CONTESTED ELECTION CASE.

The special order for this hour being the resolutions in the case of the Senator from Elkhart and Lagrange, they were taken up. The first declares that Mr. Murray, the sitting member, was not entitled to his seat. The second declares that Mr. Baker is entitled to the seat occupied by Mr. Murray.

Mr. JOHNSTON demanded a division of the question, that the vote might be taken on the resolutions separately.

Mr. DOWNEY made an able legal argument in favor of Mr. Murray. He contended that allthough Mr. Murray preformed the duty and received the compensation of a regimental Quartermaster in the army, he had never been legally mustered into the service, and had not given a bond as the regulations required

Messrs MANSFIELD and CLAYPOOL controverted the positions of the Senator from Ohio and Switzerland. [Mr. Downey] contending that the commission was evidence sufficient to disqualify Mr. Murray from holding a seat as Senator,

Mr. HORD said that the commission was only *prima facie* evidence against Mr. Murray, but he had a right to show that he was or was not legally an officer. He could not be an officer legally until he had filled all the requirements of the regulations of the army. The only evidence we had that Mr. Murray ever exercised the duties of the office of Quartermaster were his own statements, and his statements should be taken in full if at all.

The first resolution was rejected by yeas 20, nays 22.

On motion by Mr. JOHNSTON the second resolution, was laid on the table by yeas 24, nays 17; excused 1.

BILLS ON THE THIRD READING.

Mr. Waterman's bill, [H. R. 129] amending the law governing the payment of salaries of State officers, was passed by yeas 42, nays 0.

Mr. Miller's bill, [H. R. 109] extending time to borrows of the Sinking Fund, was passed by yeas 36, nays 5.

Mr. Mutz's bill, [H. R. 75] to prohibit the sale of coal and petrolaum oil without inspection, &c., was passed by yeas 42, nays 1.

Mr. Byerle's bill, [H.R. 145] for the relief of Geo. Arnold, was passed by yeas 35, nays 7.

SPECIFIC APPROPRIATIONS.

Mr. WILLIAMS from the Finance Committee, reported a list of accounts for legislative expenses, with a recommendation that they be allowed, and that, inasmuch as no specific appropriation bill can be passed, that the Auditor of State be authorized to issue his warrant in favor of the parties named.

One or two amendments, making additional allowances, were agreed to, and the resolution, as amended, was adopted.

HONOR TO OUR SOLDIERS.

Mr. CLAYPOOL offered a resolution, which was adopted, that when the "Roll of Honor of the Patriotic Dead" is completed by the State Librarian, it be published in book form, and that the profits of the sale thereof be devoted to the benefit of the orphans of the deceased soldiers.

THANKS TO OFFICERS.

A resolution was adopted, returning thanks to the Secretaries and their Assistants, and the Doorkeepers and their employees, for the faithful manner in which they have discharged their respective duties.

THE STATE ARSENAL.

Mr. BROWNE, of Randolph, from a select committee, reported that such was the condition of the Legislature no action could be taken with reference to Legislating on the subject of the arsenal.

The report was concurred in.

The Senate then took a recess for dinner.

AFTERNOON SESSION.

Various reports were made from different committees, returning bills, &c., with recommendations that they be laid on the table; said committees not having time to consider the same.

These reports were severally concurred in.

VIOLATIONS OF THE BANKING LAW.

Mr. MARCH offered a resolution, which was adopted, asking the Attorney General to give his construction of the 55th section of the bank law, and if he finds any violations thereof that he be directed to bring suits in such cases.

MILITARY AUDITING COMMITTEE.

Mr. BROWNE, of Randolph, called up his concurrent resolution creating an auditing committee of two on the part of the Senate and one on the part of the House to audit all military claims, including the appropraitions for the Indiana Legion, and it was adopted.

Subsequently, by a resolution of the Senate, Messrs. Dunning and New were appointed the committee on the part of the Senate.

THE GENERAL ASSEMBLY AND THE ARMY.

Mr. BRADLEY called up the reports of the majority and minority of the Committee on Federal Relations in answer to the memorials from the army, and renewed the motion to adopt and print the majority report and that the minority report lay on the table and the same number of copies be printed of it.

