

# THE LEGISLATIVE SENTINEL:

CONTAINING THE

## PROCEEDINGS AND DEBATES

OF THE SPECIAL SESSION OF THE

GENERAL ASSEMBLY OF THE STATE OF INDIANA,

CONVENED BY PROCLAMATION OF THE  
GOVERNOR, ON THE 20<sup>TH</sup> DAY  
OF NOVEMBER, 1858.

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Reported by

W. H. DRAPIER, Phonographer, in the Senate.

A. E. DRAPIER, Stenographer, in the House.

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INDIANAPOLIS:

BINGHAM & DOUGHTY, PRINTERS AND PUBLISHERS,  
1858.





*In the Senate Nov. 29, 1858, the following resolution was adopted:*

*"Resolved, That the Door-keeper procure for the use of the Senate two hundred copies of the Legislative Sentinel, now in course of publication by Messrs. BINGHAM & DOUGHTY."*

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*In the House of Representatives, Nov. 30, 1858, the following resolution was adopted:*

*"Resolved, That the Door-keeper be instructed to procure two hundred copies of the Legislative Sentinel for the use of the members of this House."*





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# THE LEGISLATIVE SENTINEL.

BINGHAM & DOUGHTY, PUBLISHERS. •

ARIEL & WM. H. DRAPIER, REPORTERS.

Vol. I.

INDIANAPOLIS, NOV. 26, 1858.

No. 1.

We propose to publish in this form, as an experiment, the *Legislative Sentinel*, for this session, the series to be continued, if successful. At the end of the session we will bind the reports to correspond with the Journals.

As will be noticed, we will give all motions, resolutions and committee reports in their order, and describe and publish at length all propositions as they are considered, with liberal sketches of the accompanying debates. Our efforts shall be to publish an accurate report of the proceedings of the Legislature, free from partizan bias. In this form, it will be an interesting document for future reference, in a convenient shape for preservation.

The price of the Reports for the special session will be FIFTY CENTS.

BINGHAM & DOUGHTY.

## INDIANA LEGISLATURE

### IN SENATE.

SATURDAY, November 20, 1858.

At nine o'clock this day the Senate of the Fortieth General Assembly of the State of Indiana, met in their Chamber in the Capitol, and was called to order by the Hon. ABRAM A. HAMMOND, Lieutenant Governor of the State and President of the Senate, for the purpose of organization in special session under the Proclamation of the Governor, dated November 9, 1858.

#### ORGANIZATION OF THE SENATE.

The PRESIDENT directed the call of the roll of Senators holding over, which service was performed by JONATHAN S. HARVEY, of Clark county, Principal Secretary of the Senate for the former session, and the following Senators holding over appeared and took their seats:

From the counties of Cass, Howard and Pulaski—Charles D. Murray.  
From the counties of Clark and Scott—David McClure.  
From the counties of Clay and Putnam—Archibald Johnson.  
From the county of Decatur—John F. Stevens.  
From the counties of Delaware and Blackford—Walter March.  
From the county of Fountain—Isaac A. Rice.  
From the counties of Gibson, Pike and Dubois—John Hargrove.  
From the counties of Hamilton and Tipton—John Green.  
From the counties of Hendricks and Boone—Solomon Blair.  
From the county of Henry—Isaac Kinley.  
From the counties of Jennings and Jackson—James E. Wilson.  
From the counties of Lagrange and Elkhart—John Thompson.  
From the counties of Laporte and Starke—Morgan H. Weir.  
From the county of Marion—John S. Bobbs.  
From the counties of Miami and Fulton—Hugh Miller.  
From the county of Montgomery—Lewis Wallace.  
From the counties of Noble, DeKalb and Steuben—Alanson N. Hendry.  
From the county of Randolph—Daniel Hill.  
From the county of Rush—Stanley Cooper.

From the counties of Shelby and Hancock—David S. Gooding.

From the counties of Vigo and Sullivan—William E. McLean.

From the counties of Washington and Harrison—Horace Hiffen.

The following Senators elect then came forward, as their names were called, presented their credentials, and took the oath prescribed by the constitution, at the hands of his Honor, Judge James M. Hanna, which is in the following words, to wit: "You and each you do solemnly swear to support the Constitution of the United States, and the Constitution of the State of Indiana, and honestly and faithfully to discharge your duties as Senators, during your term of service as such, so help you God."

From the county of Allen—Allen Hamilton.

From the county of Bartholomew—Smith Jones.

From the counties of Benton, Warren and White—George D. Wagner.

From the counties of Clinton and Carroll—James Odell.

From the counties of Crawford and Orange—Quinton Lomax.

From the county of Dearborn—Cornelius O'Brien.

From the counties of Fayette and Union—Thomas W. Bennett.

From the county of Floyd—D. O. Anthony.

From the county of Franklin—Aaron B. Line.

From the counties of Grant and Madison—Harvey Craven.

From the counties of Green and Owen—J. W. Connelly.

From the counties of Hamilton and Whiteley—James R. Slack.

From the county of Jefferson—John R. Cravens.

From the counties of Johnson and Morgan—W. H. Jennings.

From the counties of Knox and Daviess—James D. Williams.

From the counties of Kosciusko and Wabash—James D. Conner.

From the counties of Lake, Porter and Jasper—Rufus Brown.

From the counties of Martin and Lawrence—T. R. Cobb.

From the counties of Monroe and Brown—W. C. Tarkington.

From the counties of Ohio and Switzerland—Benjamin Robinson.

From the counties of Parke and Vermillion—George K. Steele.

From the counties of Posey and Vanderburg—M. T. Carnahan.

From the county of Tippecanoe—M. C. Culver.

From the counties of Warrick, Spencer and Perry—John C. Shoemaker.

From the county of Wayne—Othniel Beeson.

From the counties of Wells, Adams and Jay—David Studebaker.

#### ELECTION OF PRINCIPAL SECRETARY.

Mr. GOODING. Mr. President, I move that the Senate proceed to the election of a Principal Secretary of the Senate, at once.

The motion was agreed to, and James H. Vawter, Esq., of Jennings county, was nominated.

The PRESIDENT appointed Messrs. Gooding and Murray to serve as tellers. The roll being



called in this election, which was *viva voce*, the tellers reported 46 votes for Mr. Vawter—that being the whole number of votes cast. Mr. Fisk absent, and Messrs. Anthony, Heffren and Line not voting.

The PRESIDENT thereupon announced this unanimous vote of the Senate, and declared Mr. Vawter to be duly elected Principal Secretary, during the present session, and the oath of office was then administered to him.

#### ELECTION OF ASSISTANT SECRETARY.

The Senate then, by unanimous consent proceeded to the election of an Assistant Secretary, and James N. Tyner, Esq., of Miami county, was put in nomination.

Mr. WILLIAMS. Mr. President, I nominate Henry S. Cawthorn, of Vincennes.

The roll was called and the tellers reported—

For Mr. Tyner—Messrs. Murray, Stevens, March, Rice, Green, Blair, Kinley, Thompson, Weir, Bobbs, Hendry, Hill, Cooper, Jones, Wagner, Anthony, Bennett, Cravens, Turner, Craven, Brown, Steele, Culver, Beeson and Conner—25.

For Mr. Cawthorn—Messrs. McClure, Hargrove, Miller, Wallace, Johnson, McLean, Heffren, Hamilton, Studabaker, Odell, O'Brien, Line, Connelly, Slack, Jennings, Williams, Cobb, Tarkington, Lomax, Shoemaker, Carnahan and Robinson—22.

The PRESIDENT thereupon declared Mr. Tyner to be duly elected Assistant Secretary of the Senate, during the present session, and the oath of office was then administered to him.

#### ELECTION OF DOOR KEEPER.

The Senate then, by unanimous consent, proceeded to the election of Door-keeper. A. F. Shortridge and George McDowell were put in nomination.

The roll was called, and the Tellers reported:

For Mr. Shortridge—Messrs. Murray, Stevens, March, Rice, Green, Blair, Kinley, Thompson, Weir, Bobbs, Hendry, Hill, Cooper, Wagner, Anthony, Bennett, Cravens, Turner, Craven, Brown, Steele, Robinson, Culver, Beeson and Conner—25.

For Mr. McDowell—Messrs. McClure, Hargrove, Wilson, Miller, Wallace, Johnson, McLean, Heffren, Hamilton, Studabaker, Odell, O'Brien, Line, Connelly, Slack, Jennings, Williams, Cobb, Tarkington, Lomax, Shoemaker, Carnahan and Gooding—23.

The PRESIDENT thereupon declared Mr. Shortridge to be duly elected Door-keeper of the Senate during the present session, and the oath of office was then administered to him.

#### ELECTION OF ASSISTANT DOOR KEEPER.

The Senate then, by unanimous consent, proceeded to the election of an Assistant Door-keeper. John Osborn and B. F. Clark were put in nomination.

The vote was called and the Tellers reported—

For Mr. Osborn—Messrs. Murray, Stevens, Marsh, Rice, Green, Blair, Kinley, Thompson, Bobbs, Hendry, Hill, Cooper, Gooding, Jones, Wagner, Bennett, Cravens, Turner, Craven, Brown, Steele, Robinson, Culver, Beeson, Conner and Wilson—26.

For Mr. Clark—Messrs. McClure, Hargrove, Miller, Wallace, Johnson, McLean, Heffren, Hamilton, Studabaker, Odell, O'Brien, Line, Connelly, Slack, Osborn, Williams, Cobb, Tarkington, Lomax, Shoemaker and Carnahan—21.

The PRESIDENT thereupon declared Mr. Osborn to be duly elected Assistant Door-keeper of the Senate during the present session, and the oath of office was then administered to him.

Mr. WEIR. Mr. President: I move the adoption of the following resolution:

*Resolved*, That the House of Representatives be informed that the Senate has effected a permanent organization by the election of James H. Vawter as Principal Secretary, James N. Tyner Assistant Secretary, A. J. Shortridge Door-keeper, and John Osborn Assistant Door-keeper; and that they are now ready to proceed to Legislative business.

The resolution was adopted.

#### RULES.

Mr. TARKINGTON offered the following resolution:

*Resolved*, That the rules for the government of the Senate of 1855, be adopted as the rules for the government of the present session of the Senate.

Mr. GOODING. Before the vote is taken, I would desire to suggest that I shall propose an amendment of the rules, so as to make it a contempt of the Senate for any Senator to bolt, and that he shall be dealt with accordingly.

The PRESIDENT. The question is upon the adoption of the resolution.

Mr. GOODING. I move that this matter be postponed until Monday next at two o'clock.

Mr. TARKINGTON. I would like to know if it is going to take him that long to get his amendment ready? It must be a grave and weighty amendment.

Mr. GOODING. It is, sir. I understand from the chair, that he is very much indisposed and is very anxious to get through his business. I supposed there would be nothing more than a simple organization. Several Senators do not know what these rules are. A number of Senators have never been in this body before, and when they come to a vote upon rules for the government of the Senate it is not right they should go it blind. I hope, therefore, that the resolution may be postponed.

Mr. TARKINGTON. I presume it is important to have rules and regulations for the government of the Senate. I propose the rules of 1855, and move to lay the gentleman's motion upon the table.

The PRESIDENT. The question is upon the motion to lay upon the table.

The yeas and nays were demanded.

The PRESIDENT. I would suggest to the Senate that we have not been furnished with lists from which to call the yeas and nays, and therefore it would be impossible to take any question in that manner.

A VOICE. We shall insist on the yeas and nays.

A SENATOR. For the purpose of settling this matter, I move that the Senate do now adjourn.

The motion was agreed to.

The PRESIDENT. The Senate stands adjourned till nine o'clock Monday morning.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, November 20, 1858.

The House of Representatives of the fortieth General Assembly of the State of Indiana, met in the Representatives Hall, this day, at nine o'clock, A. M., for organization in Special Session, under the Proclamation of the Governor, dated November 9, 1858.



## ORGANIZATION OF THE HOUSE OF REPRESENTATIVES.

In the absence of the Principal Clerk of the last House of Representatives, JAMES R. BRACKEN, of Hancock county, the first Assistant Clerk of that body, proceeded to call the roll of members' names, when the following Representatives appeared, submitted their credentials, and took their seats severally, receiving the oath of the Constitution at the hands of the Hon. DAVID WALLACE, Judge of the Court of Common Pleas for Marion county, in the following terms: "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 duties as Representatives of the State, in the present General Assembly: so help you God:"

From the county of Allen—M. McLain, C. Wheeler.

Adams—Jonathan Kelly.

Bartholomew—A. G. Collier.

Boone—Clark Duvall.

Boone and Hendricks—O. S. Hamilton.

Brown—L. Prosser.

Clark—A. J. Carr.

Carroll—Nathaniel Black.

Crawford—David Summers.

Clinton—James B. Newton.

Cass—C. B. Knowlton.

Clay—Lewis Row.

Deerhoon—William Tebbs.

Daviess—R. A. Clements, Jr.

Delaware—William Brotherton.

Decatur—William J. Robinson.

DeKalb—Miles Waterman.

Dubois—

Elkhart—John Thompson.

Elkhart and LaGrange—Charles L. Murray.

Floyd—John S. Davis.

Fayette and Union—George W. Treadway.

Franklin—Thomas Gifford.

Fulton—Banner Lawhead.

Fountain—Horatio R. Claypool.

Greene—Elijah H. C. Cavins.

Grant—William Hall.

Gibson—Isaac H. Wood.

Harrison—Henry Jordan.

Hancock—Samuel Shockley.

Hamilton and Tipton—Addison Boxley.

Henry—J. H. Mellett.

Howard—J. Harrison.

Hendricks—Levi Ritter.

Huntington and Whitley—J. B. Firestone.

Johnson—Augustus Keefe.

Johnson and Morgan—O. R. Dougherty.

Jennings—John T. Shields.

Jay—George T. Whiteman.

Jefferson—D. C. Branham, J. L. Mansfield.

Jackson—S. S. Early.

Knox—J. N. Eastham.

Kosciusko—Sylvanus Davidson.

Kosciusko and Wabash—Andrew J. Power.

Lake—Elihu Griffin.

La Porte—M. G. Sherman, W. H. Scott.

Lawrence—E. Boyd.

LaGrange—Levi L. Wildman.

Madison—William A. Thompson.

Miami—William Smith.

Marion—J. W. Gordon, I. N. Cotton.

Morgan—Cyrus Whetzel.

Monroe—Martin C. Hunter.

Montgomery—James F. Harney.

Martin—C. S. Dobbins.

Marshall and Starke—W. O. Parks.

Noble—H. S. Stanley.

Ohio and Switzerland—W. H. Gregory.

Owen—John H. Morton.

Orange—David S. Lewis.

Posey—Hassel Nelson.

Pike—G. W. Ma sey.

Porter—Thomas J. Merrifield.

Parke—Samuel H. Johnston.

Putnam—I. N. Ryneanson, J. B. Fordyce.

Pulaski and Jasper—D. Snyder.

Perry—Hamilton Smith.

Ripley—William L. Hartley.

Randolph—Silas Colgrove.

Rush—Festus Hall.

Shelby and Hancock—Thomas Clayton.

Shelby—William Major.

Sullivan—David Usey.

Spencer—Calvin Jones.

Scott—T. M. Sullivan.

Steuben—Philo Clark.

St. Joseph—Thomas S. Stanfield.

Tippecanoe—C. Miller, J. N. Stiles.

Vermillion—Aquila Nebeker.

Vanderburg—Ben. Stinson.

Vanderburg and Posey—James E. Blythe.

Vigo—John P. Baird, W. K. Edwards.

Wabash—John Comstock.

Warren—R. M. Nebeker.

Wayne—W. C. Jeffries, J. H. Hamilton, J. M. Austin.

Warrick—William F. Parrett.

Washington—J. A. Bowman.

Washington and Harrison—William Hancock.

White and Benton—David Turpie.

Wells and Blackford—W. T. Shull.

## ELECTION OF SPEAKER.

The Assistant Clerk of the last House of Representatives then announced the order of nominations and election of Speaker to the present House, and that the election be *viva voce*.

Mr. EDWARDS nominated Jonathan W. Gordon, of Marion county.

Mr. SMITH, of Perry, nominated David Turpie, of White county.

The Clerk then called the House for the vote, and reported the result, as follows:

For Mr. Gordon—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Duvall, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison Hunter, Jeffries, Johnson, Mansfield, Mellett, Miller, Murray, Morton, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Ryneanson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Wilson—50.

For Mr. Turpie—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mansfield, Nelson Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Usey, Waterman, Wheeler and Wood—43.

Mr. Blythe voted for John S. Davis; Mr. Jones for Mr. Blythe, and Messrs. Row, Gordon and Turpie voted blank.

Whereupon the former House Clerk declared Mr. Gordon duly elected Speaker of this branch of the General Assembly, and called upon Messrs. Turpie and Stanfield to conduct the Speaker to the Chair.

That service being performed, and witnessed with applause from the lobbies, the Speaker said:

Gentlemen of the House of Representatives: I thank you for this preferment, honorable indeed, if the obligations which attend it shall be discharged with fidelity; and your generous confidence whose voice I obey in assuming them, shall be remembered with gratitude. Allow me to assure you of the gratitude of an overflowing heart, as the best pledge in my power for that fidelity; and to say, if this alone were sufficient to secure success in this to me untried position, I should not hesitate at the threshold, nor distrust, as I now most unfeignedly do, my abilities and preparation for its duties.

The people of Indiana look to the present General Assembly with unusual interest—an in-



terest approaching anxiety. They expect much at our hands. This House, as an integral branch thereof, is to them no less an object of interest and hope; for they know that upon it depends the successful action of the whole. A common constituency desire that we shall act as becomes the representatives of a common people, suffering under the pressure of the times, and the evils incident to improper and inefficient legislation upon very many of the most important interests of society. They ask that we shall unite, and, as one man, labor for the correction of old abuses and the prevention of new; that their finances be placed upon an equitable and firm basis, and their Treasury protected from invasion from whatever quarter; that all unnecessary expenditures shall be cut off; that their servants shall be justly paid for their services, and all nameless and ruinous perquisites withheld; that the common school system shall be re-constructed and rendered harmonious with the Constitution and conducive to the thorough education and development of the rising generation, into whose hands the State with all her interests and institutions must soon pass. Nor are our public charities regarded by the people with less solicitude. They must be secured against all abuses and enabled to give expression to that highest phase of associated benevolence of which they are the appropriate representatives. In a word, Indiana, in the language of Nelson, expects every man to do his duty.

Called upon to act as your organ in responding to these just expectations and hopes of the State, I need not say to those who know me, and whose kindness has placed me here, that whatever I can do to facilitate the accomplishment of our common purpose shall be done. I know however that I shall often fall short of your just expectations, and be under the necessity of relying upon your wisdom, sympathy and the charitable forbearance of the House by whose kindness I have been called to these responsibilities. One thing only I promise—my errors shall be errors of the head—not of the heart.

Relying upon your charitable support, I again thank you from the very bottom of my heart.

#### PRINCIPAL CLERK OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER now announced the order of nominations and election of Principal Clerk to the House of Representatives.

Mr. DOBBINS nominated Thomas A. McFarland, of the county of Shelby.

Mr. BOYD nominated Richard J. Ryan, of the county of Marion.

The Clerk of the former House of Representatives then called the roll for this vote, resulting:

*For R. J. Ryan*—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Duvall, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whitman, Wildman and Mr. Speaker.—54.

*For T. A. McFarland*—Messrs. Black, Flythe, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Han-

cock, Harney, Hartley, Jordan, Keefer, Kelly, Knowlton, La head, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood.—44.

Messrs. Kempf and Tebbs absent.

Richard J. Ryan having received a majority of all the votes cast was declared by the Speaker to be duly elected Principal Clerk of the House of Representatives, and thereupon (amid applause from the lobbies) the Principal Clerk elect, came to the forum and received the oath of the Constitution at the hand of the Hon. David Wallace.

#### ASSISTANT CLERK OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER announced the order of nominations and election of Assistant Clerk of the House of Representatives.

Mr. AUSTIN nominated George H. Chapman, of the county of Marion.

Mr. MERRIFIELD nominated Ellis Campbell, of the county of Porter.

The former House Clerk called the roll for this election, which resulted:

*For Mr. Chapman*—50 votes.

*For Mr. Campbell*—45 votes.

Mr. Chapman having received a majority of the votes cast was declared duly elected, and he also came to the forum and received the oath.

#### DOOR-KEEPER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER announced the order of nominations and election of Door-keeper to the House of Representatives.

Mr. MURRAY, of Elkhart, nominated Robert O. Jennings, of the county of Floyd.

Mr. TURPIE nominated Captain John B. Milroy, of the county of Carroll.

The former House clerk called the roll for this election, and the following result was reported: Robert O. Jennings received 54 votes.

John B. Milroy received 43 votes.

The SPEAKER, thereupon, declared that Robert O. Jennings, of Floyd county—he having received a majority of all the votes cast—was elected Door-keeper to the House of Representatives; and Mr. Jennings came forward, received the oath and entered on the duties of his office.

A message from the Senate, by James H. Vawter, their Secretary, was now received, announcing the organization of that body by the election of constitutional officers, and their readiness to proceed to legislative business.

Mr. DOBBINS submitted the following resolution, which was adopted:

*Resolved*, That the Senate be informed that the House of Representatives have organized by the election of Jonathan W. Gordon, of Marion, for Speaker; Richard J. Ryan, of Marion, for Clerk; George H. Chapman, of Marion, for Assistant Clerk; and Robert O. Jennings, of Floyd, for Door-keeper, and that they are now ready to proceed to business.

Mr. AUSTIN submitted the following, which was adopted:

*Resolved*, That the Door-keeper be authorized to appoint two boys to act as pages to the House during the present session.

Mr. BOYD submitted the following, which was adopted:

*Resolved*, That the rules governing the last House of



Representatives be adopted, temporarily, as the rules of the present session.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That the Reporters for the city newspapers be permitted to occupy seats upon the floor and within the bar of the House, and that the same be assigned them by the Speaker.

The House then took a recess till two o'clock, P. M.

#### AFTERNOON SESSION.

The SPEAKER resumed the Chair at two o'clock.

#### RULES.

Mr. TURPIE submitted the following, which was adopted:

*Resolved*, That the Door-keeper furnish the members, at their desks, each, with a copy of the Rules of the House, and Joint Rules of the House and Senate, as soon as practicable.

#### COMMITTEE TO WAIT ON THE GOVERNOR.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That a committee of two be appointed by the Speaker, on the part of the House of Representatives, to act with a similar committee on the part of the Senate, to wait on His Excellency the Governor, to learn from him at what time he will deliver his message, and that the Senate be informed of the adoption of this resolution.

#### DOOR-KEEPER'S SERVICE.

Mr. NEBEKER, of Warren, submitted the following, which was adopted:

*Resolved*, That the duties usually imposed upon and performed by a Sergeant-at-Arms, be performed by the Door-keeper of this House, without additional pay.

Mr. JEFFRIES submitted the following, which was adopted:

*Resolved*, That the Door-keeper be instructed to procure and cause to be placed upon the desk of each member of this House, a copy of the Revised Statutes of the State of Indiana, and a copy of the Journals and Acts of the Session of 1857.

#### ASSISTANT DOOR-KEEPERS.

Mr. MURRAY, of Elkhart, submitted the following:

*Resolved*, That the Door-keeper be allowed to appoint such assistants as he needs, not exceeding six in number.

Mr. HUNTER proposed to amend, by striking out "six," and inserting "four."

Mr. MURRAY, of Elkhart. Mr. Speaker, I thought my proposition a considerable retrenchment; and I think if the gentleman will reflect on the duties the Door-keepers have to perform, he will find that four will not be sufficient. Looking over the number of Door-keepers required by the last Legislature, I find they had ten or eleven in each House—twenty-four in both Houses. This service requires two Door-keepers here in this Hall, two in the stationery-room, and two for the fires. I think six absolutely necessary for the business of the House.

The amendment was adopted; and the resolution as amended was also adopted.

Mr. KEEFER submitted the following:

*Resolved* That the Assistant Clerk have leave to appoint two assistants.

Mr. JONES. What amount of force would that give to the desk?

The SPEAKER. Three Clerks besides the Principal Clerk.

Mr. TEBBS. Does that permit the Principal Clerk to appoint two also?

The SPEAKER. It does not.

Mr. TEBBS. I would suggest an amendment, then, that we have four Clerks appointed.

Mr. KEEFER. I am willing to that—let each clerk appoint two.

Mr. COLGROVE. I apprehend that this resolution is a little premature. I suppose it is intended that the House shall take under its control the fixing of the number of Clerks, and I hope to be able to satisfy the country that I am in favor of economy. I know we must have necessary clerical help in order to dispose of business. Our Principal Clerk is a new man in his position—without official experience—and I suppose a day or two will give him a little experience, sufficient for him to determine what number of Clerks are necessary. Until we learn what we need in this service we ought to dispense with any resolution of this kind. I therefore move to lay the resolution and pending amendment on the table.

The motion was agreed to.

#### NEWSPAPERS FOR MEMBERS.

Mr. DOBBINS submitted a resolution instructing the Door-keeper to subscribe for and procure, to be laid upon the desk of each member of this House, during the present session, three copies of the following newspapers: The *Daily State Journal*, the *Daily State Sentinel*, and the *Weekly Locomotive*.

Mr. RITTER moved to lay the resolution on the table; but withdrew the motion for—

Mr. MURRAY, of Elkhart. Mr. Speaker, I think we should subscribe only for such newspapers as have Reporters on this floor. It has been usual in both branches of the Legislature to subscribe for about three copies of all the newspapers published in the city of Indianapolis. But I think we ought to confine our subscriptions to those supporting Reporters here; and I think that will meet the approbation of our constituents. They want to know what is going on here, and I have yet to find out a single man that has ever grumbled at receiving this kind of information from his Representative. For this simple reason, I am opposed to subscribing for all the papers of the city. We might as well go out and subscribe for papers all over the State. I move to amend the resolution by saying three copies of such newspapers as support Reporters of the proceedings of the General Assembly.

Mr. DOBBINS. A resolution was adopted this morning allowing all Reporters of the various city newspapers the privilege of seats within this bar; and upon that rule we should subscribe for them all. My object in subscribing for newspapers in this way, is to send out information of the proceedings of the Legislature. I simply require three copies of the *Journal*, *Sentinel* and *Locomotive*. I think these will be sufficient, and little enough. This is a resolution that has been adopted by every Legislature for several years past, and it is certainly one of the best means of conveying to the country information of the action of the Legislature. I am willing to go for every city paper having Reporters on this floor.

Mr. MURRAY, of Elkhart. Mr. Speaker, I have a little experience in this business—an ex-



perience of seven years as a Reporter in the other end of the Capitol. I have seen discussions of this kind, and they generally end in subscribing for the papers. I can not be in favor of embracing in the resolution too many papers, but I would be willing to subscribe for every paper in the State that is represented here by a Reporter. There are but two papers in this city that have furnished permanent Reporters for the Legislature, and it has been the uniform custom—a very absurd custom, I think—to subscribe for all the papers in the city. I wish to restrict the resolution to those papers that furnish regular Reporters on this floor. If they are able to support Reporters on this floor, I think we ought to take their papers. They pay some \$15 or \$20 per week for Reporters here, for the information of our constituents as to the proceedings of this body, and this is the only means we have of giving our proceedings to the people of the State. Therefore, I think it is our duty to patronize those papers which furnish these reports; and as I said before, I have never yet heard a complaint on account of such an expenditure of the public money. I submit the following amendment:

Strike out all after "Resolved," and insert, "That the Door-keeper be empowered to procure three copies for each member of such of the papers of this city as shall maintain Reporters on this floor for the purpose of reporting the proceedings of this House in full."

Mr. BOYD. I move to strike out "three" and insert "two."

Mr. NEBEKER, of Warren. By the terms of the amendment of the gentleman from Elkhart, all the city papers may set Reporters on this floor for the sake of getting patronage. It has been customary, I believe, to appoint a committee in this matter, to wait on the publishers and ascertain their terms for furnishing a certain number of papers, stamped and ready for distribution. To give time to think about this matter, I move to lay the resolution and amendment on the table.

The motion was agreed to.

#### PROSCRIPTION OF TOBACCO.

Mr. AUSTIN submitted a resolution to the effect, that the Door-keeper be instructed to post up in conspicuous places in this House, copies of the 27th of the rules adopted for the government of this House—[the rule against smoking in the Hall]—and see that it be enforced.

Mr. DAVIS. I am requested by the Door-keeper to state, that the rule will be enforced without the adoption of any resolution.

Mr. AUSTIN. Still it will stand for information of the rule, if the resolution be passed. I have myself already felt the deleterious effects of smoking here, and I want our visiting friends posted up in the matter.

The resolution was adopted.

#### HATS OFF IN THE LOBBY.

The SPEAKER. There is another rule that should be also specially enforced, and that is that gentlemen shall not wear their hats in the lobby.

Mr. DOBBINS. What is the number of the rule to which the Chair refers?

The SPEAKER. I do not know. It is a good rule, and we shall try to have it enforced, whether it has been adopted amongst the mem-

bers here or not. This is a court and we shall endeavor to enforce all rules for good order. [Laughter.]

#### MR. TEBBS.

On the motion of Mr. DURHAM, his colleague from the county of Dearborn, [Mr. Tebbs,] came forward to the forum, delivered his credentials, received the oath of a member of the House of Representatives at the hands of the Speaker, and took his seat.

The House then adjourned till Monday morning at nine o'clock.

#### IN SENATE.

MONDAY, November 22, 1858.

The PRESIDENT. I am requested by the Secretary to ask Senators to pay particular attention to the reading of the Journal this morning, especially in the reading of the votes, as he desires that the Senators may know they are recorded as voting right for officers of the Senate. The Journal of Saturday was then read.

#### RULES.

The PRESIDENT announced the consideration of this subject—the question being the laying upon the table the motion of the Senator from Hancock to postpone the resolution of the Senator from Brown till two o'clock.

The motion to lay upon the table was rejected.

Mr. GOODING. I will either withdraw my motion or amend it so as to extend the postponement until to-morrow morning at ten o'clock.

The question was submitted, but the Chair being unable to decide on the vote, a division of the Senate was called for, and 26 Senators voting *ay*—

The resolution was postponed until to-morrow morning, ten o'clock.

#### ASSISTANT SECRETARIES.

Mr. CRAVENS offered the following resolution:

*Resolved*, That the Secretary and Assistant Secretary of the Senate be authorized to appoint a necessary number of Clerks to transact the business, and that they report the names, in accordance herewith, at two o'clock P. M.

Mr. GOODING. I have only one objection to the resolution, and that is the requiring of a report by two o'clock. I am willing to vote for it, if the Senator will consent to the postponement of the report until to-morrow at two o'clock.

Mr. CRAVENS. I will consent to the postponement of the report until to-morrow at ten o'clock.

The PRESIDENT. Will the Senate consent to the adoption of the resolution as amended?

Mr. WEIR. I offer the following as an amendment:

*Resolved*, That the Door-keeper of the Senate be authorized to employ a number of assistants, not exceeding six, in addition to his assistant; and that the Principal and Assistant Secretary be also authorized to appoint six assistants, and that they report the names of such assistants as soon as they may be selected.

Mr. GOODING. I move to lay the amendment upon the table.

The motion was agreed to.

The PRESIDENT. The question is now upon the adoption of the resolution.

Mr. HEFFREN. I have one thing to say. It



seems to be determined to force the appointment of men upon the Secretaries before they need them. I presume that when they desire help, they will inform the Senate of the fact. I do not know that they desire any help at present. Whenever they will inform the Senate what help they need, I will vote for the increase; until they do, I will vote against it.

The resolution was again read.

Mr. CRAVENS. If there is anything compulsory about that, I do not understand the English language. I wish simply to give them power, if they choose to exercise it, to appoint assistants. I presume the Secretaries would not appoint more than were necessary.

Mr. HEFFREN. I move to strike out all that part of the resolution which requires them to report at two o'clock.

The motion was agreed to by unanimous consent.

The PRESIDENT. The question is now upon the adoption of the resolution as amended.

The resolution was adopted by consent.

Mr. BENNETT. Mr. President, I offer the following resolution:

*Resolved*, That the Door-keeper procure and lay upon the table of Senators a copy of the Revised Statutes of Indiana and of the Senate Journal and Acts of the Legislature of 1857.

The PRESIDENT. Will the Senate consent to the adoption of the resolution.

The resolution was adopted by consent.

#### NEWSPAPERS.

Mr. McLEAN. Mr. President: I offer the following resolution:

*Resolved*, That a committee of three be appointed by the chair to wait upon the respective publishers of the *Daily Sentinel*, *Daily Journal*, the *Daily Citizen*, and the *Locomotive*, to ascertain the lowest terms upon which they will furnish three copies of each of said papers to each member of the Senate, and report to-morrow if practicable.

Mr. GOODING. I offer as an amendment that the *Democrat* and *Volksblatt*, weekly issues, be included.

The PRESIDENT. The question is upon the adoption of the amendment.

Mr. WEIR. I move to lay the amendment upon the table.

The motion was agreed to.

Mr. HEFFREN. I move to strike out all except the daily papers.

The PRESIDENT. The question is upon the motion to amend by striking out all except the daily *Journal* and *Sentinel*.

Mr. McLEAN. The *Citizen* will be distributed about three o'clock every afternoon, when we will have an opportunity of reading our morning's proceedings. I think there is a propriety in taking it as it is an evening paper, and the *Sentinel* and *Journal* are morning papers. In addition, the *Citizen* will have a Reporter upon this floor.

Mr. MURRAY. I offer the following as an amendment to the amendment:

*Resolved*, That the door-keeper be authorized to contract with the publishers of the *Daily Citizen*, *Daily Sentinel*, *Daily Journal*, the *Weekly Volksblatt*, *Weekly Free Press*, and the *National Democrat*, for three copies of their papers, two to be enveloped and laid upon the tables of members and officers."

I thought if we got the *Journal Republican* Senators would be pleased, the *Sentinel* would please the Democrats, the *Citizen* is neutral or a little inclined to be American, the *Volksblatt* is the Democratic German paper, the *Free Press* is the Republican German paper, and the *Democrat*, I believe, is according to the Senator from Hancock.

Mr. GOODING. Pretty generally. [Laughter.]

Mr. MURRAY. I did not think of the *Indiana American*, I will consent to insert it.

Mr. HEFFREN. I move to amend by inserting the *Indiana Farmer*.

Mr. MARCH. I am opposed to taking any newspaper except one copy of a daily paper that reports the proceedings of this body. By subscribing to the balance, we would accomplish no good except to benefit the printers. They are very worthy men; but every newspaper in the State has the same right to this patronage. [That's so.] We have a right to take these papers as information to aid us in legislation. A daily report is necessary with a good, comprehensive and generally correct view of what is done. The subscribing for so many papers opens the door for taking from ten to fifteen dollars worth of postage stamps apiece, and it is said that instead of disseminating information, they are sometimes used for the purchase of overcoats. [Laughter.]

#### MESSAGE FROM THE HOUSE.

A Clerk of the House appeared and said that he was directed to inform the Senate that the House of Representatives have organized by the election of Jonathan W. Gordon, of Marion, for Speaker; Richard J. Ryan, of Marion, for Clerk; George H. Chapman, of Marion, for Assistant Clerk, and Robert O. Jennings, of Floyd, for Door-keeper, and that they are now ready to proceed to business, and that the House had adopted the following resolution:

*Resolved*, That a committee of two be appointed by the Speaker, on the part of the House of Representatives, to act with a similar committee on the part of the Senate, to wait on His Excellency, the Governor, to learn from him at what time he will deliver his message, and that the Senate be informed of the adoption of this resolution.

And asked the Senate's concurrence therein.

#### COMMITTEE TO WAIT ON THE GOVERNOR.

Mr. MURRAY. The committee of the House are waiting for the appointment of the committee on the part of the Senate. I hope that the Senate will take up the message of the House.

The Senate consented, and the resolution from the House was read by the Secretary.

Mr. MURRAY. I move that the Senate agree to the appointment of a committee on the part of the Senate, and that the Chair appoint.

The Senate agreed, and the Chair appointed Messrs. Wallace and Murray said committee.

Mr. MARCH. We have been called together for the purpose of devising some ways and means for the replenishing of an exhausted Treasury. I know of no better way than that which a prudent, honest citizen takes in private life. I am in favor of lessening extravagance and reducing high salaries. It may seem a small matter, but we must lay down principles. I have no doubt but that every citizen looks upon the taking of these



newspapers as a useless expenditure of money. One-half of them are lost in this Hall and never sent from the postoffice, and the constituent in hardly any case gets them in consecutive numbers. I hope the Senate will be as prudent as the House in this matter.

Mr. WEIR. I move that the resolution, as amended, be laid on the table.

The motion was agreed to.

#### NEWSPAPERS.

Mr. WEIR. I offer the following resolution:

*Resolved*, That a committee of two be appointed by the Chair to procure one copy of the daily papers published in this city, and that the Reporters of these papers be provided with seats within the bar.

Mr. TARKINGTON. I rise to state a matter of fact told me by a member of the House. He said that the Editors could not publish the proceedings and furnish Reporters upon this floor short of two copies being subscribed for by each member. I make this statement because he went to the offices for the purpose of making the inquiry.

Mr. WEIR. The original resolution was for three, but as some Senators seem disposed to cut down, I am agreed. I don't see any use in taking the weeklies. We are just as much bound to take all the papers in the State. I will accept of an amendment of two or three, just as the gentleman wishes. I should like for the resolution to read: two copies, instead of one.

Mr. TARKINGTON. I move to refer the resolution and amendment to a committee of five.

Mr. CONNER. I desire to make a single observation before the vote is taken. I propose to reverse the order here. We came here as the servants of the people—at least I speak for myself—and I think we should derive much more information by receiving copies from the country press, thus enabling us to have direct communication with those from whom we receive our trust. This matter of taking daily papers from the city, as far as extending information to the country goes, amounts to nothing. It amounts to a monopoly by the city to the exclusion of the country press. I hope that if this subject is referred to a committee, that that committee will take the whole matter under their careful consideration.

The motion prevailed, and the Chair appointed Messrs. Tarkington, March, Slack, Cravens and Line.

#### GOVERNOR'S MESSAGE.

Mr. WALLACE, from the committee appointed to wait upon the Governor and inform him that the Senate was ready to hear his message, reported, that the Governor designated half-past two o'clock P. M. to day, as the time for the reading of his message.

#### DESKS FOR REPORTERS.

Mr. BENNETT. Mr. President, I offer the following resolution:

*Resolved*, That the Door-keeper be directed to furnish seats for the Reporters of the *Sentinel* and *Journal*, and such others as may desire such.

Mr. GOODING. I wish to name the *Citizen* in the resolution—it ignores all other papers but the *Sentinel* and *Journal*.

Mr. WEIR. I understand that matter has been referred to the committee of five.

Mr. BOBBS. I would name the publishers of the *Free Press* and *Volksblatt*.

The amendment was agreed to.

Mr. BENNETT. I move that this matter be referred to a committee of five.

The resolution was referred to the committee by consent.

#### HAIR PINS AND GOLD-HEADED CANES.

Mr. WALLACE offered a resolution prohibiting all officers of the Senate and their assistants, unless otherwise authorized, from contracting for the purchase of any articles for the use of the Senate, but that they shall apply to the Librarian, who shall purchase only when he cannot obtain them from the Secretary of State.

The resolution being read by the Secretary—

Mr. WALLACE said: Mr. President, I understand quite a number of new Senators, who electioneered upon the stump, brought in a charge upon the last Legislature of excessive extravagance in the purchase of just such articles, and it is for the purpose of vindicating ourselves, irrespective of party, that I introduce this resolution. While in the Library, yesterday, I examined the amounts paid, and found some extraordinary items. I will give a specimen. I found an item for hair puff pins, and what any Senator on this floor wants with such a thing, I don't know. [Laughter.] I found an item for tooth brushes, and I found several items for looking-glasses. Now, I never looked into a looking-glass inside of this Hall, and I don't know that I caught any other Senator at it. I found boot-blackening and blacking-brushes, and gold-headed canes, that I know no member of this Senate, and I am sure no member of the House ever got, and the question arises, who did get these articles? and why should the State be called upon to pay for them? This resolution is for the purpose of closing down upon such operations. There is a kind of black mail which should be stopped, as against the State. I do not offer this resolution as against any officer of the Senate, and I presume that they will make no engagement with any one, or employ any person who will make such purchases as these. I simply wish to close the door against such things as I refer to in the resolution.

Mr. MARCH. I am in favor of the proposition substantially. Every gentleman knows that when we come to the close of the session business is done in a hurry. These accounts are presented here without number and there is no explanation given to them. There can be no way to stop this evil except by the adoption of some such system. This resolution does not impeach any body's integrity, but it prevents business being done at loose ends. The probability is that this Legislature will continue either in actual or nominal session one hundred days; and I hope Senators will put down the bar now—either adopt this resolution or refer it to a committee. Let us lay down an example on the second day of our session.

Mr. GREEN. I move to refer the resolution to a committee of five.

Mr. HEFFREN. I see by that resolution that the Librarian has to get from the Secretary of State's office; now the Secretary of State will



# THE LEGISLATIVE SENTINEL.

BINGHAM & DOUGHTY, PUBLISHERS.

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No. 2.

not let anything go without a written receipt. Our Door keeper might give him a receipt and let him require a receipt in turn from members. I am ready to vote for any resolution that will stop this kind of extravagance.

Mr. MURRAY. As far as general economy is concerned I suppose we all agree. That there was and has been rascality in every session of the Legislature we will not take the responsibility of denying. Now we have a Door-keeper, let him report under oath, and let no account be allowed unless under oath. I don't see any necessity for making the Librarian the financial officer of the Senate in making these purchases. The Librarian is not our officer, and the Door keeper is; we have control over him, and can put the strings down upon him. I hope that the resolution of the Senator from Montgomery will be so amended as to strike out "Librarian" and insert "Door keeper."

Mr. BOBBS. I concur with the Senator from Howard that the Librarian is not the proper officer. I think that a committee can report some system upon which we can agree. We all agree that something must be done.

Mr. Green's motion was agreed to, and the President appointed Messrs. Green, Wallace, March, Conner and Weir, said committee.

## SMOKING.

Mr. HILL. Mr. President, I offer the following resolution:

*Resolved*, That the Door-keeper be directed to prohibit smoking in the Senate Chamber during session hours.

Mr. WALLACE. If you will make it apply to the smoking of stoves, I am content.

The resolution was adopted.

## BANK FRAUDS.

Mr. WEIR offered a resolution calling upon the chairman of the select committee of last session of the Senate on Bank Frauds to make out the names of witnesses summoned before it. The distance traveled by those witnesses; and to make out the sum the Sergeant at-arms is entitled to; that the same be certified to for payment; and that the chairman certify to the whole, for the use of the Finance Committee of the Senate.

Mr. MURRAY. That is an entering wedge to a little expense. This committee have given the names of witnesses, and the time and mileage they are entitled to. If the Senator will state any specified object he has in view, I may have no objection to his resolution.

Mr. HEFFREN. I wish to state a few things in connection with this subject. It is time the committee did certify to the distance each witness traveled, but there is nothing there to show

what the Sergeant-at arms done. As Chairman of the committee the subpoenas were all signed by me. The Sergeant-at arms received only a small pittance of his pay. He employed assistants and paid them out of his own pocket. At the last session of the Senate a resolution was introduced here in which the Sergeant-at-arms was allowed the same mileage and fees that Sheriffs are allowed. By some means that resolution did not go to the House, and the accounting officers refused to pay the amount to the Sergeant-at arms. I have no interest in this matter, only that these men should be reimbursed for the labor and expense attending the duties we imposed upon them at that time. My opinion is that this committee had no power to act after the adjournment. For the purpose of getting at this matter, I move that the subject be referred to a select committee of three.

Mr. MURRAY. I would suggest as an amendment, that the chairman of the Bank Fraud Committee be respectfully requested to report the amount each witness and the sergeant-at-arms and assistants are entitled to for services.

Mr. HEFFREN. That will be imposing a good deal of work upon that committee. There are one hundred and fifty subpoenas in the case.

Mr. GOODING. I have some objections to this proposition. It is impossible for the chairman of the committee to tell what mileage would be due. I understand that some witnesses came here and were subpoenaed at the Capital.

Mr. HEFFREN. For those subpoenaed at the Capital, no charge is made.

Mr. GOODING. That is what I wanted to get at. I think that committee is still in power. I want no swindles about pay.

Mr. HEFFREN. As far as the imputation as to the chairman of that committee making swindles, I hurl it back with contempt, and he may take it as he pleases.

Mr. GOODING. The Senator from Washington is becoming excited without cause. He had no charge made against him. He must have a very little stock of conscience, or he would not feel any such thing; but I felt that officers might impose upon the chairman. I have no imputations to cast upon any Senator.

Mr. MARCH. I have every confidence in the Senator from Washington, and don't think he would do anything out of the way. I think it ought to come from the whole committee, and not from any one member. I see no necessity for a select committee.

Mr. BOBBS. As a member of that committee, I do not see that the truth of what is aimed at here, can be so well arrived at in any other way,



as coming from those who had charge of the original matters. I think these claims ought to undergo the scrutiny of the same committee.

Mr. HEFFREN. I have no objection to accepting the motion to refer to the Committee on Bank Frauds. If the chairman is such a block-head that the Sergeant-at-arms can impose upon him, I think with the assistance of the Senators from Delaware, Jennings and Marion, he can be free from temptation, and that such scrutiny as the Senator from Hancock, will protect an exhausted treasury.

Mr. WEIR. The only object I had in introducing the resolution was to get at the fees to which the Sergeant-at-arms and some others were entitled. If there is any danger of frauds by the chairman making the report, I am willing for it to go to the whole committee.

Mr. GOODING. The Senate will permit me to say that I did not intend any disrespect to the chairman, but I wanted the whole committee to be responsible for what was done.

Mr. CRAVENS, of Jefferson. I understand this committee has never made a report. Until they make a report, I move to lay the matter on the table.

Mr. HEFFREN. The report has been printed but never submitted to the Senate.

The motion was agreed to.

#### STATIONERY.

Mr. JOHNSON. Mr. President, I offer the following resolution:

*Resolved*, That the Secretary of State be requested to inform the Senate whether he has purchased and is ready to furnish stationery for the present session.

The resolution was adopted.

#### POLITICAL.

Mr. HEFFREN. Mr. President, I offer the following resolutions:

*Resolved*, That we affirm the original and essential inferiority of the negro.

*Resolved*, That we deny that the negro was intended to be embraced within the abstractions of the Declaration of Independence, and assert that the right to freedom and equality was predicated only for the dominant race of white men.

*Resolved*, That we deny that negroes are citizens of the United States.

*Resolved*, That we affirm the compatibility of a confederacy of free and slave States and the possibility of their harmonious co-existence under a common Constitution.

*Resolved*, That we affirm the absolute sovereignty of the States, in respect to their domestic institutions, and deny the authority of the Federal Government to discriminate for or against the interests of slavery.

*Resolved*, That we desire to inculcate a policy of non-intervention as between the free and slaveholding States, as well as between the latter and the Federal Government.

*Resolved*, That we support the decision of the Supreme Court in the Dred Scott case, and in the sense that it guarantees to the owners of slave property an equality with the owners of other property, introducing it into the Territories; contending, also, that as slave property is thus placed on an equal footing with other property, it, like all other property, must be subject to all such local laws of the Territories as do not infringe upon the Constitution of the United States; that slave property being thus placed on an equality with other property, if it requires higher and further affirmative legislation for its protection and security than is afforded to other property, and the legislation of the Territory should decide not to discriminate in its favor to that extent, then the failure to obtain that higher protection than is afforded to other property, is a misfortune attending the description of property, for which we have no remedy, and are not responsible.

*Resolved*, That we uphold all the guarantees of the

Federal Constitution in respect to rights of the slaveholding States.

*Resolved*, That we maintain the dignity and independence of the Senatorial function against the encroachment of Executive usurpation.

*Resolved*, That we protest our opposition to Republicanism, at every point, and upon every principle.

*Resolved*, That we pledge fidelity to the organization, principles and nominees of the Democratic party.

Mr. BENNETT. I move to lay the resolutions on the table.

Mr. Bennet withdrew his motion for

Mr. GOODING, who said: I will make this motion, that these resolutions be postponed until this day three weeks, at two o'clock. We are called here upon a special and important business, and at the close of the session I am willing to enter into political questions. Some of these resolutions I will support, and some I will not. I ask the Senate to postpone this and any other question of a similar character until this day three weeks—until we transact other important business. I think this proposition ought to be satisfactory to all. I do not intend to dodge a vote upon any proposition of this kind. When the time comes I am willing and anxious to see every Senator upon this floor where he means to stand.

Mr. BENNETT. I renew my motion.

Mr. WALLACE offered a resolution which was ruled out of order by the Chair.

Mr. HEFFREN demanded the yeas and nays, and the same being ordered and taken, resulted—yeas 41, nays 9, as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Connelly, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Gooding, Green, Hamilton, Hargrave, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, and Weir—41.

NAYS—Messrs. Fisk, Heffren, Jennings, Slack, Studabaker, Tarkington, and Wallace.

Mr. GOODING, when his name was called, said: That there may be no mistake about it, I desire to say that I shall vote to lay these resolutions on the table; but I do not mean to be understood as being against them. I do not indicate how I shall vote upon their passage.

Mr. HAMILTON, when his name was called, said: I wish to state the reason for my vote. I came here determined, as far as my vote could go, that no political question should enter this body.

Mr. HEFFREN, when his name was called, said: I wish to state the reason for my vote. I copied these resolutions word for word, without the crossing of a "t" or the dotting of an "i" from the Douglas Platform as laid down in the Chicago Times. I want to see if there are any Douglas men in this Senate.

Mr. GOODING. There are no Douglas men here—we are all Democrats—we follow no man.

Mr. HEFFREN. I vote "no."

Mr. MARCH, when his name was called, said: I had supposed that the Union was out of danger—at least that is the last report from Dr. Hammond, of South Carolina, who, I understand, now stands at the head of the political doctors who are to save the Union. If there was any danger, I should feel myself bound to vote against laying on the table, but as at present advised I think the Union is out of danger, and vote 'yes.'



Mr. ODELL, when his name was called, said: I shall vote to lay on the table, on the ground that I do not wish political questions taken up at this session.

Mr. WALLACE, when his name was called said: I wish to be excused for the following reasons: As I understand the resolutions, they are good Democracy, but as I am unwilling to assist in the discussion of politics, I ask to be excused.

The Senate refused to accept of the excuse.

Mr. WALLACE. I have no hesitation in saying "no," because they are my sentiments. So the resolutions were laid on the table.

#### HOURS OF MEETING.

Mr. MURRAY. Mr. President, I offer the following:

*Resolved.* That the regular hours of meeting of the Senate be nine o'clock A. M. and two o'clock P. M., each day.

The resolution was adopted

#### ORDER OF BUSINESS.

Mr. WALLACE. Mr. President, I now offer the resolution you ruled out of order awhile ago,

*Resolved.* That the interests of the people demand that this Legislature, without delay, proceed to the passage of acts for the raising of revenue for State purposes, the reappraisal of real estate; and at the election of officers, the discussion of political question, and contested election cases shall be postponed to the regular session, and that when such acts are matured and passed this session do adjourn.

Mr. CONNER. I move to lay the resolution on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 27, nays 23—as follows:

YEAS.—Messrs. Anthony, Beeson, Bennett Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Weir—27.

NAYS.—Messrs. Carnahan, Cobb, Connelly, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McZeal, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams, and Wilson—23.

So the resolution was laid on the table.

#### REAPPRAISEMENT OF REAL ESTATE.

Mr. HEFFREN. I move a suspension or the rules in order to introduce a bill.

The PRESIDENT. (Mr. Tarkington in the chair.) We have no rules at all.

Mr. HEFFREN. It is a bill for the reappraisal of real estate, an act to reappraise the real estate of this State.

The bill was read through by the Secretary.

#### MESSAGE FROM THE HOUSE.

A message from the House was received at the hands of their Principal Clerk, announcing that a committee, consisting of Messrs. Murray and Blythe, had been appointed by the Speaker to wait upon some minister of the gospel in the city and request him to open this General Assembly with prayer, at 2½ o'clock, before the delivery of the Governor's Message

#### RE APPRAISEMENT OF REAL ESTATE.

The PRESIDENT. (Mr. Tarkington in the chair.) This is the first reading of the bill; it will pass to a second reading to-morrow, if no objection is made.

Mr. STUDABAKER. I move that the rules be suspended, and that the bill be read a second time by its title.

The yeas and nays were demanded upon this motion, and being ordered and taken, resulted—yeas 40, nays 10.

Mr. HEFFREN. I now move that the bill be laid on the table, and one hundred copies be printed for the use of the Senate.

The motion was agreed to.

Mr. MURRAY. I move that the message just received from the House be taken up.

#### PRAYER.

The motion was agreed to, and the Chair was authorized to appoint a committee of two to act with the committee on the part of the House, appointed to wait upon some Minister of the Gospel and request him to open this General Assembly with prayer upon the occasion of its coming together to hear the Governor's Message, at 2½ o'clock.

The PRESIDENT, (Mr. Tarkington in the chair,) appointed Messrs. Murray and Carnahan said committee.

And then, on motion, the Senate took a recess till 2 o'clock.

#### AFTERNOON SESSION.

Precisely at 2 o'clock, the President called the Senate to order.

#### MESSAGE FROM THE HOUSE.

A Clerk of the House appeared and said that he was directed by the House of Representatives to inform the Senate of their adoption of the following resolution:

*Resolved.* That the Senate is invited to attend in the Hall of the House, at 2 o'clock, P. M., to be present at the opening of the business of this General Assembly with prayer.

#### COMMITTEE REPORT.

The committee appointed to act in concert with the House committee on the same subject, reported that they had discharged that duty, and that the Rev. AARON WOOD will attend at 2 o'clock, and open the General Assembly with prayer.

#### FINANCIAL.

Mr. HEFFREN. I offer for adoption the following resolution:

*Resolved.* That a committee of two on the part of the Senate be appointed to act with a committee on the part of the House, to examine into the finances of the State, and also with regard to the indebtedness of one fund to another.

Mr. MURRAY. I move that resolution for the present lie on the table.

The motion was agreed to.

#### NEW COUNTIES AND COUNTY LINES.

Mr. WEIR. I wish to introduce a bill. It is very short. It is entitled, "An Act to repeal an act authorizing the formation of new counties and changing county boundaries."

The bill was read the first time and passed to a second reading to-morrow.

#### COMMUNICATION FROM THE SECRETARY OF STATE

The PRESIDENT laid before the Senate a communication from the Secretary of State, in response to a resolution adopted this morning, in which he says that in pursuance of law an ample



supply of stationery has been purchased directly from manufacturers at manufacturers' prices, &c.

#### GOVERNOR'S MESSAGE.

Mr. MURRAY. I am informed that two o'clock is the time fixed for reading the message in the other end of the House. I move that we take up the message just received from the House of Representatives.

The Senate consented, and the message was taken up.

Mr. HEFFREN. I move that the Senate concur and repair immediately to the Hall of the House.

The motion was agreed to, and the Senate retired accordingly.

When the President reassumed the Chair, the Senate adjourned till to-morrow morning, nine o'clock.

#### HOUSE OF REPRESENTATIVES.

MONDAY, November 22, 1858.

The Journal of Saturday having been read and authenticated—

#### MR. KEMPF QUALIFIED.

On motion, Mr. KEMPF, for the county of Dubois, came forward, presented his credentials, received the oath of a member of the House of Representatives, at the hand of the Speaker, and took his seat.

#### COMMITTEE TO WAIT ON THE GOVERNOR.

The SPEAKER announced the appointment of Messrs. Dobbins and Edwards as House members of the Special Joint Committee to wait on the Governor to learn the time when he will deliver his message.

#### NEWSPAPERS FOR MEMBERS.

Mr. LAWHEAD submitted a resolution to the effect that the Door-keeper be instructed to subscribe for and procure to be laid upon the desk of each member of this House three enveloped copies of the *Daily Sentinel*, the *Daily Journal* and the *Weekly Volksblatt*.

Mr. NEBEKER, of Warren. I move to amend by striking out the *Weekly Volksblatt*.

Mr. HUNTER. I move to amend the amendment by substituting the following:

*Resolved*, That this House employ Dr. Bush to report its proceedings and publish the same, and that he permit such other papers to copy the same that may choose to do so.

The SPEAKER. The amendment of the gentleman from Monroe is out of order.

Mr. LAWHEAD. I have quite a large number of German people in my district, who can not read English, and I desire that they should be furnished with the proceedings of this House.

Mr. HUNTER. There are a great many papers published in this city, and if we take any we ought to take all upon the same principle. The few papers that members may take here and distribute can not amount to anything. What are three papers every morning? I have 3,000 constituents. I can not send to the tenth part of them during the session, and if I could send a paper to every man, what would one paper in a month amount to? The object of reporting is that the people may read these proceedings.

Printers can not hire reporters except the House take extra copies to remunerate them. Therefore, in my judgement, it is better not to take any, but employ a Reporter to do the work accurately, and let the newspapers copy. I move to lay the resolution on the table.

The motion was lost, and the question recurred on the amendment of Mr. Nebeker, of Warren.

Mr. NEBEKER, of Warren. The proposition of the gentleman from Monroe would not reduce the expense. Other papers have the right to copy these proceedings; and therefore, it could confer no privilege.

Mr. RITTER. I think it would be well for us to do what we intend to do in this matter, at once. I wish to study economy in my action here. I wish to take as many copies of these papers as will pay the reporting and no more. I do not indorse the argument that our constituents will be benefitted by these papers. They can not be benefitted in the slightest degree. I move to modify the proposition, so as to take two copies of the *Daily Sentinel* and *Daily Journal*, and one copy each of the *Weekly Free Press* and *Weekly Volksblatt*.

Mr. BAIRD. I shall oppose it, sir, if you are going to make distinctions. I don't see why we should take two copies of the English papers and but one copy of the German. We ought to patronize the German printers also.

Mr. JEFFRIES. I move that the subject be referred to a Select Committee.

Mr. MURRAY. I oppose the amendment of the gentleman from Wayne for this reason: It does not settle anything. I have a proposition which I think will satisfy the House, but there are so many amendments I can not get it in. I will read it for information.

"That the Door-keeper be authorized to contract with the proprietors of such papers as intend to report the proceedings of the Legislature, for three copies of their respective papers, to be delivered to each member of the House—two copies to be enveloped and stamped."

I am opposed to taking any papers which do not report our proceedings in full; for if we take one such paper, we might just as well go out and subscribe to papers all over the State. It is only on the ground of service in a legislative capacity, that these subscriptions can be justified. I would be happy to see these German papers with their reporters on this floor, and I hope they will come in. The other object I wish to gain is, that two out of every three of these papers shall be enveloped and stamped.

[A Senate message here announced the reciprocal action of that body in the matter of the Joint Committee to wait on the Governor.]

Mr. DAVIS. I am satisfied of this fact, that these papers will be taken in some shape or other, and the only point is as to the best proposition. As for the real, practical good in these subscriptions, I can see but one, and that is, when a member comes to his seat he can see whether he is recorded right—whether his position as reported, accords with his true position. In this light the proposition is of some importance, perhaps. Again, it depends greatly upon the manner in which we discharge our duties here whether it would be good policy to have our proceedings re-



ported. If we go on doing nothing, or worse—the time will come when we might wish our proceedings had not been reported. My friend from Elkhart (Mr. Murray) knows more about this than I do, for he has been a reporter and printer, and is now I believe connected with the press.

Mr. MURRAY. I am a farmer.

Mr. DAVIS. The gentleman says he is connected with the agricultural profession. I hope he is not ashamed of having been a printer, for that also is a very honorable profession. It may be, sir, that these city printers will not furnish reports unless we compensate them for it. Then again, suppose we employ a party to take down what is said and done here, as some seem to think best, it then becomes a question whether the printers will publish what he may report. There are two sides to the question. They may do so or not. If I were a printer, I should certainly consult my own convenience upon it. I am not careful how this question shall be disposed of, but I think it ought to be disposed of now.

Mr. COLGROVE. I acknowledge the force of the argument of the gentleman from Floyd, (Mr. Davis,) so far as it goes. It is certainly important to members that they be correctly reported. I go further, and say that upon every important question our constituents should know what we are doing here, and it is no argument against this to say we are not able to furnish every man with a copy of these daily newspaper reports. I think there is no money expended by the Legislature that our people pay more freely than that which enables us to distribute these newspaper reports. In relation to the question of how many copies and what papers we shall subscribe for, there are a variety of opinions, and for the purpose of settling and harmonizing these, I think a committee should be appointed. The proposition of the gentleman from Elkhart, (Mr. Murray,) is too indefinite. It proposes to take certain copies of all newspapers furnishing reporters here.

Mr. MURRAY. All newspapers in this city.

Mr. COLGROVE. All published in this city, and that would be going too far. It is well known that in nearly all the counties of the State we have a considerable German population, and it is necessary that these people should be informed of the proceedings of their law makers. I am in favor of this, and if they do not furnish Reporters here, they at least have to furnish competent persons to translate these reports into the German language, and that expense is as great or greater than that of furnishing a Reporter on this floor. Again, this body is composed of two different elements—our old line friends—and I feel disposed to give them a fair shake, though I don't like them very well. [A laugh.] Then we have Republicans and Anti-Lecompton Democrats—I think it would be just and proper that we should take a paper representing each of these three interests, and we should take a German paper to represent that interest. I think a special committee could give us a proposition that would satisfy every member of the House.

Mr. DAVIS. Mr. Speaker, I claim to be a part of the fossil remains of a very respectable party to which the gentleman did not refer—I mean the old Whig party. [Laughter.]

Mr. RITTER. I now insist on my amendment to the amendment—to take two copies of the *Sentinel* and the *Journal*, and one copy of the *Free Press* and *Volks Blatt*.

Mr. AUSTIN. I desire a final settlement of this matter. There is at least one point connected with it that I desire to have settled now, and that is the number of papers we will have laid upon our desks ready enveloped and stamped. If I am to be encumbered with half a dozen papers daily laid loose on my desk, I shall necessarily have to occupy a large portion of my time in taking care of them, or be at the expense of employing a clerk for that purpose. I must insist that these papers be enveloped and stamped.

Mr. NEBEKER, of Warren. At the proper time I shall be willing to accept that.

Mr. LAWHEAD. I, also, would be willing to accept that.

Mr. AUSTIN. I am satisfied the House does not comprehend the question; and, in order that we may dispose of it in the shortest time, I move to lay the resolution and amendments on the table, in order that gentlemen may draw up another to meet the approbation of the House.

The motion was agreed to.

Mr. MURRAY. I now offer the following:

*Resolved*, That the Door-keeper be empowered to contract with such publishers of newspapers in this city as intend to report the proceedings of this Legislature in full, for three copies of their papers, respectively—two copies enveloped and stamped—to be delivered upon the desks of the respective members of this body.

Mr. HARNEY. At the beginning of every session of the Legislature we usually have this discussion, and it always results nearly in the same way—that is, in taking three copies each of the *State Sentinel* and *State Journal*. I think we had just as well come to that at once. I am willing to vote for three copies of each of these, requiring two to be enveloped and stamped.

Mr. LAWHEAD. I would like to inquire whether there is a German Reporter here?

The SPEAKER. I believe there is not.

Mr. LAWHEAD. I have a large number of German constituents, and I want they should see these proceedings. I want the German paper embraced. They have frequently spoken to me on the subject.

Mr. HARNEY. I propose the following as a substitute:

*Resolved*, That the Door-keeper subscribe for the usual number, that is, three copies of the *Sentinel* and three copies of the *Journal* for each member of this House—two copies of each to be enclosed and stamped.

Mr. MURRAY. The opinion seems to be entertained that my proposition will cut off the German papers. I take different ground. I believe the proprietors of the German paper will have Reporters on this floor, if we propose to enter into a contract to take their paper. I hope they will, for I too, have many German constituents. But, sir, I say we have no right to subscribe for a German paper or any other paper, unless they come in here and report. It has been the policy hitherto to take all such papers; and here is a little daily paper called the *Citizen*, which has a Reporter on this floor, to report proceedings in full. I am willing to take that, and the *Locomotive* too; but I am for cutting off all



papers unless they have Reporters. I hope gentlemen who think my proposition cuts off the German paper will take a different view of the case. I have seen the extravagances of former Legislatures in regard to taking papers, as well as in other things. My constituents sent me here, in part, for the purpose of retrenching these extravagances, and though, as an old printer, I would like to befriend the craft, I shall not go out of the line of this duty.

On the point, that these papers and reports are of no public benefit, I undertake to say, that no people have ever yet grumbled about the little expense for this object. I have not gone into a single township but their last request was to hear from the Legislature through such papers as report our proceedings. Suppose we are able only to send a paper now and then in a particular direction; we can discriminate and send proceedings affecting local interests into those particular localities.

Mr. BAIRD. The gentleman from Elkhart, speaks upon principle; and it strikes me he is driving to that point where extravagance will never end. He is just holding out an inducement for every newspaper to come in here and report proceedings. I propose three copies each of the *Journal, Sentinel and Volksblatt*.

The SPEAKER. The motion is not in order.

Mr. HALL, of Grant. I will go for the amendment, with two copies of the *Volksblatt*.

Mr. BRANHAM. Why confine the proposition to the city papers? I understand that one of the papers published in my county intends to have a Reporter here, through whom my constituents will get our proceedings up to twelve o'clock the preceding day. I am opposed, however, to taking any but the *Sentinel and the Journal*, but if the proposition is to be made wider, I would be willing to take the *Free Press* and the *Volksblatt*.

Mr. RYNEARSON. Mr. Speaker, I move to lay the propositions on the table, to enable me to offer the following:

*Resolved*, That the Door-keeper be instructed to contract for three copies of the Daily *State Sentinel*, three copies of the Daily *State Journal*, and two copies of the Weekly *Volksblatt*, provided such papers be pledged to contain full reports of the proceedings of this House—two copies of each to be enveloped and stamped.

Mr. DOBBS demanded the yeas and nays on the motion, and the same being ordered and taken, resulted—yeas 25, nays 73, as follows:

AYES.—Black, Boyd, Boxley, Collier, Dougherty, Durham, Duvall, Edwards, Erdyce, Gregory, Hamilton of Boone, Hartley, Hunter, Jeffries, Johnston, Kelly, Nebeker of Vermillion, Parks, Ritter, Row, Rynearson, Tebb, Turpie, Usrey, Whetzel—25.

NAYS.—Austin, Baird, Blythe, Bowman, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davidson, Davis, Dobbins, Early, Eastham, Firestone, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Morton, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Robinson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whitman, Wildman, Wood, and Speaker—73.

So, the House refused to lay on the table.

Mr. COLGROVE. Mr. Speaker, I move to refer the whole subject to a committee of five.

The motion was lost.

Mr. NEBEKER, of Warren. I wish to ask whether the *Volksblatt* has a Reporter on this floor?

The SPEAKER. The Chair is informed that the editor of the *Volksblatt* intends to furnish a Reporter.

The question recurring on Mr. Baird's amendment to add 3 copies of the *Volksblatt*—

Mr. BLYTHE demanded the yeas and nays, and they were ordered.

Mr. COLGROVE. If the gentleman will include the *Free Press*, I will vote for his amendment.

Mr. BAIRD. I accept.

The yeas and nays being taken on the amendment, resulted—Yeas 83, nays 14, as follows:

AYES.—Messrs. Austin, Baird, Black, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Dobbins, Dougherty, Durham, Eastham, Edwards, Firestone, Forlyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Jeffries, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Morton, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Ritter, Row, Rynearson, Scott, Sherman, Shields, Shockley, Smith of Madison, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebb, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whitman, Wildman, Wood, and Speaker—83.

NAYS.—Boyd, Cavins, Clements, Duvall, Early, Gregory, Harney, Hunter, Johnston, Jordan, Newton, Prosser, Robinson, Shull, Treadway—14.

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

#### GOVERNOR'S MESSAGE.

Mr. DOBBINS, from the joint special committee to wait on the Governor, reported that the Governor would communicate his message in person, this day at two and a half o'clock P. M.

#### POSTAGE STAMPS.

Mr. JEFFRIES offered the following:

*Resolved*, That the Door-keeper be required to purchase for the use of each member of this House, two dollars' worth of postage stamps, and deliver them to each member.

On motion by Mr. HUNTER, the resolution was laid on the table.

#### JOINT RULES.

Mr. TURPIE submitted the following, which was adopted:

*Resolved*, That the Speaker appoint a committee of three, to act with a similar committee on the part of the Senate, to revise and agree upon joint rules to govern the intercourse of the two Houses, and that the Senate be informed hereof, and requested to reciprocate.

The SPEAKER appointed Messrs. Turpie, Hamilton, of Boone and Stanfield, as said committee on the part of the House of Representatives.

#### GOVERNOR'S MESSAGE.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That the Senate be invited to meet the House in joint session in the Hall of the House of Representatives, at half-past two o'clock, this afternoon, to hear the message of His Excellency, the Governor, and that the Door-keeper procure seats for them at the right of the Speaker's chair.



## PRAYER.

Mr. DAVIS. Mr. Speaker, has provision been made for opening the present session of the General Assembly with prayer? I think we need it very much over here.

After some conversation on the subject, a resolution was adopted for a joint select committee to invite some clergyman of Indianapolis to open the session by prayer—to be offered at two o'clock, in a joint session of the two Houses of the General Assembly.

The SPEAKER appointed Messrs. Murray and Blythe said Committee on the part of the House of Representatives.

## ASSISTANT CLERKS.

Mr. MORTON submitted the following:

*Resolved*, That the Assistant Clerk of this House be permitted to appoint such number of assistants as he may deem necessary, not exceeding three.

Mr. KEEFER proposed two assistants.

Mr. BAIRD. I would like to have the Clerk state the number necessary. I understand that it takes one Clerk to record the yeas and nays, and that three is the lowest number that can get along.

The SPEAKER. The Clerk informs me that four is the usual number, and it will be probably difficult to get along with less.

Mr. AUSTIN. I think it better to dispense with this resolution till we can know more about this service. It is well known that the expense for clerks heretofore has been made much larger than it ought to be. During the past session I introduced resolution after resolution, to try to dispense with unnecessary clerks; but I found that after they are once appointed, there is no chance to reduce their number. If you make too many appointments you will find a reduction impossible.

Mr. MORETON. I have the assurance of the Assistant Clerk, that if he can get along with a less number, he will discharge one. It would certainly be poor economy to adjourn the body and allow a hundred men here to wait on the action of clerks. I am in favor of economy; but we should not let it go to the extent of losing more out of the pocket than we put into it.

Mr. Keefer's amendment was agreed to, and so the resolution was adopted.

Mr. DOBBINS asked ineffectually for a suspension of the rules, to enable him to introduce a bill.

## PRAYER.

A message from the Senate responded to the resolution of the House, for a joint select committee on prayer.

Mr. MURRAY submitted the following:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives, this day, at two o'clock P. M., for the opening of the business of the session with prayer.

The resolution was adopted, and the order was made accordingly.

The House then took a recess till 2 P. M.

## AFTERNOON SESSION.

Mr. MURRAY, from the Special Joint Committee on Prayer, reported that the Rev. Aaron Wood had consented to be present at this hour

(two o'clock P. M.) and offer prayer on the occasion of the delivery of the Governor's Message.

The doors were now opened, and the Senate and its officers entered the Hall and took seats prepared for them—the President of the Senate on the right of the Speaker.

After the order of prayers by the Rev. Aaron Wood—

The PRESIDENT OF THE SENATE said: The General Assembly will now receive the Message from the Governor.

His Excellency, the GOVERNOR, then stood upon the Speaker's forum, and read the following

## MESSAGE.

*Senators and Representatives:*

Previous to the year 1852, provision was made in this State for annual sessions of the Legislature, but the members of the Convention who framed our existing Constitution believed that biennial sessions, after that period, would, in ordinary times, be sufficient. They provided, however, that when in the opinion of the Governor, the public welfare should demand it, he might call a special session of the General Assembly.

The thirty-ninth session of the General Assembly which adjourned on the 9th day of March, 1857, did not pass any law for the purpose of raising a revenue for the years 1857 and 1858. Until that time it was confidently hoped by the people of the State that their Representatives would at all times be willing to provide the necessary means to sustain every department of the Government, established by their Constitution. They also expected that provision would be made to support every Benevolent Institution they had approved. They felt that although improvident legislation had in former days impaired the credit of their State, as similar legislation had injured the reputation of others, yet, that for many years, the credit of Indiana, maintained in every particular, was to them a matter of just pride and congratulation. They felt that although Indiana, in the days of her improvidence, had been unable to maintain the high character of a sovereign State in responding to all her pecuniary obligations, yet she had now attained to that position of wealth and influence among her sister States, that any failure to redeem every undertaking would be injurious to her credit and her honor.

Notwithstanding these and other considerations, the members of the last Legislature, for reasons into which it is not my duty to inquire, failed to enact the laws necessary to sustain the various interests to which I have alluded. Shortly after such adjournment, I informed the people of the State that there was necessity for legislation, and expressed a readiness, whenever the laws could be passed, to call the members together. Believing that there was such a want of harmony among them, that necessary legislation could not be secured, I declined to exercise the power entrusted to the Governor, to call a special session of the General Assembly. But a new Legislature having been elected, I have at the earliest practicable day exercised the power to which I have before alluded.

Although that Legislature failed to appropriate



the means which were then in the Treasury to sustain the interests for which they had been raised the Administrative and Executive officers of the State believed that such was the regard that the people of Indiana had for the Government they had established—such their anxiety for the maintenance of their Constitution, and the support of their laws, that it was their imperative duty to apply the money in their possession to the purposes for which it was collected. From that adjournment of the Legislature, those officers have endeavored to sustain every interest of Indiana, as provided for by her Constitution and her laws. They found that the laws of the State provided that the Auditor, Treasurer and Governor, were authorized to procure money to pay the interest upon the public debt. Believing that the welfare of the State would be promoted by paying such interest, a loan was negotiated on the 22d of June, 1858, with the Board of Commissioners of the Sinking Fund for one hundred and sixty-five thousand dollars, which was applied to the payment of such interest. After the State has undertaken to pay all the interest and principal of her debt, her sovereign integrity demands that her obligations should be redeemed. Section 1 of article 9 of the Constitution declares that "It shall be the duty of the General Assembly to provide by law for the support of Institutions for the education of the Deaf and Dumb, and of the Blind, and also for the treatment of the Insane."

No appropriation was made by the Legislature to sustain those Institutions, but the money was in the Treasury—the clear provision of the Constitution that those Institutions should be supported, the officers of the State thought should be maintained and executed, and accordingly they applied the funds in their possession to that purpose.

The officers of the State have been enabled, by an economical administration of the public funds, to thus far sustain every department of the government, and pay the interest on our indebtedness, leaving a balance in the Treasury of \$131,342 28, without making any loan except the one to which I have before alluded.

No tax having been levied for the years 1857 and 1858, all the resources for sustaining the Government, or maintaining its credit, will, at an early day, be exhausted, unless the Legislature shall provide a remedy. I recommend to you, therefore, that at as early a day as possible, you take into consideration the condition of the Treasury, and that a tax be levied for the year 1858.

The report of the Auditor of State will exhibit to you the amount which it is estimated will be necessary to raise. If the tax is levied at once, it can be collected in time to meet the ordinary expenditures of the government. It will be necessary to negotiate a loan to meet the interest which will be due upon the public debt upon the first day of January, 1859. No difficulty will be found in negotiating such loan, provided the levy is made for the year 1858.

Justice to the residents and owners of the property of the State demands that the expenses of the Government should be paid by them equally, according to the value of their property. To secure

so desirable a result, it has long been the policy in Indiana to have frequent valuations of all the real property within the State. Accordingly, on the 13th of February, 1851, an act was passed to appraise the real estate, and to make the value of the same equal and uniform. Since that time no act of the Legislature has been passed ordering a new appraisement. In the meantime the increase in the value of that kind of property has been very large. If that increase had been uniform, a necessity for the new appraisement would not exist. But since the passage of that law, a great difference has arisen in reference to the relative value of real estate. When the last assessment was made, there was but one railroad completed to Indianapolis, from any point in the State, nor were any other of the existing works finished. You cannot but appreciate the effect that those roads have had upon the value of the property of the State. Indeed, it has so increased the value of such property that it is confidently believed that a new assessment would show that the taxables of the State now amount to four hundred million dollars. If this view of the subject is correct, it is manifestly unjust that the revenues paid for the support of the Government should be levied upon the appraisement of 1851.

At my request the Directors of the State Prison have made a partial report as to the condition of that Institution. You will observe by an examination of that report that the new cell house has been finished, but even now, after the same has been completed, such is the limited capacity of that Institution that it is impossible to retain with safety, or employ with profit, more than three hundred and fifty convicts. The number which will be confined there by the first of January, 1859, will, in all probability, amount to five hundred. You will therefore see the absolute necessity of either greatly enlarging the existing prison, or of erecting an additional one in some other part of the State. In view of the prison being located upon the southern boundary of the State, thereby causing a heavy expense in transporting the convicts from the various counties, and believing that a portion of the labor of the inmates could be more profitably employed in some other locality, and relying upon the advice and opinion of those most experienced in managing such institutions, that three hundred to three hundred and fifty convicts are as many as should be confined in one locality, I accordingly join with the Directors and Warden of the Prison in recommending to you that a law be passed at an early day, providing for the erection of another State Prison, and that the same be located somewhere in the northern portion of the State. Little can be done toward the erection of said Prison until the spring of 1859. If it should be regarded by you as desirable to use the labor of a portion of the convicts in the erection of said prison, one hundred and fifty to two hundred of them could be employed for that purpose. If you should decide to pass such a law, provision should be made for the purchasing of more land for the use of the new, than belongs to the State adjoining the present prison. There are generally confined in the prison many who could be profitably employed in raising necessities for the support of the Institution.



# THE LEGISLATIVE SENTINEL.

BINGHAM & DOUGHTY, PUBLISHERS.

ARIEL & WM. H. DRAPIER, REPORTERS.

Vol. I.

INDIANAPOLIS, NOV. 30, 1858.

No. 3.

I have thus briefly called to your attention those interests of the State which demand, in my opinion, your immediate action. I have done thus in the hope that a few days only of your time will be required, deferring to make any other recommendation until you assemble at the regular session, which will be on the 6th day of January, 1859. In conclusion, I hope that harmony may prevail in your councils, and that wisdom and patriotism may guide your actions.

ASHBEL P. WILLARD.

The Governor having concluded the Message, the Senators retired to their chamber.

Mr. BOYD submitted the following, which was adopted:

*Resolved*, That the Governor's Message and accompanying documents be referred to the Committee of the Whole House and made the special order for Wednesday at two o'clock P. M.

## WABASH AND ERIE CANAL.

Mr. EDWARDS submitted the following, asking for the yeas and nays on the question of its adoption:

*Resolved*, That it is hereby declared that this House is unalterably opposed to purchasing the Wabash and Erie Canal by the state.

Mr. GIFFORD proposed to amend the amendment by adding these words: "And that it would not be accepted as a gift."

Mr. EDWARDS proposed to amend the amendment by adding these words: "Unless the State is paid for it."

The amendment to the amendment was adopted; and then the amendment, as amended, was adopted—yeas 74, nays 17—taken on the demand of Mr. MURRAY.

The question now recurred on the adoption of the resolution as amended.

Mr. DOBBINS complained of the resolution as useless, and the fact as notorious, that every man on this floor was opposed to taking back that canal, and also that there was already a resolution of opposition to such a thing on the statute book.

Mr. EDWARDS. Mr. Speaker, perhaps every man in the State is aware of the fact, that at the last session of the Legislature a proposition was made to take back the Wabash and Erie Canal, and there has not been a public meeting since held anywhere in the State, before whom the subject has been brought that has not condemned it. I also condemn it, and I ask gentlemen here to show where they stand upon it, by their votes on the resolution I offered. The gentleman from Franklin proposed that this Canal be not taken back as a gift, and my amendment to that was, unless the State be paid for it. But I voted against the amendment as amended. I wish gentlemen to vote for the simple proposition as I offered it, and not attempt to evade it by

amendments and equivocations. If gentlemen would avoid the difficulty they have brought upon themselves, let them do so by reconsideration.

Mr. THOMPSON, of Madison, moved to reconsider the vote just taken.

Mr. MURRAY opposed reconsideration. He was utterly opposed to taking that Canal back and willing to go to the record on the proposition as it is. He moved to lay the motion to reconsider on the table.

Mr. DOBBINS demanded the yeas and nays, and the same being ordered and taken, resulted—yeas 50, nays 49.

So the motion to reconsider was laid on the table, and the question recurred on the resolution as amended.

Mr. SNYDER proposed further to amend by striking out all after the word "Resolved," and inserting these words:

*Resolved*, That it would be inexpedient and unwise to take back the Wabash and Erie Canal, upon any terms, or to reassume in any form the debt to satisfy which it was transferred to the bond holders.

After some discussion of a point of order raised against this amendment by Mr. Davis, which was overruled—

The amendment was agreed to.

Mr. BLYTHE demanded the yeas and nays on the resolution as thus amended, and the same being ordered and taken, resulted—yeas 96, nays 0, as follows:

YEAS—Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clay, pool, Clayton, Colgrove Collier, Comstock, Cotton, Davidson, Davis, Dobbins, Dougherty, Durham, Davoll, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffries, Johnson, Jones, Jordan, Keefer Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sunson, Sullivan, Summers, Tebbis, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood, and Mr. Speaker—98.

NAYS—0.

So the resolution was adopted.

## GOVERNOR'S MESSAGE.

Mr. TURPIE submitted the following:

*Resolved*, That 3,000 copies of the Governor's Message be printed in English, and 1,000 copies in German, for the use of this House.

Mr. AUSTIN opposed, and suggested 1,000 copies in English, and 500 in German. Every man in the State who would read the message at all, would have read in the newspapers long before it could be published and distributed in this way. Whether he succeeded or not, he was for making every effort to retrench unnecessary expenditures.



Mr. TURPIE. I am as much in favor of economy as the gentleman from Wayne (Mr. Austin.) I do not know why precedent should be disregarded at this time. Five thousand and three thousand in German are the usual numbers ordered for the message. As to the argument that it will be read in the newspapers, I have to say, that there is but one newspaper in my counties. If five thousand is the number for the regular session, three thousand it seems to me can not be extravagant for a special session. It seems to me that the Chief Executive, who has taken the responsibility to call us together at this time, ought to have a full opportunity to spread before the people the reasons that have led him to take this step. I can make a proper disposition of my share—forty copies—and if the gentleman from Wayne has any to spare, I shall be much obliged to him for them.

On a division of the House, the question was decided in favor of 3000 and 1000 copies.

Mr. RITTER demanded the yeas and nays on the resolution, and the same being ordered and taken, resulted—yeas 59, nays 40—as follows:

YEAS.—Black, Blythe, Bowman, Boyd, Brotherton, Carr, Claypool, Clayton, Clements, Colgrove, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merritt, Merrifield, Miller, Newton, Parrett, Power, Row, Scott, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tuffy, Thompson of Madison, Turpie, Usrey, Wheeler, Whitman, Wildman, Wood, and Speaver—58.

NAYS.—Austin, Baird, Boxley, Branhams, Cavins, Collier, Comstock, Cotton, Davidson, Duvoll, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston Kelly, Mansfield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Farks, Prosser, Ritter, Robinson, Ryncarson, Sherman Smith of Miami, Thompson of Elkhart, Treadway, Waterman, Whetzel—41.

So the resolution was adopted.

#### DECEASE OF GENERAL ROBERT HANNA.

Mr. COTTON submitted the following:

*Resolved*, That this body has learned with a profound sorrow, the particulars of the sudden decease of General Robert Hanna, one of the oldest and most respectable citizens of the State, a member of the convention which formed the first constitution of Indiana, once a United States Senator from the State of Indiana, and he has held other important trusts, always to her honor and advantage.

*Resolved*, As a testimony of respect to the memory of the deceased, that this House now adjourn.

*Resolved*, That a copy of these resolutions be transmitted to the family of the deceased.

The resolutions were adopted.

The House adjourned.

#### IN SENATE.

TUESDAY, November 23, 1858.

The PRESIDENT called the Senate to order at nine o'clock.

The Journal of yesterday was read.

Mr. FISK, of Ripley, appeared yesterday and took his seat.

The PRESIDENT. I will lay before the Senate the following, as the order of business:

1. Reading of the Journal.

Petitions, memorials and remonstrances.

Reports from standing committees.

1 On Elections.

2 On Finance.

3 On Judiciary.

4 On Organization of Courts.

5 On Federal Relations.

6 On Education.

7 On Corporations.

8 On Military.

9 On Roads.

10 On Canals and Internal Improvements.

11 On the Affairs of the town of Indianapolis.

12 On Claims.

13 On the State Prison.

14 On Public Expenditures.

15 On Banks.

16 On Manufactures.

17 On Agriculture.

18 On Unfinished Business.

19 On Benevolent Institutions of the State.

20 On Swamp Lands.

21 On Temperance.

22 On County and Township business.

23 On Phraseology and Arrangement of Bills.

24 On Printing.

25 On Enrolled Bills.

IV. Reports from Joint Committees.

1 On Public Buildings.

2 On State Library.

3 On Canal Fund.

V. Reports from Select Committees.

VI. Resolutions of the Senate.

VII. Joint Resolutions.

VIII. Bills.

IX. Orders of the day.

Mr. HEFFREN asked the Senate to allow him to strike out the word "Black" before the word "Republican," in his resolution of yesterday, it being questioned by Mr. Gooding whether it was in the original.

Mr. GOODING insisted upon the word being retained.

Mr. HEFFREN said he had no objection—was willing to go before his constituents with it there.

#### STANDING COMMITTEES OF THE SENATE.

Mr. McLEAN offered the following:

*Resolved*, That in compliance with an established custom of the Legislature, with the single exception of the Senate of 1857, and according to uniform custom and immemorial usage, the President of the Senate be requested to appoint the Standing Committees, and announce the same at the meeting of the Senate this afternoon.

Mr. MURRAY. It was out of order, in his opinion.

The PRESIDENT decided it in order.

An appeal was taken from the decision of the Chair.

Mr. TARKINGTON insisted that the Chair was right.

Mr. McLEAN withdrew his resolution.

#### NEWSPAPERS.

Mr. SLACK, from the select committee on newspapers, to whom was referred the resolution having reference to the number of papers which should be taken, and the mode and manner of the publishing of proceedings, reported the following resolutions:

*Resolved*, That the Door-keeper contract with the publishers of the *Daily State Sentinel*, *Daily Journal* and *Daily Citizen*, for two copies each of their respective Dailies, one paper to be enveloped and stamped, provided said papers publish the daily proceedings of this body.

*Resolved*, That desks be provided for the reporters of newspapers, who may desire to publish the proceedings of the Senate.

MR. JOHNSON. I move to amend the first resolution by adding the words in the proper place, "at the expense of members."

A motion was made to lay the amendment on the table, upon which the yeas and nays were de-



manded, and being ordered and taken, resulted—yeas 44, nays 5, as follows:

YEAS—Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Connelly, Conner, Cooper, Cravens, of Jefferson, Cravens, of Madison, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Kinley, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir and Wilson.

NAYS—Messrs. Beeson, Carnahan, Johnston, Lomax and Williams.

So the amendment was laid on the table.

MR. MILLER. I desire to amend by striking out the postage stamps. I do not intend to vote for postage stamps. We had too many stolen two years ago.

SEVERAL VOICES—"No," "no."

MR. MILLER. I am not particular about it.

#### MESSAGE FROM THE GOVERNOR.

A message from the Governor was received, informing the Senate that he had appointed Samuel Osborn as his private secretary.

MR. STEVENS. I move to amend by adding "one copy of the *American* and *Volksblatt*." I do not feel like voting for the adoption of the report, unless the two papers named are included. I have one hundred and fifty German constituents, who can't read English at all, and I want them posted up through the German paper; and the other paper is extensively circulated in our country.

MR. BOBBS. I hope Senators will see the propriety of being equitable in this matter. A large number of our German constituents have no other means of knowing what we are doing except through their papers, and I think it fair that we should subscribe for them both.

MR. WEIR. I move to lay the amendment on the table.

The motion was withdrawn for

MR. TARKINGTON. The committee reported in favor of taking only those daily papers having reporters on this floor. The taking of the papers is worth nothing, but it is simply to have the reports published. If we wish to have our proceedings published, we have got to have Reporters upon this floor, and we ought to take just such a number of papers as would pay the publishers for keeping Reporters upon this floor. I am in favor of the report of the committee, believing it to be the most just and wise course; and I will now renew the motion of the Senator from Laporte, to lay the amendment on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 22, nays 27, as follows:

YEAS—Messrs. Anthony, Beeson, Cobb, Connelly, Cravens of Jefferson, Cravens of Madison, Fisk, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Line, Lomax, March, O'Brien, Odell, Robinson, Studabaker, Tarkington, and Wier—22.

NAYS—Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Culver, Gooding, Green, Hendry, Kinley, McClure, McLean, Miller, Murray, Rice, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Williams and Wilson—27.

So the amendment was not laid on the table.

MR. GOODING. I move an amendment to the amendment. Insert "one copy of the *Weekly National Democrat*."

The motion was agreed to.

MR. HEFFREN. I move to amend as follows: Strike out in the first resolution the word "two" and insert "three." And strike out "one" and insert "two." I would be willing to take a half a dozen copies if they would give such full reports as were given yesterday. I am in favor of taking three copies of such papers as have Reporters upon this floor. I think we owe it to them.

MR. TARKINGTON demanded a division of the question, the question being, first upon the amendment of the Senator from Washington. The yeas and nays were demanded, and being ordered and taken, resulted—yeas 30, nays 20, as follows:

YEAS—Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Cravens of Jefferson, Culver, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Jennings, Jones, Kinley, Murray, Odell, Rice, Robinson, Steele, Studabaker, Thompson, Turner, Wagner, Wallace, Wier and Wilson—30.

NAYS—Messrs. Beeson, Cobb, Connelly, Cravens of Madison, Hargrove, Hill, Johnston, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Shoemaker, Slack, Stevens, Tarkington, Turner and Williams—20.

So the amendment was adopted.

#### MESSAGE FROM THE HOUSE.

A Clerk from the House of Representatives appeared and said he was authorized to inform the Senate that the House had appointed a committee of three to act with a committee on the part of the Senate, to advise and agree upon joint rules for the government of both Houses, and that the Senate be requested to concur.

#### NEWSPAPERS.

MR. MURRAY. I would like to move that the stamping part of the report be stricken out. I know there is a good deal of complaint about expense. The amount of stamps given at the last session to each member and officer, was perhaps thirteen or fifteen dollars. I think I had some ten or twelve dollars worth left at the close of the session. If three dollars is not enough for us we ought to go to our own pockets for the balance.

MR. WIER. For the purpose of putting an end to discussion, I will call for the previous question. The time consumed now is worth more than all the papers will come to.

The question being upon the adoption of the report, the yeas and nays were demanded, and being ordered and taken, resulted as follows:

YEAS—Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Cooper, Culver, Fisk, Gooding, Green, Heffren, Hill, Kinley, Line, McLean, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Thompson, Turner, Wagner and Wallace—29.

NAYS—Messrs. Beeson, Connelly, Conner, Cravens of Jefferson, Cravens of Madison, Hamilton, Hargrove, Hendry, Jennings, Johnston, Jones, Lomax, McClure, March, Miller, Robinson, Shoemaker, Studabaker, Tarkington, Williams and Wilson—21.

So the report was adopted.

#### POSTAGE STAMPS.

MR. MURRAY. I now move the adoption of the following resolution:

*Resolved*, That the Secretary of State be requested to furnish funds to the Door-keeper to purchase three dollars worth of postage stamps for the use of each of the members and officers of the Senate during this session.

The yeas and nays were demanded.



Mr. **STUDABAKER** moved to strike out the words "and officers."

The motion was not agreed to.

The yeas and nays being ordered and taken, resulted—yeas 38, nays 11, as follows:

**YEAS**—Messrs. Anthony, Bobbs, Brown, Carnahan, Cobb, Connelly, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace and Weir—37.

**NAYS**—Messrs. Beeson, Blair, Hamilton, Johnston, Jones, March, Miller, Shoemaker, Studabaker, Williams and Wilson—11.

#### STANDING COMMITTEES.

Mr. **MCLEAN**. I now renew my motion for the standing committees.

Mr. **CRAVENS** moved as a substitute a complete list of the standing committees of the Senate.

Mr. **SLACK** moved to lay them on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 23, nays 25—as follows:

**YEAS**—Messrs. Carnahan, Cobb, Connelly, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

**NAYS**—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

So the substitute was not laid on the table.

Mr. **HEFFREN** moved a postponement of the matter until Friday next, at 10 o'clock.

Mr. **WALLACE**. I wish to state to the Republican side that I am in favor of the postponement. I am satisfied they have the power, if they have the will, to carry these proceedings through. I have no intention at present to characterize their course in regard to this matter as I think of it. There is no reason why they should not be at least courteous to us; and I urge this postponement for the purpose of asking them to give those of us on the Democratic side an opportunity to consult together in order that we may ascertain what preferences we have. I will do the mover (Mr. Cravens,) the justice to say that he proposed to me that a certain number of our side should be appointed to consult in this matter. He on his part, will tell you that I said I would go with him; but he never told me the time nor place. I never understood how these committees were formed, and I don't know by whom. I was not consulted, and as far as my knowledge goes, no Democratic Senator has been consulted.

This is but a repetition of what was done at the last session of the Legislature, and I have never thought of that proceeding since without indignation. It is a lack of courtesy toward us. If it is intended as an insult, there is but one remedy offered me, and that is to refuse to serve upon any committee on which I may be placed. I will refuse, and, if I am not much mistaken, I speak the sentiments of every Democrat on this floor. I will not be made the subject of such high handed wrong. When assigning us places the gentlemen might have come to us and inquired what committee we would like to be put

on. I do not mean to say that it is a matter of any great importance that I should be upon any committee. I am here to assert my independence and honor; and I simply desire to enter my protest in this manner and at this time against this action. As a matter of courtesy I ask that the subject be postponed.

Mr. **CRAVENS**. As far as courtesy is concerned, I am willing to meet the gentleman on half-way ground. I consulted the Senator, as one of the committee, and other members of that committee consulted other gentlemen of the Democratic party. It now becomes a simple question of right whether this body shall have power to say where the control of the legislation of the country shall be. All we ask is to give us the control of this matter. I would not have introduced this matter to day, had it not been for the resolution submitted by the gentleman from Vigo. I had hoped it would be settled in silence, as I have no doubt the mind of every Senator is made up as to how he will vote upon the question.

Mr. **JONES** wished harmony and good feeling to prevail.

Mr. **MURRAY** thought that the President understood that no disrespect was intended to the Chair. I am sorry to hear Senators say they will not serve on committees. I ask gentlemen not to be too hasty and say they will not serve.

Mr. **GOODING**. I desire to know how it is that the Senator from Montgomery asserts that Democrats are in the minority here. I disdain—

Mr. **WALLACE**. I said no such thing. I said that the Republicans had the power to carry through such proceedings.

Mr. **GOODING**. The Senator quibbles upon words. They have not the power unless gentlemen go to reading men out of the party. I will say that the committees are made tolerably fair, considering they come from that side of the house.

Mr. **CRAVENS**. Thank you.

Mr. **GOODING**. It is a little remarkable that there is no sterling anti-bank man on the Bank Committee.

Mr. **GOODING**. I am Anti-Lecompton. If gentlemen will come back, we will take them.

Mr. **HEFFREN**. Will the gentleman take us back on probation?

Mr. **GOODING**. I should be afraid to take the gentleman from Washington. [Laughter.] I have known the presiding officer from boyhood. I do not believe he will do wrong in the appointment of committees. Independent of the custom of the Senate, it would be proper, acting upon popular sovereignty, to take the appointing power, but I am not willing to impeach the President. If he should do wrong, I am on hand to thrash him. [Laughter.] I shall vote to postpone the consideration of this matter. It is my opinion the presiding officer should appoint the committees.

Mr. **HEFFREN**. I will change the motion to make it Friday. I have consulted with Democratic Senators, and they know nothing of the facts as to the formation of committees. The Committee on Penitentiary has not the Senator from that district on it. If they will not consent, I will join hands with the Senator from Montgom-



ery, and will not serve. I hope Republicans will consent to postponement, that we may appoint a committee to act with them on the subject. If they have a majority, I am willing to submit, and they will be responsible for the legislation.

Mr. MURRAY. The only objection I have to putting off is, that it delays organization. I think to-morrow, two o'clock, will answer.

Mr. TARKINGTON suggested that a committee be appointed of five, whose majority shall be Republican, for the purpose of forming committees.

Mr. HEFFREN. I accept.

The resolution and amendment were postponed until Friday.

#### GOVERNOR'S MESSAGE.

Mr. SLACK. Mr. President, I offer the following resolution:

*Resolved*, That two thousand copies of the Governor's Message be printed for the use of the Senate, fifteen hundred in English and five hundred in German.

The resolution was adopted by unanimous consent.

#### SWAMP LANDS.

Mr. TARKINGTON offered the following resolution:

*Resolved*, That the Secretary of State be requested to communicate to the Senate, at his earliest convenience, the amount of swamp lands deeded to each individual, what county they are in, and what amount of money was paid for the same, if he has it on record; also, how much of said lands have been ditched and drained.

My object is to get at the frauds in the case of the swamp lands.

The resolution was adopted by unanimous consent.

#### RE-APPRAISEMENT OF REAL ESTATE.

Mr. TARKINGTON. Mr. President, I offer the following bill:

The bill was read through by the Senator, and provides as its title indicates, "for the re-appraisement of all real estate in the State of Indiana"—being Senate bill No. 3.

Mr. TARKINGTON moved to suspend the rules to read the bill a second time.

The yeas and nays were demanded, ordered and taken thereon, resulted—yeas 45, nays 2.

So the bill was read a second time by its title, and passed to a third reading.

Mr. HEFFREN. I move that the bill be laid on the table and one hundred copies be printed for the use of the Senate.

The motion was agreed to.

#### AMENDMENT OF DIVORCE ACT.

Mr. WALLACE, by the unanimous consent of the Senate, introduced a bill (No. 4) entitled An Act to amend the Divorce Act, which was read through by the Secretary.

Mr. WIER moved that the bill be referred to a select committee of five.

SEVERAL SENATORS declared this motion, on the first reading of a bill, to be out of order.

She Senate took a recess until two o'clock P.M.

#### AFTERNOON SESSION

Mr. WEIR offered the following resolution:

*Resolved*, That the Door-keeper be instructed to procure four thermometers to be placed in the Hall, for the

purpose of enabling the Door-keeper to keep the temperature at 70 degrees, Fahrenheit, and that he charge and require his assistants to give especial attention to the same.

The resolution was adopted by consent.

#### WABASH AND ERIE CANAL.

*Resolved*, That it would be unwise and inexpedient to take the Wabash and Erie Canal, in any form, or to re-assume it in any way, the liability for which it was transferred.

The yeas and nays were demanded and being ordered and taken, resulted—yeas 45, nays 0, as follows:

YEAS—Messrs. Anthony, Beeson, Bennet, Blair, Brown, Cobb, Connelly, Conner, Cravens of Jefferson, Cravens of Madison, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnson, Jones, Kiley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams, and Wilson—45.

NAYS—0.

So the resolution was adopted.

#### GOVERNOR'S MESSAGE.

Mr. BENNET. I offer the following resolution.

*Resolved*, That the consideration of the Governor's Message be made the order of business for Friday next at two o'clock.

The resolution was adopted by consent.

#### JOINT RULES.

Mr. WEIR moved to take up the communication from the House, on the subject of appointing a committee on the part of the Senate to act with Messrs. Turpie, Hamilton of Boone, and Stanfield, on the part of the House, to frame rules to govern the intercourse between the two Houses.

Mr. HEFFREN moved that the Senate concur. The motion was agreed to by consent, and the Chair authorized to appoint a committee of three. The PRESIDENT appointed Messrs. Tarkington, Cravens and Line said committee.

#### SERGEANT-AT-ARMS.

Mr. FISK. Mr. President, I offer the following resolution:

*Resolved*, That the Senate dispense with the office of Sergeant-at-arms, and that the principal Door-keeper discharge the duties of Sergeant-at-arms, without additional pay.

The resolution was agreed to by consent.

#### TAXING REAL ESTATE.

Mr. MILLER. I would like to introduce a short bill at this early part of the session. It simply proposes the taxing of real estate belonging to corporations in the town in which it lies.

This bill, (No. 5) entitled A Bill providing for the collection of taxes upon lands belonging to railroads and other corporated companies, was read through by the Secretary, and passed to a second reading.

Mr. GREEN introduced a bill (No. 6), for the correction of defects in the execution of deeds, &c., which was read through by the Secretary, and passed to a second reading.

Mr. HEFFREN introduced a bill (No. 7) to authorize and provide a mode of changing the venue in civil cases not provided for by law, and providing for the trial of the same, which was read through by the Secretary, and passed to a second reading.



Mr. HILL introduced a bill (No. 8) regulating and restricting the sale of spirituous and intoxicating liquors, which was read through by the Secretary, and passed to a second reading.

Mr. BOBBS introduced a bill (No. 9) providing for and securing the rights of married women in real property, which was read through by the Secretary, and passed to a second reading.

Mr. WALLACE. Mr. President, I wish to introduce a bill. I beg of the Senate not to be scared at its size, for its importance is equal to its weight.

This bill (No. 10) is entitled a bill providing for an assignment in trust for the benefit of creditors, and regulating a mode for administering the same. It was read through by the Secretary.

Mr. WALLACE moved that the rules be suspended and the bill be read a second time, now.

The yeas and nays were ordered—yeas 34, nays 13.

So the bill was read a second time by its title, and passed to a third reading. It was ordered to be laid on the table, and that one hundred copies be printed for the use of the Senate.

The Senate then adjourned.

## HOUSE OF REPRESENTATIVES,

TUESDAY, November 23, 1858.

The Journal of yesterday having been read,

### TAX FOR 1858, AND STATE PRISON.

Mr. MURRAY submitted the following:

*Resolved*, That this House deems it impracticable and inexpedient to levy a tax for the year 1858; also, the enlargement of the present State Prison, or the construction of a new one, as recommended by the Governor.

Mr. EDWARDS. The subject of that resolution is contained in the Governor's Message. The consideration of the message has been made the special order of the day for to-morrow at two o'clock, and I suppose, at that time, it will be most proper for the House to consider the subject of the resolution. I therefore, would move to lay the resolution on the table.

Mr. MURRAY. I propose to meet this question especially and singly, at the threshold, in order that much time may be saved.

The SPEAKER. It is out of order to discuss a motion to lay on the table.

Messrs. Murray and Davis demanded the yeas and nays, which being ordered and taken, resulted—yeas 88, nays 5—as follows:

YEAS—Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davidson, Dobbins, Dougherty, Durham, Duvoll, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, H. rtley, Hunter, Jeffries, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stinson, Sullivan, Summers, Tebbis, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whitman and Wood—88.

NAYS—Messrs. Austin, Davis, Murray, Wildman, and Mr. Speaker—5.

AUDITOR, SECRETARY AND TREASURER'S REPORTS.

The SPEAKER laid before the House the re-

ports of the Auditor, Secretary and Treasurer of State for 1857.

Mr. EDWARDS. I would ask of the Chair whether it is in order to take up those reports?

The SPEAKER. I presume, as they are already printed, the only order to be taken is to require them to be distributed.

### ADJOURNMENT OF THE SESSION.

Mr. LEWIS submitted the following:

*Resolved*, That this House, with the concurrence of the Senate, do fix on the 10th of December as the day of the final adjournment of this session of the General Assembly, or at an earlier day if the business be completed.

Mr. DOUGHERTY proposed to amend by striking out and inserting the first day of December.

Mr. LEWIS accepted

Mr. COLGROVE. I have found that these resolutions generally amount to nothing; and esteeming this but an indirect censure upon members, and more intended for home than the dispatch of business, I move to lay it on the table.

Mr. BOYD. I shall vote to lay the resolution on the table, because I consider it an indirect impeachment of the body. It becomes us all to discharge our duties here with fidelity, and I suppose every man here is disposed to do his duty. That being the case, to introduce such a resolution now in advance even of the announcement of our committees, it is wholly premature. Therefore, whilst I am disposed to speed on the business of the body, I shall vote to lay it on the table.

Mr. LEWIS. I did not suppose I was throwing a fire brand—

The SPEAKER. Debate cannot be entertained on a motion to lay on the table.

Mr. DOUGHERTY demanded the yeas and nays, and they were ordered and taken, resulting—yeas 51, nays 43, as follows:

YEAS—Messrs. Austin, Baird, Black, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davidson, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Jeffries, Jones, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Power, Prosser, Rynearson, Scott, Sherman, Shockley, Smith of Miami, Stanley, Thompson of Elkhart, Turpie, Usrey, Wheeler, Whetzel, Whitman, Wildman, and Mr. Speaker—51.

NAYS—Messrs. Blythe, Bowman, Carr, Clements, Davis, Dobbins, Dougherty, Durham, Duvoll, Early, Firestone, Fordyce, Gifford, Hamilton of Boone, Harney, Hunter, Johnston, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Massey, Martin, Nelson, Newton, Parks, Parrett, Row, Shields, Shull, Smith of Perry, Stanfield, Stinson, Sullivan, Summers, Tebbis, Thompson of Madison, Treadway, Waterman, Wood—43.

Mr. MURRAY, when his name was called, said he was in favor of this committee giving its action to the subjects brought before it by the Governor of the State exclusively.

Mr. DOBBINS (interposing) submitted that if the gentleman from Elkhart proceed, there was a discourtesy toward the gentleman from Orange, [Mr. Lewis.]

The SPEAKER. The gentleman can explain if the House consent. ["Consent consent," "no consent."]

Mr. MURRAY. I do not wish the consent of the House, where others have been denied. I understand, however, that the rules give the right to explain a vote.



The SPEAKER. I shall hold that a member has no right to explain, unless by unanimous consent of the House.

Mr. SNYDER, when his name was called said: he had paired off on general questions with Mr. Stiles, absent on account of sickness in his family.

Mr. EDWARDS said he must insist upon the rule—the rule which requires every member to vote unless excused by the House. He did not acknowledge the right of pairing off here as is practiced in Congress. It was possible to break a quorum in that way.

Mr. SNYDER asked leave and was excused from voting.

So, the resolution was adopted.

#### MESSAGE DOCUMENTS.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That 500 copies of the documents accompanying the Governor's Message, be printed for the use of members.

#### STATE OFFICERS' REPORT.

Mr. AUSTIN submitted the following, which was adopted:

*Resolved*, That the door-keeper be directed to lay on the table of each member a copy of the reports of the different departments of the State at as early a period as possible.

#### THE PENITENTIARY.

Mr. HAMILTON submitted the following:

*Resolved*, That a committee of five be appointed to visit, examine and particularly inquire into the situation and condition of the State Penitentiary at Jeffersonville, and report fully to this House, at an early day, at its next regular session, the propriety and expediency of extending, improving and enlarging the same, in what manner and to what extent the same can be so extended, improved and enlarged, and the probable cost and expense thereof.

Mr. BOYD. Among the twenty-one standing committees to which this House is entitled, there is one on this very subject, and I see no reason for changing the direction of business in this way. I move to modify the resolution so as to make it directory to the Standing Committee on the Affairs of the State Prison.

Mr. HAMILTON acquiesced in the modification.

The resolution was rejected.

#### COMMITTEE ON STATIONERY.

Mr. BRANHAM submitted the following, which was adopted:

*Resolved*, That there be a committee of three appointed by the Speaker of the House, to be designated as the Committee on Stationery, whose duty it shall be to direct all purchases for the House of Representatives, and their proper distribution, and to see that in every case the bill of purchase shall accompany the article purchased, and be placed on file for inspection.

#### DOCUMENT POSTAGE STAMPS.

On motion of Mr. MERRIFIELD, Mr. Jeffries' resolution for the purchase of two dollars' worth of postage stamps for the use of each member of the House of Representatives was taken up.

Mr. SHERMAN moved to strike out "two" and insert "one."

Mr. MURRAY. I am opposed to this—not that I am opposed to purchasing stamps to send off documents, but I am opposed to the principle of purchasing stamps to carry around in our

pockets; or put into our drawers. It is a notorious fact that this is a growing evil, and this Legislature, pledged, as it is, to retrenchment and reform, ought to look to it in time. We have seen in the specific appropriation bill such items as gold-headed canes, gold pens, &c., purchased some way by the funds of the State, and it becomes us to arrest these abuses. I am opposed to purchasing stamps, unless they are put upon the documents and laid on our tables.

Mr. JEFFRIES. I was unsophisticated enough to suppose that members of the Legislature are honorable and honest men. I am opposed to buying stamps to carry in our pockets, or to allow them to be used at liberty by the attaches of the House; and if such be the use made of them, I am opposed to my own resolution. But I still think members and officers of this House are honest and trust-worthy—and there is a dilemma here, for if we cannot trust ourselves, how can we trust others whom we employ?

Mr. DAVIDSON—possessing already a good cane—moved to insert "three" (dollar's worth.)

Mr. DOUGHERTY moved that the resolution and amendments be referred to the committee on stationery.

Mr. MURRAY. I disclaim any intention of making any reference whatever to the honesty of members on this floor. I shall vote in favor of referring this subject, and I hope the committee will take it under advisement, so that we shall be furnished with our documents ready stamped. Former Legislatures have been in the habit of procuring documents and then sending for stamps; and as the remains of this practice their documents remain in heaps to this day, piled away and useless in this State-house. I am not in favor of furnishing stamps out of our own funds, but I wish to nip this particular abuse right in the bud.

Mr. DOBBINS. Mr. Speaker, I was a member of the last House of Representatives, and I find nothing in the record justifying the allusion that anything of the kind referred to ever took place in that House; but it seems that for the Senate, gold-headed canes, gold pens and things of that sort were furnished, and we have no right to refer to that branch. I am here, sir, not for the purpose of making loud professions of economy, but to act, I trust, economically. I am not afraid to vote against stamps for sending out documents. I know the people would not condemn that. I might also be willing to pay this expense out of my own pocket, though as much in need of money as any gentlemen. But I rose here to repress the unfounded imputation, as it might be understood, against the last House of Representatives.

The subject was referred to the Committee on Stationery.

The SPEAKER thereupon announced his appointment of Messrs. Branham, Hunter and Turpie, to constitute said committee on stationery.

#### THE SINKING FUND.

Mr. WATERMAN submitted a resolution requiring the appointment of a select committee on the Sinking Fund, to inquire into the condition of said fund, and report whether any legislation is



necessary at this session for the security of said fund.

The SPEAKER suggested, and Mr. Waterman acquiesced, in making the report directory to the standing committee on the Sinking Fund.

Mr. MAJOR suggested that there was an impropriety in offering thus prematurely, resolutions on business of importance that must come before the standing committees.

The resolution was rejected.

The House then took a recess until 2 o'clock.

#### AFTERNOON SESSION.

Mr. EDWARDS. Mr. Speaker, as I understand it is desirable on the part of the Chair to have some time to devote to the organization of the standing committees, and believing that we can do nothing that is legitimate before the time when the committees shall be organized, I move that we adjourn till to-morrow morning, nine o'clock.

Mr. DAVIS. The member from Boone has a proposition.

Mr. EDWARDS. I withdraw the motion.

#### BUSINESS OF THE SESSION.

Mr. DUVAL submitted the following, which was adopted:

A joint resolution in relation to the subject of legislation at the present session of the General Assembly of the State of Indiana.

WHEREAS, by the Constitution biennial sessions of the Legislature are deemed to be sufficient for the ordinary legislation of the State, and a special session can only be justified in cases where legislation is so urgent that it can not be delayed until the regular session:

AND WHEREAS, The only matter brought before this body by Executive communication, upon which the public welfare requires immediate action, is an act of the General Assembly, making provision for raising money to pay the coming instalment of interest on the State debt, and to carry on the State Government: Therefore be it

*Resolved by the General Assembly of the State of Indiana*, That no other legislation or business requiring the action of both Houses be done at this session than to make provision for raising money for the purposes aforesaid, and the revaluation of property for taxation.

Mr. EDWARDS now renewed his motion.

And the House adjourned till to-morrow morning at nine o'clock.

#### IN SENATE.

WEDNESDAY, November 24, 1858.

The Journal of yesterday was read, pending which,

Mr. MURRAY suggested that the reading of the standing committees proposed by Mr. Cravens be passed over.

Mr. WILLIAMS objected, and the names were read through by the Secretary.

Mr. CARNAHAN desired to be recorded as voting for the resolution introduced yesterday by the Senator from Laporte, with reference to the Wabash and Erie Canal.

The Senate consented.

#### MESSAGE DOCUMENTS.

Mr. HEFFREN. Mr. President, I offer the following resolution:

*Resolved*, That there be printed for the use of the Senate five hundred copies of each of the documents accompanying the Governor's Message.

I refer particularly to the report of the Trustees of the Penitentiary, with regard to the number of convicts, &c.

The resolution was adopted by consent.

#### SENATE EMPLOYEES TO BE SWORN.

Mr. STEVENS. I offer the following resolution:

*Resolved*, That we require an oath to be administered to every appointee made by the Door-keeper or his assistants; also, the appointees of the Principal and Assistant Secretary, that they will faithfully perform their duties, and watch over and protect all property belonging to the State, the State House, or to members of this body.

The resolution was adopted by consent.

#### STATE OFFICERS' REPORTS.

Mr. HEFFREN. I offer the following:

*Resolved*, That the Door-keeper be directed to lay on the table of Senators, copies of each of the reports from the different departments and officers of State for 1857, as soon as practicable, if the same are now printed.

The resolution was adopted by consent.

#### COUNTY PRISONS.

Mr. HEFFREN introduced a bill (No. 11) in relation to the ventilating and warming of county prisons, which was read through by the Secretary and passed to the second reading.

#### UNSAFE PAPER CURRENCY.

Mr. TARKINGTON introduced a bill (No. 12) to prohibit unsafe paper currency and to punish the making and circulating of the same, which was read through by the Secretary and passed to the second reading.

#### ELECTIONS.

Mr. HILL introduced a bill (No. 13) entitled An Act to amend Senate bill No. 13, with regard to elections, which was read through by the Secretary and passed to the second reading.

#### MISDEMEANORS.

Mr. GREEN introduced a bill (No. 14) entitled An Act to amend the 22d section of an act defining misdemeanors and prescribing punishments therefor, approved June 14, 1852, which was read through by the Secretary and passed to the second reading.

#### NEW COUNTIES AND COUNTY LINES.

Mr. WEIR'S bill (No. 2) repealing an act authorizing the formation of new counties and changing county boundaries was now read through the second time by the Secretary and passed to a third reading.

Mr. RICE. I move the postponement of the consideration of this bill for one week from to-day, or until the standing committees are organized, or I will move its reference to a select committee of three.

The PRESIDENT. I would suggest that, suppose this bill should be referred to the Judiciary Committee, or any other standing committee of the Senate, it goes upon the file and when that committee is formed it goes to the committee. I suppose it would be in order to refer the bill to the Judiciary Committee, although the committee is not formed.

Mr. RICE. I move to lay the bill upon the table.

The motion was withdrawn for

Mr. WEIR. This act was introduced to re-



# THE LEGISLATIVE SENTINEL.

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No. 4.

peal an act of 1857, with the express purpose of applying to a case in point now pending in the Supreme Court, and that is the object of passing the bill with the emergency clause.

Mr. RICE. I now renew my motion to lay on the table.

The motion was agreed to.

## LAW OF DIVORCE.

Mr. WALLACE'S bill (No. 4) for the amendment of the divorce act, was read through the second time by the Secretary, and passed to a third reading.

Mr. GOODING. I move that the bill be committed to a select committee of three or five. But as the author of the bill is absent, I suppose it will be better to lay it on the table. I make that motion.

The motion was agreed to by consent.

Mr. WALLACE. I move to take it up from the table, and refer it to a select committee of three.

Mr. CONNER. I move to amend by inserting "five."

The Senate consented, and authorized the Chair to appoint.

The PRESIDENT appointed Messrs. Wallace, March, Gooding, Conner and Murray as said committee.

Mr. MILLER'S bill [No. 5] providing for the collection of taxes upon lands in the corporations and towns in which the land lies, was read through the second time by the Secretary, and passed to the third reading.