Mr. RAY advocated the printing of the two reports together, and made a very able and eloquent speech in defense of of the Democratic party and defining his views on the grave questions of the day. He had been willing to lay aside party and go in for the whole country. But the people would adhere to party notwithstanding, and such being the case, he could not consent to abandon the party with which he had heretofore acted. He regretted the agitation of that subject which had been one of the moving causes of our present troubles - slavery, and he condemned all attempts, no matter by whom made, to consolidate any portion of the people upon an anti-slavery issue, during the pendency of the present struggle to put down the rebellion. He, also, deprecated all attemps to make the army believe that any party at the North was opposed to the restoration of the Union. We should all endeavor to convince our soldiers, by acts and words, that we were a united people for the Union of the States, and for a vigorous prosecution of the war, until rebellion was crushed out forever. He believed that, notwithstanding the discouragements hanging over our armies in the field, the unholy and unwarranted rebellion would be crushed out, and the flag

of our country recognized in every part of the Federal Union, as it had been in years gone by.

This Senate has set here day after day and matured as much legislation, and done as much work as any preceding Senate ever did; but the most of it comes to naught, and falls, in consequence of the disorganization in the other branch of the Legislature. This, sir, is deplorable. I say, sir, it is deplorable. If the Democratic party in the Senate had done some foolish, rash or disloyal thing it would have furnished some *expost facto* excuse for this disorganization of the House.—But I am gratified at the political status of the Democratic members of the Senate today. I have expressed an opinion adversely to the military bill—upon which the members of the House left their seats—and opposed to all schemes whereby the Democratic party was to share any portion of the military affairs of the State.—I wish to say that measure never could have passed the House; and I am free to say it never could have received the sanction of five members on the floor of the Senate in my opinion; and yet on a mere pretext of this kind, a rebellion in our capitol has defeated the labors of the General Assembly for sixty-one days I want to blister and condemn, and here in my place to denounce this initial step in rebellion and anarchy at home. I denounced the first step in my own party which tended to rebellion and anarchy, and how much more ready should I be to denounce overt acts of rebellion and anarchy when they come from the other side?

Mr. JOHNSTON. The question is as to printing the majority and minority report of the committee. He was willing to print both documents and let the people read and judge for themselves. He did not think stump speaking at this time would change the opinion of one man. The people would read and think and decide for themselves. Let them read. Let the army read. He had heard that newspapers were excluded from the army. He was sorry if it was so. He did not think soldiers should be used like mules, made to do the work for other men's thinking. Documents, however, did get to the army denouncing and slandering the Democratic party. Republican newspapers were filled with these slanders.—Would not and did not these charges give aid and comfort to the enemy? Would it not rejoice the heart of Jeff. Davis to be informed that Indiana was on the verge of revolution—that the dominant party in it was ready to take the State out of the Union — was ready to hitch it on to the Southern Confederacy? And yet these charges were made daily. He read from the Indianapolis *Journal* describing a meeting in Putnam county, held at Greencastle, in which that paper stated that cheers for Jeff. Davis, loud and long, were heard. He pronounced it false. He was present at the meeting and nothing of the kind occurred. He denounced such slanders, and that paper had been full of them since this Legislature had been in session.

Mr. BROWNE, of Randolph, had been pleased with portions of the speech of the Senator from Shelby. [Mr. Ray] and had more hopes of the Union, since he heard it, and would have still more hopes, if he thought the gentleman had spoken as an exponent of his party.

Mr. RAY. I spoke for myself alone.

Mr. BROWNE, of Randolph, contended that evidences did exist of the existence of a secret political society called the 'Knights of the Golden Circle," whose object was to discourage enlistments. He had in his possession a letter from a constituent of the Senator from Putnam, [Mr. Johnston] written to his own son, encouraging that son to desert, and acknowledging the existence of a secret society termed by him the Knights of the Golden "Circle." The grand Jury had presented members of the Order, who had declined to reveal its mysteries. As to the charge that democrats had favored a Northwestern Confederacy, he would say that he had heard members of that party declare in favor of such a scheme. He contended that those who advocated such schemes, and united with such societies, were of those who composed the fanatical element in the Democratic party. He did not deny the existence of a conservative element in that party, and his hope was, that the conservatives would put their feet upon the necks of the fanatics. The Senator from Wells [Mr. Brown] had said that the rebellion could never be put down by war; that he was willing to try an armistice and a convention for adjustment, which failing, he would favor a continuance of the war, if the country was thereby exterminated. Knowing that nothing could be accomplished, why not be willing now to continue the war until every rebel is swept from existence? He denied that the party with which he was acting, was governed solely by party feelings. They were for their country, without any conditions whatever, and if anything transpired in the management of the administration of the war that did not meet the approbation of every member of the party, it did not weaken their fealty to the Government. And he recommended that the Democrats do likewise, and all would go well.