Mr. MILLER. I move that the bill be referred to a select committee of three.

The Senate consented, and authorized the Chair to appoint.

The PRESIDENT appointed Messrs. Miller, O'Brien, Connelly, Bennett and McClure said committee.

## RE-APPRAISEMENT OF REAL ESTATE.

Mr. HEFFREN. Mr. President I move to take up bill No. 1, having reference to the reappraisement of real estate, from the table.

The Senate consented.

Mr. HEFFREN. I now move to refer it to a committee of one from each Congressional District.

Mr. MURRAY. I would suggest that it be referred to a committee of the whole House first.

Mr. HEFFREN. I would rather have it referred to a committee of one from each Congressional District first. It is intended to refer the other bill upon this subject to the same committee.

Mr. GREEN. I am satisfied this is one of the most important bills of the session, and I am in favor of hurrying it through.

Mr. MURRAY. I insist upon referring it to a Committee of the Whole.

Mr TARKINGTON. I would prefer that both bills be referred to the same committee.

Mr. HEFFREN. I will withdraw my motion, so as to dispose of them both at the same time.

Mr. MURRAY. I will move that it be referred to a Committee of the Whole House, and that it be made the special order for next Monday at two o'clock.

The motion was agreed to by consent.

## DEEDS.

Mr. GREEN'S bill (No. 6) for the correction of defects in the execution of deeds, was read through the second time by the Secretary and passed to the third reading.

Mr MARCH. I move to lay the bill upon the table.

The motion was agreed to by consent.

## CHANGE OF VENUE.

Mr. HEFFREN'S bill (No. 7) to authorize and provide a mode of changing the venue in certain cases not provided for by law, and providing for the trial of the same, was read through the second time by the Secretary and passed to the third reading.

Mr. HEFFREN. I move to lay the bill on the table, for the purpose of referring it to the Judiciary Committee at the proper time.

The motion was agreed to by consent.

## SALE OF SPIRITUOUS LIQUORS.

Mr. HILL'S bill (No. 8) regulating and restricting the sale of spirituous and intoxicating liquors, was read through the second time by the Secretary and passed to the third reading.

Mr. HILL. I move that the bill be laid upon the table and three hundred copies be printed.

Mr. JOHNSON. I move that only fifty copies be printed.

Mr. MURRAY. The bill is of a good deal of interest to the people of the State, and I believe it will meet with approbation. I want to send home some copies of this bill, and I am in favor of printing two hundred copies at least.

Mr. HEFFREN. For the purpose of settling matters right, I will state that the Printer gets as much for printing one copy as he does for an hundred. The State furnishes the paper, and that is all the extra expense. It is a very small affair.

Mr. CONNER. I am opposed, as a general rule, to the printing of any bill until it goes through the ordeal of a committee. I believe it is contrary to good policy.

Mr. McCLURE. I am in favor of printing. This is a good bill, and I want to send a large number home to my constituency to be informed whether this is the kind they want or not.

Mr. JOHNSON. I withdraw my amendment and move a division of the question. I want to lay it on the table and refer it to the Temperance Committee.



Mr. RICE. I am in favor of laying upon the table and printing, then bringing it before a committee of the whole, and then referring it to the Temperance Committee.

Mr. WALLACE. I second the motion.

Motion was agreed to by consent.

#### MARRIED WOMEN.

Mr. BOBBS' bill (No. 9) providing for and securing the rights of married women in real property, was read through the second time by the Secretary, and passed to the third reading.

Mr. BOBBS. I move to refer this bill to the Judiciary Committee.

The motion was agreed to by consent.

#### ORDER OF BUSINESS.

The PRESIDENT now directed the reading of the resolution introduced by the Senator from Montgomery, on Monday last, in the following words:

*Resolved.* That the interests of the people demand that this Legislature, without delay proceed to the passage of acts for the raising of revenue for State purposes, for the re-appraisal of real estate; and that the election of officers, the discussion of political questions, and contested election cases shall be postponed to the regular session and that when such acts are matured and passed, this session do adjourn.

Mr. ANTHONY. I move to amend as follows: Strike out all after the word "resolved" and insert,

"That the interests of the people demand that this Legislature, without unnecessary delay, proceed to the passage of acts to raise revenue for State purposes, to reappraise real estate, for the necessary general and special appropriations and such other acts as are material to a just regard of the public good and to maintain the rights and dignity of the State, and that when such acts are passed this session will adjourn."

The amendment was agreed to by consent.

Mr. WALLACE. I was not present when the motion was adopted, or I should have made a motion in reference to it.

Mr. ANTHONY sustained the resolution, as amended, in a few remarks.

Mr. STEELE submitted humorous remarks on party politics, objecting to party names, &c.

Mr. WALLACE. I understand, and wish to ask the Senate whether the report is correct, that the Republican caucus last night passed a resolution in reference to the election of United States Senators to-day?

Mr. STEELE. I will answer the question by asking the Senator if he believes we have two legal and constitutional Senators in the United States Senate? [Laughter.]

Mr. WALLACE. I will make a fair agreement with the Senator. If he will answer my question, I will answer his. That is fair. What says the Senator?

Mr. STEELE. I will do it if he says we have two legal United States Senators in Congress who represent the wishes of Indiana.

Mr. WALLACE. I will name another proposition. I will answer first, if the gentleman will pledge his honor as a Senator, if I answer his question, he will answer mine.

Mr. STEELE. I want to make a prediction. I venture the prediction that the Senator will belong to the powers that be before the session is over.

Mr. WALLACE. I put it to the Senator

whether there is anything in this that requires me to answer. But I do not shrink anything. I think I have shown to what party I belong. I have no hesitation in saying here, sir, that I am a Democrat.

Mr. HEFFREN. I am informed that the Republicans did agree to elect Henry S. Lane as one of the United States Senators.

Mr. ANTHONY. I did not attend that caucus. I have had that amendment in my pocket since day before yesterday, written just as it is now. That amendment is not offered in view of anything which took place last night.

Mr. JOHNSON. I believe that amendment was adopted by consent. If it would be in order, I move a reconsideration of that vote.

The yeas and nays were demanded.

Mr. HEFFREN. I move a call of the Senate.

A motion was made that the Senate adjourn.

The yeas and nays were demanded, and being ordered and taken thereon, resulted—yeas 8, nays 41.

So the Senate refused to adjourn.

#### STATIONERY.

Mr. GREEN, from the Special Committee on Stationery, submitted the following report:

The committee to whom was referred the resolution, and the amendments thereto, relative to the officers of the Senate furnishing "articles to be used by the Senate," have had the same under consideration, and have directed me to report the following, as the result of their deliberations, and recommend the adoption of the same:

*First.* That all officers of the Senate, their assistants and employees, unless specially authorized by the Senate, be prohibited from contracting any accounts for articles to be used by the Senate. But for everything required for the official use of the Senators, they shall apply to the Secretary of the Senate, who shall make purchases only when the articles required can not be obtained from the Secretary of State, application being made to him therefor.

*Second.* That the Secretary of the Senate shall be charged by the Secretary of State, with all stationery or other articles furnished for the use of the Senate. That the Secretary of the Senate shall charge to each member or officer of the Senate, all stationery or other articles furnished them, and render a weekly account of the same to the Finance Committee, with itemized bills of all purchases made. And the Secretary of State be requested to report weekly to the Senate, the amount of articles furnished to the Secretary of the Senate.

*Third.* That the Senate will audit no account for purchases not made personally by the Secretary or upon his written order, and no account for services rendered by any officer, assistant or employee, not specially authorized by the Senate.

*Fourth.* That the Secretary of the Senate, and Door-keeper, immediately inform the Senate the number of assistants and employees required by each at this time.

*Fifth.* That the compensation of Door-keeper and Assistants, shall not exceed three dollars per day each, as now prescribed by law.

Mr. SLACK. I move to lay the report on the table.

The PRESIDENT. At the time the report was received I was not disposed to decide it out of order, but as I see there is not a disposition readily to concur, I shall hold that the report is out of order, there being demanded a call of the Senate.

Mr. HEFFREN. I withdraw the demand.

Mr. MURRAY. I desire to elect United States Senators, but I wish legislation to be proceeded with first. The Senator spoke of several items of legislation which were necessary and urgently demanded at the hands of this General



Assembly, particularly a bill introduced by the Senator from Montgomery, at the last session, for the re-organization of townships, and expressed his willingness to aid in the passage thereof.

Mr. WALLACE. To test the sincerity of the Senator, I move to pass over the matter pending, informally, that I may introduce the bill which I hold in my hand, which obtained a second reading at the last session, and is the identical bill the Senator from Howard alludes to.

The Senate refused.

Mr. JOHNSTON now insisted on his motion for the reconsideration of the vote by which the amendment of the Senator from Floyd was adopted.

The yeas and nays being ordered, and being taken on this question, resulted—yeas 23, nays 26—as follows:

YEAS—Messrs. Carnahan, Cobb, Connelly, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnson, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

NAYS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Wier—26.

The question recurring upon the resolution as amended—

Mr. SLACK. I move to lay the resolution on the table.

The motion was withdrawn for

Mr. JONES. I understand that when I took the oath to support the Constitution of the United States and of the State of Indiana, that I was bound to discharge my duty, as I understood it, and no resolution can bind my action. No man can define the duties of members of this body. I regard the question as worthless, and think the whole subject should be dismissed.

Mr. SLACK. I now renew my motion to lay on the table.

The motion was agreed to, and then

The Senate took a recess till 2 o'clock.

#### AFTERNOON SESSION.

The PRESIDENT resumed the chair at 2 o'clock, and directed the Secretary to read the report submitted this morning by the chairman of the special committee on stationery.

#### STATIONERY.

Mr. GOODING. I move to lay the report on the table.

The motion was lost.

Mr. WALLACE. I move the adoption of the report.

The motion was agreed to.

Mr. MURRAY. In that report there are more cats in the meal tub than many of you know of.

Mr. WALLACE. I move the reconsideration of the vote just taken, for the purpose of getting at the cats in the meal-tub.

The motion was not agreed to.

#### SETTEES.

Mr. MURRAY. I offer the following:

*Resolved*, That the Door-keeper of the Senate be requested to furnish two settees, to be placed on either side of the President's chair.

The resolution was adopted by consent.

#### UNITED STATES SENATORS.

Mr. CONNER. I offer the following resolution:

*Resolved*, That the pretended election of Jesse D. Bright and Graham N. Fitch, to the Senate of the United States, by a portion of the members of the General Assembly of the State of Indiana, during the session of 1857, was illegal, unconstitutional and void, and that the State of Indiana is not at this time legally or constitutionally represented in the Senate of the United States.

Mr. ADAMS. I move to lay the resolution on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 24, nays 26—as follows:

YEAS—Messrs. Carnahan, Cobb, Connelly, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

NAYS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, of Jefferson, Cravens, of Madison, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Wier—26.

Mr. GOODING, when his name was called, said: I shall not on this occasion give my views with regard to the constitutionality of that election. My vote will be governed by this consideration: I see no good that can now result upon any action of this body at this time.

So the resolution was not laid on the table.

Mr. WILLIAMS. I move to amend by striking out all after the word "resolved," and insert:

"That inasmuch as Jesse D. Bright and Graham N. Fitch have been confirmed in their seats by the Senate of the United States, it is inexpedient to entertain any motion for the election of United States Senators at this session."

Mr. MURRAY. It is not in order.

The PRESIDENT. If I were to decide upon the point of order, I would decide that the original resolution is not in order—but I will decide that this is in order.

Mr. MURRAY. I appeal from the decision of the Chair.

The PRESIDENT. State your appeal in writing.

Mr. MURRAY wrote: "The resolution of the Senator from Wabash being under consideration, the Senator from Knox offers an amendment, to which objection is made by the Senator from Howard because not being germane to the original resolution, and the objection overruled by the Chair—I appeal to the Senate from this ruling."

Mr. HEFFREN. I move to lay the appeal on the table.

The yeas and nays were demanded.

Mr. WALLACE. I want to say, (by the consent of the Senate) that this matter is going to be settled in a certain way, and I hold it to be our duty, knowing it is to be settled, not to throw anything in the way.

The yeas and nays being ordered and taken, resulted—yeas 22, nays 28, as follows:

AYES—Messrs. Carnahan, Connelly, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams, Wilson—22.

NAYS—Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Wier—28.



Mr. WALLACE, when his name was called, said we had a test vote upon this question upon the vote to lay upon the table, and it was decided against us. It is now manifest that the party proposing this resolution have the power to carry it. Knowing this to be the fact, and in order to save time—I vote No.

So the Senate refused to sustain the appeal, and the question recurred: Shall the decision of the Chair remain as the judgment of the Senate?

The PRESIDENT. I will state why the amendment is in order. The objection made by the Senator from Howard was, that the amendment was not germane. I admit that to be true; nor is it necessary that it should be. When a resolution is introduced upon any subject, a Senator has the right to move to strike out and insert matter upon any other subject.

The yeas and nays being demanded, ordered and taken on the question of appeal, resulted—yeas 24, nays 26—as follows:

YEAS—Messrs. Carnahan, Cobb, Connelly, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

NAYS—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—20.

So the Senate refused to sustain the Chair.

Mr. TARKINGTON. I propose to amend, by striking out all after the word "resolved," and inserting:

"That the election of all officers shall be postponed until the regular session of the Legislature."

A SENATOR moved to lay this on the table; and the yeas and nays being demanded, ordered and taken thereon, resulted—yeas 26, nays 23—as follows:

YEAS—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

NAYS—Messrs. Carnahan, Cobb, Connelly, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Kinley, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—26.

So the amendment lies on the table.

Mr. TARKINGTON. I rose to a point of order. I think the resolution and amendment lie upon the table by this vote.

The PRESIDENT. To save time, I decide that the resolution does not go to the table.

Mr. MURRAY. I move the previous question on the adoption of the resolution, and there was a second.

The yeas and nays were demanded by the Senators from Howard and Clark, and being ordered and taken, resulted—yeas 25, nays 22—as follows:

YEAS—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Weir—25.

NAYS—Messrs. Carnahan, Cobb, Connelly, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace and Williams—22.

Mr. GOODING, when his name was called, said: Mr. President, I decline to vote.

The PRESIDENT. Will the Senate excuse the gentleman?

Mr. GOODING. I do not ask the Senate to excuse me. I decline to vote, and let it so be entered upon the journal.

Mr. WILSON, when his name was called, also declined to vote.

So the resolution was adopted.

The PRESIDENT. Will the Senate direct the manner this vote is to be sent to Washington, so that these men may be turned out?

Mr. MURRAY. I would suggest that we will take care of that.

#### ABANDONED HIGHWAYS.

Mr. McCCLURE introduced a bill (No. 15) entitled an act to authorize County Commissioners to take possession of any plank, gravel or Macadamized road which may be abandoned by the corporation constructing the same, which was read through by the secretary and passed to the second reading.

Mr. McCCLURE. I ask the Senate a particular favor to suspend the rules and let the bill be read a second time.

The Senate consented, the bill was read the second time by its title, and passed to the third reading.

#### FOR RELIEF OF JAMES O'BRIEN.

Mr. ——— introduced a bill (No. 16) entitled a bill for the relief of James O'Brien, which was read through by the secretary, and passed to the second reading.

#### THANKSGIVING DAY.

Mr. MURRAY. I have a resolution to offer. It is as follows:

WHEREAS, the Governor having by proclamation designated to-morrow as a day of thanksgiving and prayer, therefore:

Resolved, That when the Senate adjourns to-day, the Senate stand adjourned till Friday next.

Mr. GOODING. I move that the resolution lie upon the table. I came here to work, and I think the Governor will not object.

The yeas and nays were demanded, and being ordered and taken resulted—yeas 20, nays 30.

So the Senate refused to lay the resolution upon the table.

Mr. MURRAY. I will withdraw the resolution if the Senate consent.

The Senate refused to allow the resolution to be withdrawn:

And then the resolution was adopted.

#### UNITED STATES SENATORS.

Mr. WALLACE. Mr. President: I offer the following joint resolution (No. 1):

WHEREAS, At the time of the election of the Hon. Jesse D. Bright and the Hon. Graham N. Fitch, as United States Senators from the State of Indiana, it was understood that the gentlemen were the supporters of the principles set out in the Cincinnati Platform;

AND WHEREAS, The course pursued by the aforesaid Senators during the contest that arose upon the question of admitting Kansas into the Union under the Leecompton Constitution, was not consistent with the position occupied by them before that question arose, nor in accordance with the wishes of the Democracy of Indiana;

AND WHEREAS, Now that the Leecompton Constitution has been voted down by the people of Kansas, the only practical questions, pertinent to that Territory, that can



arise to disturb the peace of the Union, are as to whether Kansas shall be admitted as a State at any time admission is demanded by her people, and whether the passage of laws for the regulation of the general or particular rights of the people of that Territory shall be left to the people themselves or to Congress. Therefore

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress are hereby instructed, and our Representatives requested, to vote and use their influence for the admission of Kansas into the Union as a State, whenever the people thereof demand it; and that, to remove all obstruction from the way of such admission, the said Senators and Representatives vote, if necessary, to repeal that part of the Act passed at the last session of Congress, called the "English Bill," which requires said Territory to have a population equal to the ratio for Representative purposes in the States, before her people can hold another convention to form another Constitution preparatory to an application for admission as a State.

*Be it further resolved,* That we recognize, and insist upon, the right of the people of any Territory to form and regulate their domestic institutions in their own way, subject only to the general Constitution, and that as incidental to that great right, we also recognize and insist upon their further right, through their Legislature, to pass and establish such laws and regulations relative to their property as they shall deem proper, without interference by Congress.

The resolution was laid on the table.

#### BOLTING

Mr STEVENS. I offer the following:

*Resolved,* That we adopt as a standing rule of the Senate during the present session, that each member be required to vote when his name is called by the Secretary, on all questions where he is not personally interested.

Mr. GOODING thought this was intended to affect the Miller and Shryock contested case, and he moved to lay the resolution on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 26, nays 24—as follows:

YEAS—Messrs. Anthony, Carnahan, Cobb, Connelly, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—25.

NAYS—Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—24.

So the resolution lies upon the table.

#### MILLER AND SHRYOCK CONTESTED CASE.

Mr. BENNETT introduced a preamble to this effect:

WHEREAS, It should be the first duty of the Senate to determine who is entitled to seats therein, and the case of Kline G. Shryock against Hugh Miller is still undisposed of; AND WHEREAS said contestor and contestee are entitled to a *per diem* until the case is disposed of, justice to the people of the State requires an immediate decision of the case: Therefore,

*Resolved,* That the Door-keeper be authorized to furnish the majority and minority reports in this case, together with the evidence accompanying the same, and that it be made the special order for next Saturday, at 10 o'clock.

Mr. HEFFREN. I move a division of the question.

Mr. WALLACE. I move that the resolution be laid upon the table. I don't think the preamble states facts. I do not understand that they are both entitled to a *per diem*, although I grant the contestor and contestee generally gets it—but it is subject to the order of the Senate.

The motion prevailed, and the preamble and resolution were laid on the table.

#### CLOSED DOORS.

Mr. RICE. I offer the following:

*Resolved,* That the Door-keeper be requested to keep the front door or entrance closed against all persons during session hours except Messengers from the Governor and House of Representatives.

Objection being made by a number of Senators, the resolution was withdrawn.

Mr. WAGNER. I offer the following:

*Resolved,* That the Door-keeper be directed to lay upon the desk of each member of the Senate a copy of the last Report of the State Board of Agriculture.

The resolution was adopted.

Mr. McLEAN. I offer the following:

*Resolved,* That the Judiciary Committee be requested to report upon the constitutionality of the exemption from taxation of private school and college property where the same is used for these purposes exclusively.

The resolution was adopted by consent.

The Senate adjourned till Friday morning, nine o'clock.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, November 24, 1858.

The Journal of yesterday having been read and authenticated—

A Senate message announced, that that body reciprocated the resolution for a committee to fran e joint rules.

#### STATE DEBT.

Mr. LAWHEAD asked and obtained unanimous consent to introduce a bill (No. 1) to provide for the payment of the January instalment of interest on the State debt, which was read and passed to the second reading to-morrow.

#### REVENUE FOR 1858.

Mr. BOYD, (by unanimous consent,) introduced a bill (No. 2) to raise revenue for State purposes, for the year 1858; which was read through and passed to the second reading to-morrow.

#### RE-APPRAISEMENT OF REAL ESTATE.

Mr. DOBBINS (by unanimous consent) introduced a bill (No. 3) to provide for the appraisal of real estate in the State of Indiana, and to make such appraisal uniform throughout the State; which was read through and passed to a second reading.

Mr. BOYD. Mr. Speaker, I move to suspend the rules, in order that the bill may be passed to the second reading now, and so become subject to an order to print. The bill is very lengthy, and having but one copy it will be impossible for every member to examine it. We wish to suspend the rule requiring bills to be read on separate days, have it read the second time by its title, and then to move to lay it on the table and order it to be printed, that all may have an opportunity of examining it.

The SPEAKER, (Mr. Edwards in the Chair.) The rule requires that a resolution to suspend the rules shall be taken by yeas and nays.

And the yeas and nays being ordered and taken, resulted—yeas 81, nays 14.

So, the rules being suspended, the bill was again read by its title.

Mr. BOYD. I move that the bill be laid on the table, and that 100 copies be printed for the use of the House of Representatives.

Mr. MURRAY. Mr. Speaker, I am opposed to printing this bill, and all bills until they shall



come before this body recommended from a regular committee. I do this upon a principle of economy. It will cost some \$20 or \$25 to print this bill, and then, in all probability it will have to be referred, and the committee may amend or lay it over altogether and substitute some other. Such a practice will run up the expenses of our Legislature enormously. For myself, I hope that some bill for this important object will be got up, not so long as this—something that the officers will be able to understand.

Mr. COLGROVE. I move to refer the bill to the Committee on Ways and Means.

The SPEAKER. That motion is out of order.

Mr. DOBBINS. The gentleman from Elkhart has taken up nearly half the time of the session in talking about economy; and I have found that these gentlemen talkers about economy are generally opposed to practicing it. A number of us around here wish to get forward these bills for re-appraisal of real estate, and for revenue; these main objects of the session—and they do not wish to talk much about extraneous matters. When gentlemen oppose the printing of 100 copies of a bill of such importance as this, it seems to me like economy on the back track. How can the gentlemen know the provisions of the bill from the reading of the Clerk? But if he had a copy before him he could see whether it contained all that is necessary. Economy certainly would teach any gentleman that a copy of this bill should be placed before each member, for his careful perusal.

I will say, once for all, that no vote of mine shall ever aid in the extravagant appropriation of money on this floor; but I will always vote for the printing of every important proposition here, that I may be well informed as to how I ought to vote upon it. As I stated yesterday, I am not here to make loud professions of economy, but to act in an economical manner; and I make not this profession that it may go to the country, but I mean to show my economy in action. I apprehend that there is not a man in the State but expects every member on this floor to peruse carefully every important proposition before he votes on it. I do not speak of this bill as an important measure because I introduced it, for I have copied the most of it from the conclusions of able men, but from the fact that it lays down a basis upon which the taxes shall be assessed for five years to come. Opposition to printing such a bill, indicates to my mind a wish not to understand it. I want to read the bill again for myself.

Mr. COLGROVE, without any desire to be thought wanting in courtesy to the gentleman from Martin, insisted that no bill, whether important or not, should be printed before it has passed through the hands of a committee. It was asking too much; and the gentleman must not take it unkind if he said this bill was entirely too voluminous. Half the matter might make a bill equally as good and as easily understood by the officers and people. If that went to a committee it would, no doubt, be cut down materially, and otherwise changed. Why then print now? He moved a division of the question.

The first question—to lay on the table—was agreed to; and then,

On motion by Mr. MURRAY, the motion to print was also laid on the table.

#### ACTS OF 1853 AND 1855.

Mr. RITTER submitted the following, which was adopted:

*Resolved*, That the door-keeper be directed to procure and lay upon the desk of each member, one copy of the Acts of 1853 and 1855.

#### COMMITTEE ON APPORTIONMENT.

Mr. BRANHAM submitted the following, which was adopted:

*Resolved*, That the Committee on Apportionment consist of eleven members.

#### EXEMPTION OF TRUSTEES AND CORPORATIONS.

Mr. MERRIFIELD (by unanimous consent) introduced a bill (No. 4) entitled An Act to amend the 445th section of an act entitled an act to revise, simplify and abridge the rules of practice and pleading in this State; to abolish distinctions in the forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity: approved June 18, 1852. [It adds these words: "Provided that all judgments recovered against any officer, person, or corporation, or the securities of any of them, for money received in a fiduciary capacity, or for a breach of any official duty, shall be exempted from the provisions of this act."]

This bill was read through by the clerk and passed to the second reading.

#### LAW OF DIVORCE.

Mr. COLGROVE, (by unanimous consent,) introduced a bill (No. 5) to amend the sixth section, and to repeal the seventh clause of the seventh section of the act entitled An act regulating divorce, and the nullification of the marriage tie, approved 1852. [It adds a provision that divorces may be declared by the Circuit Court, on petition filed by parties who, at the time of filing such petition shall have been a *bona fide* resident of the county for one year previous, which *bona fide* residence shall be duly proved to the satisfaction of the Court.]

This bill was read through by the Clerk, and passed to a second reading.

#### HOUSE OF REFUGE.

Mr. LEWIS submitted the following, which was adopted:

*Resolved*, That this House take into consideration the propriety of erecting a House of Refuge for juvenile offenders, as a substitute to the proposition to erect another State Prison.

#### STANDING COMMITTEES OF THE HOUSE.

The SPEAKER now announced the Standing Committees of the House of Representatives, as follows:

*On Elections*—Messrs. Murray, Hamilton of Boone and Hendricks, Harrison, Powers, Dobbins, Woods and Jordan.

*On Judiciary*—Messrs. Colgrove, Blythe, Mellett, Turpie, Baird, Davis and Stiles.

*On Ways and Means*—Messrs. Branham, Hunter, Smith of Perry, Shields, Wildman, Major and Austin.

*On Banks*—Messrs. Mellett, Bowman, Scott, McLain, Robinson, Shields, and Smith of Miami.

*On Education*—Messrs. Blythe, Mansfield, Boyd, Parks, Hamilton of Wayne, Dougherty, and Major.



*On the Organization of Courts of Justice*—Messrs. Stanfield, Powers, Brotherton, Griffin, Dobbins, Cavins and Jordan.

*On the Affairs of the State Prison*—Messrs. Hunter, Carr, Murray, Shields, Ritter, Prosser, and Fordyce.

*On Swamp Lands*—Messrs. Hamilton of Boone and Hendricks, Knowlton, Colgrove, Lawhead, Comstock, Sullivan and Jeffries.

*On Apportionment*—Messrs. Boyd, Scott, Murray, Clark, Jeffries, Martin, Clayton, Eastham, Hancock, Lewis, and Row.

*On Claims*—Messrs. Wildman, Martin, Boxley, Collier, Black, Hartley, and Cavins.

*On Trust Funds*—Messrs. Smith of Miami, Rynearson, Boyd, Martin, Gifford, Kempf and Stanley.

*On Military Affairs*—Messrs. Clemens, Whetzel, Nebeker of Vermillion, Hall of Grant, Claypool and Prosser.

*On Fees and Salaries*—Messrs. Scott, Robinson, Powers, Hall of Rush, Dougherty, Turpie and Snyder.

*On Sinking Fund*—Messrs. Robinson, Branham, Colgrove, Edwards, Early, Bowman, and Hall of Rush.

*On Rights and Privileges of the inhabitants of the State*—Messrs. Parks, Brotherton, Nebeker of Warren, Griffin, Nelson, Massey, and Merrifield.

*On Roads*—Messrs. Comstock, Powers, Hall of Grant, Duvall, Early, Sullivan, and Usey.

*On Manufactures and Commerce*—Messrs. Smith of Perry, Gregory, Duvall, Thompson of Elkhart, Whiteman, Knowlton and Durham.

*On County and Township Business*—Messrs. Harrison, Parks, Miller, Cotton, Jones, Newton, and Keefer.

*On Agriculture*—Messrs. Rynearson, Treadway, Davidson, Boxley, Wheeler, Kelly and Tebbis.

*On Benevolent Institutions*—Messrs. Edwards, Baird, Branham, Hunter, Rynearson, Turpin, and Smith of Perry.

*On Temperance*—Messrs. Austin, Nebeker of Warren, Parrett, Dobbins, Shockley, Shull, and Thompson of Elkhart.

*On Affairs of the Town of Indianapolis*—Messrs. Cotton, Summers, Johnson, Clark, Duvall, Keefer and Waterman.

*On Accounts and Mileage*—Messrs. Nebeker of Warren, Hall of Grant, Wildman, Cavins, Sullivan, Carr and Thompson of Madison.

*On Enrolled Bills*—Messrs. Brotherton, Gregory, Cotton, Griffin, Usey, Shull and Newton.

*On Engrossed Bills*—Messrs. Jeffries, Ritter, Sherman, Stiles, Gifford, Hartley and Sullivan.

*On Canals*—Messrs. Miller, Comstock, Duvall, Fordyce, Harney, and Thompson of Madison.

*On Public Expenditures*—Messrs. Turpie, Ritter, Fordyce, Mansfield, Sherman, Shields and Row.

*On Corporations*—Messrs. Baird, Harrison, Brotherton, Hamilton of Boone and Hendricks, Harney, Lawhead, and Powers.

#### JOINT COMMITTEES.

*On Public Buildings*—Messrs. Austin, Hall of Grant and Lawhead.

*On the State Library*—Messrs. Ritter, Smith of Perry and Hamilton of Wayne.

*On Canal Funds*—Messrs. Sherman, Comstock and Stinson.

#### ORDER OF BUSINESS.

The SPEAKER announced the following order of business for the House of Representatives—identical with that of the former session:

- I. Reading of the Journal.
- II. Petitions, Memorials and Remonstrances.
- III. Reports from Standing Committees.

- 1 On Elections.
- 2 On Ways and Means.
- 3 On Judiciary.
- 4 On Education.
- 5 On Military Affairs.
- 6 On the Affairs of the State Prison.
- 7 On the Affairs of the town of Indianapolis.
- 8 On Claims.
- 9 On Roads.
- 10 On Canals and Internal Improvements.
- 11 On Agriculture.
- 12 On Corporations.
- 13 On Banks.
- 14 On Public Expenditures.
- 15 On Benevolent and Scientific Institutions.

16 On Manufactures and Commerce.

17 On the Rights and Privileges of the inhabitants of this State.

18 On the Organization of Courts of Justice.

19 On Swamp Lands.

#### IV. Reports from Joint Standing Committees.

1 On Public Buildings.

2 On the Canal Fund.

3 On the State Library.

#### V. Reports from Select Committees.

#### VI. Resolutions of the House.

#### VII. Joint Resolutions.

#### VIII. Introduction of Bills.

#### IX. Orders of the day.

Mr. DAVIS asked and obtained exemption from serving on the committee on Corporations.

Mr. DAVIDSON made an ineffectual application to be excused from serving on the committee on Roads. He was opposed to all roads.

The House took a recess till 2 o'clock, P M.

#### AFTERNOON SESSION.

House met at 2 o'clock P. M.

#### MESSAGE.

The SPEAKER announced the special order for the consideration of the recommendations in the Governor's message in Committee of the Whole: and accordingly—

The House resolved into Committee of the Whole—Mr. Edwards in the chair—and the Governor's message was again read by the clerk, until the further reading was dispensed with.

Mr. FORDYCE submitted a resolution, to refer so much of the message as relates to benevolent institutions of the State to the Committee on that subject.

Mr. Speaker GORDON submitted a resolution to the effect, That that portion of the Governor's message which relates to the increase of crime in the State, and the insufficiency of the penitentiary in point of capacity to contain the increased number of convicts which his Excellency predicts will be sent thither by the 1st of January, 1859, and the necessity arising thereupon for the enlargement of the old, or the erection of a new penitentiary, be referred to the Committee on the State Prison, and that said committee be instructed to inquire into the cause of such alarming increase of crime, and report the result of such inquiry to the House at as early a day as practicable.

Mr. DOBBINS submitted a resolution, to refer so much of the message as relates to the reappraisal of real estate in the State of Indiana, to the Committee on Ways and Means.

Mr. BOYD submitted a resolution, to refer so much of the message as relates to the tax levy for the year 1858 to the Committee on Ways and Means.

These resolutions were severally agreed to.

On motion by Mr. TURPIE, the committee then arose, and the Chairman reported these resolutions to the House, recommending their adoption, and asking leave to be discharged from the further consideration of the subject.

On motion by Mr. MURRAY, the report of the Committee of the Whole was concurred in, and so these several resolutions were adopted.

#### STATIONERY, &C.

Mr. HUNTER, from the Special Committee on Stationery, reported that they had made the



necessary arrangements for stationery, &c., for the session; and for the prevention of abuse in these things they recommend the following regulations:

1. That the clerk of the Stationery Room make all his purchases on account of the General Assembly of the Secretary of State.

2. That the clerk of the Stationery Room open an account with each member, and charge him with all articles furnished to him.

3. That the clerk of the Stationery Room shall not permit any person not a member of the House of Representatives to receive stationery therefrom.

4. That there may be a check upon the said clerk of the Stationery Room, it is respectfully requested that each member keep an account of all articles so delivered to him.

The report was concurred in and adopted as an order of the House.

#### STAMPS.

Mr. HUNTER, from the same committee to whom was referred the subject of purchasing stamps for document postage of members of the House of Representatives, reported adversely to the proposition.

The House refused to concur in the report.

Mr. THOMPSON, of Elkhart, submitted the following:

*Resolved*, That the Door-keeper be authorized to purchase \$20 worth of one cent postage stamps, which are to be retained in his possession and placed upon such papers or documents as may be handed to him for such purpose by members of this House.

Mr. NEBEKER, of Warren. I move to strike out "Door-keeper," and insert "Clerk of the stationery room."

Mr. THOMPSON accepted this modification.

Mr. COLGROVE. I am opposed to the adoption of that resolution. It is indifferent with me whether we purchase stamps or not; but if we are to purchase, I want it in a direct regular way. This resolution, I think, is a direct insult upon the members of this House. [Consent; consent.] It presupposes that we wish to steal, to use plain language. If it is necessary to purchase stamps for members of this House, in order to free them from the expense of sending documents home to their constituents, I am for purchasing a reasonable amount and placing them at once into the hands of each member. I expect to see members on this floor who are "straining at gnats" now, ready to "swallow the camel" before they leave their places.

Mr. WHITEMAN. I move to lay the resolution on the table.

Mr. KEEFER demanded the yeas and nays, which being ordered and taken, resulted—yeas 92, nays 4.

So the resolution was laid on the table.

#### COMMITTEE ON CORPORATIONS.

The SPEAKER appointed Mr. Baird, of Vigo, to the Chairmanship of the Committee on Corporations, declined by Mr. Davis, and added Mr. Hartley of Ripley to the same Committee.

#### STAMPS.

Mr. KEEFER submitted the following:

*Resolved*, That the Doorkeeper furnish each member with \$3.00 worth of postage stamps.

Mr. RITTER and Mr. THOMPSON of Elkhart demanded the yeas and nays on its adoption,

which being ordered and taken, resulted—yeas 47, nays 49:

So the resolution was rejected.

#### UNITED STATES SENATORS.

Mr. AUSTIN submitted the following:

*Resolved*, That the pretended election of Jesse D. Briggs and Graham N. Fitch to the Senate of the United States by a portion of the members of the General Assembly of the State, during the session of 1857, was illegal, unconstitutional and void, and that the State of Indiana is not at this time legally and constitutionally represented in the Senate of the United States.

Mr. DOBBINS. I move the indefinite postponement of the resolution:

Mr. PARKS and Mr. AUSTIN demanded the yeas and nays.

Mr. SCOTT. I move to lay the motion to indefinitely postpone on the table.

Mr. MURRAY. I demand a call of the House.

Mr. STANLEY. I move that the House adjourn.

This motion was lost on a division—affirmative 36, negative 52.

Mr. MURRAY. I again demand a call of the House.

The call was seconded, ordered, and being taken, the Clerk reported 98 members answering to their names.

[Mr. Davis and Mr. Stanfield were the absentees.]

On motion by Mr. MURRAY, the House now adjourned till Friday morning at nine o'clock.

#### IN SENATE.

FRIDAY, November 26, 1858.

The Journal of Wednesday was read.

#### REPORTS FROM STATE OFFICERS.

The PRESIDENT. I will lay before the Senate the report of the Treasurer, Auditor and Secretary of State

#### WABASH AND ERIE CANAL.

Mr. SLACK. I was not present on Tuesday afternoon, when the resolution of the Senator from Laporte was offered, in relation to the Wabash and Erie Canal, and I ask leave to record my vote in favor of that resolution.

The Senate consented.

#### BANK OF THE STATE OF INDIANA.

The PRESIDENT. I will lay before the Senate a report from the Fort Wayne branch of the Bank of the State of Indiana; also the South Bend and Bedford branches.

Mr. MURRAY. I move that they lay upon the table without reading.

The motion was agreed to.

#### BOOKS OF THE STATE AGENT.

The PRESIDENT. I will lay before the Senate the report of Messrs. Sage, Alexander and Suit, a committee appointed by the last Senate to examine and report with regard to the condition of the books of the Agent of State.

The report was read through by the Secretary.

Mr. MURRAY. I move that the report lay upon the table for the present.

The motion was agreed to.



# THE LEGISLATIVE SENTINEL.

BINGHAM & DOUGHTY, PUBLISHERS.

ARIEL & WM. H. DRAPIER, REPORTERS.

Vol. I.

INDIANAPOLIS, DEC. 1, 1858.

No. 5.

## REORGANIZATION OF THE JUDICIARY.

Mr. STEVENS offered a resolution that the Committee on the Organization of Courts of Justice be instructed to inquire into the expediency of the reorganization of the Judiciary of the State in such a manner as to reduce the size of Judicial Circuits, increase the number of terms and increase the salaries of Judges; repeal the act authorizing Court of Common Pleas, transfer the business of the Common Pleas to the Circuit Court, &c.

The resolution was adopted by consent.

## POSTPONEMENT OF POLITICAL QUESTIONS.

Mr. LOMAX. Mr. President, I offer the following resolution:

*Resolved.* That all political subjects be postponed in the Senate until after the transaction of such business as the interests of the State immediately demand.

Mr. WEIR. I move to lay the resolution on the table.

The yeas and nays were demanded by Messrs. Heffren and Wagner, and being ordered and taken, resulted—yeas 27, nays 23, as follows:

YEAS—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Canner, Cooper, Cravens, Craven, Culver, Green, Heffren, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

NAYS—Messrs. Carnahan, Cobb, Connelly, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams, and Wilson—23.

Mr. GOODING, when his name was called, said: Mr. President, I suppose all the subjects we legislate upon are political, but I suppose the resolution means National politics. I vote "no."

So the resolution was laid upon the table.

## STATE PROPERTY IN MARION COUNTY.

Mr. HEFFREN offered a joint resolution (No. 2) having reference to the management of public property belonging to the State of Indiana, within the county of Marion, which is not now in the possession and occupancy of said State, but which is held by persons without paying rent or compensation therefor, which was read through by the Secretary, and passed to a second reading.

## QUALIFICATION OF VOTERS.

Mr. COOPER offered a bill (No. 17) entitled An act defining the length of residence required in county and townships, to constitute a person legally entitled to vote therein; and to amend section 25 of an act entitled An act regulating general elections, approved June 7, 1852, and to repeal acts inconsistent with this act, which was read through by the Secretary, and passed to a second reading.

## ELECTION OF TOWNSHIP OFFICERS.

Mr. GREEN introduced a bill (No. 18) entitled

An act to amend sections five and six of chapter 110 in volume I of revised statutes. [This bill has reference to the election of township trustees, clerk and treasurer.] It was read through by the Secretary, and passed to a second reading.

## CONSTRUCTION OF WHARVES AND DRAINS.

Mr. BEESON introduced a bill (No. 19) entitled An act to amend the 12th section of an act entitled An act to authorize the construction of wharves and drains, approved June 11, 1852, which was read through by the Secretary, and passed to a second reading.

## BUILDING OF POUNDS.

Mr. SHOEMAKER introduced a bill (No. 20) entitled An Act to authorize the incorporation of associations formed for the building of pounds within the State, which was read through by the Secretary, and passed to a second reading.

## REAL PROPERTY.

Mr. HAMILTON introduced a bill (No. 21) to amend an act entitled An act concerning real property, approved May 6, 1852, which was read through by the Secretary, and passed to a second reading.

## RE-APPRAISEMENT OF REAL ESTATE.

Mr. GREEN introduced a bill (No. 22) entitled, "An Act to appraise the real estate of this State and to make the value of the same equal and uniform," which was read through by the Secretary.

Mr. GREEN. I move the reading of the bill a second time by its title, in order that it may be referred to a special committee or the Committee of the Whole.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 40, nays 6.

So the rules were suspended, and the bill was read a second time by its title.

Mr. GREEN. I wish to have this go with the other bills on the same subject. I believe they were laid on the table. I move that the bill lie upon the table.

The motion was agreed to by consent.

## STANDING COMMITTEES.

Mr. CRAVENS. I believe there was made a special order for ten o'clock to-day.

The PRESIDENT. The following resolution and amendments are the special order for this hour.

The Secretary read the resolution offered by Mr. McLean on Tuesday last:

*Resolved.* That in compliance with the established custom of the Legislature, with the single exception of the Senate of 1857, and according to uniform custom and immemorial usage, the President of the Senate be requested to appoint the standing committees, and announce the same at the meeting of the Senate this afternoon."



The Secretary also read the amendment offered by Mr. Cravens—being a complete list of the standing committees of the Senate.

Mr. WAGNER offered another complete list of all the standing committees of the Senate as an amendment to the amendment.

Mr. CRAVENS. I withdraw the original amendment.

Mr. HEFFREN. For the purpose of getting a test vote, I move to lay the amendment upon the table.

The yeas and nays being demanded by Messrs. Bennet and Wagner, and being ordered and taken, resulted—yeas 21, nays 29—as follows:

**YEAS**—Messrs. Connelly, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—21.

**NAYS**—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Culver, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—29.

So the amendment was laid on the table.

Mr. GOODING. I desire to offer an amendment to the amendment, by adding to the Committee on Banks Messrs. March and Carnahan, in order that the anti-bank side may have representatives on the committee.

This amendment to the amendment was adopted.

Mr. GOODING. I desire to offer another amendment: That to the Committee on Temperance Mr. Wilson be added.

This amendment was agreed to by consent.

The question being taken upon the adoption of the amendment to the resolution, the yeas and nays were demanded by Messrs. Slack and Heffren, and being ordered and taken, resulted as follows:

**YEAS**—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—28.

**NAYS**—Messrs. Connelly, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—21.

So the amendment as amended was adopted.

The question recurring upon the adoption of the resolution as amended, the yeas and nays were demanded.

Mr. WEIR. Did the Senator from Hancock ask for the yeas and nays?

Mr. GOODING. What if he did?

Mr. WEIR. If he did he did a very foolish thing.

The yeas and nays being ordered and taken resulted—yeas 33, nays 17—as follows:

**YEAS**—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Culver, Green, Hamilton, Heffren, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Weir—33.

**NAYS**—Messrs. Connelly, Fisk, Gooding, Hargrove, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Slack, Studabaker, Wallace, Williams and Wilson—17.

Mr. HEFFREN, when his name was called, said "it is recollected that it was upon my motion that this matter was postponed until this

morning for the purpose of making some amicable arrangements; and now I feel that I am in duty bound to vote "Aye."

So the resolution as amended was adopted. It is as follows:

"Resolved, That the following be the Standing Committees of the Senate:

#### STANDING COMMITTEES.

*Judiciary*—Messrs. March, Anthony, Gooding, Murray, Cobb, Rice, McLean, Hendry, Wallace, Conner, Bennet, and Slack.

*Finance*—Messrs. Rice, March, Heffren, Steele, Hamilton, Jones, Beeson, Conley, Blair, Carnahan and Cravens.

*Organization of Courts*—Messrs. Murray, Hendry, Heffren, Green, Conner, McClure, Weir, Studabaker, and Johnston.

*Elections*—Messrs. Hendry, Cravens, Jones, Wagner, Jennings, Bobbs, Lomax, Robinson, and Fisk.

*Federal Relations*—Messrs. Cravens, Thompson, Hargrove, Hill, Miller, Cooper, Line, Brown, Jones, and Heffren.

*Education*—Messrs. Warner, Kinley, Wallace, Cravens, McLean, Culver, O'Brien, Anthony, and Tarkington.

*Corporations*—Messrs. Conner, Blair, Studabaker, Green, Cobb, Steele, Tarkington, Stevens, and Gooding.

*Military Affairs*—Messrs. Brown, Carnahan, Robinson, Miller, and Blair.

*Roads*—Messrs. Cooper, Culver, Williams, Beeson, Hargrove, Conley, Johnson and Slack.

*Canals and Internal Improvements*—Messrs. Weir, Steele, March, Beeson, Cooper, Cravens, Studabaker and Tarkington.

*Affairs of the town of Indianapolis*—Messrs. Bobbs, Turner, Wallace, Bennett, Slack, Green and McLean.

*Claims*—Messrs. Stevens, Shoemaker, Thompson, Carnahan, Kinley and Beeson.

*State Prison*—Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennett, McClure, Cooper and Gooding.

*Expenditures*—Messrs. Bennett, Rice, Jones, Bobbs and Gooding.

*Banks*—Messrs. Steele, Wagner, Hamilton, Cooper, Jones, Heffren, McLean, Blair, Jennings, March and Carnahan.

*Manufactures*—Messrs. Robinson, Stevens, Lomax, Bennett and Wilson.

*Agriculture*—Messrs. Beeson, Culver, Williams, Hill, Wilson, Line, Wagner and Steele.

*Unfinished Business*—Messrs. Thompson, Kinley, Cobb, Green and Fisk.

*Benevolent Institutions*—Messrs. Cravens, Wagner, Heffren, Cooper, Odell, Bobbs, O'Brien, Rice and Hargrove.

*Swamp Lands*—Messrs. Green, Turner, Miller, Anthony, Williams, Weir, March, Conner and Odell.

*Temperance*—Messrs. Gooding, Hendry, Cobb, Conley, Conner, Cravens, Hill and Wilson.

*County and Township Business*—Messrs. Blair, Weir, Wallace, Brown, Slack, Robinson, Williams, McClure and Culver.

*Phraseology and Arrangement of Bills*—Messrs. Kinley, March, Carnahan, Fisk, Weir, Jennings and Murray.

*Printing*—Messrs. Stevens, Rice, Johnson, Cravens, McLean, Culver and Gooding.

*Enrolled Bills*—Messrs. Turner, Bobbs, Conley, Cooper, Hamilton, Brown and Shoemaker.

*Rights and Privileges*—Messrs. Hill, Kinley, Lomax, Thompson, Johnson, Hendry and McLean.

#### JOINT COMMITTEES.

*On Public Buildings*—Messrs. Culver, Studabaker and Robinson.

*On State Library*—Messrs. Cravens, Wilson, Tarkington and Murray.

#### STANDING RULES.

The PRESIDENT. The next thing in order is the following resolution:

The Secretary read the resolution offered by Mr. Tarkington on the first day of the session:

Resolved, That the rules for the government of the Senate of 1855, be adopted as the rules for the government of the present session of the Senate.

Mr. CONNER moved to amend by striking



out the figures "1855," and inserting "1857," and proposing a number of alterations and additions which were read through by the Secretary.

Mr. CONNER. It was my intention to offer reasons for the adoption of these amendments, but I find myself so hoarse that I must leave it to other Senators.

Mr. TARKINGTON. I call for a division of the question.

Mr. JONES. I hope this subject will be deferred until new Senators will have an opportunity to examine the rules.

Mr. GREEN proceeded to make some remarks in support of the amendments, and was interrupted by

Mr. TARKINGTON. I rise to a point of order. A division of the question being demanded, the question is upon the first rule proposed to be amended.

The PRESIDENT. The first question will be to strike out "1855" and insert "1857."

Mr. WILLIAMS. If in order I will move to refer the whole matter to a select committee of one from each Congressional District.

Mr. HEFFREN. I second the motion.

Mr. TARKINGTON. I should like to accommodate the Senator from Knox, but it will not save time. These amendments will have to be discussed here and we may as well do it now.

Mr. MARCH. I believe we may just as well come to a vote now. I move to lay the motion for reference on the table.

The yeas and nays were demanded by Messrs. Williams and Heffren, and being ordered and taken, resulted—yeas 26, nays 23.

So the motion to refer was laid on the table.

The question then being upon striking out "1855" and inserting "1857"—

The amendment was agreed to.

Then followed quite an animated debate upon the further amendments, but more particularly upon the merits and demerits of the Miller and Shryock contested election case, in which Messrs. Heffren, Cravens, Tarkington, Murray and Wallace, took part; and without coming to any conclusion on the subject,

The Senate took a recess till two o'clock.

#### AFTERNOON SESSION.

The Senate took up the consideration of the amendment of the rules where it was stopped by the adjournment at noon. Messrs. Green, Hamilton, Conner and Wallace took part in the discussion.

The propositions to amend were adopted, and the rules, as amended, were laid on the table.

Mr. McLEAN. I move that one hundred copies of the rules, as amended, be printed, and also one hundred copies of the standing committees and order of business be printed for the use of the Senate.

The motion was agreed to.

Mr. GOODING moved an addition to the rules which would make it a contempt of the Senate for members to bolt, and as a penalty for so doing, the offending member shall be reprimanded by the President in open session.

Mr. WEIR offered an amendment, adding the

words "or any Senator refusing to vote shall be liable to the same penalty."

A motion was made to lay the amendment and the amendment to the amendment on the table. The motion was agreed to.

#### GOVERNOR'S MESSAGE.

The Senate then resolved itself into a committee of the whole, (Mr. Tarkington in the chair,) and took up for consideration the Governor's Message.

The Secretary proceeded to read the message, when

Mr. SLACK moved that the reading be suspended.

The motion was agreed to.

Mr. McLAIN. I move, sir, that all that portion of the message that refers to the erection of a new State Prison, be referred to the committee on the State Prison.

The committee consented, and it was so referred.

Mr. HEFFREN. Mr. Chairman, I move that all that part of the message that refers to finance, be referred to the committee on Finance.

The committee consented, and it was so referred.

Mr. GOODING. I would inquire whether there is anything on Temperance in the message?

The CHAIRMAN. The Chair has not read the message.

Mr. STUDABAKER. I move that the committee rise.

The motion was agreed to, and the committee accordingly rose, reported that they had had under consideration the Governor's message, had made sundry references of parts thereof, and asked leave to rise and be discharged, and it was so taken by consent.

The PRESIDENT. The next thing in order is bills on their second reading.

#### CHAIRS FOR VISITORS.

Mr. MURRAY. I ask unanimous consent to offer a resolution.

The resolution was read by the Secretary, as follows:

*Resolved*, That the Secretary of the Senate be directed to furnish one dozen chairs to be placed in the Senate Chamber, for the use of visitors.

The resolution was adopted by consent.

#### ABOLITION OF TOWNSHIP TRUSTEE.

Mr. McLEAN. I ask leave to offer a resolution.

*Resolved*, That the Committee on County and Township Officers be requested to inquire into the expediency of abolishing the office of Township Trustee, substituting therefor one School Trustee, and that if expedient they report a bill to that effect at an early day.

The resolution was adopted by consent.

#### SCHOOL FUND.

Mr. WAGNER. I also ask leave to introduce the following resolution:

*Resolved*, That the Treasurer of State be requested to report to the Senate the amount of money in the Treasury belonging the "School Fund."

Also, report the amount due for each year from 1852, inclusive to the present time; and why such funds, if any, has not been distributed for school purposes.

Also, the aggregate amount of such school money as received into the Treasury during the several years indicated in this resolution; and also, the aggregate amount of



payments out of the Treasury of said school money for the use indicated by this resolution, for school purposes.

The resolution was adopted by consent.

#### TOWNSHIP BUSINESS.

Mr. WALLACE, (by consent,) introduced a bill, (No. 23) entitled A bill to provide for a more uniform mode of doing township business; which was read through by the Secretary and passed to a second reading.

#### ADJOURNED OVER.

Mr. CRAVENS. I ask consent to introduce the following resolution:

*Resolved*, That hereafter when the Senate adjourns on Saturday it will adjourn at 11 o'clock A. M., and stand adjourned till 2 o'clock P. M. on Monday.

The yeas and nays were demanded.

Mr. CRAVENS. Mr. President, my reason for offering this resolution is that on Saturday afternoons and Monday mornings there is hardly ever more than a quorum, and our important committees will need time to sit. The committeemen are afraid the strings will be pulled in their absence, and consequently don't ask leave to sit while the Senate is in session, and so it is that the committees have no time to sit at all.

The yeas and nays were ordered, and being taken, resulted—yeas 22, nays 25.

So the resolution was not adopted.

#### PETIT JURORS.

Mr. HEFFREN, by unanimous consent, introduced a bill (No. 24) entitled An act to authorize the empanelling of petit jurors in the Court of Common Pleas, and to repeal an act therein named, which was read through by the Secretary, and passed to a second reading.

#### PURCHASE OF BANK BONDS, STATE STOCKS, &c.

Mr. BOBBS, by consent, introduced a bill (No. 25) providing for the redemption or purchase of bank bonds, and Indiana and other State stocks, and United States stocks, and providing for the manner of doing the same, and defining the duties of certain officers in connection therewith; which was read through by the Secretary, and passed to the second reading.

#### SCHOOL FUND.

Mr. LINE. I ask leave to introduce the following preambles and resolution:

WHEREAS, the General Assembly of the State of Indiana did at its first session after the adoption of the new Constitution provide for the consolidation of all the school funds, including that of the Congressional Township fund And, whereas, under the law aforesaid, some of the Congressional Townships in the State did enjoin the payment of the Congressional Township funds, which injunction was sustained by the Supreme Court of the State. And, whereas, the Legislature, at its session of 1855, did pass a law authorizing the school tax so divided as to make an equality in the school funds, by taking from those Congressional Townships that receive a larger amount of Congressional funds, an amount of the tax which will equalize the funds for educational purposes. And, whereas, under the law last aforesaid, there has been an injunction obtained in some of the County Courts to prevent the payment of said school tax as was contem-

plated by said law, which injunction is now pending in the United States Supreme Court, and does thereby prevent the persons who are a paying said taxes from receiving any benefit therefrom—therefore,

*Resolved*, That the committee on education inquire whether any remedial legislation can be granted without forestalling said question pending as aforesaid—or in any way reflecting on the judicial tribunals of the country—or bringing in conflict the Legislative and Judicial departments of the Government—and report by bill or otherwise.

#### COMMON SCHOOLS.

Mr. WAGNER, by consent, introduced a bill (No. 26) supplementary to an act entitled An Act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith; and to abolish Township Libraries, and for the regulation thereof, approved March 5, 1855; which was read through by the Secretary and passed to the second reading.

#### JURISDICTION OF JUSTICES OF THE PEACE.

Mr. RICE, by consent, introduced a bill (No. 27) entitled An Act regulating the jurisdiction and duties of Justices of the Peace in cases of attachment; which was read through by the Secretary and passed to the second reading.

Mr. HARGROVE, by consent, introduced a bill (No. 28) entitled A bill to provide for the election of United States Senators, which was read through by the Secretary and passed to the second reading.

And then—

On motion the Senate adjourned till to morrow morning, nine o'clock.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, November 26, 1858.

The Journal of Wednesday having been read, Mr. STANFIELD. Mr. Speaker, I ask the consent of the House to be excused from service on the Committee on the Organization of Courts of Justice. I make this request out of no disrespect toward the committee, but for reasons personal to myself.

Mr. Stanfield was excused.

#### LIQUOR LAW.

Mr. MERRIFIELD presented a petition from sundry citizens of Porter county, stating their opposition to a License Law, and asking for the passage of a law defining intoxicating liquors, and prohibiting the sale thereof in less quantity than one gallon under a penalty of \$25; providing for the punishment of drunkenness, and the examination of persons found drunk as to where they procured liquor.

Although I do not fully concur in all the sentiments of the petitioners, yet inasmuch as it is signed by a respectable portion of my constituents, it is made my duty to present it.

On motion of Mr. SCOTT, the petition was referred to the Committee on Temperance.

Mr. CLEMENTS desired to be excused from serving on the Committee on Military Affairs.

Mr. BLYTHE asked to be excused from ser-



vice on the committees on Education and the Judiciary.

Mr. DOBBINS asked to be excused from service on the Committee on Temperance.

Mr. TEBB<sup>s</sup> asked to be excused from service on the Committee on Temperance.

Mr. WOOD asked to be excused from service on the Committee on Temperance.

Mr. SHULL asked to be excused from service on the Committee on Temperance.

Mr. PROSSER asked to be excused from service on the Committee on Military Affairs.

Mr. DAVIDSON asked to be excused from service on the Committee on Roads.

Mr. SULLIVAN asked to be excused from service on the Committees on Roads and Engrossed Bills.

Mr. THOMPSON, of Madison, asked to be excused from service on the Committee on Canals.

These gentlemen were severally excused by consent.

#### AGRICULTURAL REPORT.

Mr. TREADWAY submitted the following, which was adopted:

*Resolved*, That the Door-keeper lay on the desk of each member of this House one copy of the last Report of the State Board of Agriculture.

#### BUSINESS OF THE SESSION.

Mr. DOUGHERTY submitted the following:

*Resolved*, That it is the deliberate judgment of this House, that all elections, and all subjects of general legislation should be deferred until the next regular session; and that after the special questions for which this session has been called shall have been considered and acted upon, this House will, with the concurrence of the Senate, immediately adjourn.

Mr. SCOTT. I move to lay the resolution on the table.

Mr. DOUGHERTY and Mr. DOBBINS demanded the yeas and nays, and the same being ordered and taken, resulted—yeas 47, nays 52, as follows:

YEAS—Messrs. Austin, Baird, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Edwards, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harris n, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzell, Whiteman, Wildman, and Mr. Speaker—47.

NAYS—Messrs. Black, Blythe, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Duvall, Early, Eastham, Firestone, Fordyce, Gregory, Hamilton of Boone, Hancock, Harney, Hartley, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Sumners, Tolbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—52.