Mr. MARCH desired to reciprocate a portion of the sentiments of the Senator from Shelby. But he had said that this Legislature had done nothing to warrant any belief that it was a disloyal body. He would say, in answer, that the people would judge whether this was true or not. He who faltered in the time of his coun-

try's trial, might attempt to defend himself, but the people were always right, and they would decide as to who had stood up for their country and who had not. The people were alarmed at the existence of a conditional loyalty throughout Indiana, and in the legislature, that would only give support to the country, provided the President would do *this* or *that*. And while such alarm existed, it was no wonder that they and the soldiers had expressed their fears with some feeling. He had no defense to make of his course, or of that of his party. Those who thought that a defence was necessary, could make it, and when made, the people would judge as to whether they were guilty or not.

The majority report was then adopted, and 5,000 copies ordered to be printed, of both the majority and minority reports.

Mr. Miller's bill [H. R. 128] authorizing Recorders to demand their fees in advance, was read the third time passed by yeas 33, nays 2.

A concurrent resolution (printed on page 213) directing the Attorney General to sue in the name of the State for any monies drawn from the Treasury without warrant of law, was laid on the table.

Mr. CLAYPOOL moved to take a recess until 8 o'clock this evening. He had heard that the "Madison branch" of the Legislature would arrive at 8 o'clock, and he wished the Senate to be on hand to receive any bills that the House might send here.

The motion was agreed to.

NIGHT SESSION.

Several resolutions were adopted; when, a call of the Senate being ordered and taken, but 24 members answered to their names.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 7, 1863.

On motion by Mr. McGAUCHEY it was—

Resolved, That the Doorkeeper be directed to contract with W. H. DRAPIER, for six hundred copies of the BREVIER LEGISLATIVE REPORTS—being the usual number furnished for the use of this House every session since 1857—the same to be sent by express, an equal number of copies to each member as soon as possible after the adjournment of the session—*provided* said Reports shall not cost more than one dollar per copy; that one copy for each member be bound; and that said reports shall not be paid for till printed.

Mr. BIRD offered a resolution electing the following persons as members of the Board of Trustees of the Benevolent institutions: Charles E. Sturgiss, of Allen county, for Insane Asylum; James Elder, of Wayne county, for Deaf and Dumb Asylum, and Robert Curran, of Clarke, for Blind Asylum. This vote to be regarded as a viva-voce vote.

The resolution was informally passed over.

SICK AND WOUNDED SOLDIERS.

Mr. HOLCOMB from select committee to whom was referred joint resolution thanking Governor Morton for care and attention to sick and wounded soldiers, reported the committee unable to act upon it in consequence of the absence of Republican members.

REPORTS FROM COMMITTEES.

The several committees reported back the resolutions and bills referred to them, which were informally tabled.

EXECUTIVE COUNCIL.

Mr. HOLCOMB offered the following resolution, which was informally passed over.

Resolved, That House bill No. 221 be recommitted to the Committee on Military Affairs, with instructions to report a substitute therefor, amending the law now in force so as to make all officers of the Indiana Legion to be elected by the companies and regiments and commissioned by the Governor, and also to amend said laws so as to appropriate $25,000 per annum for military purposes, instead of $70,000 as now prescribed.

NEW PROPOSITIONS.

Mr. NIBLACK, from the Committee on Ways and Means, reported the specific appropriation bill, [257.]

Also the bill making general appropriations for the years 1863 and 1864. [258.]

Mr. NIBLACK moved to suspend the rules so that the general appropriation bills might be read the second time.

The yeas and nays were demanded and being ordered and taken resulted, yeas 53, nays 0.

No quorum voting a call of the House was ordered showing the same result, when the House adjourned to 9 a. m. on Monday.

IN SENATE.

MONDAY, March 9, 1863.

On motion by Mr. GIFFORD, it was—

Resolved, That the Secretary of State be authorized to procure and send to each member of the Senate, and to the officers and Reporters thereof, two copies of the BREVIER LEGISLATIVE REPORTS, also two copies each of the Senate and House Documentary Journals, and two copies of the acts of the present session, all to be bound in full sheep.

Mr. JOHNSTON offered a concurrent resolution, which was adopted, authorizing the Governor, Auditor and Treasurer of State to appoint a Commissioner to investigate the fraudulent bonds outstanding against the State.

Mr. FERGUSON desired to correct a misapprehension that might exist with reference to the position of the Democracy of Scott county upon the Union question.—The Senator from Delaware (Mr March) had on Saturday alluded to Little Scott county in a way, as he (Mr. F.) thought, would cast doubt upon the loyalty of her Democracy. He defended Scott county from any such charge, and caused to be read resolutions of her Democracy.

Mr. MARCH said he was the last man to do injustice to the people of Scott county, believing in the golden rule, "Judge not lest ye be judged." The Senator was mistaken. No allusion had been made by him that would cast such doubts as those hinted at. In his remarks he was alluding, in general terms, to the proceedings of the meetings of Democrats throughout the State, and simply referred to the resolutions of a township meeting in Scott county and others by way of making a comparison. The resolutions of a Scott county meeting that had just been read were not as objectionable as those referred to by him. There was much in them he could heartily endorse, and were much better than those generally adopted at Democratic meetings. But there were some things in the resolutions that he as heartily condemned. One was that this war had been commenced by preachers and Northern fanatics. This was wholly untrue. The war had been begun only by one section, and that section was alone responsible for it. The people of the North were not responsible, but were fighting in self-defence. He would never consent to admit that the exercise of freedom of speech at the North had brought the rebellion upon us. Another thing he objected to was a repetition of the usual clap-trap of such meetings, that nothing should be done toward fighting rebels unless at empts were first made for compromise through conventions and by means of an armistice. Such doctrines were calculated to encourage rebels in arms, and divide the friends of the Union, and should be discountenanced by all good patriots.

Mr. COBB said the Senator from Delaware referred to a resolution passed by a township meeting in Scott county in which it is charged that the ministers North and South were instrumental in bringing the present troubles on the country. He endorsed the sentiment, and history would pronounce it true. The ministry were intensely partisan and proscriptive. They were Abolitionized North, and preached political Abolitionism from their pulpits and denounced all who differed with them as disloyal. The Senator [Mr. March] could not reply to the Senator from Scott [Mr. Ferguson] without spreading his wings and covering the entire ground of politics. Mr. C. replied to the general remarks of Mr. March, and reviewed the acts of both parties in the present Legislature, branding the minority with revolutionary acts without the slightest shadow of reason for any such acts.

Mr. FERGUSON offered a resolution, which was adopted, that a committee of two on the part of the Senate be appointed to act with a similar committee on the part of the House to wait upon the Governor and ascertain if he has any further communication to make to the Legislature.

Messrs. Ferguson & New were appointed.

Mr. FERGUSON, from the committee appointed to wait on the Governor, reported that they had performed that duty, and that the Governor had informed the committee that he had no further communications to make to this General Assembly.

Mr. BROWNE, of Randolph, offered a resolution that the Senate, having finished its business, adjourn at 12 o'clock this day, and that the House be informed of the passage of this resolution.

The resolution was adopted, but before the result was announced,

The PRESIDENT arose and said:

Gentlemen of the Senate: I have not reflected one moment upon what it would be proper for me to say to you upon the adjournment of this session of the Senate. I have no set speech, and what I say to you will be dictated by my feelings and my judgment. When the Senate of Indiana assembled on the 8th of January of the present year, our country was and still continues to be involved in a great struggle for the preservation of the integrity of this government. There was more party feeling, I believe, existing at the time the Senate assembled than there is existing today, and I hope the legislation of the Indiana Senate has not been without vast benificial results upon the best interests of the country. And I conjure you gentlemen, as leaders and as citizens of the great State of Indiana—as representatives which the people of Indiana have reposed confidence in and upon whom they devolved a responsibility that has not been equaled by any session of the Senate that ever has assembled in the State of Indiana—I say, I trust and conjure you, in view of this responsibility, that you shall, as citizens and as leaders, use all the influence you may possess amongst your various constituency for the purpose of bringing about a restoration of this glorious Union—for the purpose of concluding this war, which is devastating the land and is taking off hundreds of thousands of the productive men of the country. And above all, gentlemen, I trust, and it shall be my course when I return to the bosom of my constituency—that you will use all the influence you can possess for the purpose of allaying the existing excitement—for the purpose of preventing a collision in the State of Indiana; for if a collision should take place in Indiana it will spread to all the western States, and it will be a war which would carry famine and devastation to the home of every citizen of Indiana. I trust, then, as citizens, as legislators, as patriots, that each one of you will use your utmost exertions for the purpose of keeping down angry extremes, and for the purpose of preventing civil war from being inaugurated in the State of Indiana.