Mr. RYNEARSON, when his name was called, said: It is my desire that the legislation of this House should be expedited in every manner compatible with the interests of our State. I feel pledged to return home at as early a day as possible; but at the same time I do not acknowledge the right of the Governor to dictate the policy I shall pursue here. I vote *aye*.

So the resolution was not laid on the table.

Mr. MURRAY. I move the indefinite post-

ponement of the resolution. It is well understood, Mr. Speaker, that the whole question of the election of United States Senator turns upon the adoption or rejection of this resolution; and, sir, for one, I am as willing to make the fight on this resolution, at this stage of the game, as at any other period.

We have been called here by the Governor to amend the defects, as he says, of the legislation of the previous session, and all the complaints growing out of that session are attributable to but one thing, and that is the election of United States Senators. Had the party then in power—the old line members of that session—proceeded according to precedent in the election of these officers—had they gone according to the Constitution—elected our United States Senators according to the provisions of the constitution of Indiana, none of those animosities resulting in defective legislation, would have arisen, and nothing would have transpired to authorize the call of this extra session. But there was a party in the Legislature at that time that were determined, against law, precedent, and the constitution, to fill those offices of United States Senators, and they accomplished their object. This fact is not controverted. It was admitted in all the canvassing of the late election. I never heard any man on the stump, Democrat or not, that did not freely grant that the election of Bright and Fitch was illegal. Every man joined with the Republicans in condemning it as an illegal and unconstitutional proceeding, and in alleging that those men were no more entitled to places in the United States Senate than they were themselves. The whole people, also, have signified at the polls their opposition to that election by sending up here an opposition majority in the Legislature. And now we are called upon to right this usurpation of the party in power—an act in which they were aided by the Governor himself—and that is to go at the very root of the difficulty, and deny the right of Bright and Fitch to their election, as against the constitution, and the voice of the sovereign people of Indiana. I want to know whether that majority is now to be bound hand and foot, or sold over to the old line Democracy? For I understand that this resolution means that no election for United States Senators shall come up either at this or at the regular session.

He contended that a review of these elections lies directly in the line of the duty of this Legislature. He admitted that the United States Senate would not admit the men we might elect; because he believed the Old-line Democracy to be but a corrupt instrument in the hands of the slave oligarchy of this country. There was an acknowledged opposition majority in this Legislature, sent here by constituencies opposed to the election of Bright and Fitch. This question turned upon the new dogma of the Democratic party, that the Constitution of the United States carries slavery into the Territories.

Mr. DOBBINS interrupted. What principle does the Republican party recognize?

Mr. MURRAY. The Republican party recognizes the principle of our fathers on this question—the action of the old Continental Congress—the



action of such men as Washington, Jefferson and Madison.

It only remained for the opposition here to faithfully carry out the object for which they were elected. There was no difference between Republicans and Anti-Lecompton Democrats in this matter, and he appealed to them to act harmoniously in defense of freedom on this question.

Mr. DOBBINS. I must confess, sir, that I am somewhat astonished at the gentleman from Elkhart. When we look back over the proceedings of this body, we remember how often we have heard that gentleman's voice in favor of economy—of attending to the subjects of legislation for which we are called together. Does not that gentleman know that every day we are in session here, it costs the State at least six hundred dollars per day for this branch alone? and he has certainly now gone beyond the business for which we have been called, in thus endeavoring to enact in this branch of the Legislature, the scenes which transpired in the Senate two years ago. He wishes to get up the discussion of barren political questions from which no good can come. He wishes here, upon the threshold of the session, to convert the Legislature into a political convention, for the purpose of talking about political questions and party organizations. It seems strange that a gentleman making such loud professions about economy should bring up such a question at this time, and ask Representatives to vote for a reversal of questions that have been settled before the highest tribunals of the country. It shows that his professions of economy are only made to go to the country—to go to his constituents and mine, to convey to them the idea that he and his associates are foremost in favoring measures of economy and retrenchment. But this is taking no action. It shows nothing upon the record by votes that he is in favor of retrenchment; for if he were in favor of retrenchment he would vote for this resolution.

The gentleman has seen proper to make a direct attack upon me as a member of the last Legislature, as one who cast his vote in that body for Bright and Fitch. It is well known to you, sir, as one of the members of that House of Representatives, that there were three hundred and sixty-five bills introduced and acted upon in that body; and that those very bills upon which we are now called upon to act, were passed through this branch of the General Assembly by the Democrats of that House of Representatives. It is known to you, sir, that these measures were sent to the Republican Senate of that Legislature, and that if that body had acted in accordance with the letter and spirit of the Constitution of the State of Indiana, there would have been no necessity for this extra session of the Legislature. They would have passed the appraisal bill and the revenue bill, and made provision for carrying on the government of the State. But failing then to pass these bills, the responsibility and all the expense of this called session rested on the gentleman's party. I here to-day put it down upon them, and if this called session should cost the State \$60,000, the Republican party has all the responsibility to bear. I am not here to defend the course pursued by the last Senate, but to defend my own course, in which I have been

fully justified before my constituents. I went before my constituents, and I proudly held up before them the Journal of the former House of Representatives, and they returned me with an increased majority. Such is the understanding of what is right and wrong in Southern Indiana. They frowned on the Journal of the Senate, and applauded that of the House of Representatives of the last Legislature.

Mr. DOUGHERTY called the gentleman from Martin to order, under the 14th rule, but did not insist on the point.

Mr. DOBBINS continued. I was going to remark, that it is not my province on this occasion to enter into the field of partizan politics, as the gentleman from Elkhart has done, neither am I going to show up the corruptions of the opposition. This is not the arena for such contests. I have been called here to attend to business for the people of Indiana, and this resolution calls us directly to that. It asks members whether they are in favor of attending to the requirements of the people, or whether they will lengthen out the session by such discussions as the gentleman has broached. The gentleman has made his appeal to the House and called upon Anti-Lecompton Democrats to stand and vote with him; but I apprehend those Anti-Lecompton Democrats understand their duty to represent questions affecting the interests of the people better than to vote for bringing up questions about the power of the Senate of the United States to decide upon the qualifications of their own members. I apprehend that they know their duty too well to consume time about matters which the gentleman himself admits will be useless—which can have no effect whatever upon the decision of the Senate of the United States.

Mr. DOUGHERTY. I did not introduce this resolution for political purposes or as a party man, but for the purpose of getting the views of this House on the question, whether we should launch out into the subjects unconnected with State legislation—into the discussion of political questions and the election of officers at this session, or whether we should attend to the special matters of pressing necessity for which we were called together. I introduced this resolution, Mr. Speaker, for the reason that I believed that had not these extraneous matters been brought before this body at this extra session, its duration would not be prolonged to the extent of the constitutional limit. If we attend to the special matters for which the session has been called we can get home at an early day; and as the regular session is not far distant we can take up these other questions of the election of officers and find time, if it must be so, to discuss political questions. This resolution of mine is a resolution of the House merely—not a joint resolution—introduced solely for the purpose of testing the opinion of the House and its choice between action upon subjects of general legislation, and the special matters for which the session has been called. This resolution agrees substantially with the joint resolution introduced the other day by the gentleman from Boone, but his is a joint resolution which will require some time to be disposed of. I put the proposition in the form of a House resolution that it might be disposed of at once



and without debate. I had no political motive in the matter. I was glad that the House refused to lay it on the table. I desire to call the attention of the House and the country to the fact that the question of politics was introduced upon this floor, first by the gentleman from Wayne in relation to the election of Senators of the United States; and that the gentleman from Elkhart has been the first to invoke discussion thereupon. I rejoice that the introduction of political matter has not come from the Democratic side of the House, but the Republican side. But, sir, although the attempt to interrupt the smooth current of legislation by lugging in political questions has come up thus from the other side, I hope it will not be indorsed by them as a party. I rejoice in the indication adverse to this course, manifested in the vote by which the House voted down the motion to lay this resolution on the table—the motion was voted down by Republicans as well as Democrats, and I hope they will not now take the back track, although the gentleman from Elkhart has cracked the whip over their heads.

Mr. AUSTIN next addressed the House, defining and defending his position to the questions involved in the premises—making a constitutional argument in support of his resolution.

Mr. THOMPSON, of Madison, desired to introduce a resolution to limit speech to fifteen minutes, which was ruled out of order.

Mr. SCOTT insisted that the power of the Governor over this body is merely advisory; and whilst the Representatives were fresh from the people, they were presumed to know what the people desire better than the Governor. He also deprecated political speaking in the House; and was as much disposed to economize in time and in everything else as any other gentlemen on this floor; but he submitted the consideration that it would require no more time to do the work of the Legislature now than in the course of the regular session. It was not to be supposed that this body would not know when they had got through with the necessary business of the session. The resolution was useless, and he believed it was introduced for political effect. He was therefore in favor of indefinite postponement.

Mr. DAVIS endeavored to show, under the 53d rule of the House, that the consideration of the resolution was out of order until to-morrow—it being a proposition to amend the rules.

After debate—

The SPEAKER (Mr. Colgrove in the chair) overruled the point of order.

Mr. Speaker GORDON then addressed the House at length in support of the resolution; finding sundry reasons therefor in the necessity which he alleged existed for an investigation of the various offices of the State and the collection of specific abuses in the shape of perquisites to salaried officers.

After further debate by Messrs. Harney, Millett, Boyd, and Nebeker, of Warren—

Mr. MERRIFIELD said he should vote against the motion to postpone, in order that he might have an opportunity to submit an amendment, which would strike out all after the word "resolved" in the resolution, and insert words to

this effect: "That it is inexpedient for this House to take any action respecting the election of United States Senators during the present session; but that it should confine its action exclusively to measures recommended in the Governor's Message and other matters of pressing importance, and the legislation of the State."

Mr. SCOTT and Mr. Dougherty demanded the yeas and nays on the indefinite postponement of the resolution, and they were ordered, and being taken, resulted—yeas 48, nays 46

So the resolution was indefinitely postponed.

The House then took a recess until two o'clock P. M.

#### AFTERNOON SESSION.

On motion of Mr. MERRIFIELD, Mr. Stanfield had leave of absence till Monday; and Mr. Merrifield had leave to pair off with Mr. Stanfield in the meantime.

Mr. TURPIE. Mr. Speaker, I desire to inquire under what rule the Standing Committee on Apportionment was appointed.

The SPEAKER. It was appointed by resolution.

Mr. TURPIE. The resolution does not authorize the appointment.

The SPEAKER. It was understood to authorize it. Resolutions are in order.

Mr. DOUGHERTY submitted the following, which was adopted:

*Resolved*, That two hundred copies of the Lists of Standing Committees and the Order of Business be printed for the use of this House.

#### POSTAGE STAMPS.

Mr. SHULL submitted the following:

*Resolved*, That the Door-keeper purchase, for the use of each member of this House, three dollars' worth of postage stamps—two-thirds of which shall be one cent stamps, to be delivered at the desks.

Mr. MURRAY demanded the yeas and nays on this resolution, and they were ordered.

Mr. SCOTT proposed to amend by striking out "three" and inserting "two" dollars' worth.

Mr. SHULL accepted.

Mr. KEEFER made an ineffectual motion to make them all one cent stamps.

Mr. SMITH, of Miami, stated that he had paired off with Mr. Knowlton, who had gone home on account of ill health.

The yeas and nays being now taken, resulted—yeas 50, nays 46.

So the resolution was adopted.

Mr. MURRAY submitted the following, which was adopted by consent:

*Resolved*, That the Door-keeper be instructed to ascertain the amount chargeable for postage on all the mailable matter printed by order of this House, and post the same up in some conspicuous place in the Stationery room.

#### JUDICIARY COMMITTEE.

Mr. ROBINSON submitted the following:

*Resolved*, That two members be added to the Judiciary Committee in the place of those who have been excused from service thereon.

The SPEAKER. That will be done as a matter of course.

Mr. COLGROVE. I move to amend by making it a proposition to increase the number of the committee to nine.



Mr. ROBINSON acquiesced, and so the resolution was adopted.

#### GERMAN PAPERS.

Mr. MURRAY submitted the following, which was adopted:

*Resolved*, That the Door-keeper be authorized to have the three copies of the two German papers subscribed for on the part of the House of Representatives, enveloped and stamped.

#### SCHOOL FUND.

Mr. NEBEKER, of Warren, submitted a preamble and resolution to the effect that

WHEREAS, Article V, section 3 of the Constitution of Indiana, provides that the school fund may be increased, but not diminished; AND WHEREAS, in 1853 about eight hundred thousand dollars was due to the school fund; AND WHEREAS, it has since been increased to nine hundred and twenty-eight thousand dollars, as shown by the report of the Superintendent of Public Instruction, page 54: Therefore, be it

*Resolved*, That the committee on Education be instructed to introduce a bill more effectually to secure said fund.

The preamble and resolution was adopted.

#### THE ATTORNEY GENERAL'S OFFICE.

Mr. Speaker GORDON (Mr. Edwards in the chair) submitted a resolution to the effect that the Auditor of State be requested to furnish this House immediately with statements showing what amounts of money was audited for services rendered the State by various persons acting as Attorney General for the State, making five particulars, which was adopted.

#### THE GOVERNOR'S PERQUISITES.

Mr. Speaker GORDON also submitted a resolution requiring the Auditor of State to furnish this House, as soon as practicable, full and complete information touching all sums of money audited to Joseph A. Wright, as Governor of the State of Indiana, from the first day of November, 1851, to the expiration of his term, making a distinction between monies audited on account of salary and those connected with the swamp land interest; also, statements of monies audited on account of the Governor's house, and furnishing the same; on account of gardener and other servant hire; and also on every other account, and that he furnish a statement of all monies audited on these several accounts to the present Governor down to the present time.

Mr. Speaker GORDON. One word of explanation. I commence the date of these inquiries at the time when the new Constitution was adopted and went into operation, because the new Constitution cuts off from the Governor all perquisites. I want to see whether any perquisites have been allowed that officer not authorized by law.

The resolution was adopted.

#### STATE LIBRARIAN'S OFFICE.

Mr. Speaker GORDON submitted another resolution to the effect that the Auditor of State be required to furnish this House immediately with full information of all sums of money audited in favor of John B. Dillon, as State Librarian, during the term he held that office; also, of all sums audited in favor of other persons, as his assistants, during the same period, including monies audited for the State House, &c.; and a like statement of all monies audited to Nathaniel Bolton, for like purposes, during the period of his term; also,

a like statement during the period that office was held by Gordon Tanner; also, a like statement to embrace the term of the present incumbent of that office; and that in all cases these statements set forth for what particular service such sums have been audited and paid.

#### SUPREME COURT CLERK'S OFFICE.

Mr. Speaker GORDON also submitted a resolution to the effect that the Auditor be required to furnish this House immediately, with a full statement of monies audited in favor of the present incumbent of the Supreme Court Clerk's Office, from the day of his first induction in that office to the present time, and that in such statement he set forth, &c.

Mr. CLEMENT'S moved to strike out "immediately." This word occurring in so many resolutions seemed to him unreasonable.

Mr. Speaker GORDON acquiesced in the modification, so as to read "at his earliest convenience."

So the resolution was adopted.

#### SWAMP LAND LAW.

Mr. Speaker GORDON submitted a resolution to this effect: that the Committee on the Judiciary be instructed to inquire into the constitutionality of that portion of Chapter 59 of the Acts of the General Assembly for the year 1857, subsequent to the first Section thereof, and that they make report of the same to this House as soon as possible.

That is the swamp land law of 1857. A few years ago the Government told us that we had a swamp land fund donated by the General Government of the value of one million two hundred thousand dollars. The people want to know what has become of that fund. Years have passed since these lands were in the possession of the State, and the people have received nothing in the way of proceeds. I desire to know whether that fund is fixed in the hands of those who have robbed the children of their bread and given it to the dogs. As an incipient step to that inquiry I want to know whether that law is constitutional or otherwise. For my part I do not think it is constitutional; and I will endeavor to satisfy the House of that myself, if the committee do not.

The resolution was adopted.

#### DISBURSEMENTS OF FUNDS.

Mr. MURRAY submitted the following, which was adopted:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill fixing a penalty upon any disbursement of the public funds without the authority of law.

#### BANK FRAUDS.

Mr. SULLIVAN submitted the following, which was adopted:

*Resolved*, That the Door-keeper be and he is hereby authorized to obtain copies of the report of the Committee on Bank Frauds, and lay one copy of the same on the desk of each member of this House.

Mr. BOYD submitted the following:

*Resolved*, That it is the opinion of this House that the present judiciary system of the State is both inefficient and expensive, and that in our opinion it ought to be so changed as to dispense with the court of Common Pleas and allow the Circuit Court to convene three times in each year; and that this resolution be referred to the Committee on the Judiciary, with instructions to make the said changes.



# THE LEGISLATIVE SENTINEL.

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No. 6.

Mr. COLGROVE was in favor of the object of the resolution, but opposed to its imperative style. He moved to amend by striking out and inserting "and that they have leave to report by bill or otherwise."

Mr. BOYD. It is not imperative. My design is to draw out an expression of opinion whether or not these charges should be made. I accept, however.

Mr. MILLETT moved ineffectually to refer the resolution to the Committee on the Organization of the Courts of Justice.

The resolution was then adopted,

## VENTILATION OF THE HALL.

Mr. CLEMENTS moved a resolution for the appointment of a committee of three to provide for a better ventilation of the Hall; which was adopted, and the Speaker appointed Messrs. Clements, Sullivan and Hamilton of Wayne.

## MEMBERS COMPENSATION.

Mr. HUNTER submitted the following, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to examine the law, as it exists, and see if there is any law authorizing compensation to the members of the Legislature for their services.

## STATE AUDITOR'S OFFICE.

Mr. DOBBINS submitted the following:

*Resolved*, That the Auditor of State be requested to report at the earliest practicable period, the accounts audited in his office against the former Auditor of State, his immediate predecessor; also that he submit similar reports of amounts audited against the present incumbent.

The resolution was adopted.

## CONVENTIONAL INTEREST.

Mr. SHULL submitted a resolution directing the Committee on Ways and Means to inquire into the expediency of so changing the law of interest as to allow a conventional interest not exceeding twelve per cent. per annum.

The resolution was rejected.

## UNITED STATES SENATORS.

On motion of Mr. AUSTIN the House now took up his resolution condemnatory of the election of United States Senators by the last Legislature—the question being on the motion to indefinitely postpone.

Mr. EDWARDS. Mr. Speaker, I move to commit the resolution to a select committee of three, with the following instructions:

"To inquire whether Messrs. Jesse D. Bright and Graham N. Fitch were elected to the Senate of the United States in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Indiana; and, if they were not so elected, to report what course the General Assembly of the State of Indiana should pursue in relation thereto."

Mr EDWARDS briefly supported this proposition.

Mr. TURPIE. I shall vote against committal. We are all well enough advised of the facts. There is no use of a committee. It will merely occupy the time of those composing the committee for a purpose entirely nugatory. I move to lay the motion to commit on the table.

The SPEAKER decided this motion out of order. The yeas and nays having been ordered—

Mr. BLYTHE opposed commitment, and gave notice of an amendment to the resolution by way of substitute, which he desired to have an opportunity to place upon record.

Mr. MURRAY was willing to submit to any investigation on this subject, and to discussion also, or amendment, if gentlemen desire.

Mr. CLEMENTS, on reflection, was ready to meet the storm. The Senate of the United States had decided on the legality of the election of our Senators; and it was perfectly farcical to make any declaration or taking any action here in the matter.

Mr. DOBBINS explained his vote about to be given. There was no necessity for referring this subject which had already been investigated and settled by the highest authority.

Mr. HALL, of Rush, spoke in favor of reference. He was not certain that our election of other Senators would do no good. Whether our Senators to be elected ever get their seats or not, it was important that the voice of the Legislature and the people should be heard in the case.

Mr. GIFFORD had prepared a substitute, which he read in these words:

*"Resolved*, That the State of Indiana is at this time legal and constitutionally represented in the Senate of the United States, and that this House would deem it a perfect farce to go into the election of United States Senators at this session."

The SPEAKER ruled the substitute out of order.

Mr. MERRIFIELD opposed the reference, because it could not affect the minds of men so well made up. The matter had been passed upon by the highest tribunals, and the arguing whether it was right or wrong, would be manifestly most improper. The time of the session might be spent just as well about inquiry into the decisions of the Supreme Court of the United States. Again, there was not probably a lawyer on this floor that knew that the Senate of the United States could not review and reverse their decision of this matter if they were disposed to. It would be just as competent for the Supreme Court to sit upon its errors.

Mr. AUSTIN gave reasons for the vote he was to give. The object of this reference was to give opportunity for an intelligent vote.

Mr. BAIRD replied to Mr. Merrifield, and asked if the Supreme Court could not admit a re-hearing of any matter decided by that tribu-



nal? That was all we wanted—a re-hearing in the Senate of the United States.

Mr. DAVIS occupied a peculiar position. Why should we attempt a foolish and a vain thing? God knows if he had the power, no man would be more ready than he to send up men from this body to the Senate of the United States who would represent the State of Indiana aright. At the time of the election of Bright and Fitch, he thought it was irregular, and ought to be reversed. But action had been taken, and that action was irrevocable. He would go for an election to fill the place of Mr. Fitch, according to a recent precedent in the Legislature of the State of Tennessee. If gentlemen desired to express themselves as indignant, let them do so. With reference to the length of the session, he was willing they should proceed and elect all the officers they desired. Both parties were to blame at the last Legislature, and the people had so decided. Representatives were not sent here to act in little party caucuses, but to represent grave public interests. He was for attending to the business included in the Executive recommendation, and these included, he thought, too much, rather than too little. The people had more to fear from too much than from too little legislation. He wanted to go on the record upon the proposition of his friend from Vanderburg, and then would leave the House to dispose of the question as it pleased them.

The yeas and nays were taken on the motion to refer the resolution to a select committee, resulting—yeas 44, nays 54. So the House refused to commit.

Mr. BLYTHE now proposed to strike out all after the resolving clause and insert to the following effect:

"That in the judgment of this House the election of the Hon. Graham N. Fitch and the Hon. Jesse D. Bright to the Senate of the United States by the General Assembly of the State, at the session of the year 1857, was improper and irregular, and that the course of these gentlemen in demanding and receiving seats in the Senate of the United States, is worthy of censure."

"Resolved, further, That it is to be regretted that the Senate of the United States, by their resolution of the 12th of June, 1858 (recites the resolution) has pronounced a final judgment, which precludes this General Assembly from making further inquiry into the legality of the seats so held by the two Senators aforesaid."

Mr. BLYTHE. I do not design or desire to make extended remarks, either on this amendment or on the original resolution. But that I may be distinctly understood, I will say that the language of those two resolutions which I have offered by way of substitute, contain a tolerably clear statement of the position I occupy. I am not here, Mr. Speaker, to act with either of the parties in this House, except in so far as they may be in the right. Like the gentleman from Floyd, I exceedingly regret the state of facts which has brought about the occupancy of seats in the Senate of the United States, by Messrs. Fitch and Bright. Had I the power these gentlemen would not occupy those seats. Had I the power, constitutionally, legally, rightfully to do so, I would deprive them of their seats. But I believe there is no safety for us, as citizens or as legislators, except in a strong, conscientious and uniform adherence to the decisions of law.

The decision of the Senate of the United States is law; it is a judicial decision, pronounced by a competent tribunal, and coming properly before that tribunal. That decision I have no right to call in question here in the mode proposed in the original resolution. In part it is a position I accept: and I regret that the Senate of the United States has, by its resolution admitting these gentlemen to seats in the Senate of the United States, precluded any inquiry into the constitutionality or propriety of their decision.

After an ineffectual motion by Mr. Dobbins to adjourn—

Mr. BLYTHE'S amendment was rejected by yeas 9, nays 83; and then—

Under the force of the previous question, the main question, viz: Shall Mr. Austin's resolution pass? was decided by yeas 51, nays 45—as follows:

YEAS.—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Duvoll, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Shields, Stanfield Stiles, Thompson of Elkhart, Treadway, Whiteman, Whetzel and Wildman—50.

NAYS.—Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tab s, Thompson of Madison, Turpie, Urey, Waterman, Wheeler and Wood—45.

So the resolution was adopted, and  
The House adjourned.

## IN SENATE.

SATURDAY, November 27, 1858.

The Journal of yesterday was read.

### BANK REPORT.

The PRESIDENT. I will lay before the Senate a report of the Branch of the Bank of the State of Indiana at Terre Haute.

The Secretary proceeded to read the report, when a motion was made to dispense with the reading, and lay upon the table.

The motion was agreed to.

### AUTHORIZING A LOAN.

Mr. STEVENS. I offer the following resolution:

Resolved, That the Committee on Finance be instructed to report a bill authorizing the Treasurer of State to negotiate a loan from the Sinking Fund, or from some other source, sufficient in amount to meet all demands referred to in the Governor's message, and that we deem it inexpedient to levy a tax at this session, for any purpose whatever, to make up any deficiency caused by failure to pass the revenue and appropriation bills at the session of 1857.

Mr. STEVENS sustained his resolution in a few remarks. The people of the State were not willing at this time to pay a heavy tax. In many counties of the State there had not been enough corn raised for their own consumption, and they would have to go to other counties, or another State to get grain for their own use, and, besides, they have in many counties built expensive court-houses and other public buildings, and they are already overtaxed. For these and other consid-



erations, he was in favor of the passage of the resolution.

The resolution was laid on the table.

Mr. STEVENS. I hope a reconsideration of the vote will be had in order that I may make it a resolution of inquiry.

Mr. MURRAY. I move a reconsideration of the vote.

The motion was agreed to.

Mr. STEVENS. I now move to amend by making it a resolution of inquiry. [Strike out the word "report," and insert in lieu thereof the words "inquire into the expediency of reporting."] The motion was agreed to by consent.

Mr. JOHNSON moved to strike out the last clause in the resolution.

The motion was agreed to by consent, and the resolution, as amended, was adopted.

#### ALLEN MAY.

Mr. WEIR. I offer the following:

*Resolved*, That the Attorney General be requested to inform the Senate at the earliest opportunity the condition of the claim of the State of Indiana against one Allen May, indorsed by Messrs. Bright and Drake, the amount thereof, and what steps have been taken to collect the same, since the adjournment of the last Legislature, and if the same has not been sued, the reason for such neglect.

The resolution was adopted by consent.

#### ACCOUNTS OF THE TREASURER OF STATE.

Mr. WALLACE. Mr. President, I offer the following resolution:

*Resolved*, That a committee of five be appointed to examine and report the condition of the affairs of Treasurer of State, with reference particularly to the accounts of the said Treasurer, and all other matters pertaining to his office and late report.

Mr. WALLACE. I will just say, Mr. President, that this is done at the request of the Treasurer of State himself.

Mr. HEFFREN. I will suggest that the Finance Committee would attend to this matter.

The resolution was adopted by consent.

The PRESIDENT appointed Senators Wallace, Heffren, Cravens, Cooper and McLain said committee.

#### COMMON PLEAS JURORS.

Mr. McLAIN. I offer the following:

*Resolved*, That the Committee on the Organization of Courts be directed to inquire into the expediency of the entire abolition of the regular panel of jurymen, for the Court of Common Pleas, and that if the same be deemed expedient, the said committee report a bill to that effect, as early as practicable.

Mr. McLAIN. Senators will remember that this jury is a very expensive one, and that very often we have had an entire court without this jury being once empaneled. I apprehend that there is no need of having a regular jury; but that these juries could be selected as occasion might require from the by-standers.

The resolution was adopted.

#### STATE PRISON.

Mr. WEIR. I offer the following:

*Resolved*, That the Committee on State Prison be instructed to visit the same at some convenient time during the special session and make an examination thereof in order for them to be able to report to the Senate the necessities of the same.

The resolution was adopted by consent.

#### PRINTING.

Mr. HILL. I offer the following:

*Resolved*, That the Committee on Printing be instructed to inquire into the expediency of so changing the law as to let the public printing to the lowest bidder.

The resolution was adopted by consent.

#### ADJOURNMENT TILL MONDAY.

Mr. GREEN. I offer the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn until Monday at two o'clock.

Mr. HENDRY. I desire to remark that we have had a Thanksgiving day this week, which we adjourned over, and it strikes me that it would be improper to adjourn till Monday afternoon. Some Senators are from a distant portion of the State, and I apprehend they came here to stay during this session, as it is a duty they owe to the country. It would be very convenient to go home and stay half the time; but then we have started out to be economical, and we should keep it up. I hope Senators will consider the matter, agree to remain a week or two, and then if desirable let us have a holiday or two so that members from a distance can go home and see their families.

Mr. GOODING. The committees have been appointed; they will have to examine questions of law and propose bills; it is important that those committees have some time to act, and they can not act when the Senate is in session.

Mr. WEIR. Do you not desire to go home?

Mr. GOODING. I will, probably, if the Senate adjourn over; but I say it will be a saving of time. I shall vote for it upon that consideration, and upon no personal consideration whatever.

Mr. CARNAHAN. During the last session I remember distinctly of being the Chairman of the Committee on Claims of the other end of this House, and I know on Saturday afternoons that I could not parade two members of the committee—they were all gone home. I think these limited sessions should be abolished, and that members should be paid a stipulated salary, and then when they must run home let them do it at their own expense.

Mr. GREEN. This is my second session here, and I have never known any business done on Saturday afternoons and Monday mornings. I know enough going away this afternoon, whether we adjourn over or not, to prevent any business being done; and it will be Monday noon before they get back.

Mr. CONNER spoke in favor of the resolution.

Mr. HENDRY. I would propose a plan, and that is to agree upon some day, and then adjourn over a day or two, or three, and let us all go home and have a jollification.

Mr. JOHNSON. I have not been in the habit of asking the Senate to adjourn.

Mr. WALLACE, (interposing.) I want the Senator to make a speech for me too.

Mr. JOHNSON. Now, sir, the reason why we ought to adjourn over to give us a chance to go home is this: Some of us have left our farms, and have farming interests to attend to. This is my case, and I know my constituents knew I would attend to my own personal business when they elected me; and in order to do it I am in favor of adjourning over.



**Mr. STEELE.** I shall vote for the resolution as a matter of economy. I have heard this question discussed over and over again. We will always find ourselves with very few members present every Saturday afternoon that we have a session.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 26, nays 24.

**Mr. WALLACE,** when his name was called, said: In order to accommodate some of my friends, who want to go home, I vote "Aye."

**Mr. WEIR,** when his name was called, said: In order to accommodate gentlemen, I vote "Aye." I intended to vote the other way.

So the resolution was adopted.

#### COUNTY CLERKS.

**Mr. McLEAN.** I offer the following resolution:

*Resolved.* That the Judiciary Committee be directed to report a Bill requiring County Clerks to pay over all monies in their hands to their successors in office, in all cases not already provided for by law, if the said Committee shall, upon investigation, deem the same expedient.

The resolution was adopted.

#### CHANGE OF VENUE.

**Mr. McLAIN.** I, also, offer the following resolution:

*Resolved.* That the Judiciary Committee be requested to inquire into the expediency of passing an act by which a party can have a change of venue from the Common Pleas Court to the Circuit Court, upon the affidavit of the party that he can not have a fair and impartial trial of his case in such court owing to the prejudice or bias of the Judge of such Common Pleas Court, and that if the same be deemed expedient the said Committee report a bill authorizing such change of venue to be made.

**Mr. WALLACE.** That is law now.

The resolution was adopted by consent.

#### PRINTING THE LAWS.

**Mr. CONNER.** Mr. President: I offer the following resolution:

*Resolved.* That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law, for the publication of all Acts of the General Assembly which contain an "emergency clause," in at least one newspaper, in each of the several counties of the State, where one is published.

The resolution was adopted by consent.

#### STATE OFFICERS' REPORTS FOR 1857.

**Mr. HENDRY.** I offer the following:

*Resolved.* That the Secretary of State be requested to report to the Senate the number of the reports of the State Officers for the year 1857, that were published.

Also, what number of the same remain on hand.

**Mr. HENDRY.** It is customary after these reports have been printed to have them filed in some of the State offices, and there left to rot. The object of this resolution is to ascertain the number now on hand, so as to put them to use.

The resolution was adopted by consent.

#### TAXING REAL ESTATE BELONGING TO CORPORATIONS.

**Mr. MILLER.** I would ask leave to make the following report:

**Mr. PRESIDENT,** The Select Committee to whom was referred the Bill No. 5, for the purpose of taxing real estate belonging to corporations, in the counties in which said real estate is situated, have unanimously instructed me to report the same back and recommend its passage.

**Mr. HENDRY.** I was not on this committee, but I have examined this bill carefully, and think it ought to pass. Hundreds of acres of land in

my county have been put into Railroad companies as stock, for which not one cent of taxes has been collected. Railroad companies should pay taxes on their lands, in the county where the land lies, whether their road runs through it or not.

**Mr. MILLER.** I desire simply to say that in the county I reside, I don't know but that there are twenty thousand acres of land belonging to Railroad companies, from which not one cent of taxes has been collected. But I don't think it necessary to advocate the passage of this bill.

**Mr. GREEN.** I understand that the taxes of Railroad companies are collected at the principal depot in the State. If the county officers have allowed the list of lands belonging to the companies to go off their books it is their own fault.

**Mr. MILLER.** In our county they have stricken these lands from the tax duplicate.

**Mr. GREEN.** The advantage of the law by which the taxes are distributed to the counties all along the line of the road, is that we are certain to get all the taxes.

**Mr. MURRAY.** I would inquire whether it would not be proper to embrace this bill in the regular taxation bill?

**Mr. STUDABAKER.** I am desirous that this bill should pass; it ought to have been law for years past. In my county there are several townships of land belonging to Railroad companies that have not been taxed upon the duplicate for years. This is wrong. At the last session of the General Assembly a proposition of this kind was passed through the other end of the Capitol in a general bill. That bill for the appraisement of real estate failed to become a law. Now I desire that this single proposition, unconnected with anything else, should become a law.

Senators Hamilton, Tarkington and Stevens made further remarks upon the subject, when—

**Mr. GREEN** moved to refer it again to the Committee on the Judiciary with special instructions.

**Mr. STEVENS.** I second the motion to recommit.

The motion was agreed to.

#### TOWNSHIP BUSINESS.

**Mr. WALLACE.** I wish the permission of the Senate to take up the bill having reference to the organization of townships, which I introduced yesterday. The object of this is to get a reference as soon as possible. Every Senator agrees that the bill is of great importance and should be considered as early as possible. I move that the rules be suspended, and that bill No. 23 be taken up.

The resolution was agreed to; and the Secretary read the bill through the second time.

**Mr. McCLURE.** I move that the bill be referred to the Committee on County and Township business.

The motion was agreed to by consent.

**Mr. WALLACE.** I wish to have it referred to that committee, perfected as far as possible; report it back to the Senate, print it, and then put it through the Committee of the Whole.

#### SALE OF SPIRITUOUS LIQUORS.

**Mr. HILL.** I would ask the consent of the Senate to take up bill No. 8.



The PRESIDENT. The Secretary informs me that the bill is in the hands of the printers.

Mr. HILL. I move that the bill be referred to the Committee on Temperance.

The motion was agreed to by consent.

#### RE-APPRAISEMENT OF REAL ESTATE.

Mr. TARKINGTON. I wish to take up bill No. 3.

The bill (No. 3) for the re appraisement of real estate was taken up.

Mr. LINE. Was not the bill on the same subject, introduced by the Senator from Washington, made the order for 2 o'clock, Monday?

The PRESIDENT. It was so ordered by the Senate.

Mr. TARKINGTON. I move, then, that it be referred to the Committee of the Whole House and made the special order for Monday, 2 o'clock. The motion was agreed to by consent.

Mr. GREEN. I move that bill No. 22, upon the same subject, be taken up, and that the same reference be made.

The motion was agreed to by consent.

#### STATE FUND BORROWERS.

Mr. GOODING introduced a bill (No. 29) entitled An act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, College Fund, Saline Fund, Congressional School Fund, and other funds, time for the payment of their loans, and presenting the duties of the proper officers in regard thereto; which was read through by the Secretary, and passed to the second reading.

#### PLEADING AND PRACTICE.

Mr. CONNER introduced a bill (No. 30) entitled An act to amend section 655 of article 37 of an act entitled An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in Courts in this State, to abolish distinct forms of action, and to provide a uniform mode of pleading and practice without distinction between law and equity; which was read through by the Secretary, and passed to the second reading.

#### COURTS IN BARTHOLOMEW.

Mr. JONES introduced a bill (No. 31) fixing the time of holding the Courts of Common Pleas in the county of Bartholomew, which was read through by the Secretary, and passed to the third reading.

#### NEW COUNTIES AND COUNTY LINES.

Mr. WEIR. I would ask consent to take up bill No. 2, and that it be referred to the Judiciary Committee.

The Senate consented, and the bill to authorize new counties, &c., was so referred.

#### JUSTICES OF THE PEACE.

Mr. WAGNER introduced a bill (No. 32) entitled An act to amend an act providing for the election and qualifications of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852, which was read through by the Secretary, and passed to the second reading.

#### SABBATH BREAKING.

Mr. GREEN introduced a bill (No. 33) entitled An act for the protection of the Sabbath, with penalties for the desecration thereof, and to re-

peal an act entitled An Act for the protection of the Sabbath, and providing penalties for the desecration thereof, approved February 28, 1852, which was read through by the Secretary, and passed to the second reading.

#### DUTIES OF ASSESSORS.

Mr. SHOEMAKER introduced a bill (No. 34) entitled An act to prescribe the duties of assessors, so as to provide for making their list of farm products, domestic animals and other property every four years, and with regard to the duties of the County Auditors and Auditor of State in connection therewith, and to repeal all laws conflicting therewith, which was read through by the Secretary, and passed to the second reading.

#### DECEASE OF GENERAL HANNA.

Mr. BOBBS. I offer the following:

WHEREAS, A most unfortunate accident has recently resulted in the sudden death of the late General Robert Hanna, of Marion county: AND WHEREAS, the deceased has left but few if any survivors so long and prominently identified with the early history of this State: therefore,

*Resolved*, That the Senate have learned with extreme regret of the death of the late General Robert Hanna, who, for many years of his long and useful life filled numerous offices of honor and responsibility during the territorial and subsequent history of Indiana, with great credit to himself and benefit to the public, and desire to testify their esteem for his memory, and express their condolence with his family.

*Resolved*, That a copy of these resolutions be communicated to the family of the deceased.

Mr. BOBBS proceeded to deliver the customary eulogy in such cases, upon the life and character of the deceased, and his estimation among his fellow citizens.

Senators Line, Gooding, Steele, Wallace, Rice and Hamilton were severally heard in the same funeral matter, and then the resolutions were adopted by unanimous consent.

#### PRINTING.

Mr. WEIR. I desire to introduce the following resolution with the consent of the Senate:

*Resolved*, That the State Printer be and he hereby is requested and instructed to report to the Senate at as early a day as possible, the amount of printing done for and at the expense of the State, and the amount paid therefor, and that the same be full and particular, so as to enable the members to inform themselves fully upon the subject during his term of office.

Mr. WEIR. I move its reference to the Committee on Printing.

The motion was agreed to, and the resolution was referred.

And the Senate adjourned till Monday, two o'clock P. M.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, November 27, 1858.

The Journal of yesterday was read and corrected.

#### STANDING COMMITTEES.

Mr. POWER was excused from service in the Committee on Roads.

The SPEAKER supplied vacancies made by declinations of service on the standing committees as follows:

Mr. TREADWAY, to the place in the Committee on Roads vacated by Mr. Power; and Mr. Durham to the place on the same committee, vacated by Mr. Sullivan.



Mr. HALL, of Rush, to the place on the Committee on engrossed Bills, vacated by Mr. Sullivan.

Mr. STILES to the place in the Committee on Corporations, vacated by Mr. Baird.

Mr. BAIRD to the place in the Committee on Organization of Courts of Justice, vacated by the declination of Mr. Stanfield, who, upon his own request, for reasons personal to himself, without any disrespect to any member on the floor of this House, has been excused from acting in that honorable position; and Mr. Robinson to the place in the same committee, vacated by Mr. Dobbins, who declines serving on that important committee.

Mr. DUVAL to the place on the Committee on Canals vacated by Mr. Robinson.

Mr. MANSFIELD to Mr. Blythe's place on the Committee on Education.

Mr. HARNEY to Mr. Wood's place in the same committee.

Mr. POWER, to the place on the Committee on Military Affairs, vacated by Mr. Clements, and Mr. Hartley to the place on the same Committee, vacated by Mr. Prosser.

Mr. MANSFIELD to the place on the Temperance Committee vacated by Mr. Parrett; Mr. Durham to the place on the Committee vacated by Mr. Dobbins, and Mr. Boxley to the place on the same Committee, vacated by Mr. Shull.

Messrs. SCOTT and PARRETT, members of the Judiciary Committee—the former to the place of Mr. Blythe, who by his own request has been excused from serving thereon, and the latter to the place of Mr. Davis, who, from personal consideration, but without disrespect to any member of that Committee, or to any member upon the floor of this House, has been, upon his own request, excused from serving on the same.

Messrs. CLEMENTS and GRIFFIN to serve on the Committee on the Judiciary, under the resolution of Mr. Robinson, requiring two additional members of that committee.

Mr. MANSFIELD and Mr. WILSON asked, and obtained excuse from service in the committee on Rights and Privileges of the State of Indiana, and Mr. Row and Mr. Tebbs were appointed to their places.

#### ADJOURNMENT TILL MONDAY.

Mr. BRANHAM submitted the following :

*Resolved*, That when this House adjourns, it shall be till Monday at 2 o'clock P. M.

I have several reasons, Mr. Speaker, for offering that resolution. One is, that unless we give the committees some time for organization and examination of subjects, it will be impossible for them to make reports to this House. I for one am unwilling to remain in the House all day and then work at night on the committees. Another reason is, that the health of members demand this recess. We cannot prudently occupy more than five days in the week, such weather as this, in this House. There is another reason: for the two last sessions never more than once or twice were we able to have a quorum on Saturday evening and Monday morning.

The SPEAKER stated that at this present time the rain was dripping through the roof on the

Clerks desk, so as to render it nearly impossible to proceed with business.

Mr. STILES proposed to amend, so as to read,

"That all adjournments on Saturday shall be at eleven o'clock A. M., till Monday at two o'clock P. M.

Mr. BRANHAM accepted:

And so the resolution was adopted—affirmative 62, negative not counted.

#### LIBERTY OF SPEECH.

Mr. TREADWAY submitted the following:

*Resolved*, That no member shall speak more than ten minutes at one time to the same question, without leave of the House.

Mr. MURRAY proposed fifteen minutes.

Mr. POWER twenty minutes.

On motion by Mr. TURPIE, the resolution and pending amendments, were laid on the table.

#### COMMITTEE ON SWAMP LANDS.

Mr. TURPIE moved an order, that Mr. Snyder, of Jasper, be added to the Committee on Swamp Lands.

The SPEAKER suggested Mr. Merrifield, also.

Mr. TURPIE acquiesced, and so the order was adopted.

#### INDIANA UNIVERSITY.

Mr. ROW submitted the following, which was adopted by consent:

*Resolved*, That the Door-keeper be and he is hereby authorized to lay upon the tables of members such numbers as they are entitled to, of the catalogues and reports of the Board of Trustees of the Indiana University for the years 1857 and 1858.

#### UNITED STATES SENATORS.

Mr. PARRETT submitted the following:

WHEREAS, By the Constitution of the United States each House of Congress is judge of the election and qualification of its own members; AND WHEREAS, the Senate of the United States did, on the 12th of June, 1858, declare and adjudge, that Graham N. Fitch and Jesse D. Bright, Senators returned and admitted from the State of Indiana, were entitled to the seats they now hold as Senators aforesaid—the former till the 4th of March, 1861, and the latter till the 4th of March, 1863, according to the tenor of their respective credentials; and therefore,

*Resolved*, That we recognize such decision of the Senate of the United States as a final adjudication of the right of these Senators to their respective seats; that, whatever may be the opinion of members as to the legality or the illegality of said election, we have no power to review the facts, or declare void the said decision made as aforesaid by the Senate of the United States; that we acquiesce in said decision, and that we deem it unwise, inexpedient, unconstitutional and irregular for this House to entertain any motion or resolution for the election of United Senators at the present session.

The SPEAKER ruled this resolution out of order—as in conflict with the resolution of Mr. Austin, adopted yesterday.

Mr. PARRETT. The resolution of the gentleman from Wayne involves but one point, and that is, the illegality of the election of United States Senators in 1857. This resolution says nothing whatever of the opinion of members as to the legality or illegality of that election, but that acquiescing in the decision had thereon, we will entertain no motion or resolution for the election of Senators at the present session of the Legislature. This is the point involved, and it has no bearing upon the matter embraced in the other resolution, as I understand the two.

The SPEAKER read Mr. Austin's resolution,



and decided that Mr. Parrett's resolution would be a reversal of its declaration.

Mr. PARRETT. I respectfully ask for an appeal from the ruling of the Chair.

Mr. MURRAY. I would suggest that the gentleman reduce his appeal to writing.

The SPEAKER. It must be so done before it can be considered.

Mr. PARRETT wrote to this effect: "The Speaker decides that the resolution of the gentleman from Wayne, adopted yesterday, and the matter just now submitted, are in conflict, and therefore the present resolution is not in order: and thereupon I, William F. Parrett, appeal to the House from said decision."

Mr. PARKS. I would inquire whether a similar resolution, submitted yesterday by the gentleman from Johnson and Morgan, (Mr. Dougherty,) reciting the same points, was not indefinitely postponed?

The SPEAKER. It is not ruled out on that ground.

Mr. TURPIE. I second the appeal. I do not see why a direct vote on this resolution should not be in order. It was declared by the resolution of yesterday, that the opinion of the United States Senate in the contested election case of the Senators from the State of Indiana was wrong. That was the extent clearly of that resolution. As to that, of course, any future consideration of a directly conflicting proposition would be unparliamentary. But the resolution of the gentleman from Warrick takes another step. It does not express an opinion directly adverse, but it takes another step and says, that the election of United States Senators, at the present session, would be unwise, inexpedient, unconstitutional and irregular. It is patent to all, that there are two minorities on this floor: one composed of the representatives of that splendid fossil, the old Whig party; the other is that with which I have the honor to stand. The former made their record yesterday, and now all we ask is, that this expression of our opinion may go upon the record also. It seems to me, that gentlemen might vote for this resolution, and still retain the opinion that the Fitch and Bright election was unconstitutional, and be ready to go into another Senatorial election at the regular session of the Legislature; and it is to that point that I would particularly direct the attention of the Chair.

Mr. MURRAY. I am but little acquainted with parliamentary rules. Like most of us, I am a new member here; and with all due deference to the gentleman, (Mr. Turpie) who is an old member and better acquainted with parliamentary rules, I differ with him on this question. I think the sum and substance of the resolution come in conflict with the resolution we adopted here yesterday. That is my opinion, and I think the rules preclude the gentleman from offering it. I think the Speaker is right. We have declared here, by vote, that Fitch and Bright are not entitled to their seats as Senators from Indiana. This resolution declares the contrary—that they are entitled to their seats under the decision of the Senate of the United States; and if we adopt this resolution, we of course reverse our decision of yesterday. I would just remark, that if we do not sustain the Chair, we shall find no end to

the discussions of these political questions. I had hoped, that when we decided this point yesterday, it was forever put to rest, and that we would not hear the election of these bogus Senators contested here again.

Mr. GRIFFIN moved to lay the appeal on the table.

The yeas and nays being demanded by Mr. Parrett, were ordered and taken thereon, resulting—yeas 35, nays 39—as follows:

YEAS—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Duvall, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryneason, Scott, Sherman, Shields, Snyder, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Speaker—55.

NAYS—Messrs. Black, Blythe, Bowman, Carr, Clements, Claypool, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wood—39.

Mr. DAVIS, when his name was called, said: I think the decision of the Chair is sustained by parliamentary usage, and I shall therefore vote to lay the appeal on the table. At the same time I should like to see my friends on the right have an opportunity of putting themselves on the record as they desire; but the question of order being raised, we must decide it correctly.

So the appeal from the decision of the Chair was laid on the table.

The House then adjourned till Monday at two o'clock P. M.

## IN SENATE.

MONDAY, November 29, 1858.

The Journal of Saturday was read.

### REPORT OF SINKING FUND.

The PRESIDENT. I will lay before the Senate the report of the Commissioners of the Sinking Fund.

Mr. HEFFREN. I move that the reading be dispensed with.

The motion was agreed to.

### REPORT OF AUDITOR OF STATE.

The PRESIDENT. I will lay before the Senate the Annual Report of the Auditor of State. I am requested by him to state that it is but a partial report. It contains matter, however, sufficient to enable Senators to prepare a Revenue bill. The extended report will be ready and will be laid before the Senate in a short time.

Mr. HEFFREN. I move that the reading of the report be dispensed with. Every Senator has it upon his table.

The motion was agreed to.

The PRESIDENT. I will lay before the Senate a communication from the Treasurer of State in response to a resolution adopted by it:

OFFICE OF TREASURER OF STATE, INDIANA,  
INDIANAPOLIS, November 27, 1858.

Hon. A. A. Hammond, President of the Senate of Indiana—Sir: In answer to a resolution of your honorable body concerning the condition of the "school fund" during the present and past years, I beg leave to submit that



the report of the Auditor of State to the Legislature, which will be before you in a day or two, contains all the information you desire on that subject; and the previously submitted reports of this officer to the Governor and the Legislature contain the history of this fund during the time specified in the resolution.

Very respectfully,

Your obedient servant,

AQUILLA JONES,

Treas. of State.

Mr. WAGNER. Mr. President, I move that the report be referred to the Committee on Education.

The motion was agreed to.

OFFICE OF TREASURER OF STATE, INDIANA,  
INDIANAPOLIS, November 27, 1858. }

Hon. A. A. Hammond, President of the Senate of Indiana—SIR:—I have the honor to acknowledge the receipt of a resolution of inquiry touching unavailable funds in this office, and, in answer, beg leave to suggest that, in order to satisfy the public mind, and that equal and exact justice may be done to all parties concerned, a committee be raised with power to make a full and fair investigation of the affairs of this office.

Very respectfully,

Your obedient servant,

AQUILLA JONES,

Treas. of State.

The PRESIDENT. That committee has been appointed.

The communication was laid upon the table by consent.

#### REAPPRAISEMENT OF REAL ESTATE.

The PRESIDENT. Senate bills Nos. 1, 2 and 23 are made the special order for this hour, and have been referred to a committee of the whole.

The Senate resolved itself into a committee of the whole (Mr. Murray in the Chair) and took up the consideration of the bill No. 1, having reference to the reappraisement of real estate and making the value thereof uniform throughout the State; when

Mr. HEFFREN addressed the committee at length upon the merits of the bill—it having been introduced by him.

Mr. GREEN offered an amendment to the first section, which was in fact to strike out the whole bill and insert the law of 1851 instead. The amendment proposed by Mr. G. also provides for county appraisers.

Mr. LINE spoke in favor of the appointment of township appraisers.

Mr. WAGNER was opposed to township appraisers. Some counties are so small that one man could appraise alone, while they may have six or eight townships in them.

Mr. WILLIAMS. I offer the following amendment to the amendment:

“Strike out the County Assessor clause and insert one Assessor from each Commissioner’s district.”

Mr. SLACK was in favor of the amendment though he did not like the language exactly.

The amendment to the amendment was rejected.

Mr. SHOEMAKER offered an amendment, proposing that the Board of Commissioners of each county shall appoint a suitable person as appraiser, and that assistants may be appointed not exceeding five in number.

The amendment was rejected.

Mr. STEELE. I offer the following amendment: Insert the words “not to exceed one in

each Commissioner’s district.” The old law is satisfactory to my people.

Mr. MARCH was in favor of leaving this matter to the County Commissioners.

Mr. STEELE. That is the intention of the amendment; but I will withdraw it, sir.

Mr. GOODING. I am in favor of popular sovereignty, and shall propose an amendment at the proper time, that these assessors shall be elected by the people.

Mr. CRAVENS. As there seems to be so many systems proposed, I move this committee rise and ask leave to sit again.

Mr. BOBBS. I move that they ask to be discharged.

The committee agreed to rise and ask to be discharged from the further consideration of this subject.

The committee accordingly arose, reported, and the Senate concurred.

Mr. TARKINGTON. I move to take up Senate bill No. 3. [Having reference to the reappraisement of real estate.]

Mr. HEFFREN. I moved all three bills referring to this subject be referred to a select committee. I now make the same motion I made last week, to refer them to a committee of one from each Congressional District.

Mr. TARKINGTON. Every Senator knows whether he is in favor of county or township assessors. I prefer that we try this question now. I am opposed to references.

Mr. STUDABAKER. I have often seen this kind of discussion upon legislation that is not matured, and I am satisfied that these bills ought to go to a committee, that they may mark out the proper bill that is to come before us.

The motion was agreed to by consent, and bills Nos. 1, 3 and 22 were referred to a special committee of eleven.

Mr. MURRAY. I offer the following instructions: “That they report a bill providing for County Auditors and such assistants as the Board may think necessary.”

The motion was agreed to.

Mr. STEVENS. I move that this select committee be instructed to strike out all that requires owners of real estate to swear to the value of their property; and make it the duty of the County Appraisers to fix the value thereof.

The motion was agreed to.

The PRESIDENT appointed as said select committee, Senators Carnahan, Heffren, Tarkington, O’Brien, March, Jennings, Johnson, Culver, Miller, Hamilton and Green.

#### LEGISLATIVE SENTINEL.

Mr. SLACK. Mr. President, I offer the following resolution:

*Resolved*, That the Door-keeper procure for the use of the Senate one hundred and fifty copies of the *Legislative Sentinel*, now in course of publication by Messrs. Bingham & Doughty.

Mr. SLACK. We had copies of the *Legislative Sentinel* laid upon our desk on Friday last, and I understand that if five hundred copies are taken, it will be published during the session. I think the Senate should take at least one hundred and fifty copies, three apiece, and the House should subscribe for three apiece.



# THE LEGISLATIVE SENTINEL.

BINGHAM & DOUGHTY, PUBLISHERS.

ARIEL & Wm. H. DRAPIER, REPORTERS.

Vol. I.

INDIANAPOLIS, DEC. 2, 1858.

No. 7.

A VOICE. That would make but four hundred and fifty copies.

Mr. SLACK. That would be near enough. These reports are put up in very convenient form for binding, and I think we ought to subscribe for them.

Mr. MARCH. I vote against most anything in the way of subscribing for newspapers, but it seems to me very clear that we should subscribe for this. We want it. It gives us a fair view of our proceedings, and is a useful assistance in legislation. I don't believe this subscribing for newspapers amounts to anything; but I am in favor of subscribing for these reports.

Mr. TURNER. I rise for information. There has been a subscription paper circulated amongst us, and I have subscribed on that for these reports. Will that subscription be withdrawn?

SEVERAL SENATORS—Yes, yes.

Mr. WEIR. I move to amend by striking out "150," and inserting "200."

Mr. SLACK. I accept of the amendment. The resolution as amended was adopted.

## COMMON SCHOOL FUND.

Mr. MILLER. Mr. President, I offer the following resolution.

*Resolved*, That it is the sense of this Senate that any bill providing for the disposal and management of the trust funds set apart by law for common school purposes in this State, should provide for equalizing and setting apart to each county its *pro rata* share of said funds, based upon the number of children entitled to its benefits, to be loaned as other school funds, on substantial mortgaged securities.

The resolution was adopted.

## CLERK FOR THE JUDICIARY COMMITTEE.

Mr. MARCH. I offer the following:

*Resolved*, That the Judiciary Committee be authorized to employ a Clerk for such portion of this session as his services are necessarily required.

The resolution was adopted.

## THE FORMER SECRETARY OF STATE.

Mr. RICE offered a resolution that the Secretary of State be requested to inform the Senate by what authority his predecessor, the late Secretary of State had printed with his annual report for 1857, some forty-three pages of general statistical matter; the number of reports so printed; the cost to the State of printing such matter, &c.

The resolution was agreed to.

## SUMS PAID TO ATTORNEY'S IN STATE CASES.

Mr. COBB. Mr. President, I offer the following resolution:

*Resolved*, That the Treasurer of State be and is hereby required to report to the Senate immediately, the sums of money he has, during his official term, paid to Attorneys for their services in the prosecution and defense of suits instituted in behalf of, and against the State of Indiana; to whom paid, and the amount each one received, and in what cases said services were performed, and whether or not

they were the duties imposed by law upon the Attorney General of said State:

Mr. MARCH. I would like to have him report, also, what duties the Attorney General has discharged, for which he gets his salary.

The resolution was adopted.

## ACCOUNTABILITY OF OFFICERS.

Mr. STEELE. I offer the following:

*Resolved*, That the Finance Committee be instructed to inquire into the expediency and necessity of such further legislation as will effectually secure the rigid accountability of all officers entrusted with the collection, safe-keeping and disbursement of the public funds, or with the custody of State bonds; and which shall render penal the loaning or misapplication of such funds or bonds, and which shall protect the State and innocent purchasers against the fraudulent issue or transfer of certificates of State stock.

Mr. JENNINGS. I offer the following:

*Resolved*, That the select committee to whom was referred Senate bill numbers 1, 3 and 22, be instructed to strike out all that part which relates to blanks.

The resolution was rejected.

## CLERKS FOR COMMITTEES.

Mr. CRAVENS. I offer for adoption the following resolution:

*Resolved*, That the Committee on Education and Benevolent Institutions be authorized to employ a clerk each, if in their opinion, the assistance of clerks may be deemed necessary.

Mr. GOODING. "And for such time as may be deemed necessary."

Mr. CRAVENS. I accept of the amendment. The resolution, as amended, was adopted!

## USURY.

Mr. BENNETT introduced a bill (No. 35) entitled An act to amend the first section of an act entitled An act concerning interest on money, approved May, 27, 1852, which was read through by the Secretary, and passed to the second reading.

## PAPER MONEY.

Mr. CONELY introduced a bill (No. 36) to prohibit the issue of unauthorized paper currency, making it a felony for the making or circulating thereof, which was read through by the Secretary, and passed to the second reading.

## STATE PRINTING.

Mr. HEFFREN introduced a bill (No. 37) providing for the letting of the State printing to the lowest responsible bidder, and to provide for the measuring and superintending of the same, which was read through by the Secretary, and passed to the second reading.