At the commencement of this session, gentlemen, I was elected your presidin

officer. I have no language to express the gratitude that I feel to the members of this Senate for the compliment which they have bestowed upon me, and for the expression which they have given—and honestly given—of the satisfactory manner in which I have endeavored to discharge the duties of presiding officer. I can appeal to my God with all confidence and honestly, and can say, that while I have had the honor—and it is an honor—of presiding over the deliberations of the Indiana Senate during its present session. I have attempted to ignore—and from day to day I have renewed the attempted to ignore—anything like party feeling or partizan partiality. My sole object has been that every member of this Senate should have an opportunity of freely expressing his views upon all questions which have agitated this body from the opening of the session till its adjournment with this hour. I tender to you again, in sincerity, my heartfelt thanks for the honor you have conferred upon me. I shall look upon it as one of the proudest moments of my life when I was elected the presiding officer of this body.

In conclusion, gentlemen, I trust that when you return to your various constituents your conduct may meet their approbation, and that they will be able and will pronounce upon you "well done thou good and faithful servant; you have represented us truly and faithfully in the Indiana Senate—you have discharged the duties which were entrusted to you." And personally, gentlemen, I wish you peace, and prosperity, and happiness, so long as you may each live. I now pronounce the Indiana Senate adjourned *sine die*.

But permit me to say—(I had not studied for one moment what I ought to say to you—) that there is one subject I should have alluded to; but it has been satisfactorily done by resolution of the Senate. Since we have assembled here one of our members—I allude to the Hon. Thomas Shoulders—has departed this life. He was an honest man, and a prudent and cautious legislator. Let us cherish his memory, and keep the admonition constantly before our eyes, that "in the midst of life we are in death." I pronounce the Senate of Indiana now adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

MONDAY, March 9, 1863.

The SPEAKER announced a Committee —Messrs. Puett and Griffith—to wait upon the Governor and inquire if he had any further communications to make.

The committee, returning, stated that His Excellency had none. He would have sent in an answer to the resolution printed on page 159 of these Reports but for some days past there being no quorum, he had for that reason not done it.

The Senate resolutions in reference to the appointment of an auditing military board of two Senators and three Representatives, were concurred in.

Mr. WOOLLEN, from the select committee to investigate the charge made by Mr. Branham, of Jefferson, that there were members on this floor in consultation with emissaries of the Southern Confederacy; reported that Mr. Branham had been subpœned but had declined to appear. The committee therefore conclude that Mr. Branham had no foundation for his charge, and made it simply for political effect.

Mr. CASON objected to the reception of the report, because, as a member of the committee, he had never been notified to meet with it, and also because Mr. Branham had not been notified to meet the committee till last Friday night.

Mr. WOOLLEN stated that Mr. Branham said he could give no information himself on the subject.

Mr. CASON asked: Did he not offer to produce witnesses before the committee to testify as to the communication of members with representatives from the South?

Mr. WOOLLEN did not remember that Mr. Branham had made such an offer. The committee had not been called together before the bolt of the minority, because of his own absence.

Mr. HANNA, offered a resolution which was adopted, that the communication of the Governor relative to the distribution of arms be placed in the hands of the Librarian for future inspection and legislation.

Mr. BROWN offered a resolution, which was adopted, appointing a committee of three to act with a committee on the part of the Senate to investigate the affairs of the Quartermaster General's Department.

THANKS TO THE SPEAKER.

Mr. GRIFFITH offered a resolution, which was adopted. [Mr. Donaldson in the chair.] Tendering the thanks of the House to Hon. S. H. Buskirk, for his ability and impartiality in presiding over the deliberations of the House.

On motion of Mr. BROWN Mr. Buskirk was made a member of the Military Auditing Committee. Messrs. Niblack and Kilgore were added by the Speaker.

The journal was expurgated, by resolution, of everything relating to the arraignment of the Doorkeeper, Barnabas Burns.

The Senate resolution in reference to the fraudulent five per cent, stocks was concurred in.

SPECIFIC APPROPRIATIONS.

The Committee on Ways and Means submitted a report on finance, which was placed on the journals.

Mr. FERRIS submitted a report from a select committee on hospitals in the city, complimenting the surgeons in charge for their care of the sick.

Mr. PACKARD (for Mr. DONALDSON who temporarily occupied the chair) offered the following, which was adopted:

Resolved, That the Secretary of State procure and send to each member of the House and to the officers thereof, two copies each of the House and Senate Documentary Journals, two copies of the BREVIER LEGISLATIVE REPORTS and two copies of the acts of the present session; all to be bound in full sheep.

Mr. HARNEY offered a resolution to allow J. J. Bingham $5.000 as part pay for printing for this assembly, to be paid from the Legislative Fund but withdrew it because of a demand for the yeas and nays.

The Senate resolution in reference to an adjournment *sine die* was taken up and concurred in.

Reports from the Committees on Quartermaster's Department, and on Arsenals, were made and spread on the journals.

Mr. LEE entered his protest against the appointment of a Military Auditing Board because two of its members were Republicans, and also because it had no control over the Governor's contingent fund.

Mr. BROWN offered the following:

WHEREAS, On the 25th day of January, 1863, several members of this body belonging to the Abolition party did, without just cause and without permission, absent themselves from this body, and have remained away ever since; and,

WHEREAS, In consequence of said members being away as aforesaid, this General Assembly has been unable to pass any appropriation bill whatever, or to perform and complete the necessary legislation required of it, there being a sufficient number of the members aforesaid absent to leave no quorum of this body to transact business; therefore, be it

Resolved, That said members are not entitled to, and should not receive, any compensation as members of this body for the time they have been absent, and that the Speaker of this House is hereby directed not to issue any warrant or certificate to any member who has been absent as aforesaid, which warrant or certificate would entitle said member to receive pay as a member of this body for the time he was absent, as aforesaid.

Mr. HOLCOMB offered the following amendment, which Mr. Brown accepted:

Resolved, That the Speaker of the House be directed to certify to the Auditor of State the amount of pay that has been forfeited by members absenting themselves from the House without leave during the present session, and not received by the members, and that the said Auditing Committee be authorized and directed to draw a warrant for the full amount so forfeited in favor of the Military Contingent Fund, to be used for the benefit of the sick and wounded soldiers of our State.

Mr. BROWN demanded the previous question.

The yeas and nays were demanded, and being ordered and taken resulted yeas 37, nays 7.

There being no quorum present a call of the House was ordered and but 51 members answered to their names.

The House being notified that the Senate had adjourned *sine die*—

The SPEAKER arose and said:

Gentlemen of the House of Representatives: The resolution that was this morning adopted which contains a re-assurance of your confidence in me as your presiding officer, is certainly very gratifying to my feelings and will be gratefully remembered by me. I can say in all truth and sincerity, that I have honestly labored to discharge the duties of presiding officer faithfully and impartially. That I have committed many errors, no one will pretend to doubt. I desire to say to members of the House that I feel grateful to you all, for I have received the most generous and cordial support from each member of this House, and the Chair has at all times been treated with the utmost respect and courtesy by members of this House. We assembled here under peculiar circumstances—in stormy times—and the debates have assumed a bitter and acrimonious character at times. We assembled as strangers but I trust, however much we may differ upon political questions, that we will at least separate as personal friends.

Permit me in conclusion, gentlemen, to say it is a matter of regret to the people of the State of Indiana that the business that was requisite to be passed by this Legislature has not been done. That we return home without having accomplished our mission, I say, is a matter of serious regret, I trust, to every member of this House and to the country at large. Permit to say that when we go home let us do justice to our political opponents; let us hold our political opponents responsible for all that they are justly and fairly entitled to be held responsible for and no more; and I ask of them to do the same by the majority on this floor; for upon our course when we go to our respective counties will depend, to a great extent, the good will and harmony and peace of the people of our respective counties. I insist, therefore, that when we address the people at home, either in public or private we will deal fairly and justly with each other—that we of the majority will not attribute to the minority that they are not guilty of, and that they will look to the record which has been made in the Senate and House to see what the majority have endorsed and not attempt to hold them responsible for what they have not endorsed. I make these suggestions believing that upon our action before the people the peace and harmony and good will existing between neighbors may be preserved.

Gentlemen, returning to you my most sincere thanks, for the many favors I have received at your hands, and asking from you your generous indulgence for the follies and errors I have committed as presiding officer of this House, I will close my remarks.

Mr. DONALDSON (interrupting.) I move that the speech of the Speaker be written out and placed upon the journals. All in favor of the motion say "aye."

The motion was agreed to *nem. con.*

The SPEAKER. I declare this House adjourned without day.

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