## SINKING FUND.

Mr. GOODING introduced a bill (No. 38) to amend section 2 of an act entitled An act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock mortgages, and for other purposes; approved January 28, 1857, which was read through by the Secretary, and passed to the second reading.



## DIVORCES.

Mr. CONNER introduced a bill (No. 39) entitled An Act to amend the 6th, 7th, 19th and 20th sections of an act entitled An Act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, approved May 13, 1852, which was read through by the Secretary, and passed to the second reading.

## JUSTICES OF THE PEACE.

Mr. CONELY introduced a bill (No. 40) to amend section 10 of an act entitled An Act to provide for the election and qualifications of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852, which was read through by the Secretary, and passed to the second reading.

## PUBLICATION OF LEGAL ADVERTISEMENTS.

Mr. GREEN introduced a bill (No. 41) in relation to the publication of legal advertisements, which was read through by the Secretary, and passed to the second reading.

## REPEAL OF THE GAME LAW.

Mr. COBB introduced a bill (No. 42) entitled An Act to repeal an act entitled An Act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, approved February 26, 1857, which was read through by the Secretary, and passed to the second reading.

## NEW COUNTIES AND COUNTY BOUNDARIES.

Mr. WAGNER introduced a bill (No. 43) entitled An Act to amend an act entitled An Act to authorize the formation of new counties, and to change county boundaries, approved March 7, 1857, which was read through by the Secretary, and passed to the second reading.

And then the Senate adjourned till to-morrow morning, 9 o'clock.

## HOUSE OF REPRESENTATIVES,

MONDAY, November 29, 1858.

The Journal of Saturday was read.

## BANK STATEMENTS.

The Speaker laid before the House, statements by the respective cashiers of the Branches of the Bank of the State of Indiana at South Bend, Elkhart and Fort Wayne, showing severally the condition of said Branches.

## STATE AUDITOR'S REPORT.

The Speaker said he was requested to lay before the House a report from the Auditor of State, and to say that it is not a full and complete report for the present year, but statements simply for the use of members of the General Assembly, in order to enable them to come to proper conclusion in reference to the condition of the finances of the State.

## CONTEST FOR THE SEAT OF MR. FIRESTONE.

Mr. MURRAY submitted the petition of Caleb W. Edwards, claiming to be legally elected to the present General Assembly for the Representative District composed of the Counties of Huntington and Whitley—to the place occupied by J.

B. Firestone—alleging a violation of the ballot-box in Huntington township, &c., and asking an investigation, &c., which was referred to the Committee on Elections.

## SUPREME COURT REPORTS.

Mr. TURPIE, from the Committee on the Judiciary, reported the following, which was adopted by consent:

*Resolved*, That the Clerk of this House be authorized and directed to purchase the 8th, 9th and 10th volumes of the reports of the Decisions of the Supreme Court of the State of Indiana for the use of the Committee on the Judiciary, which reports shall be set apart for the use of said Committee at all subsequent sessions of the General Assembly, and be placed in the State Library after the adjournment of each session, to be retained there for the sole use of said committee.

## UNITED STATES SENATORS.

Mr. TURPIE submitted a preamble and resolution, acquiescing in the decision of the Senate of the United States, and against going into any election of U. S. Senators at the present session—in the terms of Mr. Parret's resolution which was ruled out of order last Saturday.

The SPEAKER. The Chair is constrained to decide the resolution out of order, under the ruling already made.

Mr. TURPIE. I submit, that in justice to the Democratic minority on this floor, they should have an opportunity to express their opinion on this question. I hope the House will be unanimous in its consent to allow us a direct vote on this resolution. I am willing to accept the decision of the Chair upon the point of order, but I hope the ruling will be suspended, and that this courtesy will be extended now—now is the accepted time. [Laughter.]

The SPEAKER. Without the consent of the House the remarks of the gentleman are out of order. Is there any objection to the gentleman's proposition?

Mr. EDWARDS. I object; and I move that the application be laid on the table, and made a special order for to-morrow at two o'clock.

Mr. TURPIE. Why not now?

Mr. EDWARDS. Because I do not know who are absent or present now, precisely.

Mr. TURPIE. I will ask the gentleman from Vigo if he objects?

Mr. EDWARDS. I do object at this time.

## DISTRIBUTION OF THE SCHOOL FUND.

Mr. PROSSER submitted a resolution, which was adopted by consent, directing the Committee on Education to inquire into the expediency of so amending the law as to make it the imperative duty of the Superintendent of Public Instruction, the Auditor and Treasurer of State, to distribute annually all funds coming into their hands for the support of common schools, and that the said committee report by bill or otherwise.

## TOWNSHIP BUSINESS.

Mr. CLAYPOOL submitted the following, which was adopted by consent:

*Resolved*, That the Committee on County and Township Business be instructed to inquire into the expediency of so amending the existing law in regard to the mode of doing township business, that a part or all the officers acting under such law may be dispensed with.



## STATE PRINTER'S ACCOUNTS.

Mr. RITTER submitted a resolution, which was adopted by consent, to the effect: That a select committee of five be appointed by the Speaker, to examine the accounts of the State Printer, for the last four years, and that they inquire as to the amount and quality of paper purchased by him, on account of the State, the price paid therefor, and also into the prices of binding done by him on account of the State; and that said committee have power to send for persons and papers.

The SPEAKER appointed Messrs. Ritter, Gregory, Miller and Newton.

## TAX FOR STATE PURPOSES.

Mr. EDWARDS submitted a resolution, instructing the Committee on Ways and Means to the effect: That in the opinion of this House, to add anything to the tax duplicate on assessments of real or other property for State purposes, for the year 1858, would be inexpedient, as many have paid or will pay the tax now charged, before such a law could go into effect: that such a thing would lead to confusion, because of the inability of many to pay anything additional before they can avail themselves of the advantage of the crops of another year, and because taxation should be equal and uniform under a reappraisal to be provided for; and that they should meet the present necessities of the administration of the State Government, arising out of casual deficits of the revenue, in consequence of the last General Assembly failing to pass any law for revenue, for the years 1857 and 1858; that the means for that purpose, as well as to pay the interest on the public debt should be borrowed; and that the money so borrowed be charged on future tax duplicates, commencing with the year 1859, &c.

Mr. HARNEY. There are important questions couched in that resolution, upon which I do not feel ready now to vote. I move that it be postponed and made the special order for tomorrow at 2 o'clock.

It was so ordered.

## CLERKS FOR THE STATE AUDITOR.

Mr. PARRETT submitted the following:

*Resolved*, That the Auditor of State be authorized to employ such number of clerks as may be necessary to enable him to answer promptly the various resolutions of this House, which have been addressed to his office.

Mr. MURRAY. I move to lay the resolution on the table.

The motion being withdrawn—

Mr. PARRETT referred to the length of time required to go over the business of that office by sundry resolutions adopted in this House, and alleged the impossibility for the Auditor to respond satisfactorily without clerical assistance.

Mr. MURRAY renewed the motion to lay the resolution on the table, and it was agreed to on a division—affirmative 38, negative 35.

Mr. LAWHEAD submitted a preamble and resolution to the effect, That whereas, the Hon. J. W. Gordon, representative for the county of Marion, did on last Friday, introduce a number of resolutions calling on the Auditor of State for statements in reference to the expenditures of the present administration of the State Govern-

ment; there ore resolved, That the said Auditor be requested also to communicate to this House what information there may be in his office of the amount of money expended by each administration of the State Government, for the period of time extending from the beginning of the administration of Governor Noble to the present time, and that he be requested to state not only what amount has been paid out of the Treasury by each administration, but for what purpose and upon what authority.

On motion by Mr. PARKS, the resolution was laid on the tab e.

## COUNTY AUDITOR—SCHOOL LAW.

Mr. MURRAY submitted the following, which was adopted:

*Resolved* That the Committee on Education be instructed to inquire into the expediency of so amending the School Law, that the County Auditor shall decide all cases of appeal arising from the location, building or repairing of School-houses, the employment of teachers or conducting schools, and the distribution of school funds, instead of leaving those duties to the State Superintendent of Common Schools.

Also, separating by law, the School Fund from all other funds belonging to the State.

Also, to provide by law for the payment of interest on all sums due from the Treasury of the School Fund, said interest hereafter to be paid annually, and distributed for the support of Common Schools.

Mr. GRIFFIN introduced a bill (No. 6) to amend the 38th section of the act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action, and to provide for a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, which was passed the first reading.

## COUNTY RECORDER.

Mr. BOYD introduced a bill (No. 7) to amend section 3 of the act to provide for the election, and prescribing the duties of the County Recorders, approved May 31, 1852, which was passed the first reading.

## ASSIGNMENT OF INSOLVENTS.

Mr. COLGROVE introduced a bill (No. 8) to provide for a uniform mode of proceeding in cases of assignments of insolvent debtors for the benefit of their creditors; to provide for the appointment of trustees, and for the distribution of the proceeds of insolvent estates, which was passed the first reading.

## UNAUTHORIZED PAPER CURRENCY.

Mr. MARTIN introduced a bill (No. 9) to prevent the circulation of unauthorized paper currency, which was passed the first reading.

## REGISTRATION LAW.

Mr. AUSTIN introduced a bill (No. 10) to regulate the manner of holding elections, and to prevent fraudulent voting, which was passed the first reading.

## NEW COUNTIES, &amp;C.

Mr. NEWTON introduced a bill (No. 11) entitled An Act repealing the second section of the act entitled An Act to authorize the formation of new counties, and to change county boundaries, approved March 7, 1857, which was passed the first reading.



## CONVENTIONAL INTEREST.

Mr. SHULL introduced a bill (No. 12) entitled An Act supplementary to the act entitled An Act concerning interest on money, approved May 27, 1852, and providing for a conventional rate of interest, which was passed the first reading.

## TAXES.

Mr. WATERMAN introduced a bill (No. 13) to amend section 32, chapter 6, of the Revised Statutes of 1852, and to provide for the valuation and assessment of real and personal property, for the collection of taxes, &c., approved June 21, 1852, which was passed the first reading.

The SPEAKER (Mr. Edwards in the Chair) now announced the order of bills on their second reading.

## STATE DEBT.

Mr. LAWHEAD'S bill (No. 1) providing for the payment of the January instalment of interest on the State debt, being read through and passed the second reading—

On motion of Mr. RITTER, it was referred to the Committee on Ways and Means.

## REVENUE FOR 1858.

Mr. BOYD'S bill (No. 2) to raise revenue for State purposes for the year 1858 was read through and passed the second reading.

Mr. BOYD proposed to amend by filling the blank with "fifteen" cents on the hundred dollars, and "fifteen" cents to the poll, and so to refer the bill to the Committee on Ways and Means.

The amendment was agreed to, and the bill referred accordingly.

## EXEMPTIONS OF CORPORATIONS, &amp;c.

Mr. MERRIFIELD'S bill (No. 4) to amend the 445th section of the Act to revise, simplify and abridge the rules of practice, pleading and forms in this State, &c., was read through and passed the second reading.

Mr. MERRIFIELD proposed to amend by adding:

"Sec. 2. And there being an emergency, the same shall be in force from and after its passage."

The amendment was agreed to.

On motion by Mr. SCOTT, the bill as amended was referred to the Committee on the Judiciary.

## LAW OF DIVORCE.

Mr. COLGROVE'S bill (No. 5) to amend the 6th section and repeal the 7th clause of the 7th section of the Divorce Act, was read through and passed the second reading.

Mr. MURRAY moved to refer the bill to the Committee on the Judiciary.

Mr. TURPIE proposed to amend the motion so as to refer the bill to the Committee on the Rights and Privileges of the Inhabitants of the State of Indiana.

After debate upon this motion by Messrs. Colgrove, Turpie, Scott, Parrett, Parks, Murray and Griffin—

Mr. TURPIE'S motion was rejected.

Mr. BLYTHE proposed to amend the motion by referring the bill to a select committee of five.

The SPEAKER. The first question is on referring to the Standing Committee.

The House refused to refer the bill to the Committee on the Judiciary.

Mr. BLYTHE'S motion was then agreed to, and the bill was accordingly referred to a select committee.

Whereupon the Speaker appointed Messrs. Blythe, Davis, Mansfield, Parrett and Brother-ton.

## BUSINESS OF THE SESSION.

Mr. DUVAL'S joint resolution relative to the business of the special session, coming up, and being read through by the Clerk—

The SPEAKER. The Chair regards the resolution as conflicting with the action of the House last Thursday, by which the resolution of the gentleman from Morgan and Johnson (Mr. Dougherty) was indefinitely postponed, and therefore out of order.

After debate upon this ruling by Messrs. Davis, Dougherty, Duval and Colgrove, indulged by unanimous consent of the House, without coming to any conclusion—

The House adjourned.

## IN SENATE.

TUESDAY, November, 30, 1858.

The Journal of yesterday was read.

## DELINQUENT TAXES—TEN PER CENT. PENALTY

Mr. GREEN. I wish to introduce a memorial from the citizens of Tipton and Clinton counties, referring to the ten per cent. penalty on delinquent tax payers. I move it be referred to the Committee on Finance without reading.

The motion was agreed to by consent.

## WATER COURSES PUBLIC HIGHWAYS.

Mr. HILL. Mr. President, I offer the following resolution:

*Resolved*, That the Committee on Roads be instructed to inquire into the expediency of declaring water courses public highways, and making it the duty of the Supervisors to keep them free from obstruction, and report by bill or otherwise.

The resolution was adopted by consent.

## ABOLISHING COURT OF COMMON PLEAS.

Mr. BENNETT. Mr. President, I offer the following resolution:

*Resolved*, That the Committee on the Organization of Courts be instructed to inquire into the expediency of abolishing Courts of Common Pleas, increasing the number of Circuit Judges, holding Circuit Courts three times a year in each county, increasing the salary of Circuit and Supreme Judges, increasing the salaries of Prosecuting Attorneys of Circuit Courts, extending the jurisdiction of clerks of Circuit Courts in probate, transferring the business of the Court of Common Pleas to Circuit Courts, and clerks thereof in vacation, and of a general revision of the judicial system of the State so as to render the same more — and economical, and that the committee report by bill or otherwise.

The resolution was adopted by consent.

## STATE TAX FOR 1858.

Mr. GOODING. I offer the following resolution.

*Resolved*, That it is inexpedient at this session of the General Assembly to enact a law requiring the Auditors of the several counties of this State, to put upon the tax duplicate a State tax for collection during the present year.

Mr. GOODING. The object of this resolution is this: that if it is adopted it will declare against the collection of taxes now for State pur-



poses; but of course it will come in order, and have to be collected in subsequent years. Now the people are much oppressed, money is scarce, and it is with great difficulty the people can pay the heavy taxes they are already paying. I simply want a vote of the Senate upon it.

Mr. MURRAY. I regard this as a very important proposition, and it ought to be decided by a full Senate. In my county the tax duplicate for this year has been made out, and the collection of a State tax for this year, would cause the additional expense of revising the duplicates, and we would have to throw away the duplicates we have prepared, and make new ones, which would be attended with a great deal of inconvenience. I understand that money can be borrowed at three or four or five per cent. with which to pay the January and perhaps the July interest upon our State bonds, and a little additional loan will keep the wheels of government in motion. It is good economy to borrow what money may be necessary to meet the exigencies of the State for the present—this is my view, and I think I express the universal sentiment of the people of my district. For these reasons, I am in favor of adopting the resolution of the Senator from Hancock.

Mr. SLACK. I am opposed to the adoption of this resolution. We are convened for the purpose of assessing a revenue. A column is already prepared in all the tax duplicates for the purpose of inserting a State tax—it can be done in a short time, and at a small expense; and the people expect this Legislature to assess a tax upon them. I am in favor of a light tax. I don't want it to be neglected until another year or two rolls around, and then treble it.

Mr. TARKINGTON. I do think that we ought to lay a tax for 1858. It is as the Senator from Huntington says, there are blank columns in the tax duplicate for the purpose of inserting a State tax. If the officers can collect a tax for county purposes, of course they can for State purposes. The average tax for county purposes is eighty-three cents on the hundred dollars, while the State tax is only twenty-two cents—twenty cents to pay the expenses of the Government, and two cents for the Sinking Fund. There may be one difficulty with those individuals who have already paid their taxes for the year, there may be some difficulty in collecting the State tax that may be imposed by this Legislature, from them. It may cause some grumbling among this portion, but I apprehend there are not many of them.

Mr. STUDABAKER. Senators have well said this is an important question. I consider it a very important one, and one upon which we ought to act. To my mind it is a sad commentary upon the financial skill of Indiana, that she should steadily increase her State debt, instead of diminishing it. We find no taxes levied for 1857, and none for 1858, and unless the tax is levied she will still increase her indebtedness. There is general prosperity throughout the State now, and there is no reason why her indebtedness should be increased. It is intended to be the policy to diminish it, but it appears not to have been the policy for the past two years. The people expect this Legislature to levy a tax for

1858, and when we were called together it was generally known that this was one of the principal purposes for which we were convened. As far as my constituents are concerned they did not complain, but expect this tax to be levied. With these views I have an amendment to offer. Strike out all after the enacting clause and insert the following:

That this Senate is in favor of levying a sufficient amount of tax for the year A. D. 1858, to pay the interest on the State debt, and keep up the expenses of the State Government for said year.

Mr. BENNETT. I concur with the Senator from Adams that this is the most important subject upon which we are called together to act, but I am not prepared to vote upon this question now. I move to postpone it until next Thursday at half-past two o'clock. I think we ought to take time to consider about it—it is too important to pass over lightly.

Mr. GOODING made some further remarks explanatory of his resolution.

Mr. WILLIAMS was opposed to postponing the subject. The people expect to pay a State tax for this year. In 1843 and 1844, when property was selling for little or nothing—when we sold pork for two dollars and a half per hundred—we paid State taxes higher than we ask the people to do now, and why should they complain when we have seven dollars a hundred for our pork?

Mr. HEFFREN spoke in favor of the resolution. He was opposed to the postponement of the subject.

Mr. STEVENS introduced a similar resolution the other morning. He was strongly in favor of the proposition then, and is more so now.

Mr. JOHNSTON was opposed to postpone ment.

The question was further debated by Senators Anthony, Line and Murray, when—

Mr. RICE moved as an amendment to the amendment, the following:

That the Committee on Finance be instructed to inquire into the expediency of raising revenue by taxation for the current year, and report by bill or otherwise.

Further debate was indulged in by Senators Steele, Bobbs, and Hamilton, when—

Mr. ANTHONY moved that the resolution and amendments be laid upon the table until Friday next, and that they be made the special order for 2½ o'clock.

Mr. BENNETT. I have a motion before the Senate to postpone until Thursday.

Mr. ANTHONY. I would suggest to the Senator to make it Wednesday.

Mr. BENNETT. I accept.

Senators Green, Weir, Cravens, Cooper, Beeson, March, Brown, Robinson, Jones, Turner, Kinley, and Conner continued the discussion of the subject.

The question recurring upon the postponement until to-morrow at 2½ o'clock: the yeas and nays were demanded by Senators Weir and Heffren, and being ordered and taken, resulted—yeas 12, nays 34.

So the subject was not postponed.

Mr. MARCH. I move that the resolution and amendments lay upon the table.

The yeas and nays were demanded by Senators



Williams and Gooding, and being ordered and taken resulted, yeas 29, nays 17.

So the motion was agreed to, and the resolution and amendments lie upon the table.

#### DEFICIT IN THE REVENUE.

Mr. MARCH. By leave of the Senate I ask to introduce the following resolution:

*Resolved*, That the Treasurer of State report to the Senate at the earliest moment practicable, the amount of money required to meet the present deficit in the revenues of the State, and the wants of the coming year; whether the same can be borrowed, and if so, from what source and upon what terms.

The resolution was adopted by consent.

And then the Senate took a recess till two o'clock P. M.

#### AFTERNOON SESSION.

Mr. McCLURE. Mr. President: I offer the following resolution:

*Resolved*, That the Superintendent of Public Instruction be requested to inform the Senate whether one town-ship library has been distributed to the Directors of the State Prison for the use of the convicts thereof, in compliance with the 20th section of an act entitled an Act to provide for the government and discipline of the State Prison, and to repeal an Act to provide for the government and discipline of the State Prison, approved March 3d, 1855, and all other laws or parts of laws, inconsistent herewith, approved February 5th, 1857, if not, the reason why said library was not thus distributed.

The resolution was adopted by consent.

#### DIVORCES.

Mr. CONNER. If the Senate will consent I would like to have the order of business suspended so that we can take up bill No. 39 with regard to the Divorce law.

This bill was read through the second time by the Secretary.

Mr. CONNER. I move that the bill be referred to the select committee of five to which the other bill upon this same subject was referred.

Mr. WEIR. I move to instruct the committee to amend by striking out the word "two" wherever it occurs before the word "year," and insert instead the word, "one;" and to strike out the emergency clause.

Mr. MARCH. I ask for a division of the question.

The question being, first, upon instructing the committee to strike out "two" and insert "one." The motion was agreed to.

The question then being upon instructing the committee to strike out the emergency clause in the bill: Senators March, McLean and Conner made a few remarks, when

Mr. MURRAY offered the following additional instructions: "To strike out the clause 'saving cases pending at the passage of this act'."

This motion was debated by Senators Murray, Weir, March, and Cravens, when—

Mr. McLEAN moved to lay it upon the table.

The motion was agreed to.

Mr. MURRAY. I offer the following additional instructions:

Further instruct the committee to inquire into the constitutionality of the 12th section of the Divorce act.

The question being upon instructing the committee to strike out the emergency clause—the motion was rejected.

The question then being upon Mr. Murray's instructions just submitted—

The motion was agreed to and the committee were so instructed.

#### POSTAGE ON DOCUMENTS.

Mr. HEFFREN. I offer the following:

*Resolved*, That the Door-keeper find the amount of postage on each of the reports of the State officers of 1857 and '58, together with the reports of the Superintendent of the Hospitals, and post the same up in the folding-room for the convenience of members.

The resolution was agreed to by consent.

#### COUGH MEDICINE.

Mr. STEVENS. I offer the following:

*Resolved*, That the Door-keeper be instructed to purchase eight bottles of some superior kind of cough medicine, and place it in the station-room, for use of members of the Senate.

Mr. SLACK. I move to amend by inserting "whisky."

The PRESIDENT. Reduce your amendment to writing.

Mr. SLACK. I withdraw it.

The resolution was rejected.

#### BANK COMMITTEE REPORTS.

Mr. CONLEY. I offer the following resolution:

*Resolved*, That the Door-keeper be requested to lay on the desk of each of the Senators composing this body one copy each of the majority and minority reports of the Bank Investigating Committee, appointed during the session of the General Assembly in 1857.

Mr. HEFFREN. The report will be before the Senate shortly. I move that the resolution lay upon the table.

The motion was agreed to.

#### BORROWING MONEY.

Mr. ANTHONY. I offer the following:

*Resolved*, That the Judiciary Committee be instructed to inquire, and report the result of their inquiry to the Senate as soon as practicable, whether the Legislature has the right, under the Constitution of the State, to create a debt by authorizing money to be borrowed to defray the necessary expenses of the State Government up to such time, as the revenue for the year 1859 can be collected and paid into the State Treasury.

The resolution was adopted by consent.

#### HIGHWAYS.

Mr. HENDRY. I offer the following:

*Resolved*, That the Committee on Roads be instructed to inquire into the expediency of so amending the law upon the subject of Roads and Highways, that the Road tax collected in each Road district, shall be appropriated to the construction and repair of roads therein, and report by bill or otherwise.

The resolution was adopted by consent.

#### CLERKS TO COMMITTEES.

Mr. RICE. I offer the following:

*Resolved*, That the Committee on Finance be authorized to employ a clerk for such time as said committee may deem necessary.

Mr. STEELE. I move to amend by adding that the Committee on Banks and Corporations be authorized to employ a clerk.

M. GREEN. I offer the following as an amendment to the amendment:

That the Committee on Swamp Lands be authorized to employ a clerk for such time as his services may be needed.



Mr. GOODING. I desire that the Committee on Temperance should have a clerk.

Mr. HEFFREN. It seems we might as well appoint a clerk for every one of the committees. The motion made by Senator Gooding was rejected.

Mr. HEFFREN wished to amend by adding "and that the chairman of such committee shall report the name of the employee to the Senate and the number of days the said clerk has been employed by said committee."

Mr. STEELE. I withdraw my amendment, sir.

Mr. BENNETT. I offer the following, as an amendment. [Strike out all after the resolving clause, and insert]

"That no committee shall be allowed a clerk, except on the written request of the chairman of said committee, and that the said clerk shall be paid but for so many days as the chairman shall certify in writing the days he was so employed."

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

#### SAFE KEEPING OF THE SCHOOL FUND.

Mr. STUDABAKER introduced a bill (No. 44) entitled An Act for the distribution, investment and safe-keeping of the School Fund arising from the 114th section of an act establishing a State Bank, approved January 28, 1834, and for the election of Sinking Fund Commissioners, which was read through by the Secretary, and passed to the second reading.

#### GENERAL ELECTIONS.

Mr. RICE introduced a bill (No. 45) entitled An Act to amend sections 20, 21 and 22 of an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, and repealing sections 29 and 30 of said act, and adding provisions supplementary thereto, which was read through by the Secretary and passed to a second reading.

#### EXEMPTION OF PROPERTY.

Mr. McLAIN introduced a bill (No. 46) to amend the ninth section of An act entitled An Act to exempt property from sale in certain cases, approved February 17th, 1852, which was read through by the Secretary, and passed to the second reading.

#### COPARTNERSHIPS.

Mr. WEIR introduced a bill (No. 47) allowing the formation and defining the liabilities of limited partnerships, which was read through by the Secretary, and passed to the second reading.

#### MILLER AND SHRYOCK CASE.

Mr. SLACK here made an ineffectual attempt to get the order of business suspended so that he might introduce a preamble and resolution, declaring Hugh Miller entitled to his seat in the Senate, now being contested by Kline G. Shryock.

#### PLEADINGS AND PRACTICE.

Mr. BENNETT introduced a bill (No. 48) entitled An act to amend an act entitled An act to revise, simply and abridge the rules, practice pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and prac-

tice without distinction between law and equity, approved June 18, 1852, which was read through by the Secretary, and passed to the second reading.

#### COMMON SCHOOLS.

Mr. LOMAX introduced a bill (No. 49) to amend an act entitled An act to provide for a general and uniform system of common schools and school libraries and matters properly connected therewith, approved June 14, 1852, which was read through by the Secretary, and passed to the second reading.

#### PRACTICE AND PLEADINGS.

Mr. HEFFREN introduced a bill (No. 50) entitled An act to amend the 207th and 208th sections of an act entitled An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action of law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852, so as to authorize a change of venue in certain cases; which was read through by the Secretary, and passed to the second reading.

#### UNIFORM MODE OF DOING TOWNSHIP BUSINESS.

Mr. BLAIR introduced a bill (No. 51) to amend the 1st section of an act entitled An act to amend the 5th section of an act entitled An act for the more uniform mode of doing township business, approved March 1, 1853, and to amend sections 6, 7 and 12, of an act entitled An act for the more uniform mode of doing township business, approved May 6, 1852; which was read through by the Secretary, and passed to the second reading.

#### PUBLIC OFFICERS AS WITNESSES.

Mr. JONES introduced a bill (No. 52) entitled An act to render public officer competent to testify as witnesses in actions brought on his relation in the name of the State, which was read through by the Secretary, and passed to the second reading.

And then the Senate adjourned till to-morrow morning 9 o'clock.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, November 30, 1853.

The Journal of yesterday was read.

#### ABSENCE.

On motion of Mr. SUMMERS, Mr. Dobbins had leave of absence on account of ill health.

#### STATE DEBT.

Mr. BAIRD, from the Committee on the Judiciary, reported back Mr. Lawhead's bill (H. R. 1) to provide for the January instalment of interest on the public debt, with a recommendation that the same be referred to the Committee on the Sinking Fund.

The report was concurred in.

#### LICENSE LAW.

Mr. DURHAM submitted the following, which was adopted:

*Resolved*, That the Committee on Temperance be instructed to inquire into the expediency of adopting the License system for the regulation of the liquor traffic, and appropriating the money arising therefrom to the sup-



port of common schools; and also to protect the community from the disorderly conduct of drunkards; and that they report by bill or otherwise.

Mr. MURRAY submitted the following, which was adopted:

*Resolved*, That the Committee on Temperance be instructed to inquire into the expediency of reporting a bill for the repeal of the Prohibitory Liquor Law of 1835, and the enactment of a law on that subject which will not be liable to the objections urged by the Supreme Court against the law aforesaid.

#### PUBLIC PRINTING.

Mr. KEEFER submitted the following:

*Resolved*, That in the opinion of this House the State printing should be let out to the lowest bidder, and that the Committee on Public Expenditures be instructed to inquire into the expediency, and report a bill to that effect at as early a period as possible.

Mr. MURRAY. That is an imperative resolution. I do not think the House is prepared now to act on the subject. There was a special committee raised yesterday to inquire into this printing. He wanted the facts before he acted, and therefore moved to lay the resolution on the table for the present.

The motion was agreed to.

#### STATE PRISON.

Mr. SCOTT submitted the following, which was adopted by consent:

*Resolved*, That an addition of two members be made to the Committee on the Affairs of the State Prison.

#### LEGISLATIVE SENTINEL.

Mr. CARR submitted the following:

*Resolved*, That the Door-keeper be instructed to procure two hundred copies of the *Legislative Sentinel* for the use of members of this House.

Mr. NEBEKER of Warren. I move to lay the resolution on the table.

Mr. PROSSER and Mr. NEBEKER, of Warren, demanded the yeas and nays, and they were ordered.

Mr. MURRAY. I would like to see that publication encouraged.

The SPEAKER. Debate is not in order.

The question on the motion to lay the resolution on the table was now taken, resulting—yeas 42, nays 52, as follows:

YEAS—Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Davidson, Duvall, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Johnston, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Rynearson, Sherman, Shields, Smith of Miami, Stiles, Tebbis, Thompson of Elkhart, Treadway, Usrey, Whetzel—42.

NAYS—Messrs. Baird, Black, Blythe, Bowman, Carr, Clark, Claypool, Clayton, Clements, Collier, Davis, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harrison, Hartley, Jeffries, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain Massey, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Scott, Shockley, Shull, Smith of Perry, Snyder, Stinley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Waterman, Wheeler, Whiteman, Wildman, Wood, and Mr. Speaker—52.

So the resolution was not laid on the table.

Mr. BOYD. I propose to amend by adding in the proper place:

"Provided that each member pay for his proportion of the same out of his own pocket."

Mr. POWER. I would like to know, if that amendment pass, whether it would be obligatory?

Mr. BOYD. It is not. I would speak for my-

self. I am in favor of taking this paper and paying for it out of my own pocket.

On motion by Mr. PARKS, the amendment was laid on the table. Affirmative 43, negative 30.

The question recurring on the adoption of the resolution—

Messrs. RITTER and HAMILTON of Boone, demanded the yeas and nays, and they were ordered.

Mr. MURRAY. I would like to see this publication encouraged, from the fact that it does contain full and correct reports of our proceedings—more so than were ever given heretofore, to my knowledge, in this Capitol; but I would prefer to sustain the publication by private subscription, if we could get at it. But as that proposition has been voted down, and the indication is to pass the resolution, I move to strike out and insert one hundred copies.

Mr. USREY moved to refer the resolution and amendment to the Committee on Stationery.

Mr. PROSSER. I think we ought to come to a direct vote. With respect to this paper we shall have to subscribe something to maintain it, either out of our own pockets or from the Treasury. I understand the Senate has authorized 200 copies, and we certainly can take that number. These reports make a very nice, convenient thing for future reference to look back and see what has been done here. Nothing has ever been furnished here to equal it. I am opposed to the reference. There is no use in wasting time in that way over such a proposition.

Mr. DAVIS. I have no desire to squander public funds by taking papers, and I would not think it extravagant to take this. For, if it is to be kept up in good faith, it will be an important document for reference to those who sent us here. Again, our rules admit of the explanation of a vote in very brief terms on the yeas and nays, and these reasons given by those who vote here, preserved in this shape, will probably some time become very important. Those gentlemen who feel very sensitive about taking money out of the Treasury for this, can very easily go to the Treasury and pay in the amount of the cost of the copies they receive. I would suggest to my friend from Lawrence that he and I could go and deposit that amount.

Mr. HALL, of Grant. Do we get the back numbers?

The SPEAKER supposed that was understood.

Mr. Usrey's motion to refer was rejected, and the question occurred on Mr. Murray's amendment.

Mr. RITTER. I know the State of Indiana is a great State, and we are a great and flourishing people, but it is rather a new step for us to assume the functions and dignity of the Congress of the United States by authorizing reports in the form of this resolution. I have no objections, and I think every member, if he feel sufficiently interested, ought to take a number of this *Sentinel*. But the question is, whom does it interest? Those who have their names printed in it. It is interesting only to ourselves; and if we desire to gratify our pride in this respect so much as to have these numbers, it seems to me that it is meet that we should pay for them out of our



# THE LEGISLATIVE SENTINEL.

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No. 8.

own pockets. As to the record of reasons assigned for a vote, they are spread upon the journal. I can bear testimony to the general accuracy of these reports; but if we take this *Legislative Sentinel*, the precedent will run through time, accumulate in expensiveness, and draw off thousands and thousands of dollars by the hands of every Legislature.

Mr. POWER. I shall support the amendment of the gentleman from Elkhart, for the reason that I labored here very hard to get three dollars' worth of postage stamps, and had to put up with two dollars' worth. I want to get back that dollar.

Mr. HAMILTON opposed the whole thing. No valid reason had been offered for the proposition, and he hoped it would not prevail.

Mr. MURRAY'S amendment was rejected, and the question recurred on the adoption of the resolution.

Mr. HUNTER and Mr. MURRAY demanded the yeas and nays, which being ordered and taken, resulted—yeas 44, nays 44—as follows:

YEAS.—Messrs Baird, Black, Bowman, Carr, Clark, Claypool, Clements, Collier, Davis, Dougherty, Early, Edwards, Firestone, Gregory, Harney, Jeffries, Jones, Jordan, Keefe, Kempf, Lawhead, Lewis, McLain, Massey, Martin, Nelson, Newton, Parrett, Power, Prosser, Scott, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbis, Thompson of Elkhart, Thompson of Madison, Turpie, Wheeler, Wood, and Mr. Speaker—44.

NAYS.—Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Clayton, Colgrove, Comstock, Cotton, Davidson, Durham, Davall, Eastham, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Kelly, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynearson, Sherman, Shields, Smith of Miami, Stiles, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman—44.

So the resolution was rejected.

## SCHOOL TAX.

Mr. JEFFRIES submitted the following, which was adopted.

*Resolved*, That the committee on Education be instructed to inquire into the expediency of distributing the taxes collected for school purposes in the counties where collected, and report by bill or otherwise.

Mr. SHULL submitted the following, which was adopted.

*Resolved*, That sound policy dictates that an act providing for the disposal and management of the trust funds set apart for common school purposes, should provide for the distribution of said fund amongst the several counties of this State, according to the number of children in each; and inasmuch as the interest only of said fund can be used for the support of common schools, its investment in such securities or in such way as to secure promptly the interest thereon, is of the highest consideration.

## TAX ON RAILROAD PROPERTY.

Mr. TURPIE submitted the following, which was adopted:

WHEREAS, Great loss and inconvenience have been felt

by the several counties by reason of the law now in force for assessing the property of railroad companies doing business therein: therefore,

*Be it Resolved*, That the Committee on Ways and Means be and they are hereby instructed to inquire into the expediency of so amending the present law as to provide that the real and personal property belonging to railroads be assessed and listed for taxation in the county where the same may be situate, and not in the county of the principal office.

## COMMON PLEAS COSTS.

Mr. MERRIFIELD submitted the following:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the 36th section of the act establishing the Court of Common Pleas, defining its jurisdiction, duties, &c, as provides for the taxing of a docket fee against the losing party in civil cases.

The resolution was rejected.

## STATE INDEBTEDNESS

Mr. HUNTER submitted the following:

*Resolved*, That the Auditor of State furnish this House immediately with the entire indebtedness of the State other than the foreign State debt, stating particularly to what persons or corporations or fund, it is indebted, and the amount of interest it is paying to each.

Mr. HARNEY thought the Auditor's statement submitted yesterday sufficiently satisfactory on that subject.

Mr. HUNTER. The Committee on Ways and Means desire to set forth the entire indebtedness of the State. We have carefully looked over the Auditor's report, and are satisfied that it does not furnish the entire amount. It says nothing about the amount due the Sinking Fund. In fact there are some of the trust funds of which it states the gross amount. We want exact, specific amounts, or as nearly so as may be; and if the Auditor's report be correct, it will not take long to answer that resolution. We want the Auditor to furnish the amount of indebtedness and the amount of interest the State is paying.

The resolution was adopted.

## ROAD LAW.

Mr. TREADWAY submitted the following:

*Resolved*, That the Committee on Roads be instructed to inquire into the expediency of so amending the present Road law as to dispense with the working out of personal privileges, and substituting one dollar, to be paid by such persons as are liable to work privileges, to the Supervisor—to be expended as the law may provide; and that said committee report by bill or otherwise.

The resolution was rejected.

## LEGISLATIVE SENTINEL.

Mr. USREY. Mr. Speaker, I move a reconsideration of the vote on the adoption of the resolution of the gentleman from Clark in regard to taking the *Legislative Sentinel*.

Mr. GIFFORD. I am in favor of taking this *Sentinel*; and though I have voted against taking it here, I am anxious that it should be taken by individual subscription. I think members can well afford to subscribe to the extent indicated in



the resolution. If it is only for the benefit of members, we ought not to tax the State for our individual benefit. If it was a thing to benefit our constituents, it would be proper to make the subscription proposed. I think we ought to subscribe as individuals. I am willing to take two copies, or as many for my share as will justify the publication.

The motion to reconsider was agreed to on a division—affirmative 51, negative not counted—and the question recurred on the adoption of the resolution.

The yeas and nays being again demanded, ordered and taken thereon, resulted—yeas 51, nays 44—as follows:

**YEAS**—Messrs. Baird, Black, Blythe, Bowman, Boxley, Carr, Claypool, Clayton, Clements, Collier, Davis, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gregory, Hancock, Harney, Jeffries, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, McLain, Massey, Martin, Nelson, Newton, Parrett, Power, Prosser, Scott, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbis, Turpie, Usrey, Wheeler, Whiteman, Wood and Mr. Speaker—51.

**NAYS**—Messrs. Austin, Boyd, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davidson, Duvall, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Kelly, Major Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynearson, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Thompson of Madison, Treadway, Whetzel and Wildman—44.

So the resolution was adopted.

#### TRUSTEES OF CARLISLE.

Mr. USREY asked and obtained a suspension of the order of business, to enable him to submit a petition from the trustees of the town of Carlisle, in the county of Sullivan, asking the General Assembly to authorize their act in levying and collecting a school tax.

The petition was referred to the Committee on Education.

#### TOWNSHIP BUSINESS.

Mr. COLGROVE submitted the following, which was adopted:

*Resolved*, That the Committee on County and Township Business be instructed to inquire into the expediency of abolishing the present mode of doing township business, and provide for a less expensive mode of doing the same, and that they report by bill or otherwise.

#### BUSINESS OF THE SESSION.

Mr. MURRAY submitted the following, which was adopted:

*Resolved*, That this House will proceed to the consideration of all business in its regular order—the filling of all offices to be filled by election of the Legislature included—until all the questions of public policy recommended by the Governor shall have been considered and decided, and then adjourn the session.

Mr. DOUGHERTY submitted whether the resolution was not out of order under the ruling of the Chair.

The SPEAKER. I decide now that the Chair was out of order in the ruling against both the resolutions last week, to which the gentleman refers. The present decision of the Chair is based on section 35 of *Jefferson's Manual*—(which the Speaker read.) The Chair entertains the resolution of the gentleman from Elkhart.

Mr. COLGROVE proposed to amend by striking from the resolution all after the word "order."

Mr. MURRAY considered the amendment designed to destroy the resolution. He was opposed to the idea of sitting forty days, and also to confining the business of the session to the subjects recommended by the Governor. He would put all into the hopper, and when they were ground out, he would shut down the gate and go home.

Mr. COLGROVE. The election of these officers was an important duty owing to our constituents, and he was in favor of making these elections whenever we get ready to do it—when ever the proper arrangements are made—when all parties here may be fully represented. He was especially in favor of electing officers to the places of those who have been so long holding by the grace of the Governor. The provisions of the resolution were premature. He had submitted the amendment in good faith.

Mr. CAVINS made an ineffectual motion to lay the amendment on the table.

Mr. DAVIS spoke to the importance of stability in our legislation, and the importance of being careful about making changes in the laws. To adopt the amendment would be to vote that the session shall be continued forty days. He admitted certain necessary modifications of the code of 1852, to suit judicial decisions under it. Under the original resolution we would go on with the ordinary business until the propositions from the Committee on Ways and Means shall be fully matured. What was to be understood by the word "arrangement" in the remarks of the gentlemen from Randolph? He neither understood nor sympathized with arrangements for party drill in the matter of elections here. If he were a party leader he would urge his brethren to make a short session, and he considered this course also for the best interest of the State. He hoped this resolution would pass, and that we should go on regularly with the business, the elections also, &c., and that the amendment would be voted down.

Mr. COLGROVE replied to Mr. Davis. He demanded the yeas and nays on the amendment.

Mr. TURPIE gave his views of the proper business that should be considered at this extra session. He was glad to see this disposition to reconsider the action already taken, and hoped that general subjects of legislation at this session would be avoided, and that all such business would go over to the regular session, as the Constitution provides. The people did not expect general legislation, and the dearth of petitions and memorials indicated this. He reviewed and replied to the arguments for going into general business, and the election of officers.

Mr. BRANHAM also addressed the House at length, insisting that a loan was necessary to meet the interest of the State debt, because it could not be raised in time by a tax levy, neither could that tax be collected so soon without manifest inequality and injustice. All these resolutions had no other effect than to interrupt investigation in the committees. The filling of the offices was a small consideration by the side of these financial considerations. It was the dictate of good policy to remain in session till we can indicate what is the temper of the House with regard to the Court of Common Pleas, the



present cumbrous township business, the management of the Penitentiary, and the facts connected with the same, the management of the several Benevolent Institutions of the State, and then adjourn and go home, that propositions on these subjects may be matured at once in the regular session. The Committee on Ways and Means did not intend to go out to borrow money before they were ready to tell the world how and when it should be paid.

Mr. DOUGHERTY supported the resolution, and opposed the amendment. At the proper time he would move to strike out what relates to elections, but still, if he did not succeed, he should vote for it. He exulted in the prospect of the adoption of this resolution. The only difference between this, and his resolution, offered last Friday, was the election of officers. He reviewed the arguments against his resolution, &c.

Mr. SCOTT regretted the introduction of the resolutions, and opposed all such propositions as indirectly reflecting on the intelligence, if not the integrity of this body. Too early a day for adjournment could not be set to suit him, and he replied at length to those of the other part.

Mr. RITTER gave sundry suggestions against the wisdom of discussing such resolutions as this. They could have no binding force.

Mr. MELLETT gave his voice against this debate, but reasoned in favor of the amendment. Still, he must not be taken as favoring a long session. A long session was against his sense of duty as well as considerations of private advantage. He scouted all considerations of a partisan or a mere popular character in connection with those of duty here. He also reviewed the arguments favoring the least amount of legislation, but seeing no reason why the business before us could not be done now as well as at any other time, &c. He would act speedily, but intelligently.

Mr. SPEAKER GORDON (Mr. Colgrove in the Chair) gave an explanation with reference to remarks made by the gentleman from White, and the gentleman from Johnson and Morgan, justifying his resolutions of inquiry into alleged abuses, &c.

Mr. MURRAY also explained, maintaining and defending his course.

Without coming to any conclusion

The House took a recess till two o'clock.

#### AFTERNOON SESSION.

The SPEAKER directed the consideration of the special order, viz: the consideration of Mr. Edward's resolution submitted yesterday:

#### STATE LOAN.

The resolution was read through again by the Clerk, and it is as follows:

*Resolved*, That the Committee on Ways and Means are hereby instructed, that in the opinion of this House, the levying of a tax to be added to the tax duplicate on the assessment and valuation of real property for taxation for State purposes, would be inexpedient, as many persons have now paid and others will pay the taxes as now charged, before the act making such additions can go into effect; that it will lead to confusion, cause delinquencies because of the inability of tax-payers to meet any additional assessment until they can have the advantage of the products of another year; that the value of real property has materially changed, and to cause the rate of assessment and

taxation to be equal and uniform, a reappraisal of all real and personal property should be provided for and made; that to meet the present necessities for the administration of the State Government, arising out of the casual defects in the revenue in consequence of the last General Assembly failing to pass any law for the purpose of raising a revenue for the years 1857 and 1858; that the means for that purpose, as well as to pay the interest on the public debt should be borrowed, and that the monies so borrowed should be collected by being divided and charged upon future tax duplicates commencing with the year 1859, and when so collected should be paid to the proper parties.

Mr. HARNEY wanted the action of the House on the resolution, for a guide of the Committee on Ways and Means, although he himself should not vote for it. He proceeded to reason against an increase of the public debt, without providing means to pay it. Such a course of policy could not fail to injuriously affect our State credit. We had already exhausted \$559,000 of these trust funds! and for the present year and the next year it would require a like sum, and there was danger of the exhaustion of these funds, which was too sacred almost to disturb at all for the ordinary expenses of the Government. It was singular that the State Bank should have been more careful of the Sinking Fund than the State itself. This proposition, if adopted, would lead to a new State indebtedness of more than two millions of dollars. He showed from the 12th page of the report of the Commissioners of the Sinking Fund, that provision for the repayment of these funds thus used, was expected to be made, and if it were not done, we would go into market with a bad grace, with a domestic debt which we have not yet provided for.

Mr. AUSTIN moved to postpone the consideration of the subject till Thursday 2 o'clock, P. M.

Mr. MURRAY proposed to amend the motion by substituting a reference to the Committee on Ways and Means, with instructions to report whether there are any funds belonging to the State which can be made available for the State expenses of 1857-8, and the interest on the State debt.

The first question being on the postponement, it was agreed to.

#### ORDER OF BUSINESS.

The SPEAKER announced the consideration of the unfinished business of the morning, viz: Mr. Murray's resolution—the question being on Mr. Colgrove's amendment to strike out all after the word "order."

Mr. SCOTT moved to lay the resolution and amendment on the table.

Messrs. DAVIS and SCOTT demanded the yeas and nays, and they were ordered and taken, resulting—yeas 42, nays 49, so the House refused to lay on the table, and the question recurred on the amendment.

Mr. HUNTER spoke to the whole argument involved in this subject—stating particularly important subjects of legislation, and the necessity of attending to them promptly; and the necessity of carrying the present organization into the regular session in order to economise time and labor in the standing committees. When he had concluded,

Mr. COLGROVE moved indefinite postponement of the subject.



Messrs. SCOTT and PROSSER demanded the yeas and nays, and the same were ordered.

Mr. DAVIS said, (explaining,) that in giving this vote now, he did so with no disposition to disturb the organization of the House. Let the committees go on—sit in the vacation—but an forty days' session now was out of the question.

Mr. AUSTIN explained, that he must vote in favor of postponement to quiet this subject, which had occupied too much time.

Mr. RYNEARSON explained, that in view of the necessity of attending to pressing business indicated, he could not vote to postpone. He also desired a short session.

Mr. POWER also spoke briefly, regarding the whole proceeding on this subject as ridiculous and farcical. He desired its effectual quiet—its indefinite postponement and burial so deep that gentlemen can never raise it again.

The yeas and nays were taken, resulting—yeas 51, nays 43—as follows:

YEAS—Messrs. Austin, Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Colgrove, Collier, Comstock, Davidson, Early, Bastham, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jeffries, Johnston, Kelly, Major, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Power, Ritter, Robinson Scott, Sherman, Shields, Smith of Miami, Stiles, Stinson, Tebbs, Treadway, Whetzel, Whiteman, and Mr. Speaker—51.

NAYS—Messrs. Black, Blythe, Cavins, Claypool, Clayton, Clements, Davis, Dougherty, Durham, Duvall, Gifford, Harney, Jones, Jordan, Keefer, Kempf, Lewis, McLain, Massey, Murray, Martin, Nelson, Parks, Parrett, Prosser, Row, Ryneerson, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman, and Wood—43.

So the subject was postponed.

#### UNITED STATES SENATORS.

Mr. TURPIE now again submitted the resolution (identical with Mr. Parrett's, ruled out last Saturday,) acquiescing in the decision of the United States Senate on this subject, and declaring it inexpedient to go into any election of Senators at this session.

The yeas and nays being demanded, ordered and taken on its adoption, resulted—yeas 40, nays 50—as follows:

YEAS—Messrs. Black, Bowman, Carr, Claypool, Clements, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Nelson, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Stiles, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—40.

NAYS—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Davidson, Duvall, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryneerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—50.

So the resolution was rejected.

#### SHERIFF'S MILEAGE.

Mr. ROW submitted the following:

WHEREAS, The Auditor of State, in his report, estimates the ordinary expenses to be paid on account of Sheriff's mileage at ten thousand dollars annually, for 1859-'60: Therefore:

*Resolved*, That the Committee on Offices and Salaries are instructed to reduce said expense by providing that the Sheriffs shall take all prisoners which may be sentenced during one Circuit Court at one trip, and not singly, so as to enable him to charge mileage in each case.

The resolution was adopted by consent.

#### REVENUE DEFICIENCIES.

Mr. MURRAY submitted the following, which was adopted:

*Resolved*, That the Committee on Ways and Means be instructed to inquire and report whether there is any fund belonging to the State which can be applied to meet the deficiencies of revenue for the years 1857 and 1858.

Mr. USREY submitted the following:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting a bill providing for the election of a Justice of the Peace in every incorporated town in the State having no resident Justice.

The resolution was rejected.

Mr. GIFFORD offered a resolution, which was rejected, directing the Door-keeper to procure and place a copy of *Jefferson's Manual* on each member's desk.

#### LEGISLATIVE SENTINEL.

Mr. DOUGHERTY. Mr. Speaker, there was a resolution adopted this morning providing for taking 200 copies of the *Legislative Sentinel*. I voted for that resolution; but on reflection I am inclined to think that I was wrong; and to set myself right I move a reconsideration of that vote.

The motion to reconsider was lost.

Mr. FIRESTONE introduced a bill (No. 14,) to amend the second section of the act approved March 7, 1857, to authorize the formation of new counties and change county boundaries, which was passed the first reading.

Mr. GRIFFIN introduced a bill (No. 15) to amend the 445th, 453d, and 455th sections of the Law Reform Act, approved June 18th, 1852, which was passed the first reading.

Mr. TURPIE introduced a bill (No. 16) to repeal the act to provide for the protection of wild game, and declaring the time in which the same may be taken and killed, and declaring the penalty for the violation of this act, approved February 26, 1857.

Mr. MURRAY made an ineffectual motion to reject, and then the bill was passed the first reading.

Mr. NELSON introduced a bill (No. 17) for the regulation of township elections of trustees, of duties of trustees, the mode of assessing township tax and doing township's business; which was passed the first reading.

Mr. STILES introduced a bill (No. 18,) to named section 18 of the act prescribing the powers and duties of justices of the peace in State prosecutions, approved May 29, 1852, which was passed the first reading.

Mr. CLEMENTS introduced a bill (No. 19) to secure the service of process in actions against corporations created by the General Assembly of this State which have no office in the county where they are doing business, or where they have been located and have exercised corporate privileges, which was passed the first reading.

Mr. MERRIFIELD introduced a bill (No. 20) to amend the fourth section of the Game Law, approved February 26, 1857, which was passed the first reading.



Mr. USREY introduced a bill (No. 21) prescribing the time of holding the Circuit Court in the county of Sullivan, which was passed the first reading.

Mr. STANLEY introduced a bill (No. 22) providing for the reappraisal of the unsold school lands in the State, which was passed the first reading.

The SPEAKER laid before the House the depositions in the contested election case of Edwards vs. Firestone, which,

On motion of Mr. MURRAY, were referred to the Committee on Elections.

The House then adjourned.

## IN SENATE.

WEDNESDAY, December 1, 1853.

The Journal of Saturday was read.

### REPORT OF A BRANCH OF THE BANK OF THE STATE OF INDIANA.

The PRESIDENT. I will lay before the Senate a report showing the condition of the branch of the Bank of the State of Indiana, at Indianapolis.

### SINKING FUND.

Mr. JOHNSTON. Mr. President:

The PRESIDENT. The following resolution is offered by the Senator from Putnam:

*Resolved*, That the Committee on Education inquire into and report by bill or otherwise whether any legislation is necessary to secure the Sinking Fund or any other School Fund from losses upon lands mortgaged to said funds on account of sales of such mortgaged lands for non-payment of taxes.

The resolution was adopted by consent.

### INSANE ASYLUM.

Mr. O'BRIEN. Mr. President:

The PRESIDENT. The following resolution is offered by the Senator from Dearborn:

*Resolved*, That the Committee on Benevolent Institutions be instructed to report a bill, if deemed expedient, providing for the erection of an additional wing to the Hospital for the Insane, so as to afford suitable accommodation for the class of patients who are now, from time to time, discharged from this Hospital as incurable.

The resolution was adopted by consent.

### COMMON SCHOOL FUND.

Mr. STUDABAKER. Mr. President:

The PRESIDENT. The following resolution is offered by the Senator from Adams:

*Resolved*, That whereas by the report of Auditor of State there is shown to be due the Common School Fund, undistributed in the State Treasury, the sum of \$186,861 64, which is now due from the State Treasury to said fund, and also in the further sum of \$145,410 57 to the Swamp Land Fund; and whereas, in justice to those that purchased swamp lands with the expectation that the same would be drained, and also with a proper regard for the educational interests of the State, said sums ought to be speedily reimburse it, therefore the Committee on Finance are instructed to inquire into the expediency of paying said sums, and report as soon as practicable.

The resolution was adopted by consent.

### AVAILABLE FUNDS.

Mr. FISK. Mr. President.

The PRESIDENT. The following resolution is offered by the Senator from Ripley:

*Resolved*, That the Committee on Ways and Means be instructed to inquire into and ascertain the amount of available funds, if any, that may be applied to meet the

deficit of 1857 and 1858, and report accordingly, at their earliest convenience.

Mr. McLEAN. I move that the Messenger of the Senate take it to the other end of the Capitol.

A VOICE. There is no Committee on Ways and Means in the Senate.

Mr. FISK. I desire that the resolution shall be so changed as to read "Committee on Finance."

The resolution was adopted by consent.

### NEW PENITENTIARY.

Mr. BROWN. Mr. President.

The PRESIDENT. The following resolution is offered by the Senator from Marshall:

*Resolved*, That the Committee on the State Prison be instructed to inquire into the expediency and propriety of establishing a house of refuge at ——— in ——— county, in the northern part of this State, for the confinement of juvenile offenders, and all those that have committed larceny, and report by bill or otherwise.

The report was adopted by consent.

### CONVICTS TO THE PENITENTIARY.

Mr. CONNER. M<sup>r</sup> President.

The PRESIDENT. The following resolution is offered by the Senator from Wabash.

WHEREAS, heretofore, when more than one prisoner has been convicted to the State Prison at the same term by the several Circuit Courts of this State, some of the Sheriff's of the several counties of the State in such cases, have been in the practice of conveying such prisoners to the State prison, one at a time, and charging mileage for conveying each several prisoner; therefore,

*Resolved*, That the Committee on the State Prison be instructed to report a bill requiring all the prisoners convicted at the same term to be conveyed to the State Prison at one time, or otherwise be prohibited from charging miles for more than one visit.

The resolution was adopted by consent.

### CLERK TO THE COMMITTEE ON FINANCE.

Mr. RICE. Mr. President. I beg leave to submit the following:

Mr. PRESIDENT, In pursuance of a Resolution of the Senate, the undersigned, as Chairman of the committee on Finance, asks leave of the Senate for said committee to employ a Clerk for such time as said committee may deem necessary.

J. A. RICE, Chairman.

To which the Senate consented.

### TOWNSHIP TRUSTEES MEETING.

Mr. STEVENS. Mr. President.

The PRESIDENT. The following resolution is offered by the Senator from Decatur:

*Resolved*, That the Committee on County and Township Business be requested to inquire into the expediency of so changing the law regulating the meeting of Township Trustees so as to have them meet only once in three months, and to give notice of the time of their meeting, in the newspaper having the largest circulation in the county.

Mr. STEVENS. It is a mere resolution of inquiry; no harm can be done by its adoption.

Mr. WEIR. Mr. President, I object to the passage of this resolution, and the reason I object is this. It seems to be agreed that the present mode of doing township business shall be changed, and that being the case we do away entirely with the present system, and consequently there is no use of adopting forty resolutions of this character, calling upon the committee to act in this respect. There will be no end to expressions of this character, therefore I object. I move to lay the resolution on the table.



## MISDEMEANORS.

Mr. GREEN'S bill (No. 14), proposing to amend an act defining misdemeanors, was read through the second time by the Secretary.

Mr. HENDRY. I move that this bill be referred to the Judiciary Committee.

The motion was agreed to.

## ABANDONED HIGHWAYS.

Mr. STEELE'S bill (No. 15) authorizing County Commissioners to take possession of public roads abandoned by the constructors, was read through the second time by the Secretary.

Mr. STEELE. I move to have that bill referred to a special committee of three. I would inform the Senate that there is an emergency existing for the passage of this bill, in my county; we have a plank road which cost some forty thousand dollars and is abandoned by the corporation which built it; our County Commissioners have failed to divide it into road districts, and it is the road over which our mail runs. The object of this bill is to keep that road, and other roads in the same situation throughout the State, in good order. I understand from some Senators in the southern portion of the State, that they have roads in the same condition. Our Commissioners sit next Monday, and I would be glad to have it passed through by that time.

The motion was agreed to, and the President appointed Senators Steele, Johnson, and Line, said committee.

## RELIEF OF JAMES O'BRIEN.

Mr. SLACK'S bill (No. 16) for the relief of James O'Brien, was read through the second time by the Secretary.

Mr. LINE. I move to refer this bill to the Committee on Claims.

Mr. HEFFREN. For the information of those Senators who were not here two years ago I will say that this same bill was referred to a committee of which I was one, and that we made a full examination of the matter and found that relief should be granted, but we failed to meet the bill in the Senate to put it upon its passage.

Mr. LINE. I withdraw my motion.

The bill was then ordered to be engrossed and passed to third reading.

## QUALIFICATION OF VOTERS.

Mr. COOPER'S bill (No. 17) having reference to the qualification of voters, was read through the second time by the Secretary.

Mr. COOPER moved that this bill be referred to the Committee on Elections.

Mr. JOHNSON. If in order, I would like to offer the following instructions:

Amend by striking out all that relates to a residence of sixty days in the township.

I think it is a provision we can not insert into the bill, because I do not think it is according to the Constitution.

Mr. CONNER. This bill should be referred to the Judiciary Committee. I move to amend the motion of the Senator from Rush, (Mr. Cooper) by moving its reference to the Judiciary Committee. Another thing, I would suggest to the Senator from Putnam (Mr. Johnson) that he modify his motion so as to require the committee to inquire into the constitutionality of the bill.

Mr. JOHNSON. I have no objection to the reference of the bill in that way.

Mr. CONNER. Another thing; I see that the bill contains an emergency clause likewise; it seems to be the fashion to add that clause to almost every bill. There has been a resolution passed requiring the Committee on the Judiciary to report a bill providing in all cases where an emergency clause is enacted, that the bill be published by one newspaper in each County of the State; and I insist that in the case of all bills containing an emergency clause that should be done. If an act should take effect immediately upon its passage, the people should know it, and there is no more speedy method than by publishing the law in a newspaper of their own County. If that law be passed, Senators ought to consider the expense attached to these bills. Again, no important election will take place until this law will go into effect and be published according to the usual method of publishing laws; I therefore move to further instruct the committee to strike out the emergency clause.

Mr. JOHNSON. I withdraw my motion.

Mr. BOBBS. I believe the bill just before this, sir, having reference to elections, was referred to the Committee on Elections. I think the Judiciary is the right committee, and I think they both ought to go to the same committee.

Mr. MURRAY. The other bill only had reference to that section of the law which authorizes the Judges of elections to count votes.

Mr. GOODING. All questions involving constitutional construction, it would be proper to refer to the Judiciary Committee.

The motion to refer the bill to the Judiciary Committee was agreed to.

The motion to instruct the committee to strike out the emergency clause was also agreed to.

## ELECTION OF TOWNSHIP OFFICERS.

Mr. HILL'S bill (No. 18) having reference to the election of township officers, was read through the second time by the Secretary.

Mr. HILL. I move its reference to the Committee on County and Township Business.

The motion was agreed to.

## REAPPRAISEMENT OF REAL ESTATE.

Mr. CARNAHAN. I ask leave to make a report from the select committee to which was referred the bills Nos. 1, 3 and 22, on the subject of the reappraisal of real estate.

The report recommended the laying on the table of Nos. 1 and 22, and making numerous amendments to the bill No. 3; and after these amendments had been made, recommended its passage.

Nos. 1 and 22 were accordingly laid upon the table, and the report was considered and discussed as if in committee of the whole, until—

The Senate took a recess till two o'clock.

## AFTERNOON SESSION.

The Senate resumed the consideration of the bill No. 3, having reference to the reappraisal of real estate; and after the adoption of numerous amendments, the bill, as amended, was ordered to be engrossed for a third reading.



## TRANSFER OF STATE BONDS.

Mr. HEFFREN. I ask that the rules be suspended to allow me to introduce a bill with regard to the issue and transfer of bonds.

The rules were suspended, and—

Mr. HEFFREN introduced a bill (No. 53) to provide for the transferring of bonds of the State of Indiana, providing for a registry of the same, and to prevent a fraudulent issue thereof, and providing punishment for the same; which was read through by the Secretary, and passed the first reading.

Mr. HEFFREN. I now ask that the rules be suspended, and that this bill be read a second time by its title, so that it may be referred to a committee.

The yeas and nays, under the constitutional provision, were ordered on this motion, and being taken, resulted—yeas 42, nays 0.

So two-thirds voting in the affirmative, the rules were suspended, and the bill was read a second time by its title.

Mr. HEFFREN. Mr. President, I move its reference to the Committee on Finance.

The motion was agreed to.

## TITLE OF THE LAW REFORM ACT.

Mr. MURRAY, by unanimous consent, introduced a bill (No. 54) to amend the title of an act entitled An Act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of the State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, which was read through by the Secretary, and passed to the second reading.

## SAFE KEEPING OF PUBLIC MONIES.

Mr. TARKINGTON, by unanimous consent, introduced a bill (No. 55) entitled An Act to provide for the safe keeping of public money, bonds, and other securities entrusted to the care of officers herein mentioned, which was read through by the Secretary, and passed to the second reading.

Mr. ANTHONY offered a bill.

Mr. BENNETT. I think Senators are taking advantage of the courtesy extended to the Senator from Washington, [Mr. Heffren.] We ought to proceed with the taking up of bills on their second reading.

## BILLS ON THE SECOND READING.

Mr. Beeson's bill (No. 19) to amend an act authorizing the construction of levees and drains, was read through a second time.

Mr. BEESON. I move that this bill be referred to a select committee of five.

The motion was agreed to, and the President appointed Senators Beeson, Bennett, Carnahan, Culver and O'Brien said committee.

Mr. Shoemaker's bill (No. 20) authorizing the incorporation of associations formed for building towns within this State, was read through the second time by the Secretary.

Mr. SHOEMAKER moved its reference to the Committee on Corporations, and it was so referred.

Mr. Hamilton's bill (No. 21) to amend an act

concerning real property and the alienation thereof, was read through the second time by the Secretary.

Mr. STUDABAKER said he was requested by the Senator from Allen (Mr. Hamilton) to move its reference to the Judiciary Committee; and it was so referred.

Mr. Heffren's bill (No. 24) authorizing the empanneling of petit jurors in the Court of Common Pleas, was read through a second time by the Secretary.

Mr. HEFFREN moved its reference to the Committee on the Organization of Courts; and it was so referred.

Mr. Bobb's bill (No. 25) providing for the redemption and purchase of bank bonds and Indiana and other State stocks, was read through the second time by the Secretary.

Mr. BOBBS moved its reference to a select Committee of five, and it was so referred.

The PRESIDENT appointed Senators Bobbs, March, Steele, Heffren and Carnahan said Committee.

Mr. Wagner's bill (No. 26) supplementary to an act to provide for a general system of common schools.

Mr. LINE. I move its reference to the Committee on Education.

Mr. HEFFREN. As the Senator who introduced it is not here, I move it lay upon the table.

Mr. ANTHONY. The Senator from Warren (Mr. Wagner) asked me to move that reference for him.

Mr. HEFFREN withdrew his motion, and the bill was referred to the Committee on Education.

Mr. Rice's bill (No. 27) regulating the jurisdiction and duties of Justices of the Peace, was read through the second time by the Secretary.

Mr. GOODING moved its reference to the Judiciary Committee, and it was so referred.

Mr. Hargrove's bill (No. 28) for the election of United States Senators, was read through the second time by the Secretary.

Mr. MARSH offered an entire new bill as an amendment.

The bill and amendment was referred to the Committee on Federal Relations.

Mr. Conner's bill (No. 30) to amend an act to simplify and abridge the rules, practice, pleadings and forms in courts of this State, was read through by the Secretary.

Mr. Conner moved its reference to the Committee on Canals and Internal Improvements, and it was so referred.

Mr. Gooding's bill (No. 29) to extend to borrowers of the Sinking and other funds, time for payment of their loans, was read through by the Secretary, and passed the second reading.

Mr. Jones' bill (No. 31) fixing the time of holding the Courts of Common Pleas in Bartholomew county, was read through by the Secretary, and passed the second reading.

Mr. Wagner's bill (No. 32) to amend an act providing for the election and qualifications of Justices of the Peace, their duties, &c., was read through a second time by the Secretary.

Mr. CONNER moved its reference to the Judiciary Committee, and it was so referred.

Mr. Shoemaker's bill (No. 34) prescribing the



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No. 9.

duties of Assessors, was read through the second time by the Secretary.

The bill was referred to the Committee on Agriculture.

Mr. Green's bill (No. 23) for the protection of the Sabbath, was read through the second time by the Secretary.

Mr. HEFFREN moved its reference to the Committee on Temperance, and it was so referred.

Mr. Bennett's bill (No. 35) to amend an act concerning interest on money, was read through the second time by the Secretary.

This bill was referred to the Committee on the Finance.

Mr. Conley's bill (No. 36) prohibiting the issue of unauthorized paper currency, was read through the second time by the Secretary.

This bill was referred to the Committee on Banks.

Mr. Heffren's bill (No. 37) to let the State printing to the lowest bidder, was read through the second time by the Secretary.

Mr. GOODING moved that it be referred to the Committee on Printing, and it was so referred.

Mr. Gooding's bill (No. 38) to amend an act authorizing the Commissioners of the Sinking Fund to receive subscriptions of stock, mortgages, and for other purposes, was read through the second time by the Secretary.

Mr. HEFFREN moved its reference to the Committee on Finance, and it was so referred.

Mr. Conley's bill (No. 40) to amend an act providing for the election and qualifications of Justices of the Peace, was read through the second time by the Secretary.

This bill was referred to the Judiciary Committee.

Mr. Green's bill (No. 41) referring to the publication of legal advertisements, was read through the second time by the Secretary.

Mr. GOODING moved its reference to the Judiciary Committee, and it was so referred.

Mr. COBB'S bill (No. 42) repealing the act providing for the protection of wild game, was read through a second time by the Secretary.

Mr. SLACK moved its reference to the Committee on the Rights and Privileges of the inhabitants of the State.

Mr. McLEAN moved its reference to the Committee on Military Affairs. He believed we had no committee on shooting.

A Senator moved to refer it to the Committee on Temperance.

Mr. SLACK accepted of this amendment to his motion, and it was so referred.

Mr. WAGNER'S bill (No. 43) to amend an act authorizing the formation of new counties,

and changing county boundaries, was read through by the Secretary.

Mr. ANTHONY moved its reference to the Committee on the Judiciary, and it was so referred.

**PROHIBITING THE ISSUE OF BILLS LESS THAN \$10.**

Mr. WALLACE asked and obtained leave to offer the following resolution:

*Resolved*, That the Committee on Banks be instructed to inquire into the expediency of passing an Act prohibiting the several Banks of the State from emitting bills of a less denomination than ten dollars, and providing a suitable penalty for circulating within the limits of this State, bills of banks of other States of a less denomination than that above stated.

The resolution was adopted.

And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 1, 1858.

The journal of yesterday was read and corrected.

Mr. DOBBINS, Mr. MERRIFIELD and Mr. NEWTON asked and obtained leave to have their names recorded in the affirmative on the vote of yesterday, respecting the resolution of Mr. Turpie, with regard to United States Senators.

Mr. STANFIELD and Mr. COTTON obtained leave to be recorded against the same resolution.

### INDIANAPOLIS BRANCH BANK.

The SPEAKER laid before the House a report of the Cashier thereof, showing the condition of the Branch of the Bank of the State of Indiana at Indianapolis.

On motion by Mr. HUNTER, these reports were referred to the Committee on Banks.

### COMMITTEE ON THE AFFAIRS OF THE PENITENTIARY.

The SPEAKER announced the appointment of Messrs. Dunham and Sherman as additional members of this committee under the resolution adopted yesterday.

### LANDLORD'S LEIN.

Mr. EDWARDS presented the petition of sundry citizens of Vigo county, asking for a Landlord's Lein Law, similar to that previous to the act of 1852, which was read and referred to the Committee on the Judiciary.

### COUNTY LIBRARIES.

Mr. KEMPF submitted the following:

*Resolved*, That the Committee on Education examine into the propriety of adding a number of German works to every County Library, where the German population thereof will justify so doing.

This resolution was adopted.

Mr. JOHNSON submitted the following, which was adopted:



*Resolved*, That the Auditor of State be requested to make out and report to this House, a copy of the items paid for free banking, for the years 1856, 1857 and 1858.

#### PROBATE BUSINESS.

Mr. MURRAY submitted the following, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law organizing the Court of Common Pleas in this State, as to set apart a certain term thereof for making up issues and doing Probate business, so as to avoid the expense of attendance of jurors and witnesses while such business is transacting.

Mr. BOYD submitted the following, which was adopted:

*Resolved*, That the Committee on Education be instructed to take into consideration the propriety of so amending section one of article eight of the Constitution of the State of Indiana, as to place it in the power of future Legislatures to comply with the same.

#### COMMON PLEAS DISTRICTS.

Mr. HAMILTON submitted the following, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of enlarging the districts or circuits of the Courts of Common Pleas, so as to provide for a more economical or cheap mode of doing business in these Courts, and a reduction of the number of the Judges thereof.

#### SCHOOL FUND.

Mr. BROTHERTON submitted the following, which was adopted:

*Resolved*, That the Committee on Education be requested to ascertain what amount has been paid to each county in the State as its distribution share of the Common School Fund for 1858, and whether each county has received its full share, and report the same to this House as soon as possible.

#### ACCOUNTS OF THE STATE PRINTER.

Mr. MILLER submitted the following:

*Resolved*, That the special committee to investigate the accounts of the State Printer have the privilege of a clerk.

Mr. HUNTER. The Committee on Ways and Means have a clerk, and I thought it had been arranged that he should serve this special committee also.

Mr. MILLER. I am satisfied that it will require the service of a good clerk for three or four weeks.

The resolution was rejected.

Mr. RITTER. Will this action exclude the clerk of the Committee on Ways and Means?

The SPEAKER. I presume not.

Mr. MILLER. I shall be constrained to resign my place on that special committee unless we can have a clerk. We want a practical printer clerk, with brass in his face. We might as well dry up the inquiry at once, if we are not to have this clerk. The committee desire to investigate this matter thoroughly, expecting to bring to light some \$20,000 now in the pockets of individuals without authority of law. I hope some gentleman will move a reconsideration.

On motion by Mr. PARRETT, the vote was reconsidered, and the question recurred on the adoption of the resolution.

Mr. MURRAY. The appointment of this committee was for the sole purpose of investigating the accounts of the State Printer; and I state here, from my knowledge of the printing business, that that committee can not go through

their investigations without a practical printer for a clerk. All the matter printed by this officer will have to be re-measured; and the manner of making up forms will have to be investigated, to see whether overcharging for tokens of press work have not been made; and I undertake to say, that unless they have a practical printer for a clerk, they might as well throw up the business.

Mr. AUSTIN. I move to amend so as to provide that this service shall not extend beyond a just limit of time. Unless this be done, there will be a claim laid in for the entire term of the session.

Mr. COTTON. If the gentleman from Tippecanoe accepts, I will vote for the resolution.

Mr. MILLER accepted:

And so the resolution was adopted.

Mr. PROSSER moved to add Mr. Murray to this special committee.

Mr. MURRAY declined.

The SPEAKER. The Chair would inform the gentleman from Brown, that nearly every member on that committee, except the chairman, is a practical printer.

The motion was withdrawn.

#### TOWNSHIP CLERKS AND TRUSTEES.

Mr. COTTON submitted the following, which was adopted:

*Resolved*, That the Committee on County and Township business be instructed to inquire into the expediency of doing away with the offices of township clerks and treasurers, and requiring two of the trustees to perform the duties thereof in connection with their duties as trustees.

M. COLGROVE submitted the following:

*Resolved*, That the Committee on the organization of Courts be instructed to inquire into the expediency of abolishing the Court of Common Pleas, and providing for a different mode of doing probate business, and revising the Practice Act so as to make the same conform to the proposed changes.

The resolution was adopted.

#### JEFFERSON'S MANUAL.

Mr. GIFFORD. Mr. Speaker, I offered a resolution yesterday which I think was not understood by the House. I refer to that requiring the Doorkeeper to furnish each member with a copy of *Jefferson's Manual*. It was not the intention to authorize the purchase of that work: for the fact is, as I am informed, that there are now in the Library some 200 copies of *Jefferson's Manual*, purchased for the use of members of the Legislature, and all the resolution contemplated was to have them laid on our tables. I hope now that some gentlemen who voted down the resolution, will move a reconsideration.

Mr. HALL of Rush. I make that motion.

Mr. COLGROVE. I understand the resolution is to purchase these books. If this is the case I am opposed to it. I suppose all members desiring to be posted up in matters of parliamentary law will purchase a Manual for themselves. I have done that. I hope the vote will not be reconsidered.

Mr. HALL, of Rush. My impression was that the books were already procured for the purpose. I beg leave now to withdraw the motion to reconsider.

#### PROHIBITORY LIQUOR LAW REPEAL.

Mr. DOBBINS introduced a bill (No. 23) to repeal the act entitled An Act to prohibit the man-



ufacture and sale of spirituous and intoxicating liquors, except in cases therein named, to repeal all acts in conflict therewith, and suppress intemperance; which was passed the first reading.

## NINTH JUDICIAL CIRCUIT.

Mr. MERRIFIELD introduced a bill (No. 24) entitled an act to amend section 2 of the act to fix the time of holding the Circuit Court in the Ninth Judicial Circuit, which was passed the first reading.

## ELECTIONS.

Mr. SHOCKLEY introduced a bill (No. 25) to prevent frauds at elections and prescribing penalties therefor—amendatory of the election law, chapter 31 of the Revised Statutes; which was passed the first reading.

## PUBLIC NOTICE IN NEWSPAPERS.

Mr. GREGORY introduced a bill (No. 26) to define the duties of Sheriffs, Auditors, Treasurers, Administrators and other officers and persons, in the matter of giving public notice (in the newspapers,) which was passed the first reading.

Mr. GREGORY also introduced a bill (No. 27) to amend section 2, article 2 of the Constitution of the State of Indiana so as to confine the qualification of electors to free white male citizens of the United States, of the age of twenty-one years and upwards, who shall have resided in the State six months preceding the election, which was passed the first reading.

## BUSINESS OF THE SESSION.

The SPEAKER announced the order of the consideration of Mr. Duvall's joint resolution, (H. R. 1) in relation to the subject of legislation at the present session of the General Assembly, which was passed the second reading.

Mr. STANFIELD. Mr. Speaker, I move to refer the resolution to a select committee of five.

Mr. SCOTT. I move indefinite postponement. Monsieur Tonson has come again, and I want to place him under the table.

But the latter resolution was withdrawn, and the resolution was ordered to be referred to a select committee of five.

The SPEAKER, (Mr. Edwards in the chair,) appointed Messrs. Stanfield, Branham, Gregory, Parrett and Scott.

The SPEAKER, (Mr. Edwards in the chair,) announced the next order to be the consideration of Mr. Griffin's bill (H. R. 6) to amend the 238th section of the Law Reform act, approved June 18th, 1852, which passed the second reading.

On motion by Mr. GRIFFIN, it was referred to the Committee on the Judiciary.

## COUNTY RECORDER.

Mr. BOYD'S bill (H. R. 7) to amend the act concerning County Recorders, coming up, it was passed the second reading.

On motion by Mr. NEBEKER, of Warren, it was referred to the Committee on Fees and Salaries.

## UNAUTHORIZED PAPER CURRENCY.

Mr. MARTIN'S bill (H. R. 9) to prevent the circulation of unauthorized paper currency, coming up, it was passed the second reading.

Mr. SCOTT moved to refer to the Committee on Banks, but withdrew for

Mr. BAIRD, who proposed to amend the bill by way of substitute, declaring such offence a misdemeanor, and declaring the penalty in each case, and against every member of corporation, &c., of a fine not exceeding \$500, nor less than \$50, &c.

On motion by Mr. SCOTT, the bill and proposed amendment were referred to the Committee on Banks.

## ELECTIONS.

Mr. AUSTIN'S bill (H. R. 10) to regulate elections and prevent fraudulent voting, coming up, it was passed the second reading.

On motion by Mr. AUSTIN, it was referred to the committee on the Judiciary.

## VALUATION AND ASSESSMENT.

Mr. WATERMAN'S bill (H. R. 13) to amend section 32, chapter 6, volume 1st of the Revised Statutes—valuation and appraisal of real and personal property—coming up, was passed to the second reading.

On motion by Mr. HARVEY, it was referred to the Committee on Corporations.

## COUNTIES.

Mr. NEWTON'S bill (H. R. 11) repealing section two of the act to authorize new counties, &c., coming up, was passed the second reading.

On motion by Mr. NEWTON, it was referred to the Committee on the Judiciary.

## CONVENTIONAL INTEREST.

Mr. SHULL'S bill (H. R. 12) to authorize a conventional interest, coming up, it was passed the second reading.

Mr. SHULL made an ineffectual motion to lay it on the table.

On motion by Mr. BOYD, it was referred to the Committee on Rights and Privileges.

## COUNTIES.

Mr. FIRESTONE'S bill (H. R. 14) to amend the second section of the act to authorize new counties, &c., was passed the second reading.

Mr. HAMILTON moved to refer it to the Committee on County and Township Business.

Mr. DURHAM made an ineffectual motion to refer it to the Committee on Corporations.

Mr. NEBEKER, of Warren, made an ineffectual motion to refer the bill to the Committee on Rights and Privileges.

Mr. NEWTON made an ineffectual motion to refer it to the Committee on the Judiciary; and then

Mr. HAMILTON'S motion was agreed to, and the bill referred accordingly.

Mr. GRIFFIN'S bill (H. R. 15) to amend the 445th, 453d, 455th sections of the Law Reform Act of 1852, coming up, it was passed the second reading.

On motion by Mr. GRIFFIN, it was referred to the Committee on the Judiciary.

Mr. NELSON'S bill (H. R. 17) for the regulation of township business, &c., coming up, it was passed the second reading.

On motion by Mr. FIRESTONE, it was referred to the Committee on County and Township Business.

The House then took a recess till two o'clock.



## AFTERNOON SESSION.

The SPEAKER announced the order of the consideration of Mr. Turpie's bill (H. R. 16) to repeal the Game Law, and the same was passed the second reading.

On motion by Mr. EDWARDS, it was referred to a special committee of five.

The SPEAKER appointed Messrs. Edwards, Turpie, Merrifield, Branham and Row.

Mr. STILE'S bill (H. R. 18) to amend section 18 of the act prescribing the powers and duties of Justices of the Peace, coming up, it was passed the second reading.

On motion by Mr. BOWMAN, it was referred to the Committee on the Judiciary.

## SERVICE OF PROCESS.

Mr. CLEMENT'S bill (H. R. 19) to secure service of process against corporations, &c., coming up, it was passed the second reading.

Mr. CLEMENTS moved a suspension of the rules to allow the bill to be considered as engrossed and read the third time now.

The SPEAKER (Mr. Edwards in the Chair.) Under the constitutional provision it is required that this question shall be taken by yeas and nays. As many as are in favor of the motion will say "yea" as your names are called, and as many as are opposed to the motion will say "nay" as your names are called. The Clerk will proceed with the call.

The Clerk reported—yeas 63, nays 22—as follows:

YEAS—Messrs. Baird, Black, Blythe, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Dobbins, Dougherty, Duvall, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Jeffries, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Snyder, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Wheeler, Whitman and Wood—63.

NAYS.—Messrs. Austin, Boxley, Branham, Clark, Comstock, Cotton, Davidson, Davis, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Parks, Robinson, Smith of Miami, Stanfield, Stiles, Treadway, Whetzel and Wildman—22.

So two-thirds not voting in the affirmative, the rules were not suspended.

On motion by Mr. Speaker GORDON, the bill was referred to the Committee on the Judiciary.

## ASSIGNMENTS.

Mr. COLGROVE'S bill (H. R. 8) to provide for a uniform mode of assignments of insolvents, coming up, it was passed the second reading.

On motion by Mr. GRIFFIN, it was referred to the Committee on the Judiciary.

## CIRCUIT COURT IN SULLIVAN.

Mr. USREY'S bill (H. R. 4) to change Court time in Sullivan county, coming up, passed the second reading.

Mr. SCOTT proposed to amend by adding to the second section a provision, "that no judgment by default shall be rendered at the first February term next hereafter during the first week," which was adopted, and so the bill was ordered to be engrossed.

On motion by Mr. DOBBINS, it was referred to the Committee on Organization of Courts.

Mr. Stanley's bill (H. R. 22) for the appraisal of unsold school land, coming up, it was passed the second reading.

On motion by Mr. PARKS, it was referred to the Committee on Education.

## GAME LAW.

Mr. Merrifield's bill (H. R. 20) to amend the 4th section of the game law, coming up, it was passed the second reading.

On motion by Mr. TURPIE, it was referred to the Select Committee on that subject.

Mr. COLGROVE moved instruction, "to amend by extending the time of killing quails to the first of February."

Mr. PARKS opposed the instructions.

Mr. DOUGHERTY inquired whether the object of this extension was merely to authorize game-time during the session of the Legislature?

Mr. CAVINS moved to amend the instructions "to repeal the entire game-law."

Mr. SCOTT opposed instructions.

Mr. GRIFFIN. The game in his region was hunted by sportsmen and fed by the farmers. He was opposed to instructions.

Mr. CAVINS demanded the yeas and nays, on his amendment, which, being ordered and taken, resulted—yeas 55, nays 42—as follows:

YEAS—Messrs. Black, Bowman, Boyd, Boxley, Carr, Cavins, Clark, Clements, Collier, Dobbins, Duvall, Early, Eastham, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Martin, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynearson, Shields, Shockley, Shull, Smith of Perry, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Wheeler, Whitman, Wildman, Wood, and Mr. Speaker—55.

NAYS—Messrs. Austin, Baird, Branham, Brotherton, Claypool, Colgrove, Comstock, Cotton, Davidson, Davis, Dougherty, Durham, Edwards, Firestone, Gregory, Hall of Grant, Hamilton of Wayne, Harrison, Jeffries, Johnston, Keefer, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Power, Scott, Sherman, Smith of Miami, Snyder, Stanfield, Stiles, Tebb, Thompson of Elkhart, Treadway, Waterman, and Whetzel—42.

So the amendment was adopted.

But the instructions, as amended, were rejected on a division—affirmative 47, negative 52.

## ELECTION OF UNITED STATES SENATORS.

Mr. BRANHAM, (by unanimous consent) introduced a bill (No. 28) to prescribe the time, place and manner of electing United States Senators, which was passed the first reading.

## REAPPRAISEMENT OF REAL ESTATE.

On motion by Mr. DOBBINS, his bill (H. R. 3) providing for the reappraisal of real estate, was taken up and referred to the Committee on Ways and Means.

The House then adjourned.

## IN SENATE.

THURSDAY, December 2, 1893.

The Journal of yesterday was read.

## PUBLIC HIGHWAYS.

Mr. COOPER. I ask leave to make a report from the Select Committee, to which was referred a resolution on the subject of roads.

Leave was granted, and Mr. Cooper submitted the following report:



Mr. PRESIDENT: The Committee on Roads, to whom was referred the following resolution—  
*Resolved*, That the Committee on Roads be instructed to inquire into the expediency of declaring Water Course, public highways, and making it the duty of the Supervisor to keep them free from obstruction, and report by bill or otherwise, have had the same under consideration, and report that it is inexpedient.

The report was concurred in by consent.

#### SWAMP LANDS.

Mr. GREEN. Mr. President: I offer the following resolution:

*Resolved*, That the Committee on Swamp Lands be authorized to send for papers and witnesses, to enable them to fully investigate the alleged frauds committed in the management of the swamp lands, and the frauds arising from the sales of said lands.

Mr. GOODING. Before we vote upon this resolution, as it will incur a good deal of expense, I would like to know something about these alleged frauds.

Mr. GREEN. "Alleged" may be a strong word, but if there is anything in Madam Rumor, there are a good deal of frauds in these swamp land matters. An act donating lands for draining purposes is in force, but somehow or other the lands are gone and the ditching is not done, and there must be swindling going on somehow or other. We want to send for the Swamp Land Commissioners, to see where the fraud is.

Mr. GOODING. I understand the Senator wishes to go fishing to ascertain whether Madam Rumor is right.

Mr. GREEN. We are satisfied there is something wrong, and we want to fish for it.

Upon a division of the Senate, the resolution was adopted.

Mr. CONLEY. Mr. President.

The PRESIDENT. The following resolution is offered by the Senator from Greene

*Resolved*, That the committee appointed during the session of the General Assembly in the year 1857, to investigate the conduct and methods resorted to by persons to secure the passage of the charter for the Bank of the State of Indiana, be requested to report to this body as soon as they can do so.

Mr. HEFFREN. I stated to the Senate but the other day, that the committee would report as soon as it was in their power to do so.

Mr. GOODING. Will the Senator inform the Senate whether the report will be in in a few days?

Mr. HEFFREN. I suppose it will be in this afternoon.

The resolution was adopted by consent.

#### INSURANCE LAW.

Mr. FISK. Mr. President.

The PRESIDENT. The following resolution is offered by the Senator from Ripley:

*Resolved*, That the Committee on the Judiciary inquire into the inefficiency of the present Insurance law and the difficulties attending its enforcement, and report by bill or otherwise.

The resolution was rejected.

#### JURISDICTION OF JUSTICES OF THE PEACE.

Mr. McLEAN. I desire to submit the following resolution:

*Resolved*, That the Judiciary Committee be requested to inquire into the expediency of so amending the Justices' Act as to make the jurisdiction of Magistrates in civil cases co-extensive with their counties respectively,

instead of townships, as the law now exists; and, if the same be deemed expedient, to report a bill to that effect at as early a day as practicable.

The resolution was rejected.

Mr. McLEAN. I would just simply state that this is a resolution of inquiry, and I trust that the Senate will yet let it go the Judiciary Committee. I hope the Senate will confer the favor upon me, and permit it to have that reference.

Mr. MURRAY. I move a reconsideration of the vote just taken, although I shall always vote against the object of the resolution.

The motion was agreed to, and the resolution was adopted by consent.

#### ABANDONED HIGHWAYS.

Mr. STEELE. I ask leave to make a report from a select committee.

Leave was granted, and Mr. Steele submitted the following report:

Mr. PRESIDENT: The select committee to whom was referred Senate bill No. 15 to authorize and empower the County Commissioners or Board doing county business in any county to take possession of and control any and all plank, gravel and Macadamized roads in their respective counties which may have been abandoned by the corporations, report that they return the bill without amendment, and recommend its passage.

The PRESIDENT. The question is, "Shall the bill be engrossed and read a third time?"

The Senate agreed, and it was so ordered.

#### HUNTING PARTIES.

Mr. JOHNSTON. Mr. President.

The PRESIDENT. The following resolution is offered by the Senator from Putnam:

*Resolved*, That the Committee on Agriculture be instructed to inquire into the expediency of enacting some law for the better protection of fencing and timber against hunting parties, and report by bill or otherwise.

The resolution was adopted by consent.

Mr. BOBBS. Mr. President, I desire to offer the following resolution:

WHEREAS, Elijah Newland, when Treasurer of State, loaned to the Madison Railroad Company \$32,000; and, whereas, the said company failed to repay the same, in time to make payment to the Messrs. Harper, for books furnished the township libraries, according to the contract with them; and, whereas, from default of said payment at the time specified, two acceptances in lieu thereof, for \$16,000 each, payable respectively at 8 and 12 months, in the city of New York, were accepted by the Treasurer; and, whereas, interest for such deferred payment was allowed and paid by the Treasurer, out of the township library fund; therefore, be it—

*Resolved*, That the Attorney General be directed to institute proper proceedings for the recovery of \$1,960 due the library fund, for interest paid the Messrs. Harper, from said fund, not authorized by law, in the year 1854, with interest from the date of such payment. Provided no adjustment of the same has been effected.

Mr. BOBBS explained the object of the resolution in a few words.

Mr. HEFFREN. I have only one thing to say: I hope the resolution will be referred to the Committee on Finance.

Mr. CRAVENS. I would like to make a suggestion to the Senator from Marion. There is a mistake in his resolution that perhaps may be fatal to it. The indebtedness is not upon the part of the Madison and Indianapolis Railroad—it is the Peru Railroad Company, before the consolidation.

Mr. HEFFREN. I move its reference to the Committee on Finance.



The motion was agreed to, and the resolution so referred.

Mr. MURRAY introduced a bill (No. 56) to amend the 103d section of an act entitled An Act to revise, simplify and abridge the rules, practice pleading and forms of criminal cases of courts in this State, approved June 17, 1852, which was read through, and passed to the second reading.

Mr. MURRAY introduced a bill (No. 57) entitled An Act to amend the 381st section of the Law Reform Act, which was passed the first reading.

Mr. BLAIR introduced a bill (No. 58) to amend the 37th section of an act entitled An Act defining misdemeanors, and providing punishment therefor, which was read through, and passed to the second reading.

Mr. ANTHONY introduced a bill (No. 59) entitled An Act to amend the third section of the act regulating the licensing of pilots at the falls of the Ohio, which was passed the first reading.

Mr. LOMAX introduced a bill (No. 60) to amend an act entitled An Act authorizing agricultural societies to hold real estate, which was passed the first reading.

Mr. BENNETT introduced a bill (No. 61) entitled An Act repealing section 60 of chapter 2 of an act entitled An Act to establish courts of conciliation to prescribe rules, which was passed the first reading.

Mr. HEFFREN introduced a bill (No. 62) entitled An Act providing for the relief and support of married women when deserted by their husbands, and of children when deserted by their parents, which was read through and passed to the second reading.

Mr. BENNETT introduced a bill (No. 63) entitled An Act defining embezzlement and prescribing punishment therefor, which was read through and passed to the second reading.

#### REAPPRAISEMENT OF REAL ESTATE.

Mr. HEFFREN. Mr. President, I move that the order of business be suspended and that we take up bill No. 3, for the reappraisement of real estate.

The motion was agreed to, and the Secretary read through the third time the bill (No. 3) to provide for the reappraisement of real estate and prescribing the duties of officers in relation thereto.

The yeas and nays were ordered, in pursuance of the Constitutional provision requiring the same on the final passage of the bill, and being taken, resulted—yeas 45, nays 1—as follows:

YEAS—Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—45

NAYS—Mr. Conner—1.

So the bill passed.

The title of the bill was then read, and the question being, shall this be the title of the bill? It was so ordered by consent.

#### INDEBTEDNESS OF THE STATE BANK TO THE STATE.

Mr. WALLACE. Mr. President: I ask that

the rules be suspended in order to enable me to introduce a joint resolution.

The Senate consented to a suspension of the rules.

Mr. WALLACE introduced a joint resolution (No. 3) touching the indebtedness of the State Bank of Indiana to the State, and appointing a joint committee to make investigation thereof, which was read through and passed to the second reading.

Mr. BENNETT. I was not within the bar when the vote was taken just now. I desire to record my vote upon the bill for the appraisement of real estate. I vote "No."

#### BILLS ON THE SECOND READING.

The PRESIDENT. The Senate will now take up the order of the day—being bills on the second reading.

Mr. Studabaker's bill (No. 44) having reference to the safe keeping of the school fund, was read through the second time.

Mr. STUDABAKER moved the reference of the bill to a Select Committee of five, and it was so referred.

The PRESIDENT appointed Senators Studabaker, Hendry, Miller, March, and Williams said committee.

Mr. GOODING made an ineffectual attempt to instruct the Committee to make the Commissioners of the Sinking Fund "five" instead of "three," as proposed in the bill.

#### GENERAL ELECTION LAW.

Mr. Rice's bill (No. 45) to amend an act regulating general elections, was read through the second time.

Mr. RICE moved its reference to the Judiciary Committee, and it was so referred.

Mr. JOHNSTON. I would like to offer the following instructions to the Committee:

To strike out all that part that requires a thirty days residence in the county and twenty days residence in the township or ward.

I offer these instructions merely to test the sense of the Senate with reference to the constitutionality of such a law. I insist we can make no law limiting the right of suffrage.

Mr. RICE. I moved this reference for the purpose of inquiring into the constitutionality of this question. I apprehend it is perfectly constitutional and legal to require even a six months' residence.

Mr. WALLACE. We might as well settle it in the Senate as in a committee. I am free to say that question for me has a great many doubts. I was of opinion at the last session of the Legislature that an act of the kind was unconstitutional, and I have not indeed fully made up my mind the other way. He thought the exigencies of the case demanded the passage of some such law at once; and if it should prove to be unconstitutional, there was a tribunal constituted to settle the question as to constitutionality of all acts which were passed by the Legislature.

Mr. JOHNSTON. I do not think it admits of a doubt when the constitution reads as plainly as it does. But I do not want to get up a discussion with the Senator from Montgomery, (Mr. Wallace.) The constitution says they who have resided in the State six months shall be entitled to



vote in the townships where they reside. The best citizens in the State, who may have resided for years are continually moving. Do you suppose they would submit to such a law? No, sir; they would not be trampled upon in such a way. He would not submit to it a single hour. He would have no hesitancy in taking it up to the Courts.

Mr. MURRAY. This question was discussed at the last session. If the Senator would so frame his instructions as to authorize the committee to inquire and report, we would have no objections. One of the first questions to be considered is, whether the Assembly has the power to pass the bill. The Legislature has the power to define what constitutes a residence, and the term of residence before the citizen can vote.

Mr. JOHNSTON would say it was incompetent for us to contend here with lawyers upon constitutional questions; but he had his opinion. He thought the Senator must stretch his construction as to what he calls qualifications to vote. According to his construction, the residence does not commence till after the end of twenty days. The Constitution does not so read, but that he shall reside six months before he is a resident. He took it, that a man's residence commences from the time he enters into the State. He was opposed to leaving the doors open for illegal voting, and willing to pass a law, no matter how stringent, to punish illegal voting.

Mr. WALLACE wished to direct attention to the fact that the Constitution says that every white male, twenty-one years old, who has resided in the United States one year, in this State six months, and declared his intention to become a citizen, shall be entitled to vote in the precinct where he resides. A man of foreign birth, when he has resided six months, the Constitution says when and where he shall vote. Now arises the question, is it not perfectly within the province of the Legislature to prescribe the residence in the township? The six months' residence is required to have been in the State—the Constitution is silent upon township residence. It prescribes a residence in the State, but not in townships. If this Legislature attempted to require of an elector a residence in the township longer than six months, that would be a different question. We must neither add to nor take from anything in the Constitution on this bill. He admitted there was doubt arising on this question, but he would not permit the doubt to weigh as against urgent demands for legislation. If it is competent for the Legislature to define the act of residence in the township, it is also within the province of the Legislature to define the evidence of that residence.

Mr. ANTHONY. The Senator seems to think we are ready to discuss this constitutional question. If there is a doubt on the constitutional question, let us bring it to the proper tribunal, and if determined against, let us proceed at once to amend the Constitution so as to correct the abuses of the elective franchise. Where there is a doubt, it goes in favor of the exercise of this legislative power. He would vote for the proposition as instructions for inquiry, but was against such positive instructions. He thought this section of the Constitution needed amendment, and

would like to see this doubt determined. This was necessary in order to carry out what would be right and proper.

Mr. McLEAN thought this discussion was premature. The Judiciary Committee was designed to decide this point. He said there was no doubt as to the provision of the Constitution defining who were legal voters. It was susceptible of but one construction. That every white inhabitant of foreign birth who had declared his intention and resided one year was a voter. He was sworn to support the Constitution as he understood it. He moved that the proposition of the Senator from Putnam be amended so as to make it the duty of the Judiciary Committee to inquire into the constitutionality of the law proposed.

Mr. HEFFREN had no doubt that any law requiring a township residence of thirty days, or twenty days, would be unconstitutional. The law is that a man shall be sued in the township where he resides, and if he had to remain thirty days before he is a resident it would cause a good deal of trouble. The instructions to inquire into constitutionality he had no objection to. The object was to cut off the migratory or the working classes; and any bill which would take from them the privileges they were entitled to he would war against and vote against.

The amendment proposed by the Senator from Vigo was adopted, and the committee were instructed accordingly.

Mr. HEFFREN offered an additional section: That 12 freeholders decide upon the qualifications of a voter where a question was raised.

This proposition was rejected.

Mr. McLean's bill (No. 46) to amend the 9th section of an act to exempt certain property from sale, was read a second time.

Mr. McLEAN moved its reference to the Judiciary Committee, and it was so referred.

And then the Senate took a recess till two o'clock.

#### AFTERNOON SESSION.

The PRESIDENT laid before the Senate a communication from the Treasurer of State.

The PRESIDENT laid before the Senate a communication from the Attorney General.

Mr. MURRAY moved that these communications be referred to the Committee on Finance. The motion was agreed to.

#### BILLS ON THE SECOND READING.

The PRESIDENT. The Senate will proceed to the consideration of the orders of the day—bills on the second reading.

Mr. Weir's bill (No. 47) allowing the formation and defining conditions of limited copartnerships was read through the second time by the Secretary and passed the second reading.

Mr. MURRAY moved that it be referred to the Committee on Corporations, and it was so referred.

Mr. Bennett's bill (No. 48) to amend the General Law Reform Act being passed the second reading—

Mr. BENNETT moved that it be referred to the Judiciary Committee, and it was so referred.

Mr. Lomax's bill (No. 49) to amend the Common School Act, was passed the second reading.



Mr. LOMAX moved to refer it to the Committee on the Rights and Privileges of the Inhabitants of the State, and it was so referred.

#### BANK FRAUDS.

Mr. HEFFREN. I ask the consent of the Senate to make a report from the Select Committee of the last session on Bank Frauds.

Leave was granted, and Mr. Heffren submitted a report of some five or six hundred pages of printed matter, and a number of pages in manuscript.

Mr. HEFFREN moved that it lay on the table without reading.

The motion was agreed to.

Mr. MURRAY moved to take up the supplementary part of the report and that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. HEFFREN. As there are five or six hundred copies of this report printed and in the Secretary of State's office, I wish to offer the following resolution in reference to them:

*Resolved*, That the Door-keeper be directed to lay upon the desks of Senators their portion of the reports of the State Officers and the Superintendents of the Hospitals for 1857-58, together with one copy of the report of the Select Committee, of the last Senate, upon Bank Frauds, which are now in print.

The resolution was adopted.

Mr. Heffren's bill (No. 50) to amend the general Law Reform Act, was passed the second reading.

Mr. HEFFREN moved its reference to the Judiciary Committee, and it was so referred.

Mr. Blair's bill (No. 51) to amend the act prescribing a uniform mode of doing township business, was passed the second reading.

Mr. BLAIR moved its reference to the Committee on County and Township Business, and it was so referred.

Mr. Jones' bill (No. 52) making public officers witnesses in cases brought by their relation, was passed the second reading.

Mr. JONES moved its reference to the Judiciary Committee, and it was so referred.

Mr. Murray's bill (No. 54) to amend the title of the general Law Reform Act, was passed the second reading.

Mr. MURRAY moved its reference to the Judiciary Committee, and it was so referred.

Mr. Tarkington's bill (No. 55) to provide for the safe keeping of public moneys, bonds, &c., was passed the second reading.

Mr. LINE moved it be referred to the Committee on Finance, and it was so referred.

#### KANSAS.

Mr. Wallace's Joint Resolution (No. 1) having reference to the admission of Kansas into the Union, and instructing our Senators and requesting our Representatives in relation thereto, was read the second time.

Mr. WALLACE said he desired to speak to that resolution, but as he had not the health sufficient to make the attempt to-day, he moved that it be laid on the table, and made the special order for Monday, at 2½ o'clock.

Mr. MARCH offered a substitute.

Mr. FISK also offered a substitute.

Mr. BENNETT moved to refer the subject to

the whole people, and make it the special order for the second Tuesday in October, 1860.

Mr. GOODING wished it further postponed; and took occasion to define his political position in a very few words.

Mr. CONNER moved to lay the resolution and pending amendments on the table; but withdrew the motion immediately.

Mr. WALLACE modified his motion so as to make his resolution the special order for Tuesday.

Mr. SLACK thought it was wrong to consume the time of the Senate in the discussion of these questions. Therefore he renewed the motion of the Senator from Wabash (Mr. Conner) to lay the resolution and pending amendments on the table; but immediately withdrew it.

Mr. McLEAN suggested as an amendment to the amendment of the Senator from Delaware (Mr. March) that we proceed to elect members of Congress in the place of Hughes and others.

Mr. WALLACE repeated his motion for the postponement till Tuesday.

Mr. MARCH stated that his amendment represented his view upon this question.

Mr. SLACK moved to lay the motion of the Senator from Montgomery (Mr. Wallace) on the table.

The yeas and nays were demanded by Senators Slack and Heffren, and being ordered and taken, resulted—yeas 23, nays 24, as follows:

YEAS—Messrs. Anthony, Bennett, Carnahan, Conner, Craven, Culver, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLanahan, O'Brien, Odell, Shoemaker, Slack, Stevens, and Weir—23.

NAYS—Messrs. Beeson, Blair, Bobbs, Brown, Cobb, Conley, Cooper, Cravens, Green, Hendry, Hill, Line, March, Miller, Murray, Rice, Robinson, Steele, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—24.

Mr. MILLER, when his name was called, said he voted "no," not because he approved of these resolutions being introduced here, but out of courtesy to the gentleman who introduced them.

So the motion was not laid on the table.

Mr. HEFFREN moved Tuesday week.

Mr. SLACK proposed three weeks from next Tuesday.

Mr. ANTHONY said it was out of no disrespect to gentlemen who wished to submit their views on this subject, that he voted for postponement.

The yeas and nays were demanded by Senators Slack and Heffren, and being ordered and taken resulted—yeas 24, nays 23—as follows:

YEAS—Messrs. Anthony, Carnahan, Cobb, Craven, Culver, Fisk, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, O'Brien, Odell, Robinson, Shoemaker, Slack, Stevens, Studabaker, Williams and Wilson—24.

NAYS—Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cooper, Cravens, Gooding, Green, Hendry, Kinley, McLean, March, Murray, Rice, Steele, Tarkington, Thompson, Turner, and Wallace—22.

Mr. McLEAN, when his name was called, said he would rather have this question referred to some night session, but out of respect to the mover, he would vote "no."

So the resolution and amendments were postponed to three weeks from next Tuesday.

#### STATE PROPERTY IN MARION COUNTY.

Mr. Heffren's joint resolution (No. 2) having



# THE LEGISLATIVE SENTINEL.

BINGHAM & DOUGHTY, PUBLISHERS.

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No. 10.

reference to the management of public property in Marion county, belonging to, but not now in possession of the State; was read through and passed the second reading.

Mr. HEFFREN moved its reference to the Committee on the Affairs of the town of Indianapolis; and it was so referred.

## TOWNSHIP BUSINESS.

Mr. SHOEMAKER, by unanimous consent, introduced a bill (No. 64) to provide for a more uniform mode of doing township business, which was passed the first reading.

Mr. WILLIAMS asked that the rules be suspended, and that the bill be read the second time, with a view to reference.

The yeas and nays being ordered, and taken, in compliance with the constitutional provision, resulted—yeas 46, nays 0.

So, two-thirds voting in the affirmative, the rules were suspended, and the bill was read a second time by its title.

Mr. WILLIAMS moved that it be referred to the Committee on County and Township Business; and it was so referred.

## ELECTION OF UNITED STATES SENATORS.

Mr. ODELL, by unanimous consent, introduced a bill (No. 65) entitled An Act to prescribe the mode of electing United States Senators, which was read through, and passed the first reading.

Mr. HEFFREN moved that the rules be suspended, and that it be read a second time by its title.

The yeas and nays being ordered, and taken, under the constitutional provision, resulted—yeas 26, nays 16.

So, two-thirds not voting in the affirmative, the rules were not suspended.

## COURTS OF COMMON PLEAS.

Mr. MURRAY asked and obtained leave to introduce the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to report a bill providing for the abolition of the Court of Common Pleas, and transferring the business of said court to the Circuit Court. Also providing for the increase of the number of circuits, and that they hold three terms per annum.

Mr. MURRAY moved that it be made the special order for Tuesday next at two o'clock.

The motion was agreed to.

Mr. GREEN made an ineffectual motion to take up bill No. 6 from the table.

The Senate proceeded to the order of the consideration of bills on the third reading.

Mr. Heffren's bill (No. 11) in relation to the ventilating and warming county prisons, was read the third time.

In compliance with the constitutional provision, the yeas and nays were ordered, and being taken, resulted—yeas 37, nays 5—as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cooper, Cobb, Cravens, Craven, Culver, Fisk, Gooding, Hargrove, Heffren, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner and Wilson—37.

NAYS—Messrs. Blair, Conner, Green, Studabaker, and Williams—5.

So the bill was passed the third and last reading in the Senate.

The title of the bill was then read and adopted.

## ABANDONED ROADS.

Mr. Steele's bill (No. 15) authorizing County Commissioners to take possession of the abandoned Plank, McAdamized or other roads, was read the third time.

In compliance with the constitutional provision, the yeas and nays were ordered, and being taken, resulted—yeas 43, nays 0—as follows.

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—43.

NAYS—0.

So the bill was passed.

The title of the bill was then read and adopted.

## JAMES O'BRIEN.

Mr. Slack's bill (No. 16) for the relief of James O'Brien, was read through the third time.

In compliance with the constitutional provision, the yeas and nays were ordered, and being taken, resulted—yeas 40, nays 4—as follows:

YEAS—Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—40.

NAYS—Messrs. Beeson, Bennett, Conley, and Gooding—4.

So the bill was passed the third reading.

The title of the bill was then read and amended by adding the words, "and for divesting the title the State may have in certain lands herein described."

Mr. RICE moved that the Senator from Marion (Mr. Bobbs) be added to the Committee on Finance, at his own request.

The motion was agreed to.

Mr. ANTHONY moved that the Senator from Monroe, (Mr. Tarkington) and the Senator from Park, (Mr. Steele) be added to the Committee on the Affairs of the State Prison.

The motion was agreed to.

Mr. BROWN moved that the Senator from Lake (Mr. Turner) be added to the State Prison Committee.

The motion was rejected.

Mr. WALLACE moved to take from the table



the bill (No. 10) with reference to assignments for the benefit of creditors.

The motion was agreed to, and the bill was passed the second reading and referred to the Committee on the Judiciary.

Mr. GREEN moved to take from the table the bill (No. 6) for the correction of defects in the execution of deeds.

The motion was agreed to, the bill was read and passed the second reading, and referred to the Judiciary Committee.

And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES,

THURSDAY, December 2, 1855.

The Journal of yesterday was read and authenticated.

### SUB TREASURY.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the constitutionality of the Sub-Treasury system; and that said committee also inquire into the expediency of adopting said system in this State, and report the result of their deliberations to this House at as early a day as possible.

### COMMITTEE ON SWAMP LANDS.

Mr. GRIFFIN submitted the following, which was adopted:

*Resolved*, That Mr. Parks be added to the Committee on Swamp Lands.

### WORKING ROADS.

Mr. WHETZEL submitted the following resolution, which was adopted:

*Resolved*, That the Committee on Roads be instructed to inquire into the expediency of so amending the Road Laws as to require all work on the public highways to be done in the spring instead of the fall; also to inquire into the expediency of providing by law that Supervisors shall be exempted from working on the roads the year following their term of service, as compensation therefor, instead of an allowance out of the township fund.

### PHEASANTS AND QUAILS.

Mr. SULLIVAN submitted the following:

*Resolved*, That the select committee on the Game Law be instructed to inquire into the expediency of so amending the same as to make it unlawful to net pheasants or quails at any time.

The resolution was adopted on a division—affirmative 44, negative 32.

### BANK STOCK EXEMPTION.

Mr. AUSTIN submitted the following, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the power of the present Legislature to repeal the 15th section of the act to establish a Bank with Branches, which exempts the stock of said Bank from taxation for municipal purposes, and report by bill or otherwise.

### THE HONORABLE HENRY WALKER.

Mr. DURHAM submitted the following, which was adopted:

WHEREAS, The Honorable Henry Walker is temporarily sojourning in this city, and has signified his willingness to repeat before this body his lecture on Education and the Fine Arts, therefore,

*Resolved*, That the use of this Hall be tendered to him to morrow evening, for that purpose.

### AGRICULTURAL COLLEGES IN THE UNITED STATES.

Mr. WATERMAN introduced a joint resolution (No. 2) concerning a Congressional grant of

lands for Agricultural Colleges in the United States, (which was passed the first reading,) to the following effect:

WHEREAS, A bill was passed the House of Representatives, at the last session of the Congress of the United States, making a grant of lands to all the States of the Union, for the establishment of Agricultural Colleges, which bill has not yet been acted on by the Senate; and, whereas, such a grant would be invaluable to the people of this State; therefore—

*Be it resolved*, That our Senators in Congress be instructed, and our Representatives requested, to vote for and use their influence to secure the passage of the bill referred to in the foregoing preamble.

*And be it further resolved*, That each of our Senators and Representatives in Congress, be furnished with a properly attested copy of this preamble and joint resolution.

Mr. MERRIFIELD made an ineffectual motion to re-consider the vote of this morning tendering the use of this hall for a lecture by the Hon. Henry Walker.

### EIGHTH JUDICIAL CIRCUIT.

Mr. NEWTON introduced a bill (No. 29) to fix the time for holding the Circuit Courts, in the Eighth Judicial District, and to repeal all laws in conflict therewith; which was passed the first reading—Mr. Boone objecting.

Mr. SHULL introduced a bill (No. 30) to repeal the act entitled an Act to provide for the protection of wild game, &c.; which was passed the first reading.

### TEMPERATURE OF THE HALL.

Mr. DOBBINS asked unanimous consent to offer a resolution to the effect, that the select committee on the ventilation of this house, be instructed to inquire into the expediency of so regulating the temperature in this hall, that it shall not exceed nor fall below 66 degrees Fahrenheit.

The House refused the leave.

### AGRICULTURAL SOCIETIES.

Mr. LEWIS introduced a bill (No. 31) to amend an act entitled An Act authorizing County Agricultural Societies to purchase and hold real estate, approved February 7, 1855 which was passed the first reading.

### CALUMET FEEDER DAM.

Mr. GRIFFIN introduced a bill (No. 32) to repeal the act authorizing the State of Illinois to maintain the Calumet Feeder Dam, securing the use of water in the Calumet River, and providing for the manner of assessing damages occasioned thereby to the citizens of Indiana adjacent thereto, approved March 7, 1857, which was passed the first reading.

Mr. BLACK introduced a bill (No. 33) for the taxing of costs to the complaining witness, if he fail to sustain the charge, in all cases of misdemeanor, which was passed the first reading.

Mr. MERRIFIELD introduced a bill (No. 34) to repeal the 36th section of the act entitled An Act to establish Courts of Common Pleas, defining the jurisdiction and providing for the compensation of Judges thereof, approved May 4, 1852, which was passed the first reading.

### HON. HENRY WALKER.

Mr. EDWARDS. Mr. Speaker, as the gentleman from Decatur has a resolution adopted, tendering the use of the Hall to the Hon. Mr.



Walker, I move that a committee be appointed to wait on him and notify him of the fact.

Mr. DOUGHERTY. I would like to know who in the thunder this honorable Henry Walker is? [Laughter.]

Mr. SCOTT. And for what purpose is the committee to wait on him?

Mr. DURHAM. For the purpose of informing the honorable Henry Walker that this Hall has been tendered to him for the delivery of his address on elocution and the fine arts.

The motion was adopted.

Mr. DAVIS considered it a lowering of the dignity of the body to invite itinerant lecturers to speak in this Hall. He desired a reconsideration, so that, if this proceeding went upon the journal, it should be, that the thing was voted down.

The SPEAKER. The House has refused to reconsider.

Mr. DAVIS. I don't think there was a quorum voting.

Mr. SCOTT. I move to reconsider the vote for the appointment of a committee.

The motion was agreed to, and then

Mr. EDWARDS obtained leave to withdraw the motion for the committee.

#### MAINE LIQUOR LAW.

The SPEAKER announced the order of the consideration of bills on the second reading; and the bill by Mr. Dobbins (H. R. 23) to repeal the Prohibitory Liquor Law, coming up, it was passed the second reading.

Mr. THOMPSON, of Madison, moved to refer the bill to the Committee on Temperance; but the motion was withdrawn, on account of the opposition of Mr. Dobbins.

Mr. STANFIELD moved to amend by striking out the last section requiring publication in the Indianapolis papers.

The amendment was agreed to; and so the bill was ordered to be engrossed for a third reading.

#### NINTH JUDICIAL CIRCUIT.

Mr. Merrifield's bill (H. R. 24) to amend the second section of the act fixing the time of holding courts in the 9th judicial circuit, coming up, it was passed the second reading.

Mr. GRIFFIN proposed to amend by extending the time two weeks for holding the court in Lake county in said circuit.

Mr. MERRIFIELD accepted, and the amendment was concurred in by consent.

On motion by Mr. STANFIELD, the bill was referred to a select committee, which the Speaker makes to consist of Messrs. Stanfield, Davis and Blythe.

#### ELECTIONS.

Mr. Shockley's bill (H. R. 25) to prevent frauds at elections, and repeal certain sections in the election law, chapter 31, first volume, Revised Statutes, coming up, it was passed the second reading.

Mr. EDWARDS moved to refer the bill to the Committee on the Judiciary with the following instructions: "To inquire into the constitutionality of the provisions of the bill."

The motion was agreed to, and the bill so referred.

#### PUBLIC NOTICE IN NEWSPAPERS

Mr. Gregory's bill (H. R. 26) defining duties of auditors, &c., in the matter of giving public notice in newspapers, coming up, it was passed the second reading.

On motion by Mr. DOBBINS, it was referred to the Committee on Rights and Privileges.

Mr. Gregory's bill (H. R. 27) to amend the second section of the second article of the Constitution of the State of Indiana, coming up, it was passed the second reading.

On motion by Mr. GRIFFIN, it was referred to the Committee on Rights and Privileges.

#### UNITED STATES SENATORS.

Mr. Branham's bill (H. R. 28) providing for the time, place and manner of electing United States Senators, coming up, it was passed the second reading.

Mr. GIFFORD moved its reference to a select committee of five.

Mr. AUSTIN proposed to refer the bill to the Committee on the Judiciary.

Mr. HARNEY said he would like that the House would instruct the Judiciary Committee to inquire into the constitutionality of the provisions of the bill.

The SPEAKER. That would be in order after disposing of the question of reference.

Mr. Austin's motion was agreed to, and the bill was referred accordingly.

#### CANAL AROUND THE OHIO FALLS.

Mr. Prosser asked and obtained unanimous consent to offer a joint resolution (No. 3) with reference to the construction of a canal around the falls of the Ohio river by the General Government, and the same was passed the first reading, by consent.

The House then took a recess till two o'clock.

#### AFTERNOON SESSION.

A message from the Senate announced the passage of the bill (S. 3) for reappraisal of real estate, &c., requesting the concurrence of the House of Representatives.

The SPEAKER laid before the House an official statement of the condition of the Terre Haute Branch of the Bank of the State of Indiana.

#### TAXATION FOR REVENUE.

The SPEAKER then announced the special order—the consideration of Mr. Edwards' resolution with reference to taxation for revenue, heretofore printed.

Mr. MARTIN proposed to amend by substituting the following:

"Resolved, That it is the first and most important duty of the Legislature at the present session to pass a Revenue bill for the present year."

Mr. HUNTER moved to lay the amendment on the table, which,

After several parliamentary motions, was withdrawn for—

Mr. EDWARDS. I do not intend to occupy time, but I have to state, that in offering the original resolution, I was not governed by partisan considerations. The Governor mentioned as one of the reasons for convening this Legislature the existing necessity for the passage of a revenue



tory report. 'I saw no good to come from this hurry about levying a tax. It would be much easier to pay our indebtedness if we could get the time lengthened out. He was in favor of the resolution without the amendment.

Mr. GRIFFEN spoke of the deficiency of the crops in his region. The delinquent tax list was greater than ever before, and from this he argued against imposing a tax unexpectedly now in the close of the year. It might not fall so heavily in other and older portions of the State. He deprecated party considerations in connection with this question. Money was worth 20 per cent with his constituents; and if this money could be borrowed by the State for 6 or 7 per cent, he argued thence the economy of the course proposed in the resolution, which he favored against the amendment.

Mr. HAMILTON also alleged a failure of the crops in his region. The loan was inevitable. He cared not for its effect upon the Republican party. He looked alone to the propriety of the tax, and he regarded it as impolitic. Why not let this year be returned delinquent, and let the deficiency be made up by an additional levy next year, the year following, &c.?

Mr. COLGROVE was not prepared to vote on this question. But we must have money for the January interest, and that must be raised by loan. How this and the money to carry on the government should be raised was an important question. He was opposed to creating a debt without providing the means of its payment. Some looked to the Sinking Fund, others to Wall Street. He favored the latter. The Sinking Fund belonged to the children of the State—amounting now to about \$2,750,000—to be soon increased, when the bank gets through, to perhaps three millions. Under unwise legislation, in 1842, the State became debtor to that Fund to the amount of \$750,000, and yet not one dollar of interest had been paid on that debt. He showed, from the report, the true state of this account—the interest the State owes it, being above \$424,000. He figured up the loss to this Fund (if it had been well managed) of more than \$1,200,000. In this view, he would ask if any man would be willing to lay his hand again upon this fund? No! let anything come—taxation—disgrace even, before any vote of his should be given to touch this Fund again. The money could be obtained in the market at 6 per cent., &c. He repeated that he was not prepared to say whether it would be wisest to levy now or defer it to the future. The passage of the resolution would be a sort of forestalling of the Committee on Ways and Means.

Mr. BRANHAM. The demands of the Treasury could not be met by the levy for 1858. All the question with him was whether a portion of the levy for 1859 should pay the July interest. The gentleman's levy of 20 cents would give \$900,000, and his 60 cents would give \$2,700,000. It was not necessary to scare the people with such figures. They were unnecessary. The Auditor's report was not always reliable. We could not tell to-day how much was in the Treasury. He did not want it to go to the country that we have to make anything like a 60 cents levy.

Mr. COLGROVE had based his statement on the Auditor's report. It was important that we should have a just valuation, and then to decide between paying at once or through two or three years.

Mr. HARNEY. Procrastination was the cry of a hard debtor. It never paid a debt. Punctuality was the life of business, and this the people understood well. But arguments conflict. Some say the tax would be burdensome. Another, the gentleman from Jefferson, thinks 20 cents on the hundred dollars will suffice. The thousands would pay their distribution shares of the debt at once, and prefer to do so. He admitted the necessity of a loan for the present. He showed from the 7th Article of the Constitution that we could not legally take anything from the Trust Funds. Looking at former legislation, we would go into the market with a bad grace and worse success as a borrower. We could get the money in one way—by funding a debt and paying it in bonds. If the people were too poor to be taxed, let us adjourn and go home, and not sit here legislating upon tick. There never was perfect equality in the assessments for taxation. The argument of inequality would be just as good against all taxes. He would not adopt such an argument, although it might be most applicable to the people of his county, &c.

Mr. PROSSER moved to postpone the further consideration of the resolution and amendment, and that it be made the special order for to-morrow at two o'clock.

The motion was agreed to, and the subject was postponed accordingly.

The House then adjourned.

## IN SENATE.

FRIDAY, December 3, 1856.

The Journal of yesterday was read and corrected.

Mr. WAGNER offered a petition from A. Stephenson for compensation for pursuing and prosecuting horse-stealing, and moved that it be referred to the committee on claims without reading.

The motion was agreed to.

### BUILDING OF TOWNS.

Mr. CONNER submitted a report from the Committee on Corporations, which had under consideration the bill (No. 20) recommending its passage: and it was read the second time by its title, and ordered to a third reading. [This is Mr. Shoemaker's bill, having reference to the building of towns]

### SHERIFF'S FEES.

Mr. STEVENS introduced a bill (No. 66) entitled An Act, requiring parties to civil suits to advance the fees of Sheriffs in cases herein specified, which was read through the first time and passed to the second reading.

### A TEMPERANCE BILL.

Mr. BENNETT introduced a bill (No. 67) entitled An Act to suppress tippling houses, to prevent drunkenness and crime, regulating the traffic in spirituous and malt liquors, and repeal-



ing all acts in contradiction of the same, which was read through the first time.

Mr. BENNETT moved that the rules be suspended, and that the bill be read a second time by its title.

In accordance with the constitutional provision the yeas and nays were ordered, and being taken, resulted—yeas 36, nays 4.

Two thirds voting in the affirmative, the rules were suspended; the bill was read a second time by its title.

Mr. BENNETT moved that it be referred to the Committee on Temperance, and it was so referred.

Mr. STEVENS offered an additional section:

Sec.—All costs taxed by any Justice of the Peace, or any court having competent jurisdiction, shall be considered a part of the judgment, and the defendant shall stand committed until the judgment and costs are fully paid.

Mr. MURRAY was not in favor of keeping the offender in jail until he paid the costs of his prosecution.

Mr. STEVENS made his amendment a matter of inquiry at the suggestion of the Senator from Howard, [Mr. Murray.]

Mr. STEVENS offered an additional amendment, by requiring Prosecuting Attorneys, on reasonable grounds of suspicion, to file information against any person whom he may suppose, from personal observations, to be guilty of any violations of the provisions of this act, before any Justice of the Peace, or any court having jurisdiction.

Mr. MURRAY would vote for as stringent a law as anybody, but he had objections to this amendment.

Mr. GOODING was also a Temperance man, but he thought this amendment was going too far.

Mr. STEVENS was willing to let this amendment, also, go to the committee as instructions, and it was so referred by consent.

#### LEAVE OF ABSENCE.

Mr. TARKINGTON asked and obtained leave of absence for the Senator from Green, (Mr. Conley,) who was called home by sickness in his family.

#### SWAMP LANDS.

Mr. TURNER introduced a bill (No. 68) to amend the 20th, 28th, 32d and 51st sections of an act entitled, "An Act regulating the sale of the swamp lands donated by the United States to the State of Indiana, providing for the drainage thereof in accordance with the conditions of the said grant," approved May 27, 1852, which was read through the first time and passed to the second reading.

#### FOREIGN BANK BILLS.

Mr. HEFFREN introduced a bill (No. 69) to prevent the circulation of foreign bank bills or notes, which was read through the first time and passed to the second reading.

#### BILLS ON THE SECOND READING.

The Senate then took up the order of the day, being bills on the second reading.

Mr. Murray's bill (No. 56) to amend the 103d

section of a law reform act approved June 17, 1852, was read through the second time.

Mr. MURRAY moved its reference to the Judiciary Committee, and it was so referred.

Mr. Murray's bill (No. 57) to amend the 381st section of the General Law Reform Act, was read through the second time.

Mr. STUDABAKER moved its reference to the Judiciary Committee, and it was so referred.

Mr. Blair's bill (No. 58) to amend the 37th section of an act defining misdemeanors and prescribing punishments therefor, was read through a second time.

Mr. BLAIR moved its reference to the Judiciary.

The motion was rejected.

Mr. MURRAY moved its reference to the Committee on Temperance, and it was so referred.

Mr. Anthony's bill (No. 59) to amend section 3 of an act regulating the licensing of pilots at the Falls of the Ohio, was read through a second time.

Mr. ANTHONY moved its reference to the Judiciary Committee, and it was so referred.

Mr. Lomax's bill (No. 60) to amend an act authorizing county agricultural societies to purchase and hold real estate, was read through a second time.

Mr. LINE moved its reference to the Committee on Agriculture, and it was so referred.

Mr. Bennett's bill (No. 61) to amend section 10 of chapter 2 of an act with reference to Courts of Conciliation, was read through the second time.

Mr. SLACK moved its reference to the Judiciary Committee, and it was so referred.

Mr. Heffren's bill (No. 62) providing for the relief of married women when deserted by their husbands, or children abandoned by the parents, was read through a second time.

Mr. HEFFREN moved its reference to the Judiciary Committee, and it was so referred.

Mr. Bennett's bill (No. 63) defining embezzlement, was read through the second time.

Mr. BENNETT moved its reference to the Judiciary Committee, and it was so referred.

Mr. Odell's bill (No. 65) prescribing a mode for the election of Senators, was read through a second time.

Mr. MARCH moved that the bill be referred to the Judiciary Committee, and it was so referred.

#### STATE BANK DEBT.

Mr. Wallace's joint resolution (No. 3) touching the indebtedness of the State Bank of Indiana to the State, was read through the second time.

Mr. STEELE moved that this joint resolution be referred to the Finance Committee, and it was so referred.

#### STATE FUND BORROWERS.

Mr. Gooding's bill (No. 29) extending time of payment to borrowers of State funds, was read through the second time, and ordered engrossed.

Suggestions being made by Senators that it should not be passed at the present time—

Mr. GOODING explained the merits of his bill in a few words.



Mr. GREEN moved a reconsideration of the vote by which the bill was ordered to be engrossed.

The motion was agreed to.

Mr. MURRAY moved its reference to the Committee on Education, and it was so referred.

#### ADJOURNING OVER.

Mr. MURRAY asked and obtained leave to offer the following resolution, which was adopted:

WHEREAS, the Senate has now about completed the orders of the day—AND WHEREAS there is a large amount of business before the Committees of the Senate, upon which it is desirable that they should have time to deliberate; therefore,

Resolved, That when the Senate adjourn, it stand adjourned until to-morrow morning.

#### FIXING COURT TIME IN BARTHOLOMEW.

Mr. Jones' bill (No. 31) fixing the time for holding the Court of Common Pleas in Bartholomew county, was read through the third time.

The question being: Shall the bill pass? In compliance with the constitutional provision, the yeas and nays were ordered, and being taken, resulted—yeas 42, nays 0—as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—42.

NAYS—0.

So the bill passed.

The title of the bill was read and adopted.

And then the Senate adjourned.

### HOUSE OF REPRESENTATIVES.

FRIDAY, December 3, 1858.

The Journal of yesterday was read.

A message from the Senate, by Mr. Vawter, their Secretary, announced the passage by that body, of the bill (S. 15) authorizing County Commissioners to take possession of roads abandoned by their owners; of the bill (S. 11) in relation to the ventilation of county prisons; of the bill (S. 16) for the relief of James O'Brien—requesting the concurrence of the House of Representatives.

#### SERVICE OF PROCESS AGAINST CORPORATIONS.

Mr. GRIFFIN, from the Committee on the Judiciary, reported back Mr. Clements' bill (H. R. 19) to secure service of process against corporations, &c., without amendment, recommending its passage.

The report was concurred in, and the bill ordered to be engrossed for the third reading.

#### JUSTICES OF THE PEACE.

Mr. SCOTT, from the Judiciary Committee, reported back Mr. Stiles' bill (H. R. 18) to amend the 18th section of the act prescribing the powers and duties of justices of the peace, in State prosecutions, without amendment, and recommended its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### UNITED STATES SENATORS.

Mr. MELLETT, from the same committee, returned Mr. Branham's bill (H. R. 28) prescribing the time, place and manner of election of

Senators of the United States, without amendment, recommending its passage.

The report was concurred in, and the question being on the engrossment—

Mr. PARRETT said, as a member of the Judiciary Committee, he was not present nor notified of the meeting of the committee, when that bill was considered and this report agreed upon.

The bill was then ordered to be engrossed for a third reading.

#### SUB-TREASURY SYSTEM

Mr. BAIRD, from the same committee, returned Mr. Dobbins' resolution of inquiry into the constitutionality of a State sub-treasury system and the expediency of its adoption in this State, reporting that legislation on that subject is inexpedient, and recommending that the consideration of the resolution be indefinitely postponed.

The report was concurred in.

#### COLLECTIONS OF JUDGMENTS AGAINST SHERIFFS, &c.

Mr. COLGROVE, from the same committee, returned Mr. Merrifield's bill (H. R. 4) recommending its indefinite postponement, and reporting a substitute entitled: "An Act to regulate the collection of judgments and the sale of property on execution against any Sheriff, Constable or other public officer, administrator, guardian, executor or other person, or corporation receiving or holding money in a fiduciary capacity, or the sureties of any or either of them."

The report was concurred in, and the bill, as amended, was ordered to be engrossed.

Mr. JORDAN asked and obtained leave of absence for the several members of the Committee on Election, and leave for said committee to sit during the session of the House.

#### BENEVOLENT INSTITUTIONS

Mr. SHULL submitted a preamble and resolution, (which was adopted) to the following effect:

WHEREAS The several Scientific and Benevolent Institutions, for the education of the "blind, Deaf, Dumb and Insane, are committed to the management of separate Trustees, and inasmuch as the policy is doubted of such regulation, therefore,

Resolved, That the Committee on Scientific and Benevolent Institutions be instructed to inquire into the expediency of committing the government of these institutions to the hands of five Trustees.

#### TEMPERANCE.

Mr. LAWHEAD submitted the following:

Resolved That the Committee on Temperance be instructed to report a bill that will be constitutional, that shall suppress intemperance; and report said bill without delay, as there is now no law on that subject that can be put in force.

On motion by Mr. TURPIN, the resolution was laid on the table.

#### AUDITOR OF STATE.

Mr. BROTHERTON submitted the following, which was adopted:

Resolved, That a select committee of three be appointed, whose duty it shall be to ascertain whether the Auditor of State is entitled to any additional assistance to enable him to make the reports required by the resolutions of this House.

#### PREVENTION OF CRIME.

Mr. AUSTIN submitted the following, which was adopted:



*Resolved*, That the Committee on the Affairs of the State Prison be instructed to inquire into the causes of the alleged increase of crime in this State, and whether the public welfare can not be better subserved by enacting laws to prevent crime than by building a new prison.

#### TAX LAW.

Mr. SULLIVAN submitted the following resolution, which was rejected, to the following effect:

*Resolved*, That the Committee on Ways and Means be instructed to so change the present law of Indiana that each tax-payer may have the right to deduct his indebtedness from monies on hand or at interest, or from personal property, and report by bill or otherwise.

#### INDIANAPOLIS FUND.

Mr. PARKS submitted the following, which was adopted:

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of amending the law in relation to the fund known as the Indianapolis Fund, which arises from the sale of lots belonging to the State in said town, and of making said fund form a part of the Common School Fund.

#### DISTRICT SCHOOL DIRECTORS.

Mr. COTTON submitted the following, which was adopted:

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of doing away with District School Directors.

#### COMMON PLEAS.

Mr. PROSSER introduced a bill (No. 35) to amend the act to provide for the selection and empanneling petit jurors in the Courts of Common Pleas, approved March 1, 1853, being supplementary to an act approved May 20, 1852, which was passed the first reading.

#### RE-APPRAISEMENT.

On motion by Mr. BRANHAM, the rules were suspended, and the bill (S. 3) for the re-appraisement of real estate, and prescribing the duties of officers in relation thereto, was taken up, read through by the Clerk, and passed the first reading.

Mr. AUSTIN moved a suspension of the rules in order that it might be read the second time now; and two-thirds voting in the affirmative, under the constitutional provision, the rules were suspended, and the bill was read the second time by its title.

On motion of Mr. EDWARDS, it was laid on the table, and two hundred copies ordered to be printed.

#### EXTENDING COURT TERM.

Mr. DAVIS introduced a bill (No. 26) to amend the first section of an act entitled An Act providing for extending the terms of Circuit Courts by adjournment when the pending business may be unfinished, approved February 12, 1855; to authorize the judges to hold special terms, to provide their compensation therefor, &c., which was passed the first reading.

#### UNITED STATES SENATORS.

Mr. HARNEY introduced a bill (No. 37) providing for the time and manner of electing United States Senators [shall be made at the session immediately preceding that when a vacancy shall occur, or when a vacancy actually exists: seventy-six shall constitute a joint Constitutional quorum during the last ten days of the session,] which was passed the first reading.

Mr. BLYTHE introduced a bill (No. 38) legalizing the acknowledgments of all deeds, mortgages and other instruments of writing required to be recorded and certified by the Clerks of the Circuit and Common Pleas Courts, after the reception of the Revised Statutes of 1852, in their respective counties, which was passed the first reading.

#### EIGHTH JUDICIAL CIRCUIT.

The SPEAKER announced the order of the consideration of bills on the second reading, and Mr. Newton's bill (H. R. 29) fixing court time in the Eighth Circuit, was passed the second reading.

On motion by Mr. NEBEKER, of Warren, it was referred to a select committee of five members from the Eighth Circuit, which the Speaker made to consist of Messrs. Nebeker of Warren, Hamilton of Boone, Claypool, Newton and Harney.

Mr. Shull's bill (H. R. 30) to repeal the Game Law, coming up, it was passed the second reading.

On motion by Mr. MERRIFIELD it was referred to the Select Committee on that subject.

Mr. DAVIS moved that Mr. Blythe and Mr. Stanfield be added to that Select Committee.

The motion was agreed to.

Mr. Lewis' bill (H. R. 31) to amend the act authorizing agricultural societies to hold real estate, coming up, it was passed the second reading.

On motion by Mr. MURRAY it was referred to the Committee on Agriculture.

Mr. DAVIS said the society in his county had secured sixty acres, and hoped the House would consent to instruction that the committee report an amendment to increase the amount of land from forty to sixty acres.

It was so ordered

#### CALUMET FEEDER DAM.

Mr. Griffin's bill (H. R. 32) to repeal the Calumet Dam Act, coming up, it was passed the second reading.

On motion by Mr. MELLETT it was referred to the Committee on Swamp Lands.

#### TAXING COSTS IN CRIMINAL PROSECUTIONS.

Mr. Black's bill (H. R. 33) taxing costs against complaining witness if he fail, &c., coming up,

On motion by Mr. MARTIN the bill was indefinitely postponed.

On motion by Mr. EDWARDS the House took up Mr. Gregory's bill (H. R. 25) to amend the act regulating the matter of giving public notice in newspapers, and it was referred to the Committee on Fees and Salaries.

Mr. Merrifield's bill (H. R. 34) to repeal the 36th section of the Common Pleas Court act, coming up, it was passed the second reading.

On motion by Mr. MERRIFIELD, it was referred to a select committee of three, which the Speaker made to consist of Messrs. Merrifield, Stanfield and Blythe.

#### AGRICULTURAL COLLEGES.

The joint resolution (H. R. 2) concerning a grant of lands for agricultural colleges, coming up, it was passed the second reading, and referred to the Committee on Agriculture.

The joint resolution (H. R. 3) relative to a canal around the Ohio Falls, coming up, it was



read the second time, and ordered to be engrossed.

The bill (S. 11) in relation to ventilating and repairing county prisons, coming up, it was passed the first reading.

JAMES O'BRIEN.

The bill (S. 16) for the relief of James O'Brien, divesting the State of the title of lands therein named, coming up, it was passed the first reading.

#### ABANDONED ROADS.

The Senate bill (S. 15) to authorize County Commissioners to take possession of abandoned roads, coming up, it was passed the first reading.

#### REPEAL OF THE PROHIBITORY LAW.

The SPEAKER announced the order of bills on the third reading, and

Mr. Dobbin's bill (H. R. 23) to repeal the Indiana Maine Liquor Law, coming up, and being read through the third time,

Mr. MURRAY. Does this repeal the law of 1853?

Mr. DOBBINS. It simply repeals the act of 1852.

The yeas and nays being taken under the Constitutional provision, resulted—yeas 86, nays 11, as follows:

YEAS—Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Carr, Cavins, Clark, Claypool, Clayton, Clements, Comstock, Cot on, Davidson, Davis, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrott, Prosser, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbis, Thompson, of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—86.

NAYS—Messrs. Austin, Brotherton, Colgrove, Collier, Hall of Grant, Hamilton of Wayne, Jeffries, Mellett, Nebeker of Vermillion, Nebeker of Warren and Whiteman,—11.

So the bill was passed the third and last reading in the House of Representatives, and the title was adopted as heretofore recited.

A Senate message now announced the passage in that body of the bill (S. 31) fixing Court time in the county of Bartholomew.

#### COMMITTEE ON ELECTIONS.

Mr. MURRAY. Mr. Speaker, there is a deficiency in the Committee on Elections. Mr. Wood wishes to be excused from service.

The SPEAKER. The Journals have been corrected in that, and Mr. Harney has been appointed in the place of Mr. Wood on that committee.

#### ABSENCE.

Mr. Wheeler and Mr. Power had leave of absence on account of ill health.

#### VENTILATION AND TEMPERATURE.

Mr. CLEMENTS, from the select committee on this subject, reported a recommendation for placing two steam furnaces in the basement, under the Hall of the Capitol.

The report was rejected.

Mr. MERRIFIELD. Mr. Speaker, I find in the printed list of the standing committees that my name and Mr. Snyder's have been incorrectly placed as on the Committee on the Sinking Fund.

The SPEAKER. These are mistakes in the printing.

The House now took a recess till two o'clock.

#### AFTERNOON SESSION.

Mr. KEEFER asked and obtained leave to record his vote in favor of the passage of Mr. Dobbin's bill to repeal the Indiana Maine Liquor law, which was passed to the third reading this morning.

#### COMMITTEE ON ORGANIZATION OF COURTS.

Mr. CAVINS submitted the following, which was adopted:

*Resolved.* That two members be added to the Committee on the organization of Courts.

#### TAX FOR REVENUE.

The SPEAKER announced the special order, viz: The consideration of Mr. Edwards' resolution, declaring the expediency of a loan of money for State purposes, to be paid out of assessments of taxes based upon a just appraisal of real estate, and to be divided between several years, commencing with the year 1859—the question being on the adoption of Mr. Martin's substitute, declaring it to be the first duty of this Legislature to pass a revenue bill for the year 1858—

Mr. TURPIE took the floor, and insisted on prompt action in the matter of paying the needed revenue. He regretted that no committee had reported their plan to begin this work. There was no difficulty about the tax receipts already given. A receipt was good only up to the time of its date. He saw no great difficulty in the way of making a levy for this year, and believed there was yet time enough, if it were well improved. No man thought of paying the January installment of interest by tax collections. But the levy would put us on the vantage ground as borrowers. It was to gain time for the payment of the State debt by instalments, that he desired to begin now. He stopped not to inquire whether the levy could be paid. It was no argument against the levy to say it would not be paid. The bill authorizing the levy could be matured, signed and published in ten days. He scouted the idea of being affected on this question by those skyey influences upon which depend the crops of the farmer. It was said we should wait for thereport of the Committee on Ways and Means. What light could they give? Certain members had attempted yesterday to enlighten the House, and their effort was little more or better than to make the surrounding darkness visible. The committee ought to have reported long ago. Only yesterday the chairman of the Committee on Ways and Means had shown by the introduction of a bill, that his mind was more occupied with that magnificent farce, the election of United States Senators, than with this question of revenue.

Mr. DAVIS objected to continual references to party interests in connection with this question of revenue. His position was individual on this question. Divested of party biases, it had but one side. It was enough to know that trouble was



upon the State, without inquiring who are most at fault. Both parties were at fault. What need then have we further for the services of the drill sergeants of party? He commended them all to the Old Boy, to whom all parties, save one (the old Whig) seemed to be drifting. He contrasted the inequality of the condition of the taxpayers in the counties of Floyd and St. Joseph on account of the present appraisement of real estate—the poor lands of Floyd were assessed at \$15 an acre, whilst the fertile fields of St. Joseph were assessed at \$4 an acre. Taxation should be equal; and this should be remedied. He referred also to the exemption of our bank stock in the hands of foreign stockholders. He would not authorize a levy till this property should be brought upon the duplicate. He insisted also upon taxing the property of Railroad Companies, before the next levy should be made. The first thing we should do was to provide for a just mode of property valuation. The man of money and notes pays full tax on what he holds, whilst the land holder in many cases pays, perhaps, only on the fourth part of the value of his lands. He also referred to the present pressure on account of the crop failures. He was in favor of borrowing to meet these deficiencies, and taxing to make it up, under a just assessment. He would borrow from abroad—not all at once, but in such amounts and at such times as would be necessary to get along. Let us all contribute to relieve the burdens of the State according to our several abilities. The loan could be wiped out in less than four years, by a tax of twenty cents on the hundred dollars. A present levy would be troublesome, and trouble would make expense, &c.

Mr. BRANHAM spoke for his colleagues in the committee, and of the difficulties in their way. They found that the alleged means in the Treasury were not available. They were protested acceptances. The Treasurer had told him that he would soon be able to report one hundred and forty thousand dollars in the Treasury, available for the January interest. The committee could not get at the accounts. How was it that the amount of interest on the public debt was increasing? We want to know how much the whole debt is. When we make a statement, we want to show that we know what we are about. He could inform gentlemen, he thought, that the condition of the finances was not quite so bad as the fears of some would indicate. With reference to the July interest, he affirmed that it would cost more to collect the tax on the duplicate of 1858, than to pay the interest on the loan required. He even doubted whether enough could be collected on such a levy to pay that interest. Suppose you advance the value of Indiana stock in the market, the advantage goes all into the pockets of the brokers holding our bonds, at the expense of our tax-grinding operation on the people. We were buying in our bonds, and such a policy could not help us in that.

Mr. TURPIE was willing to reciprocate the disclaimer of party feeling on the part of gentlemen. He proceeded to reply to the argument against a present levy—alleging the difficulty of avoiding inequality and injustice in appraisements and assessment. He insisted that the

farmers were taxed more strictly than any other class of men. He took the view that we are not to blame for this inequality. Because others have neglected their duty, would that justify us in returning to the people without raising this revenue. No one had proposed to pay off the entire indebtedness of the State. He said, let us have a light levy, but let it be something. With regard to the hope of better crops, gentlemen had taken up the refrain of yesterday—"Wait a little while—there's a good time coming, boys." This was worth nothing, without assurances as to dates. He had never said the financial condition of the State was desperate.

Mr. HANCOCK remarked that his people were willing and able to pay the revenue required of them.

Mr. RYNEARSON preferred to be guided by the report of the Auditor. He read from the Constitution to show the cases in which the Legislature may authorize a loan. The present deficiency of revenue was not a "casual deficit." The report of the Auditor showed a necessity for appropriations to the amount of \$559,000. Suppose half this is borrowed in Wall street, what future Legislature would make a levy to pay it? If gentlemen would lengthen out the time of paying the State indebtedness, let them begin now. Gentlemen want time to financier, and they will raise the July interest out of the revenue of 1859. This reappraisement could not be made till the fall of 1859. The Chairman of the Committee had alleged that it would take more money to pay the Auditors and Collectors than to pay the interest of the needful loan. He had consulted many of these officers, and had learned from them that if the assessments were in round numbers, as fifteen cents on the hundred dollars, the collection would be a very easy job. If we defer the evil day one year we may defer it ten years as well. He preferred to meet the difficulty at the threshold. All the objections to the levy dwindled into nothing when compared with the greater evil of an increase of the public debt.

Mr. PARRETT was in favor of levying for a portion of the amount necessary. If we do nothing now, in 1860 we will have to collect a million and a half of dollars. He regarded the estimates of the gentleman from Jefferson as half too small. He was hardly satisfied that the inequality in appraisements were as great as gentlemen pretended. It might be true with regard to a few counties; but his researches had convinced him that the value of property had increased rapidly in all parts of the State—the South as well as the North. The lands were assessed in 1851, but in 1857 the lands and the improvements were assessed, and this fact lessens the weight and force of the argument of inequality. He wanted the State debt extinguished instead of being increased in 1860; and he would make a levy for 1858 sufficient to meet the revenue demanded for this year.

Mr. HALL of Rush supported the part of those who would have a just appraisement first, and then a levy; and he thought the whole could be arranged and in operation in the course of three months. He replied at length to the objections to this course.

Mr. BAIRD gave notice that if the question



was not put soon, there was a combination around where he sat, to insist on the right to "speak round." ("Question, question.")

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

The yeas and nays being demanded, ordered and taken thereon, resulted—yeas 54 nays 45, as follows:

YEAS.—Messrs. Austin, Baird, Blythe, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Duvall, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wildman, and Mr. Speaker—54.

NAYS.—Messrs. Black, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Fordyce, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Rynearson, Shockley, Shull, Snyder, Staley, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Urey, Wood—45.

So the amendment was laid on the table.

The question recurring on the adoption of the original resolution, the yeas and nays thereon resulted—yeas 51, nays 45—as follows:

YEAS.—Messrs. Austin, Baird, Blythe, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Duvall, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

NAYS.—Messrs. Black, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Fordyce, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelley, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Rynearson, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Thompson of Madison, Turpie, Urey and Wood—45.

Mr. GIFFORD asked to be excused from voting. So the resolution was adopted.

#### RULES.

Mr. DAVIS gave notice that, on to-morrow, he would move the following addition to the rules of the House of Representatives:

"Any member introducing a bill, which shall be referred to any one of the standing committees, shall, during the consideration of such bill, be a member of the committee to which such bill shall have been referred."

The House adjourned.

#### IN SENATE.

SATURDAY, December 4, 1858.

The Journal of yesterday was read and corrected.

#### MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, informing the Senate of the passage of a bill to repeal the act prohibiting the sale of spirituous and intoxicating liquors, and asking the concurrence of the Senate therein.

#### THE GAME LAW.

The PRESIDENT laid before the Senate a remonstrance from certain citizens of Vigo county against the repeal of the game law.

Mr. CRAVENS said as this was a temperate petition, he would move its reference to the Temperance Committee.

The motion was agreed to.

#### DEFECTS IN DEEDS.

Mr. MARCH, from the Judiciary Committee, made the following report:

Mr. PRESIDENT—The Committee on the Judiciary, to whom was referred Senate Bill No. 6, "An act to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real state or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named; and to repeal conflicting laws," have had the same under consideration, and directed me to report the same back to the Senate, and to recommend its passage.

The report was concurred in, the bill read the second time by its title, passed the second reading, and ordered to be engrossed.

#### OPENING ROADS AT TOWNSHIP EXPENSE.

Mr. BLAIR—from the Committee on County and Township Business, made the following report:

Mr. PRESIDENT—The Committee on County and Township Business, to whom was directed a resolution of the Senate requesting us to inquire into the expediency of so amending the present road law as to pay for the expense of opening new roads out of the township treasury, have had the same under consideration, and have directed me to report that it would be inexpedient so to amend the law on that subject.

The report was concurred in.

#### SCHOOL FUND.

Mr. STUDABAKER submitted the following report:

Mr. PRESIDENT—The select committee to whom was referred Senate bill No. 44, An Act for the distribution, investment and safe keeping of the school fund arising from the 114th section of an Act establishing a State Bank, approved January 28, 1834, and for the election of Sinking Fund Commissioners, have had the same under consideration, according to order, and direct me to report and recommend that the bill be amended as follows, to-wit:

1. Strike out all after the enacting clause in the 1st section and insert the following: That the present General Assembly, immediately after the passage of this act, shall elect by joint ballot two Commissioners of the Sinking Fund and one President of the cof. The first of said Commissioners elected shall hold his office for two years, and until his successor shall be elected and qualified; the other said Commissioner and President thereof, shall each hold their office for the term of four years and until their successors are elected and qualified; after the expiration of the said term of two years of the said Commissioner first elected, the term of his successor shall be four years, and the General Assembly shall hereafter, at the first session preceding the expiration of the term of either of said offices, fill the same by an election as provided by this act. Such President and Commissioners of the Sinking Fund, so elected, shall enter upon the discharge of their duties on the 1st day of January, A. D. 1859, and shall from time to time discharge the various duties now required by law of the present Board of Sinking Fund Commissioners, and as required by the provisions of this act, and as may be hereafter required by law.

2. In the 3d section after the word "commissioners" in first line, insert the words "and President," and in the fourth line of same section, strike out the words "by electing one of their number President," and insert in lieu thereof these words: "The President, as provided for by this act, shall act as the President and Treasurer of said Board, and as the Treasurer thereof shall give additional bond in the sum of ——— dollars, to be filed and approved as in case of the Commissioners."

3. And to the 18th section add these words: "The President and Treasurer shall receive for his services such reasonable compensation as may be allowed him by the Board or as may be hereafter fixed by law."

Mr. HEFFREN moved to lay the report on the



table, and that one hundred copies of the bill as amended by the committee be printed for the use of the Senate.

Mr. STUDABAKER said if it would meet the views of the Senator from Washington (Mr. Heffren) he would strike out that portion of the report which recommends the passage of the bill. Let the report be concurred in and laid upon the table.

Mr. HEFFREN understood that a concurrence in the report adopts the amendments proposed. He withdrew his motion.

Mr. STUDABAKER asked and obtained leave to strike out that portion of the report which recommends its passage.

The report was then concurred in.

Mr. STUDABAKER moved that the report lay upon the table and that one hundred copies of the bill be printed.

The motion was agreed to by consent.

#### WITNESSES.

Mr. GOODING offered the following resolution, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of allowing all parties in a civil action to testify as witnesses as in other cases, and report by bill or otherwise.

Mr. CRAVENS offered a resolution instructing the Committee on Agriculture to inquire into the expediency of reporting a bill providing for greater security to orchards, vineyards and gardens, which was adopted by consent.

Mr. CONNER offered a resolution that the Judiciary Committee be required to investigate whether it is in the power of this General Assembly to provide for the taking up of the unfinished business at the close of this session and acting upon it at the regular session, which was adopted by consent.

Mr. HENDRY offered a resolution instructing the Committee on Banks to inquire into the expediency of prohibiting banks from receiving, under the name of exchange, a higher rate of interest than six per cent., which was adopted by consent.

Mr. GOODING offered a resolution that Senators Tarkington, Hamilton and Culver be added to the Committee on Temperance, which was adopted.

Mr. WAGNER offered a resolution that the State Librarian be authorized to procure for the use of the Judiciary Committee, a full set of Blackford's Reports, and one set of Perkins' Digest; that it shall be the duty of the Librarian to take charge of said books, and keep them for the use of said committee, and to produce them at the meeting of each Assembly, which was adopted by consent.

#### WILD GAME.

Mr. HILL introduced a bill (No. 70) supplementary to an act providing for the protection of wild game, approved February 26, 1857, which was read through the first time, and passed to the second reading.

This supplementary act provides that nothing in the original bill shall be so construed as to prevent farmers from protecting their crops from the ravages of wild game.

#### EXEMPTION FROM TAXATION.

Mr. RICE introduced a bill (No. 71) to amend the 6th section of an act providing for the valuation and assessment of real and personal property, for the election of assessors, &c., approved June 21, 1852, so as to exclude certain property therein named, from taxes, which was read through the first time and passed to the second reading.

#### REDEMPTION OF BONDS AND STATE STOCKS.

Mr. BOBBS asked and obtained leave to make the following report:

MR. PRESIDENT—The select committee to whom was referred bill No. 25 of the Senate, have directed me to report the same back with sundry amendments, and when so amended, recommend its passage.

A and by striking out the 14th, 15th 16th and 17th sections of the bill

[These sections relate to the organization of the Sinking Fund Commissioners.]

The report was concurred in by consent.

Mr. BOBBS moved that the bill and amendments lie on the table, and one hundred copies be printed.

The motion was agreed to.

#### ADJOURNING OVER TILL MONDAY.

Mr. RICE asked and obtained the unanimous consent of the Senate to offer the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn to meet again at 2 o'clock on Monday next.

The resolution was adopted.

#### NEGRO TESTIMONY.

Mr. STEVENS asked and obtained leave to offer the following resolution:

*Resolved*, That the Committee on the Judiciary be requested to inquire into the expediency of reporting a bill, providing that negroes may testify in State cases where white persons are interested, and allow the jury to judge of the credibility of such evidence.

Mr. WEIR moved that the resolution be laid upon the table; but withdrew his motion for—

Mr. MARCH was trusted that no person's sense of propriety would be offended here by the introduction of this resolution. He believed that this was the first instance that it had been attempted to refuse an appropriate reference to a resolution of inquiry.

Messrs. HEFFREN and LINE cited cases to the contrary.

Mr. MARCH contended that it was a mere matter concerning evidence, and he did not suppose the saving of the Union, or of any party, had anything to do with it. It was simply a question whether the Judiciary Committee should inquire into the propriety of changing the rules of evidence.

Mr. CONNER moved to amend the resolution by adding: "Indians." [Laughter.] He offered the amendment in all candor; about forty of his constituents were Indians, and a more orderly set of persons could not be found.

The motion was agreed to.

Mr. GOODING. I desire to say a word before the question is taken. At the last session of this Senate I voted to refer all petitions on this same subject, both from whites and blacks, to the appropriate committee, in order to get a report from that committee. I have believed in the right of petition ever since the days of John Quincy



Adams. But the majority of that committee were Republicans, and for some cause or other they never made a report. I desired to get a report on one side or the other, but they managed to dodge the question. A majority of the Judiciary Committee are Republicans, and now I want to know whether these charges against their party of negro equality are true or not. I shall vote to refer this matter to them, and I don't care which side they report on, but if they report to allow negroes to testify against white men, I shall vote against their report.

Mr. WEIR. I wish to ask the Senator a question: The object and benefit of that report?

Mr. GOODING. One object is this: To ascertain whether these charges, that they favor negro equality, negro testimony and all that kind of a thing. If they report in the affirmative, then this charge is true; if in the negative, they have thrown it off. I desire to give them an opportunity to show themselves upon the Journals.

Mr. WEIR. I renew my motion to lay the resolution upon the table.

Upon this motion the yeas and nays were demanded by Senators Heffren and Murray, and being ordered and taken, resulted—yeas 22, nays 19. So the resolution was laid on the table.

#### LEAVE OF ABSENCE.

Mr. STEELE asked and obtained leave of absence for the Senator from Wayne. [Mr. Beeson.]

Mr. HEFFREN asked and obtained leave of absence for the Senator from Dearborn. [Mr. O'Brien.]

#### SENATE DIRECTORY.

Mr. LINE asked and obtained permission to offer the following resolution:

Resolved That the Door-keeper be and is hereby authorized to have 300 copies of the names of Senators, their post-office address, age, nativity, the number of sessions they have served in either branch of the General Assembly, and the county or counties they now represent printed for the use of the members of this Senate.

Mr. GOODING moved to amend by adding, in the proper place, the words "their politics."

Mr. GREEN suggested that it would be better to strike out the word "age."

Mr. MARCH suggested that the likeness of each member be put on.

A Senator moved that each member be required to foot his proportion of the bill.

The motion was lost.

The question recurring upon Mr. Gooding's motion—

Mr. CONNER suggested that a blank space be left to note the fact if any Senator should change his politics. [Laughter.]

The motion was agreed to by consent.

#### RAILROAD RESPONSIBILITY.

Mr. CULVER obtained unanimous consent to offer a resolution requiring the Judiciary Committee to examine and report whether the General Assembly can pass a law compelling Railroad Companies to pay for killing animals where the railroad cannot be fenced.

The resolution was adopted.

#### COST OF TRANSPORTING CONVICTS.

Mr. BOBBS obtained consent to offer a resolution requiring the Finance Committee to in-

quire into the expediency of recommending the passage of a law lessening the expense of transporting convicts to the State Prison, which was adopted by consent.

#### CONVENTIONAL INTEREST.

Mr. CULVER, by consent, introduced a bill (No. 72) to amend the 1st section and repeal the 7th section of an act concerning the interest on money, approved May 7, 1852, which was read through and passed to the second reading.

[This bill provides that the interest on money shall be ten per cent. upon a written agreement to that effect, but no greater rate of interest shall be lawful, either directly or indirectly, but the rates shall be six per cent. where no written agreement exists, whether for a shorter or longer period, and that this act shall go into effect on the first day of March 1859.]

#### FELONY.

Mr. BENNETT, by consent, introduced a bill (No. 73) to amend the 51st section of an act defining Felony and prescribing the punishment therefor, approved June 11, 1852, which was read through and passed to the second reading.

[This bill provides that, instead of sending females convicted of felony to the State Prison, they be confined in the county jail, under the direction of the jailor.]

#### UNITED STATES SENATORS.

Mr. CRAVEN obtained unanimous consent of the Senate to make the following report:

Mr. PRESIDENT—The Committee on Federal Relations to whom was referred Senate bill No. 28, "A bill to provide for the election of United States Senators," and the proposed amendment thereto, have had the same under consideration and instruct me to report it back to the Senate with the recommendation that said proposed amendment be adopted, and that the title to said bill be amended to read as follows, to-wit: "An act to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said elections," and that when said bill and the title thereto are so amended, recommend its passage.

Mr. STUDABAKER moved that the consideration of the bill and the report be postponed until the 25th day of December.

On this motion the yeas and nays were demanded by Messrs. Bennett and March, and being ordered, and taken, resulted—yeas 12, nays 25—as follows:

YEAS—Messrs. Carnahan, Cobb, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, Odell, Shoemaker, Studabaker, and Williams—12.

NAYS—Messrs. Anthony, Bennet, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinney, Line, March, Murray, Rice, Robinson, Steele, Thompson, Turner, Wagner, and Wilson—25.

Mr. ANTHONY, when his name was called, said: I am in favor of the passage of that law. The State of Indiana has suffered enough already for the want of just such a law. I vote "Aye."

Mr. CONNER, when his name was called, said that he was paired off with the Senator from Huntington, (Mr. Slack) but this question was excepted.

Mr. STEVENS, when his name was called, said that he did not consider this a political question, but as he had paired off with the Senator from Green (Mr. Conley) he would not vote.

So the Senate refused to postpone.



Mr. HARGROVE moved to amend the committee report by striking out the emergency clause.

Mr. WEIR stated that the reason he did not vote upon the question just taken was that he had paired off with the Senator from Allen. (Mr. Hamilton.)

Mr. STEELE spoke in opposition to the motion. He contended that we were without United States Senators, and he wanted a legal representation in that body.

Mr. WILLIAMS moved to recommit, with instructions to strike out "separate houses," and insert "convention of the two houses."

Mr. WALLACE. Mr. President, I do not desire making a speech upon this subject, this morning, and if I had the will, I have not the strength. Still, sir, I occupy somewhat of a singular position, and wish to say something about it. The Senator from Parke (Mr. Steele) once declared upon this floor that before the session was over, he would find a place and a name for me, by which he meant, I suppose, that I had no well defined place, and no clearly defined name. I suppose he meant that he would find that place and that name for me when this question arose. He also intimated that I was afraid to define my position. I beg to assure him that if he has had any such idea, he has mistaken his man. In reference to this election, and to its legality, I will say that I was an active participant in that election, and that is far enough for me to go at this time. At the time this election took place, it was very seriously debated by insiders and outsiders whether it was legal. I was not one who was positive that this election was legal; on the contrary, I admitted that there was a doubt as to its legality. I reasoned this way, sir, and I believe a majority who participated in that election reasoned the same way. We said there is no statute upon our books defining the mode of election—that if we go into an election in this mode we violated no statute. The only law we could find was that under the Constitution of the United States, and the Constitution of the United States in that respect is a good deal as Rufus Choate says of some passages of the Declaration of Independence—glittering generalities, sir. There is nothing positively defined in the Constitution of the United States upon that subject—nothing prescribing the mode of election, and in addition, no law has been passed by the Congress of the United States. We conceived that by electing United States Senators in this mode, we violated no law, either constitutional or statutory. Then the question arose, if we violated no law, as it will inevitably happen that the State, without an election, will have no representative in the Senate of the United States, don't all exigencies demand that we go into an election? And then we reasoned further, that if we went into an election, the Constitution of the United States had prescribed the tribunal which should have power to settle the legality of that election, and that was the Senate of the United States. To make a long story short, we resolved to go into an election and let the United States Senate decide whether it was legal or not.

Mr. CRAVENS, [interrupting.] I understand

the Senator from Montgomery, (Mr. Wallace,) to say that he simply resolved to go into the election of United States Senators.

Mr. WALLACE. We had introduced a resolution to the effect that the Senate would go down into the House for the purpose of election, and, if my memory serves me well, the Senator, (Mr. Cravens) was one of those who refused to discharge that duty by voting for a motion to lay that resolution on the table; and he and his friends refused to go down—

Mr. CONNER. [Interrupting.] Does the Senator mean to say that, during that session, a resolution was at any time pending in the Senate providing to go to the House for an election of Senators?

Mr. WALLACE. Yes sir; but the Republican majority voted that resolution down.

The PRESIDENT. They voted to postpone it beyond the day appointed for the election.

Mr. WALLACE. Yes, sir; they laid it on the table; but when the day and hour came round the Democratic Senators of this body went down into the House and voted for Jesse D. Bright and Graham N. Fitch, and whether we elected them or not we did what we proposed to do, and that was to refer the legality of the election to the United States Senate.

Mr. WAGNER. [Interrupting.] Was not this Joint Convention called in the House, and adjourned over three weeks for the purpose of electing United States Senators before this motion was introduced in the Senate?

Mr. WALLACE. The Constitution of the State of Indiana, among other provisions, has one like this: The returns of the election for Governor and Lieutenant Governor shall be opened and published in the presence of both Houses. By that provision there was a Joint Convention called—that Convention was the work and creation of the Constitution—it didn't depend upon any action of the Senate or the House—the Constitution called it. It was independent of the Senate or of the House of Representatives. Now, sir, the Senate, in accordance with this provision, on the proper day, went down—we were present—we Democrats; I don't speak for our Republican friends, for I don't believe they were there—many of them; but we Democrats were there in obedience to the Constitution, and we witnessed the opening and publication of the election returns for Governor and Lieutenant Governor. The President, or presiding officer, arose in his place and said the Convention would be adjourned to a certain day—I believe it was three weeks—we can all ascertain by reference to the journals.

A VOICE. Is that the same Convention that elected these United States Senators?

Mr. WALLACE. I understand that was intended to be the same. As far as individual members are concerned who composed it, it was undoubtedly the same joint committee. I see what my Republican friends are after—they want to get me into a debate about the legality of this election; and I have told them I do not intend to say whether it was legal or illegal. [Laughter.] But I do intend to say this: that just as we intended should be done, these Senators went



to Washington, and there the question arose whether they were entitled to their seats as Senators from the State of Indiana. That question involved the question as to the validity of our election. There was a great struggle there over that election—a great diversity of opinion—marvellous travail, even in the United States Senate over it; but at last there came a resolution—positive, from which there can be no appeal, and after which there is to be no further consideration—and by that resolution it was decided that these gentlemen were legally elected—that they were United States Senators from the State of Indiana; and the resolution was even so positive as to say, not only that they were legally elected United States Senators from Indiana, but went on to point out the definite term which each of those gentlemen should serve—Graham N. Fitch was to hold his seat until 1861, and Jesse D. Bright till 1863. So then this resolution absolutely defines the terms for which these gentlemen shall hold their office. But I will stop here to state that when I voted the other day against a resolution introduced by an honorable Senator, and sustained and passed by Republicans, upon this floor—that when I voted “No” upon that resolution, I never intended that vote should be considered either a direct or indirect indorsement of the course of Bright and Fitch upon the Lecompton question.

Mr. MARCH [interrupting.] Do you believe they were legally and constitutionally elected United States Senators?

Mr. WALLACE. Sir, I have told you that I would not say whether I believed they were legally elected or not. I only know this, that the Senate of the United States have said that they were legally elected.

Mr. MARCH. Do you believe they represented the sentiment of the people of the State of Indiana in the last Congress upon the only important question that came up before that body?

Mr. WALLACE. I am coming to that point, sir. I do not believe they represented the will of the people of the State of Indiana upon that question; and more than that, sir, I know they did not represent the will of the Democracy of the State of Indiana.

A VOICE. Consent

Mr. WALLACE. Does anybody doubt that, sir? By referring to the resolutions adopted by the January Convention, I there find a resolution which was directly violated by these gentlemen in their Lecompton course. That resolution was the will of the Democracy of Indiana. It was put there for the purpose of guiding these gentlemen upon their course, but they refused to heed it. I have gone as far as I intended to go upon this subject.

The other day this Senate, shortly after the House of Representatives had done a similar act, saw fit and proper to pass a resolution that Jesse D. Bright and Graham N. Fitch were not legally and constitutionally elected Senators of the United States from the State of Indiana. Now, if I were a Republican, as I am a Democrat, I say to you, that I would not hesitate a moment as to what I would do. After having declared

they were not legally elected, I would do everything in my power that could be done—anything that could be brought about by my voice or vote—everything would be brought to bear to bring about what I considered a legal election of United States Senators.

A SENATOR. They'll do it.

Mr. WALLACE. I don't know about that. There seems to be some bickering in your own household—some trouble about your own hearthstone. But this is what I would do if I was one of them. On the other hand, if I was Jesse D. Bright or Graham N. Fitch, I would be the last man who would throw a straw in your way in bringing that about. Why, if I held a seat as honorable as that of a United States Senator from Indiana, I would never consent to hold it a minute under suspicious circumstances; and if I held it, and any body doubted that my election was legal, I would say, bring on an election and send up the best men you have got; send them up and let us, face to face, contest this election. I would scorn and despise to hold a seat under circumstances that would cause me to be afraid to let you send up your best men to contest the place. And if I am not mistaken, Jesse D. Bright and Graham N. Fitch think as I do upon this subject. In the first place, I imagine that they are not much afraid that any gentleman will out them, and it may be from that fancied security arises their boldness. I am only speaking of them from what I believe they feel as honorable men—nothing more, sir; and to feel any other way, I believe would make them dishonest and dishonorable men.

Now, in conclusion, I turn to Republican Senators, and say, whip up your horses, gentlemen, elect your men and send them to the United States Senate. It is possible the United States Senate will vote a *per diem* allowance to them; and it is possible that they will have to pay the expenses of the contest out of their own pockets. But I will tell you my opinion now; I don't believe it lies in the bones, much less the souls, of the proud and haughty Senators from the South to turn their backs upon their deliberately formed resolution, and admit the men whom you may send up to the places assigned by the action of the United States Senate to Messrs. Bright and Fitch. I say again, gentlemen, whip up your horses; drive to Washington as quick as you can; raise the question again; see if the Senate of the United States will back down and withdraw their resolution solemnly passed under circumstances which have already gone into history, and let us see whether or not they will accomplish the principles they assert.

After further debate by Mr. MURRAY, taking a rather wide range—

Mr. BLAIR moved to lay Mr. Williams' motion upon the table.

Mr. CARNAHAN demanded a call of the house, and there being a second of five, the call proceeded, and the Secretary reported forty Senators present and answering to their names, when further proceedings under the call were dispensed with.

A motion to adjourn was now decided by yeas 20, nays 18.

So the Senate adjourned.



## HOUSE OF REPRESENTATIVES.

SATURDAY, December 4, 1858.

A call of the House was ordered, to assure the presence of a quorum, and that list being ascertained, and Messrs. Murray and Dougherty having obtained leave of absence till Monday—  
The Journal of yesterday was read.

## DOMESTIC STATE DEBT.

The SPEAKER laid before the House a communication from the Auditor of State relative to the entire indebtedness of the State, other than the foreign debt, and the funds to which it is due, which was read by the Clerk as follows:

OFFICE OF AUDITOR OF STATE,  
Indianapolis, Tuesday, November 30, 1858. }

HON. JONATHAN W. GORDIN,

*Speaker of the House of Representatives:*

SIR—In reply to the resolution of the House of this date, (see resolution) I have the honor to refer you to my published report, which you did me the honor to lay before the House on yesterday.

On pages 72 and 73 of said report will be found a statement of the entire indebtedness of the State, other than the foreign debt, and the funds to which it is due, except the amount due to the "Common School Fund derived from the Sinking Fund," as shown upon page 15 of the report—the latter bearing interest, and payable at the pleasure of the State.

The State is paying seven per cent. interest upon the sum of \$165,000 shown to be due to the Board of Sinking Fund Commissioners; and six per cent. interest upon the sum of \$2,076.3, paid by the Treasurer of Shelby county on account of revenue of 1857 collected without authority of law.

No interest accrues on any other indebtedness of the State. I am, sir, very respectfully,

Your obt<sup>s</sup> serv<sup>t</sup>,J. HUNTER DODD,  
Auditor of State.

On motion by Mr. HUNTER the communication was referred to the Committee on Ways and Means.

## CHURCH PROPERTY.

Mr. HUNTER presented the memorial of sundry members of the Associate and Associate Reformed Churches of Monroe county, desirous of effecting a union, and asking for a general law to enable them to transfer their church property to the proper officers of the United Churches so to be formed.

On motion by Mr. HUNTER it was referred to a select committee of five, which the Speaker made to consist of Messrs. Hunter, Stanfield, Prosser, Shields and Sherman.

## INTEREST ON THE STATE DEBT.

Mr. ROBINSON, from the Committee on the Sinking Fund, returned Mr. Lawhead's bill, (H. R. 1) and asked that the same be referred again to the Committee on Ways and Means.

The report was concurred in.

## COMMITTEE ON COURT TIME IN THE EIGHTH DISTRICT.

On motion by Mr. HAMILTON, of Boone, and Hendricks, Mr. Johnston, of Park, and Mr. Nebeker, of Vermillion, were added to the Committee to consider Mr. Newton's bill, No. 29, fixing Court time in the Eighth Judicial Circuit.

## COMMITTEE ON SWAMP LANDS.

On motion by Mr. HUNTER, Mr. Whetzel was added to the Committee on Swamp Lands.

Mr. GRIFFIN submitted the following, which was adopted:

*Resolved*, That the Committee on Swamp Lands, to whom was referred the bill in relation to the Calumet Feeder Dam, be taken from said committee and referred to a select committee of five.

Mr. DOBBINS. The proper course would be to require the Committee on Swamp Lands first to return the bill to the House.

Mr. GRIFFIN accepted the modification.

Mr. THOMPSON, of Madison, made an ineffectual motion to lay the resolution on the table.

The resolution was adopted.

Mr. RITTER submitted the following, which was adopted by consent:

*Resolved*, That the Committee on Agriculture be instructed to inquire into the propriety of authorizing managers of Camp Meetings and Agricultural Societies; to prohibit or regulate all huckstering, side-shows, &c., within some specified limits, and report by bill or otherwise.

Mr. WATERMAN submitted the following, which was adopted:

*Resolved*. That the Committee on County and Township Business be instructed to inquire whether the expense of assessing the personal property of this State could not be much lessened by having but one assessor in each county, with a deputy or deputies in case of necessity, and whether the assessment could not be more equal?

*And be it further resolved*, That said committee be instructed to inquire into and report to this House, at as early a day as possible, whether the real estate could not be appraised by such assessor with much less expense than by having an appraiser expressly for that purpose, and whether said appraisement would not probably be done as well?

Mr. HARRISON submitted a resolution, (which was rejected,) to the following effect:

*Resolved*. That the Committee on the organization of Courts be instructed to inquire into the expediency of re-districting the State, and changing the number of the Supreme Judges to three or five, and report by bill or otherwise.

## TRUST FUNDS.

Mr. HARNEY submitted the following, which was adopted:

*Resolved*. That the Committee on the Judiciary be instructed to inquire into and report at their earliest convenience—

1. Under the provisions of article 2, sections 2 and 3 of the Constitution, has the State the right to make use of the common school fund, or any of the proceeds thereof, for the purposes of paying the ordinary expenses of the Government?

2. Under the provisions of Article 8 of the Constitution, has the State a implied right to become a preferred borrower of the trust funds, fixing its own time for payment, and the rate of interest, and what should be the nature of the obligation on the part of the State, for the payment of these funds, with interest?

3. Should the Superintendent of Public Instruction become fully convinced that the money raised under the provisions of the second section of an act entitled An Act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, approved June 14, 1852, is not being applied to the purposes specified in the law, would it be his or any other person's duty to resort to process in law to compel the payment of the money to the purposes for which it was raised?

4. Under the provisions of section 5 of an act entitled An Act prescribing the duties of Governor, approved May 27, 1852, is the Governor, Auditor and Treasurer of State authorized to make loans of money, extending payment two, three or four years, and should the Legislature determine to borrow money for the times above mentioned, would it not be necessary to enact a new loan bill, defining the nature of the obligation issued, the amount to be borrowed, the time of payment, and the rate of interest? And if such a law is necessary, in order to make the loan, would it comport with section 5, article 10, of the Constitution of the State?

## CHANGE OF VOTE.

Mr. COLLIER asked and obtained leave to



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No. 11.

change his vote of yesterday on Mr. Dobbins' bill, for the repeal of the Liquor law, from the negative to the affirmative.

## RULES.

On motion by Mr. DAVIS, (by un nimous consent) his proposition to add a new rule to the Rules of the House of Representatives, constituting the author of a bill a member, for the time, of the committee to whom it might be referred, was taken up, and he stated his knowledge of its advantages in the practice of the Senate.

Mr. COLGROVE proposed to add a provision that such member should not have the right to vote in the Standing Committee.

Mr. SCOTT thought the 38th rule already covered the whole ground. He read the rule.

Mr. DAVIS then moved to lay his proposition on the table, which was agreed to.

Mr. DAVIS and Mr. STANFIELD had leave of absence till Monday.

## TRUST FUND.

Mr. SNYDER submitted the following;

*Resolved*, That neither of the Trust Funds of the State, nor any part thereof shall, under any circumstances, be applied to meet casual deficits in the revenue.

Which was rejected, on a division, by a tie vote.

Mr. COLGROVE submitted the following:

*Resolved*, That the Committee on the Sinking Fund be instructed to inquire into the expediency of the passage of a law providing for the liquidation of the debt due and owing from the State to the Sinking Fund, and providing for the compounding of the interest on said fund, due from the State to said fund from the date of the loans, and report by bill or otherwise.

Mr. COLGROVE desired to test the sincerity of members who appeared to be careful of these funds. He referred to the vast amount of the indebtedness of the State to these funds, and the \$1,200,000 which the fund had lost already for the want of the fostering care of the Legislature. He was prepared to say that every law authorizing the diversion of that fund from the purposes for which it was created was unconstitutional; to establish which opinion he referred to the constitutional provision, and read from the 114th section of the act of 1834, chartering the State Bank, &c., in relation thereto, &c.

The resolution was adopted.

## GEOLOGICAL SURVEY.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That the Committee on Agriculture be instructed to inquire into the expediency of providing for a thorough geological survey of the State, and that they report by bill or otherwise.

## CLERKS FOR THE AUDITOR.

The SPEAKER announced the Select Committee under Mr. Brotherton's resolution to wait upon the Auditor, to consist of Messrs. Brotherton, Edwards and Row.

Mr. EDWARDS obtained excuse, and Mr. Hall, of Rush, was appointed in his place.

## COMMITTEE ON COUNTY AND TOWNSHIP BUSINESS.

Mr. HAMILTON submitted a resolution, which was adopted, for two additional members of the Committee on County and Township Business; whereupon

The SPEAKER appointed Messrs. Johnston and Harney.

## NATHAN ROWLEY.

Mr. BLYTHE introduced a bill (No. 40) to relieve Nathan Rowley, of Vanderburg county, from damages, in consequence of a certain legal process in the Vanderburg Circuit Court, September term, 1848, in an action in which Brackett Mills was complainant and the said Nathan Rowley was defendant, which was passed the first reading.

## FALSE CERTIFICATES.

Mr. BLYTHE introduced a bill (No. 41) to punish the giving of false certificates, and making false and fraudulent appraisements in certain cases therein named, which was passed the first reading.

## COMMON PLEAS.

Mr. HUNTER introduced a bill (No. 42) to establish Courts of Common Pleas, and defining the jurisdiction and duties, and providing for compensation of the Judges thereof, and to repeal the act of this title, approved May 14, 1852, and all other acts on this subject, which was passed the first reading.

## TRANSFER OF CHURCH PROPERTY.

Mr. HUNTER introduced a bill (No. 43) to authorize churches to form a union, assume a new name and appoint trustees to hold property, which was passed the first reading.

The House then adjourned till Monday, two o'clock P. M.

## IN SENATE.

Monday, December 6, 1858.

The Journal of Saturday was read.

## TAXING RAILROADS.

Mr. HENDRY, from the Judiciary Committee, reported back Mr. Miller's bill (S. 5) for the collection of taxes from railroad and other incorporated companies, and recommend the striking out after the enacting clause in the 1st section and inserting in lieu thereof the 32d section of an act providing for the assessment and valuation of property, approved June 21, 1852; and an amendment to the effect that it shall be the duty of the officers of any incorporated railroad company in this State to furnish to the Auditor of the county in which their principal office is located, an aggregate amount of their lands, rolling and other stock as divided in equal proportions to



each county upon the line of the improvement owned by said company.

The report was concurred in by consent; the bill was read by its title, passed the second reading and ordered to be engrossed.

#### ELECTION OF UNITED STATES SENATORS.

A report from the Judiciary Committee returned Mr. Odell's bill (S. 65) prescribing a mode for the election of United States Senators. They recommend its indefinite postponement.

Mr. ODELL said this bill provides for the election of the United States Senators by joint ballot, and in order to test the sense of the Senate on this point I would like to take the vote upon concurrence in this report by yeas and nays.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 26, nays 14, as follows:

**YEAS.**—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, and Wagner.—26.

**NAYS.**—Messrs. Carnahan, Hargrove, Jennings, Johnston, Lomax, McClure, McLean, O'Brien, Odell, Shoemaker, Slack, Sud-baker, Williams and Wilson.—14.

Mr. JONES, when his name was called, said he would vote in favor of concurring in the report in order to facilitate business.

Mr. LINE, when his name was called, said: Mr. President, I refuse to vote, sir.

Mr. MILLER, when his name was called, said that he was not in when the report was read, and consequently would not vote.

Mr. WEIR said that he was paired off with the Senator from Allen (Mr. Hamilton) and asked to be excused.

So the report of the committee was concurred in.

Mr. CRAVENS said that he had paired off, with the Senator from Washington, (Mr. Hefren,) on political questions, and asked and obtained leave to withdraw his vote from the record.

#### ARGUMENT IN CRIMINAL CASES.

Mr. CONNER, from the Judiciary Committee reported that they had under consideration Mr. Murray's bill, (S. 56) to amend section 103 of the Law Reform Act, approved June 18, 1852, and that they recommend it be indefinitely postponed.

Mr. CONNER said this bill provides that the Prosecuting Attorney shall open and close all arguments in criminal cases, and that the majority of the committee were opposed to it. They contended that the criminal should have the benefit of opening and closing, and of all doubts.

Mr. MURRAY moved that the report lay on the table, but withdrew his motion for

Mr. MARCH, who said he did not conceive any change was necessary in the present law, or that it was demanded by the people, or for the administration of justice. I now renew the motion to lay upon the table.

The motion was agreed to by consent.

#### EMBEZZLEMENT.

Mr. RICE, from the Judiciary Committee, reported back Mr. Bennett's bill, (S. 63) defining embezzlement, and recommended that it be indefinitely postponed.

The report was concurred in.

#### LICENSING PILOTS.

Mr. MARCH, from the Judiciary Committee, reported back Mr. Anthony's bill (S. 59) to amend the third section of an act regulating the licensing of pilots at the Falls of the Ohio, and recommended its passage.

The report was concurred in by consent; the bill was read by its title, passed the second reading, and ordered to be engrossed.

#### JURISDICTION OF JUSTICES OF THE PEACE.

Mr. MARCH, from the Judiciary Committee, reported that they had had under consideration the resolution of the Senate requiring them to "inquire into the expediency of so amending the Justices' Act, as to make the jurisdiction of magistrates, in civil cases, co-extensive with their counties respectively, instead of townships, as the law now exists;" and that they were of opinion any change in the existing law would be inexpedient.

The report was concurred in.

#### COURTS OF CONCILIATION.

Mr. MARCH from the Judiciary Committee, reported back Mr. Bennett's bill, (S. 61) repealing section 10 of chapter 2 of an act prescribing rules for Courts of Conciliation, approved June 11, 1852, and recommended its indefinite postponement.

Mr. BENNETT said he was not present at the time the bill was before the committee, and did not like to have it disposed of in that manner. He moved that the report lie on the table, but withdrew his motion for

Mr. MARCH, who explained that there was a great deal of business before the committee, and they desired to get through with it; that a majority of the members present were in favor of postponing it, and he had so reported. He renewed the motion to lay on the table.

The motion was agreed to by consent.

#### LIABILITY OF BOATS.

Mr. STEELE, from the Committee on Canals and Internal Improvements, reported back Mr. Conner's bill (S. 30) to amend the 655th section of an act to revise, simplify and abridge rules, &c., in civil cases, approved June 18, 1852, and recommended its passage.

Messrs. Conner, Slack, Wagner, Anthony, Rice and March, were heard briefly upon its provisions, and then—

Mr. CONNER moved that the bill be recommended to the Judiciary Committee.

The motion was agreed to by consent.

#### EMBEZZLEMENT.

Mr. BENNETT said he voted for a concurrence in the report of the committee who returned the bill (S. 63) defining embezzlement, simply upon taking the word of some Senator that there was a law in existence upon that subject, but he had since found out that this was a mistake; therefore he moved a reconsideration of that vote, and that the report lie upon the table.

The motion was agreed to.

Mr. WEIR offered the following resolution:

*Resolved*, That the Committee on the Judiciary be requested to examine and report to the Senate whether there is any law now in force in the State providing for the punishment of the crime of embezzlement, and that



they be instructed to report a bill providing for the punishment thereof in the absence of any law now in force.

The resolution was rejected.

#### FREE BANKS.

Mr. HENDRY offered the following resolution, which was adopted:

*Resolved*, That the Auditor of State be requested to report to the Senate whether further legislation is necessary to compel the Free Banks to reimburse to the State the monies expended in the General Banking Law of 1855; and whether anything has been charged or collected against said Banks for 1858, as provided for in the 14th section of the Act of 1855 to amend an act to authorize the business of banking.

#### PAYMENT OF COSTS.

Mr. CONNER offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the payment of cost to Justices of the Peace and Constables, in criminal cases, and witness fees to witnesses in criminal cases before Justices of the Peace, and in the Circuit Court and Court of Common Pleas in all cases not now provided for by law, and that said committee report by bill or otherwise.

The resolution was adopted.

#### PRINTING OF DOCUMENTS.

Mr. WEIR offered a resolution declaring it a useless expenditure to print, in the manner that has heretofore been practiced, the Governor's Message, officers' of State reports, and reports from State Institutions, and that the Committee on Printing report a law to do away with the same.

Mr. MURRAY objected to the resolution, whereupon—

Mr. WEIR withdrew it.

#### TO PREVENT DISTURBANCES.

Mr. WAGNER introduced a bill, (No. 74) entitled An Act for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people; which was read through the first time and passed to the second reading.

#### MISDEMEANORS.

Mr. HARGROVE introduced a bill, (No. 75) entitled An Act to amend section 63 of an act defining misdemeanors, and providing punishment thereof, approved June 14, 1852, which was read through the first time and passed to the second reading.

#### CLERKS OF COURTS, &c.

Mr. COOPER introduced a bill, (No. 76) prohibiting the clerks of Circuit and Common Pleas Courts and their deputies, from practicing as attorneys at law; and prohibiting county treasurers from practicing in the Supreme Court; which was read through the first time and passed to the second reading.

#### SINKING FUND BOARD.

Mr. BOBBS introduced a bill, (No. 77) entitled An Act to create a Superintendent and four Commissioners of the Sinking Fund, and defining their duties in connection therewith, which was read through the first time and passed to the second reading.

#### ELECTION OF UNITED STATES SENATORS.

The Senate proceeded to the consideration of

the order of the day—being the bill (No. 28) to provide for the election of United States Senators; the question being on the motion (Mr. Blair's) to lay on the table the motion (Mr. Williams') to recommit the bill with instructions to strike out the words "separate Houses," and insert the words, "joint convention of the two Houses."

Mr. BLAIR withdrew his motion for—

Mr. ODELL, who moved to postpone the further consideration of the subject till 2 o'clock tomorrow.

The motion was agreed to by consent.

#### BILLS ON THE SECOND READING.

Mr. Stevens' bill, (S. 66) requiring parties to civil suits to advance fees to Sheriffs, was read through the second time.

Mr. GOODING moved its reference to the Judiciary Committee, and it was so referred.

Mr. Turner's bill, (S. 68) to amend sections 29, 28, 32 and 51 of the Swamp Land Act, was read through the second time.

Mr. TURNER moved its reference to the Swamp Land Committee, and it was so referred.

Mr. Heffen's bill, (S. 69) to prevent the circulation of foreign bank bills or notes of a less denomination than five dollars, was read through the second time.

Mr. WEIR moved its reference to the Committee on Banks, and it was so referred.

Mr. Hill's bill, (S. 70) supplementary to the Game Law Act, approved February 26, 1857, was read through the second time.

Mr. HILL moved its reference to the Committee on Agriculture, and it was so referred.

Mr. Rice's bill, (S. 71) to amend an act providing for the assessment of real and personal property, approved June 21, 1852, so as to exempt certain property therein named from taxation, was read through the second time.

Mr. RICE moved its reference to the Committee on Education, and it was so referred.

Mr. Culver's bill, (S. 72) to amend section 1 and repeal section 7 of an act concerning interest on money, was read through the second time, and referred to the Committee on Finance.

Mr. Bennett's bill, (S. 73) to amend the 57th section of an act defining felony, was read through the second time.

Mr. BENNETT moved its reference to the Judiciary Committee, and it was so referred.

#### DEFECTS IN DEEDS.

Mr. Green's bill, (No. 6) to cure defects in the execution of deeds, and to do away with the ink scroll, was read through the third time.

Mr. GREEN explained the merits of his bill. Mr. GOODING was opposed to doing away with the ink scroll.

Mr. SLACK was in favor of the passage of the bill.

In compliance with the constitutional provision, the yeas and nays were ordered, and being taken, resulted—yeas 38, nays 5—as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Cravens, Craven, Culver, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Williams—38.

NAYS—Messrs. Cobb, Gooding, Line, Weir and Wilson—5.



So the bill passed.  
The title was read and adopted, as heretofore recited.  
And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, December 6, 1858.

The Journal of Saturday was read.

### COMMON SCHOOLS.

The SPEAKER laid before the House the petition of Sanford McGinnis and others, citizens of Rush county, asking for a change in the School law, so as to prohibit all persons over 21 years of age from attending the Common Schools, which was referred to the Committee on Education.

### APPRAISEMENT OF REAL ESTATE.

Mr. EDWARDS moved a suspension of the order of business, to enable him to move to take up the bill (S. 3) for the appraisement of real estate, &c., and have the same referred, at the earliest moment, to the Committee on Ways and Means.

The motion was agreed to, and the bill was so referred.

### GAME LAW.

Mr. TURPIE presented the petition of 150 citizens of White county, asking for a repeal of the Game law.

On motion by Mr. DOBBINS, it was referred to the select committee on that subject.

### GOING TO CHURCH FREE OF TOLL.

Mr. JEFFRIES presented the petition of Amos Thomas, and sundry others, citizens of the State of Indiana, asking for such an amendment of the laws in relation to tolls on all Macadamized, Plank and Graveled roads, as to allow all persons to travel over them free of toll when going to and returning from places of religious worship on the first day of the week, which, on his motion, was referred to a select committee of three; whereupon—

The SPEAKER appointed Messrs. Jeffries, Harrison and Turpie.

### PUBLIC NOTICE IN A NEWSPAPER.

Mr. TURPIE submitted the following report:

The Committee on Fees and Salaries, to whom the bill (H. R. 26,) was referred for consideration, have had the same under advisement, and have unanimously instructed me to report the same back, and recommend its indefinite postponement. The object of the bill is to compel parties who have legal publications to make, to insert them in the newspaper having the largest circulation in the county; and a proceeding is to be instituted before the Board of Commissioners to determine which has the largest circulation. The present law gives a discretion to the officer or person required to give any notice, to select such newspaper as he pleases for that purpose. And your Committee is of the opinion that it is the best way; that the change proposed in the bill would have no good effect which would not be overbalanced by the evils accompanying it. There are many reasons why an officer should be allowed to select his own medium for publication, and not be forced to patronize a press selected for that purpose by the County Board. Besides, the struggle attending the contest for the public printing, would be of a most disagreeable character. The county presses would be in a continual broil and quarrel on the subject. It is true the bill provides that the costs shall be paid by the contending parties; and as far as mere costs were concerned, that provision might answer; but there would be the continual bickerings of the parties, the malevolence of their respective friends; efforts to evade the law—all expensive in any community, and to be

avoided if possible. As to that part of the bill fixing the rates of public printing, your Committee already think that matter sufficiently guarded by the free competition prevailing on the present system—the best of all checks against monopoly or exorbitance.

The report was concurred in.

### STATE PRINTER'S OFFICE.

Mr. TURPIE submitted a resolution, (which was adopted) to the following effect:

*Resolved*, That the select committee on the subject of the Public Printing be directed to inquire into the transactions in the office of the State Printer during the terms of the several incumbents of that office since the period of its creation, relative to the rates of charge, and the rules and customs which have prevailed in the business of said office, and that they embody the result of their deliberations in any report they may make on the subject.

### GRAND JURY SYSTEM.

Mr. MILLER submitted the following, which was rejected:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing our grand jury system, and report by bill or otherwise.

### LICENSE LAW.

Mr. KEMPF submitted the following, which was adopted by consent:

*Resolved*, That the Committee on Temperance inquire into the propriety of establishing a license law pertaining to liquors, which shall be no less than \$25, nor more than \$500, and that the petitioner for such a license shall hand in with the required fee a petition signed by eight or ten of his neighbors, vouching for his moral character, and the orderly conduct of his house. Said committee to report by bill or otherwise.

### OWEN'S GEOLOGICAL RECONNOISSANCE.

Mr. MASSEY submitted the following, which was adopted, and subsequently considered again and rejected.

*Resolved*, That there be printed a sufficient number of the reports of a Geological Reconnoissance and Survey of the State of Indiana, made in the years 1837 and 1838, by David Dale Owen, M. D., Geologist of the State, to be distributed as follows: One copy to each officer and member of the General Assembly, ten copies to the State Library, and one copy to each township library in the State—to be sent with the acts of the present session to the different county seats.

### ASSESSMENT LAWS.

Mr. MILLER submitted a resolution, (which was rejected) to the following effect:

*Resolved*, That the Committee on Ways and Means are hereby directed to inquire into the expediency of so amending our Assessment Laws as to make it necessary only for Auditors of counties to place the amount of State tax levied, in an aggregate column, instead of as at present placing the amounts assessed for the Benevolent Institutions, Sinking Fund, &c., in separate columns.

### ADJOURNMENT WITHOUT DAY.

Mr. CLEMENTS submitted the following:

*Resolved*, That this House, with the concurrence of the Senate, will adjourn on Monday, the 13th inst., at 10 o'clock A. M.

Mr. EDWARDS proposed to amend by adding:

Provided the law for the appraisement of real estate be first enacted.

Mr. CLEMENTS accepted.

Mr. AUSTIN. I presume there is no gentleman on this floor that can be more ready to adjourn than I shall be, when the business of the session shall have been placed in a position where we can consistently leave it, so that we shall not have to go over the same ground again, but in the present stage of the business of the session,



I can not agree to fix the day of adjournment no longer in the future than next Monday.

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

Mr. DOBBINS and another demanded the yeas and nays, and they were ordered.

Mr. TURPIE. Mr. Speaker, is it in order to amend? There will have to be an Appropriation bill. We have got nothing to go home on. [Laughter.]

The SPEAKER. Not in order.

The yeas and nays being now taken, resulted—yeas 39, nays 52—as follows:

YEAS—Messrs. Austin, Baird, Black, Boxley, Branham, Brotherton, Colgrove, Collier, Comstock, Cotton, Davidson, Gregory, Griffin, Hall of Grange, Hall of Rush, Hamilton of Wayne, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Scott, Sherman, Shields, Stanley, Sules, Stinson, Thompson of Elkhart, Treadway, Whitman, Wildman, and Mr. Speaker—39.

NAYS—Messrs. Blythe, Bowman, Boyd, Carr, Cavins, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Duvall, Early, Edwards, Firestone, Fordyce, Gifford, Hancock, Harney, Harrison, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Prosser, Rynearson, Shockley, Smith of Perry, Snyder, Stanfield, Sullivan, Summers, Tebb, Thompson of Madison, Turpie, Waterman and Wheeler—52.

So the resolution was not laid on the table.

Mr. BRANHAM proposed further to amend by adding: "And the other business recommended by the Governor shall have been acted upon and disposed of."

Which was adopted.

And so the resolution was adopted.

#### NEW BILLS.

Mr. CARR introduced a bill (No. 44) to repeal the 73d section of an Act entitled an Act to provide for the valuation and assessment of real and personal property; and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors and appraisers of real estate; of county treasurer and auditor; and of the Treasurer and Auditor of State, approved, June 21, 1852.

Mr. PROSSER introduced a bill (No. 45) to legalize the locations, vacations and changes of public highways.

Mr. TURPIE introduced a bill (No. 46) to fix the times of holding, and the length of the sessions of the boards of township trustees, in the several counties in this State, and to repeal section 11 of the Act entitled an Act for the more uniform mode of doing township business, approved, May 6, 1852.

Mr. CLEMENTS introduced a bill (No. 47) declaring what shall be a sufficient seal to deeds of conveyance and other written instruments therein named, and to cure the defects in deeds and other written instruments heretofore executed.

Mr. CLEMENTS introduced a bill (No. 48) to repeal section 10 of the act to establish Courts of Conciliation, and to prescribe rules of proceedings therein, and compensation to the Judges thereof, approved, June 11, 1852.

Mr. ROBINSON introduced a bill (No. 49) regulating the revision of forfeited recognizances.

Mr. NEBEKER, of Warren, introduced a bill (No. 50) defining the misdemeanor of an assault.

Which bills were severally read through and passed to the second reading.

#### COMMON PLEAS JURORS.

The SPEAKER announced the order of the consideration of bills on the second reading; and Mr. Prosser's bill (H. R. 35) to amend the act for the selection of petit jurors for the Court of Common Pleas, &c., coming up—it was read the second time.

Mr. PROSSER proposed a substitute, which was adopted.

On motion of Mr. TURPIE, it was then referred to the Committee on the Judiciary.

#### EXTENSION OF COURT TERM.

Mr. Davis' bill (H. R. 36) to amend the 1st section of the act providing for extending the term of court by adjournment, &c., coming up, it was read the second time.

On motion by Mr. DAVIS, it was referred to the Committee on the Judiciary.

#### ELECTION OF UNITED STATES SENATORS.

Mr. Harney's bill (H. R. 37) to provide for the manner of election of United States Senators, coming up, it was read the second time.

Mr. DOBBINS made an ineffectual motion to refer the bill to a select committee of three.

Mr. HARNEY gave the reason which had induced the introduction of the bill—namely: to waive the pending political question and quarrel upon this subject. On his motion it was referred to the Committee on the Judiciary.

#### LEGALIZING ACKNOWLEDGMENTS, &c.

Mr. Blythe's bill (H. R. 38) legalizing the acknowledgments and records of deeds, &c., since the reception of the Revised Statutes of 1852, coming up, it was passed the second reading and ordered to be engrossed.

#### COLLECTION AGENTS.

The Judiciary Committee's bill (H. R. 39) with reference to judgments and sale on execution against Sheriffs and other persons, corporations or their agents, acting in a fiduciary capacity, was passed the second reading and ordered to be engrossed.

#### NATHAN ROWLEY.

Mr. Blythe's bill (H. R. 40) for the relief of Nathan Rowley, on account of certain legal proceedings in the Vanderburg Circuit Court, in a case wherein the State of Indiana on the relation of Brackett Mills, was complainant, and the said Nathan Rowley was defendant, coming up—

Mr. NEBEKER, of Warren, made an ineffectual motion to refer it to the Committee on Education.

On motion by Mr. DOBBINS, it was referred to a select committee of three, which the SPEAKER makes to consist of Messrs. Dobbins, Blythe and Stanfield.

#### FALSE CERTIFICATES, &c.

Mr. Blythe's bill (H. R. 41) to punish the giving of false certificates or the procuring of false appraisements, coming up—

On motion by Mr. DOUGHERTY, it was referred to the Committee on the Sinking Fund.

#### COMMON PLEAS.

Mr. Hunter's bill (H. R. 42) to establish



Courts of Common Pleas, defining their jurisdiction and duties, and for providing compensation for Judges and Prosecuting Attorneys hereof, and to repeal all acts inconsistent therewith, coming up—

On motion by Mr. PARKS, it was referred to the Committee on the Organization of Courts.

#### CONVEYANCE OF CHURCH PROPERTY.

Mr. Hunter's bill (H. R. 43) to authorize churches to unite, assume a new name, and appoint trustees to receive and convey land, and to receive donations of personal property, &c., coming up—on his motion it was referred to the select committee on that subject.

The House then adjourned.

#### IN SENATE.

TUESDAY, December 7, 1853.

The Journal of yesterday was read.

#### OPENING BALLOT BOXES.

Mr. HENDRY, from the Committee on Elections, to whom was referred Mr. Hill's bill (S. 1) to amend the 23th section of chapter 31, vol. 1, Revised Statutes, having reference to elections, reported the same back and recommended indefinite postponement.

This bill provides for a change in the mode of counting out of votes so that ballots may be counted at any time during the day when the judges may have leisure.]

Mr. MURRAY thought the law might be modified in some way that would be beneficial. He would suggest the bill be again considered; and until it was re-examined he was opposed to indefinite postponement.

The report was concurred in.

#### SWAMP LANDS.

Mr. GREEN, from the Committee on Swamp Lands, to whom was referred Mr. Turner's bill (S. 63) to amend the 20th, 23th, 32d and 51st sections of the Swamp Land Act, approved May 21, 1852, reported back the same and recommended its passage.

The bill was read the second time by title, and passed the second reading.

#### LEVEES AND DRAINS.

Mr. BEESON, from the select committee to whom was referred Mr. Beeson's bill (S. 19) to amend the 12th section of an act authorizing the construction of levees and drains, reported the same back and recommended its passage.

Messrs. Beeson, Culver and Studabaker spoke briefly upon the proposed amendment to the bill.

Mr. STUDABAKER moved that the bill be recommended to the Committee on Swamp Lands, but withdrew his motion for—

Mr. BEESON, who moved its reference to the Committee on Agriculture.

The motion was agreed to.

#### ADJOURNMENT SINE DIE.

Mr. HEFFREN offered the following preamble and resolution:

WHEREAS, The House of Representatives has, by a vote of yeas and nays, declared it inexpedient to levy a tax for the year 1853; and WHEREAS, there is a deficit in the Treasury of about half a million of dollars, and that it will require about as much more to meet the expenses of the State Government for the ensuing year; and WHEREAS,

we are adverse to increasing the expenses of the State, as well as opposed to increased rates of taxation, therefore, *Resolved*, That the Senate, with the House concurring, adjourn *sine die* on Saturday next, at 10 o'clock, A. M.

On the adoption of this resolution the yeas and nays were demanded, and being ordered and taken, resulted—yeas 13, nays 32, as follows:

YEAS—Messrs. Cobb, Hargrove, Heffren, Johnston, Lomax, McClure, McLean, Miller, Slack, Stevens, Studabaker, Williams and Wilson—13.

NAYS—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Carnahan, Conley, Coaner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinkle, Line, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Tarrington, Thompson, Turner and Wagner—32.

So the resolution was rejected.

Mr. ANTHONY introduced a bill (No. 78) to amend section 196 of a law reform act, approved June 18, 1852, which was read through.

Mr. ANTHONY moved that the rules be suspended, and the bill read a second time by its title.

In compliance with the constitutional provision, the yeas and nays were demanded, and being ordered and taken, resulted—yeas 43, nays 0.

So the rules were suspended, and the bill read by its title the second time.

Mr. ANTHONY moved its reference to the Judiciary Committee, and it was so referred.

#### REPEALING THE LIQUOR LAW.

Mr. SLACK moved the rules be suspended and that the Senate take up messages from the House.

The motion was agreed to.

The bill (H. R. 23) repealing the Liquor Law act of February 16, 1855, was read through the first time and passed to the second reading.

#### UNLAWFUL INTEREST A MISDEMEANOR.

Mr. HEFFREN introduced a bill (No. 79) declaring the taking of unlawful interest a misdemeanor; which was read through.

Mr. WEIR moved a suspension of the rules, and that the bill be read the second time by its title, in order that it may be placed in the hands of the committee which now have charge of two other bills of the same character.

The motion was agreed to.

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 35, nays 7.

So the rules were suspended, and the bill read the second time by its title.

Mr. WEIR moved its reference to the Committee on Finance, and it was so referred.

#### DESCRIPTION FOR TAXATION.

Mr. STUDABAKER introduced a bill (No. 80) supplementary to a law reform act, approved June 21, 1852, which was read through, and passed to a second reading.

[This bill proposes that for the purpose of taxation when the tract of land does not constitute a legal division or subdivision, the Auditor may describe the same as a part of any legal subdivision.]

#### SUPREME COURT REPORTER.

Mr. McLEAN introduced a bill (No. 81) to amend section 2 of an act to provide for an election of Reporter of the Supreme Court, approved



February 5, 1852, which was read through, and passed to the second reading.

#### RAILROAD LIABILITY.

Mr. CONNER introduced a bill (No. 82) to amend section 1 of An Act to provide compensation to owners of animals killed or injured by railroads; which was read through and passed to a second reading.

#### COMPENSATION OF EXECUTORS.

Mr. HARGROVE introduced a bill (No. 83) giving the compensation of executors and administrators, and repealing the 148th section of chapter (10), volume 2, Revised Statutes, which was read through and passed to the second reading.

#### RAILROAD TAXATION.

The Senate now took up the orders of the day. Mr. Miller's bill (S. 5) to amend the 321 section of an act providing for the valuation and assessment of real and personal property, approved June 21, 1852, was read through the third time. Mr. HENDRY explained that it is the intention of this bill to provide a remedy to those counties having tracts of land put in as railroad stock, and no taxes collected from them because the railroad does not run through the county.

Mr. MILLER was afraid the bill does not yet fully reach the object for which it was introduced.

Mr. MURRAY moved that it lay upon the table until this was ascertained.

The motion was agreed to.

#### BUILDING OF TOWNS.

Mr. Shoemaker's bill (S. 20) authorizing the incorporation of associations formed for building towns in this State, was read through the third time.

Mr. SHOEMAKER stated that this bill was intended to reach a particular case, although it was general in its character.

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 44, nays 1.

So the bill was passed.

The title was read and adopted.

#### PROTECTION OF LAWFUL ASSEMBLAGES.

Mr. Wagner's bill (S. 74) for the better protection of all lawful assemblages of the people, was read through the second time.

Mr. WAGNER moved its reference to the Committee on Agriculture and it was so referred.

#### DEFINING MISDEMEANORS.

Mr. Hargrove's bill (S. 75) to amend the 634 section of an act defining misdemeanors, approved June 14, 1852, was read through the second time.

Mr. HARGROVE moved its reference to the Judiciary Committee, and it was so referred.

#### COUNTY CLERKS AND DEPUTIES.

Mr. Cooper's bill (S. 76) to prohibit County Clerks and their Deputies from practicing as attorneys at law in the courts in which they are employed, and Treasurers from practicing in any court, was read through the second time.

Mr. SLACK moved its reference to the Judiciary Committee, and it was so referred.

#### SINKING FUND.

Mr. Bobbs' bill (S. 77) for the organization of a sinking fund board, was read through the second time.

Mr. BOBBS moved its reference to the Committee on Education, and it was so referred.

The files being clear.

In motion, the Senate took a recess till two o'clock.

#### AFTERNOON SESSION.

The special order for this hour, viz: Mr. Murray's resolution for the abolishment of the Court of Common Pleas, coming up for consideration—

Mr. McLEAN moved that it be postponed till Tuesday next, two o'clock, and made the special order for that hour.

The motion was agreed to.

#### ELECTION OF UNITED STATES SENATORS.

The next special order was then considered, viz: Mr. Hargrove's bill (S. 28) providing the manner of the election of United States Senators. The question being on Mr. Blair's motion to lay on the table Mr. William's motion to recommit the bill to the Judiciary Committee with the following instructions:

Strike out the words "separate Houses," and insert the words "Joint Committee of the two Houses."

The bill was read through by the Secretary.

Mr. SLACK moved a call of the Senate, and there being a second, the call was proceeded with, and the Secretary reported forty-seven Senators as present and answering to their names—Messrs. Carnahan, Wallace and Wilson being absent.

Mr. MARCH said that Mr. Wilson was called before the Grand Jury of the United States.

Mr. WAGNER said that Mr. Carnahan would be back in a few minutes; that he had only gone to his boarding house for something.

Mr. WEIR said that Mr. Wallace had been compelled to go home sick, and asked that he be excused.

Mr. RICE said that he had agreed to pair off with the Senator from Montgomery (Mr. Wallace) on political questions.

Mr. TURNER moved that further proceedings in the call be dispensed with.

The motion was agreed to.

The yeas and nays being demanded on the motion to lay on the table, they were ordered, and being taken, resulted—yeas 27, nays 19.

So the motion was not agreed to, and the question recurring on Mr. Williams' motion—

Mr. GOODING said that if all that part of the bill which relates to the legality of Bright and Fitch's election were stricken out, he would vote for the bill, but he did not intend, by any vote of his, to declare that they are either legally or illegally elected.

Mr. CARNAHAN moved that the Senate resolve itself into a Committee of the Whole on this bill.

The motion was agreed to, and the Senator from Vigo, (Mr. McLean) being called to the Chair, the consideration of the bill proceeded in Committee of the Whole.

Mr. President HAMMOND. Mr. Chairman, I move that the sixth section of this bill be stricken out.

The motion being entertained by the Chair—



Mr. HAMMOND proceeded at length to give his reasons for the amendment proposed.

Messrs. Murray, Heffren, March and Steele, continued the debate. When they had concluded—

Mr. LINE moved that the committee rise, report progress and ask leave to sit again.

The motion was agreed to, the committee accordingly rose, and the Chairman reported that they had not time to come to a conclusion, and asked leave to sit again.

The report was concurred in by unanimous consent, and then

The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 7, 1858.

The Journal of yesterday was read and authenticated.

### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Vawter, their Secretary, announcing the passage in that body of a bill (S. 6) to cure defects in instruments of writing, doing away with the ink scroll, seal, &c., in which they request the concurrence of the House of Representatives.

### APPRAISEMENT OF REAL ESTATE.

Mr. BRANHAM, from the Committee on Ways and Means, reported back the bill (S. 3) for the appraisement of real estate, &c., proposing an amendment of the 13th section thereof, so as to require the Appraiser, on or before the first Monday in May next, after his appointment or election, to make and deliver to the County Auditor a written description in full of all real estate subject to be listed for taxation in his county; and when so amended, they recommend its passage.

Mr. STANFIELD. This is one of the most important bills of the session. I have not yet had an opportunity to examine it sufficiently, and I move that it lay upon the table and be made the special order for to-morrow at two o'clock.

The motion was agreed to, and the order made accordingly.

### RE APPRAISEMENT OF SCHOOL LANDS.

Mr. BOYD, from the Committee on Education, reported back Mr. Stanley's bill (H. R. 22) with the expression of opinion that it was in conflict with article 4, section 21 of the Constitution of the State, and reporting a substitute therefor, entitled An Act to provide for the reappraisement and sale of school lands in cases therein mentioned.

Mr. BOYD explained that the bill was designed to meet a single case of unsold school lands in Noble county, which had been valued too high for sale.

Mr. PROSSER moved to strike out the publication clause.

Mr. STANFIELD, making a point of order, moved to recommit the bill with instructions to the committee to report their substitute by way of amendment.

The motion was agreed to.

### RECORDER'S FEES.

Mr. SCOTT, from the Committee on Fees

and Salaries, returned Mr. Boyd's bill (H. R. 7) to amend section 3 of the act to provide for the election and prescribing the duties of County Recorders, &c., recommending indefinite postponement, and expressing the opinion that legislation on the subject is inexpedient.

Mr. BOYD explained that the only provision in this bill was that the Recorder may demand his fees in advance. He, and others with him, were instructed to procure the passage of such an act. A man should not be compelled to labor for naught.

Mr. SCOTT justified the report. The committee saw no reason for legislating partially in this way, in favor of Recorders, any more than constables, clerks, &c.

Messrs. Baird, Nebeker of Warren, and Dougherty, spoke in favor of the bill, and then—

On a division, the House refused to concur in the report of the committee—affirmative 34, negative 40.

Mr. COLGROVE moved to refer the bill to a select committee of five, with instructions "to authorize the Recorder to make a general index of the records of deeds, mortgages, &c., in his office, and allowing him ten cents per hundred words therefor," which he supported in a speech.

Messrs. RYNERSON and AUSTIN opposed the instruction.

Messrs. MELLETT and DOBBINS read the existing statutes on the subject of Recorder's compensation, thinking the existing law sufficient.

Mr. DURHAM proposed to amend by instructing the committee to insert a clause by which justices of the peace and clerks of the Courts may demand their fees in advance.

Mr. BLYTHE saw no propriety in requiring the public at large to pay for this index. He moved to amend the instructions, by adding authority to the committee "to inquire into the expediency of authorizing the Recorder to demand and receive an extra fee of five cents on each instrument recorded by him—to be paid by the party offering the same for record."

Mr. PARKS saw no reason for taxing the County Treasury for making this index. The forms of deeds, &c., were so short, that one dollar was enough for both record and index.

Mr. SCOTT spoke at length against increasing the compensation of this officer.

Mr. MERRIFIELD was in favor of the bill, but opposed to the several propositions to instruct the committee. He was opposed to increasing the fees of this officer, until they were found insufficient, and when found insufficient, he would make the fee larger, &c.

Mr. PROSSER moved to lay the motion to refer on the table.

Mr. DAVIS proposed to amend the motion by adding, "the bill also"

The amendment was agreed to—yeas 52, nays 41—and the question recurring on laying the whole subject on the table—

Mr. MURRAY and another demanded the yeas and nays, and the same being ordered, and taken, resulted—yeas 52, nays 42—as follows:

AYES—Messrs. Bo man, Boxley, Branham, Cavins, Collier, Cotton, Davidson, Davis, Durham, Duvall, Firestone, Ferdyce, Gregory, Griffin, Hall of Grant, Hall of



Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harner, Harrison, Hatley, Jeffries, Johnston, Jordan, Kelly, Kempf, Lawhead, McLean, Mansfield, Martin, Nebeker, of Vermillion, Parks, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Snyder, Stanley, Standfield, Tellys, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—52.

NAVY.—Messrs. Austin, Baird, Black, Blythe, Boyd, Brotherton, Carr, Claypool, Clayton, Clements, Colgrove, Comstock, Dobbins, Dougherty, Early, Eastham, Edwards, Gifford, Hunter, Jones, Knowlton, Lewis, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Smith of Perry, Scales, St. Nelson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Wildman and Wood—42.

So the subject was laid on the table

#### SMALL BANK BILLS.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That the Committee on Banks be instructed to inquire into the expediency of so amending the present Banking system of the State as to prevent the issue and circulation of bills of a less denomination than \$5; and also to prevent the circulation of bills of less than a similar denomination in this State from other States, and that said committee be permitted to report by bill or otherwise.

#### ROADS IN TOWNS CORPORATE.

Mr. COLGROVE submitted the following, which was adopted:

*Resolved*, That the Committee on Roads and Highways inquire into the expediency of so amending the Road Law as to abolish road districts in incorporated towns, and place the road-working in each incorporated town under the immediate supervision of the town council, and report by bill or otherwise.

#### MICHIGAN ROAD.

Mr. Speaker GORDON submitted the following, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire—

1. Whether the General Assembly has power by law to reduce the width of the Michigan Road?

2. Whether the State is under legal obligation, by treaty with the Indians or otherwise, to keep said road in repair, and if so, whether such obligation does not require that a bridge be built across White River, where said road crosses the same in the county of Marion?

And that they report the result of such inquiry at as early a day as possible.

#### STATE TAX.

Mr. MILLER submitted the following:

*Resolved*, That the Committee on Ways and Means be hereby directed to inquire into the expediency of so amending our Assessment Law as to make it necessary only for Auditors of counties to place the amount of State tax levied in an aggregate column, instead of as at present placing the amount assessed for Benevolent Institutions, Sinking Fund, &c., in separate columns.

Mr. M. stated that he had offered the same resolution yesterday, and it was rejected. He was satisfied that the single county of Tippecanoe, since 1852, had paid its Auditor \$1,200 for this single service. As there was no law on the subject, he desired to prevent such impositions upon the County Commissioners.

The resolution was adopted.

#### COUNTY OFFICERS' FEES.

Mr. DUVALL submitted the following, which was rejected:

*Resolved*, That the Committee on Fees and Salaries be and they hereby instructed to report a bill, without unnecessary delay, providing for the reduction of the fees of the Clerks of the Circuit Courts in this State, of the Sheriffs, County Treasurers, County Auditors and County Records, at least one-fourth.

#### BENEVOLENT INSTITUTIONS.

Mr. SMITH, of Perry, submitted a resolution which was adopted, to the following effect:

*Resolved*, That the respective Superintendents of the Benevolent Institutions of the State, be directed to inform this House, at soon as the facts can be obtained, relative to the cost, *per capita*, of supporting persons in similar institutions in other States of the Union—setting forth such information in tabular form—showing the cost of general management, subsistence, clothing, &c., and also the character and value of the labor performed in such institutions.

#### TOWNSHIP BUSINESS.

Mr. DUVALL submitted the following:

*Resolved*, That the Committee on County and Township Business be instructed to report a bill, without delay, providing, among other things,

1. A reduction of the township expenses three-fourth, by reducing the number of Trustees to one.

2. By providing that said Trustee shall have the management and direction of the public schools in his township, and receive for his services in full not exceeding \$1.50 per day.

Mr. AUSTIN proposed to amend, by substituting "three" Trustees instead of "one"—dispensing with the Clerk and Treasurer, which was rejected.

Mr. HUNTER proposed to substitute—"report a bill abolishing the law on the subject of Township Business."

Mr. COLGROVE said he had offered such a resolution, and it was now before the committee.

Mr. HUNTER withdrew his proposition.

Mr. DAVIS. As he understood the gentleman from Boone, the object was to simply get an expression of opinion of the House as to the manner of changing the mode of doing township business. It would be folly for the committee to report, without something to guide them. Thousands had been uselessly expended under the present system, &c.

Mr. PROSSER was in favor of changing the system, but opposed to making the same man actuary and treasurer, making drafts on himself, &c. He preferred to retain two trustees.

Mr. SCOTT opposed the resolution. It was "better to bear the ills we have, than fly to others we know not of."

Mr. DOBBINS was in favor of the resolution, supposing the object was to transfer much of the township business to the County Commissioners, &c.

Mr. COLGROVE said this was an important question, and he reviewed late legislative action on this subject of the mode of doing township business. There was a report made to the last General Assembly on this subject, based on a resolution which he introduced. The expense of township business in this State for the year 1856, was enormous. He did not propose to fly to ills we know not of. He proposed facts—landmarks for our guidance, &c.

Mr. DUVALL now proposed the following substitute for the resolution:

*Resolved*, That the Committee on County and Township Business be, and they are hereby authorized to report a bill, at an early day, providing for doing away with the present mode of doing township business, and providing in its stead a cheaper system—one that will not cost over one-third of the amount of the present system.

#### A MESSAGE FROM THE SENATE.

A Senate message by Mr. Vawter, their Secretary, announced the passage, in that body, of



the bill (S. 20) to authorize associations for building towns; and the bill (S. 59) to amend section 3 of the act regulating pilots of the Falls of the Ohio, approved June 15, 1852, asking the concurrence of the House of Representatives.

Mr. AUSTIN was opposed to the resolution. Changes in legislation were always attended with expense. The expense of our township business had been heavier than it would be for the future. Expenses would be curtailed. He pointed out the inconveniences of the change proposed. He preferred to abolish the township clerk and treasurer's office, and to curtail the terms of sessions of the boards of trustees. When he had concluded—

The House took a recess till 2 o'clock.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

#### COMMON PLEAS IN BARTHOLOMEW.

On motion by Mr. COLLIER, the bill (S. 31) to change the time of holding the Court of Common Pleas in Bartholomew to the second Mondays in February, May, August and November, was taken up and passed the first reading.

On his further motion, the bill was read again by title, and passed the second reading.

#### TOWNSHIP BUSINESS.

The House now resumed the consideration of Mr. Duval's resolution of this morning, the question being on the adoption of Mr. Duval's substitute.

Mr. MURRAY took the floor in opposition to the resolution, speaking generally against the tendency of the minds of gentlemen to tear away and destroy existing systems, without proposing anything more desirable. The people were more directly interested in the administration of township business, and the argument against the system was that it was too expensive; but he felt secure in any system so completely in the hands of the people. He suggested amendment, such as to dispense with the Clerk and Treasurer—requiring their duties to be performed by the Board of Trustees; and then limiting the terms of their sessions to one day in three months. There was the least possible danger of these Boards levying too heavy a tax. He replied to objections to the system, and pointed out difficulties in the way of placing township business in the hands of the Board of County Commissioners. In his region, the County Boards were already overburdened with business. Again, our township boards were inspectors and judges of elections. How would gentlemen hold the elections, or locate school houses, when they had abolished these boards? What would become of the administration of the free school system? Under the present system, the township boards charged nothing for this oversight of the schools, except the enumeration of the children.

Mr. EDWARDS demanded the previous question, but withdrew for—

Mr. DAVIS, who desired to hear from the Chairman of the Committee on County and Township Business.

Mr. HARRISON did not desire to occupy time, and preferred directness in legislation.

The resolution proposed an inquiry, not only into the propriety of abolishing the present system, but also to inquire in what it may be improved. The present was a system of too much machinery—too much fiction—too many hands in the treasury—too many contingencies. The same might be said of the entire machinery of the State Government. The system we threw away for the present, was a much better one. He thought it would be advisable to retain but one township trustee. One would be sufficiently and safely restricted—and there would be more efficiency than with the business in the hands of three or five men. He would take the road business out of the hands of men who were interested, and place it in the hands of the County Commissioners, who would be more free from the bias of interest, &c. He replied to Mr. Murray, and set forth his own views in particular.

Mr. HAMILTON, of Boone, also replied to Mr. Murray. Both his colleague and himself came up here pledged to support some proposition to improve the mode of doing township business. The resolution was to authorize the committee to devise a cheaper mode of doing township business.

Mr. MELLETT confessed that he did not understand our township system. It was complicated, uncertain, and impossible to administer as it was doubtless intended to be administered—many features in it had been held unconstitutional. He proposed not a better system himself, but he had confidence in the Chairman of the Committee on County and Township Business, and believed he would be able to report a system which would not require a man to travel over the State to explain it. He also replied to Mr. Murray and others.

Mr. ROBINSON demanded the previous question, and there being a second, the main question to-wit: Shall the resolution as modified by Mr. Duval be adopted? was ordered.

The yeas and nays were ordered and taken, resulting—yeas 75, nays 20, as follows:

YEAS—Messrs. Baird, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Davidson, Davis, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hurdley, Hunter, Jeffries, Johnston, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Mansfield, Massey, Mellett, Miller Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prusser, Robinson, Row, Ryerson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Stanfield, Stiles, Stinson, Sullivan, Summers, Thompson of Madison, Usrey, Whetzel, Whiteman, and Wood—75.

NAYS—Messrs. Austin, Boxley, Comstock, Cotton, Jones, Knowlton, McLain, Major, Merr field, Murray, Power, Ritter, Shields, Stanley, Tebb, Thompson of Elkhart, Treadway, Waterman, Wheeler, and Wildman—20.

So the resolution was adopted.

#### COUNTY SURVEYOR'S OFFICE.

Mr. DOBBINS submitted the following, which was adopted:

*Resolved*, That the Committee on County and Township Business be instructed to inquire into the expediency of so amending the law regulating the duties of County Surveyors, as to provide for the erection and maintenance of a County Surveyor's office at each county seat, and to make it the duty of the County Surveyor to keep his books, plats and field notes at said office, for the inspection of the people.



tion of citizens and all persons interested in the same; and that said committee report to bill or otherwise.

#### LICENSE LAW.

Mr. COTTON submitted the following, which was adopted:

*Resolved.* That the Committee on Temperance inquire into the propriety of establishing a License Law pertaining to liquor, which shall be no less than \$5 nor more than \$500; and that the petitioner for such license shall hand in with the required fee a petition signed by twelve of his neighbors, vouching for his good character and the orderly conduct of his house.

#### COUNTY TREASURER.

Mr. MURRAY submitted the following, which was adopted:

*Resolved.* That the Committee on the Judiciary inquire into the expediency of repealing that part of the law for the collection of revenue in this State which requires the County Treasurer to visit each township in the county for the collection of the taxes.

#### TOWNSHIP BUSINESS.

Mr. KNOWLTON submitted the following, which was adopted:

*Resolved.* That this House does not deem it expedient to remodel our present mode of doing township business at this short session, but will defer it to the regular session.

#### CALUMET DAM.

Mr. HAMILTON, from the Committee on Swamp Lands, (by unanimous consent) returned Mr. Griffin's bill (H. R. 32) to repeal the law authorizing the Calumet Feeder Dam, in compliance with a resolution of the House.

On motion by Mr. MILLER it was referred to a select committee of five, which the Speaker makes to consist of Messrs. Stiles, Green, Hamilton of Boone, Griffin and Austin.

#### BUSINESS OF THE SESSION.

Mr. ROBINSON introduced a bill (No. 51) to authorize the continuance of all bills, joint resolutions and other business remaining unfinished at the close of the present session of the General Assembly to the next session thereof, so that the same shall then be taken up and considered in the same stage in which they shall be left at the close of the present session.

#### ROADS.

Mr. JEFFRIES introduced a bill (No. 52) to authorize Plank, McAdamized and Graveled Road Companies to consolidate their stock with other similar companies, to assume a common name, and to define the powers of such consolidated companies.

#### SUPREME COURT REPORTS.

Mr. Speaker GORDON (Mr. Edwards in the Chair) introduced a bill (No. 53) to authorize the publication of certain Decisions of the Supreme Court, and the purchase of 600 copies thereof by the State; (From the commencement of the first term in 1816, to the end of the May term, 1838, the object being to supply the first four volumes of Blackford's Report, which are out of print.

#### BANK OF THE STATE.

Mr. AUSTIN introduced a bill (No. 54) entitled An act to amend the 15th and 91st sections of an act to establish a bank with branches, which passed to the House, March 1, 1857—the Governor's objections to the contrary notwithstanding;

(Makes the stock, real estate, &c., of the bank and branches taxable as other property in the State; and takes away the power of directors to veto any proposition of the General Assembly to amend their charter;)

Which bills were severally passed the first reading.

The House then adjourned.

#### IN SENATE.

WEDNESDAY, December 8, 1859.

The Journal of yesterday was read.

#### AGRICULTURAL SOCIETIES.

Mr. LOMAX, from the Committee on Agriculture, to whom was referred the bill (S. 60) to amend an act to authorize agricultural societies to purchase and hold real estate, reported the same back and recommended its passage.

The report was concurred in by consent; the bill was read a second time by its title; passed to the third reading.

#### PROTECTION AGAINST HUNTERS.

Mr. BEESON, from the Committee on Agriculture, made the following report:

Mr. President. The Committee on Agriculture, to whom was referred the following resolution:

*"Resolved.* That the Committee on Agriculture be instructed to inquire into the expediency of enacting some law for the better protection of fencing and timber against hunting parties, and report by bill or otherwise." I have had the same under consideration, and have directed me to report the same back without any legislation on the subject. The Committee believing that the Statute provision for trespass and damage will afford as full protection as can be given by any other law on the subject.

The report was concurred in by consent.

#### MESSAGES FROM THE HOUSE.

A message from the House of Representatives was received, informing the Senate that the House had adopted a resolution agreeing to adjourn on Monday next, provided the business which has been recommended by the Governor shall be acted upon and disposed of. [Laughter.] Also, informing the Senate of the passage by that body of an act to amend section 18 of an act, entitled An act prescribing the powers and duties of Justices of the Peace in State prosecutions, approved May 29, 1852, and asking the concurrence of the Senate therein.

#### LEGISLATIVE SENTINEL.

Mr. MURRAY offered the following resolution:

*Resolved.* That the resolution of the Senate, adopted on Monday, the 29th ult., providing for taking two hundred copies of the *Legislative Sentinel*, be and is hereby rescinded.

Messrs. Murray, Heffren, Hendry, Gooding, Green, Anthony, Bennett, Weir, Hamilton, Steele, Studabaker, Wagner, March, Cobb, Conner, Tarkington, Slack, Bobbs, Cravens and Rice, were severally heard on the resolution.

Mr. MURRAY introduced the resolution under consideration with the impression that the *Legislative Sentinel* would print one-sided reports of the proceedings of this body; but as many gentlemen were of the opinion that he was too hasty in his conclusions, in obedience to the request of several Senators, and in order that we



may have further light upon this subject, he would now move to postpone the consideration of this resolution till one week from to-day at two o'clock.

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

The motion was rejected.

And then Mr. Murray's motion was agreed to.

#### FELONS.

Mr. SLACK offered the following resolution, which was adopted by consent.

*Resolved*, That the Committee on the Judiciary inquire what legislation is necessary, if any, to perfect the law in reference to the conviction of felons, where more than one conviction has been had against the same individual at one term of Court, and report by bill or otherwise.

#### PRINTING OF BILLS.

Mr. ODELL offered the following resolution:

*Resolved*, That all engrossed bills, before they are put upon their final passage, shall be first printed, and two copies thereof placed upon the desk of each Senator.

The resolution was rejected.

#### ABOLISHING COMMON PLEAS.

Mr. CONLEY offered the following resolution, which he subsequently withdrew:

*Resolved*, That the committee on the organization of Courts, be requested to inquire into the expediency of abolishing the Common Pleas Courts, and establishing a Surrogate system for the settlement of the estates of decedents; and that said committee be requested to report a bill to that effect as soon as is convenient for them to do so.

#### GIST MILL TOLL.

Mr. STUDABAKER offered the following resolution, which was adopted by consent:

*Resolved*, That the Committee on Rights and Privileges of the inhabitants of the State be instructed to inquire into the expediency of fixing by law the amount of toll steam grist mills may be allowed to demand and receive for grinding grain.

#### TAXES OMITTED BY THE ASSESSOR.

Mr. JOHNSTON offered the following resolution, which was adopted by consent:

*Resolved*, That the Committee on Finance be instructed to inquire if there be any law now in force authorizing the treasurers of the several counties of this State to assess, for taxation, the property of persons which had been omitted in the assessors' lists, and report by bill or otherwise.

#### SMALL BILLS.

Mr. CONLEY offered the following resolution, which he subsequently withdrew:

*Resolved*, That the Committee on Banks be requested to inquire into the expediency of amending the banking law in this State, so as to prohibit the circulation of notes of the banks of other States of a less denomination than five dollars, and that said committee be requested to report a bill to that effect, if deemed expedient.

#### BUSINESS OF THE REGULAR SESSION.

Mr. LINE offered the following.

*Resolved*, That when the present special session of this Senate shall adjourn, it will adjourn to meet on the day provided in the Constitution of the State, and that when this Senate shall be so assembled, it will take up the business in the order in which it was when the special session adjourned, and that they will continue the organization which was made at the commencement of the Special Session.

Mr. GOODING moved its reference to the Judiciary Committee, and it was so referred by consent.

#### RAILROAD TAXATION.

Mr. MILLER asked and obtained leave to take

from the table his bill (S. No. 5) for the taxing of railroads. He hoped some gentleman who voted with the majority upon the engrossment, would move a reconsideration of that vote.

Mr. MURRAY said he would move a reconsideration to accommodate the gentleman.

The motion was agreed to by consent.

Mr. MILLER moved that the bill be recommended to the Judiciary Committee, and it was so ordered by consent.

#### ROAD TAX.

Mr. JOHNSTON offered the following resolution, which was adopted by consent.

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the constitutionality of the present law levying a road tax, and report to the Senate the result of such inquiry.

#### AGRICULTURAL REPORTS TO TOWNSHIP LIBRARIES.

Mr. KINLEY offered the following resolution, which was adopted by consent:

*Resolved*, That the Committee on Agriculture be instructed to report a bill providing for placing one copy of the Reports of the Indiana State Board of Agriculture, in each of the township libraries.

#### MISDEMEANORS.

Mr. SLACK introduced a bill (No. 84) to repeal section 51 of an act defining misdemeanors, approved June 14, 1852, which was read through, and passed the first reading.

And then the Senate took a recess till two o'clock.

#### AFTERNOON SESSION.

Mr. HEFFREN obtained leave to report from the Committee on Banks Mr. Tarkington's bill (S. No. 12) to prohibit unsafe paper currency, recommending that it be laid on the table, and in its stead reported an entire new bill (S. No. 85) upon the same subject.

Mr. ANTHONY moved that the report be laid upon the table.

The motion was agreed to.

#### FOUR YEAR'S TAXATION.

Mr. BEESON obtained leave to report from the Committee on Agriculture Mr. Shoemaker's bill (S. No. 34) "to prescribe the duties of Assessors, so as to provide for making their list of farm products, domestic animals, and other property, every four years; and in regard to the duties of County Auditors, and Auditor of State in connection therewith; and to repeal all laws conflicting therewith;" recommending its passage.

The report was concurred in, and the bill was read by its title the second time.

Mr. MURRAY moved that the bill be considered as engrossed, and read the third time now.

The motion was agreed to and the bill read through the third time.

In compliance with a constitutional provision, the yeas and nays were demanded, and being ordered and taken, resulted—yeas 47, nays 2.

#### DIVORCES.

Mr. MARCH asked and obtained leave to report from a select committee, Mr. Wallace's bill (S. 4) and Mr. Conner's bill (S. 39) which are amendatory of certain sections of an act regulating the granting of divorces, recommending the passage of Mr. Wallace's bill (S. 4), with an



amendment taken from Mr. Conner's bill (S. 39;) and upon the adoption of the second amendment that Mr. Conner's bill (S. 39) be laid upon the table.

#### MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, informing the Senate that the House have passed a bill to secure process in actions against corporations which have no offices doing business in towns in which they are located, and asking the concurrence of the Senate therein.

#### DIVORCES.

Mr. MARCH explained his report.

Mr. STUDABAKER moved to concur in the report, by inserting in the proper place, the words: "Abandonment for one year by either party."

Mr. GOODING moved a division of the question.

The motion was agreed to, and the question being upon the amendment, it was adopted, and then the report as amended was concurred in.

Mr. WEIR moved to recommit to the Judiciary Committee, with the following instructions:

Inquire into the constitutional power, and require one year's residence to authorize persons to sue in this particular class of cases.

The motion was rejected.

Mr. MURRA moved that the bill be considered as engrossed and read the third time now.

The motion was agreed to, and the bill was read through the third time.

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 47, nays 2.

So the bill passed.

The title of the bill was then read and adopted.

#### PAPER CURRENCY.

Mr. HEFFREN moved that the report from the Bank Committee submitted this day, be taken from the table.

The motion was agreed to.

The report was read through, and the bill (S. 85) substituted; the question being upon concurring in the report—

Mr. GREEN proposed to amend the bill by striking out the emergency clause.

After debate by Messrs. Gooding, Hamilton, Steele, Murray and March, the amendment was rejected and the report was concurred in.

#### REDEMPTION OF STATE BONDS.

Mr. BOBBS asked, and obtained unanimous consent, to take from the table his bill (No. 25,) having reference to the redemption and purchase of bonds, State and other stocks, and on his motion it was referred to the Committee on Education.

#### ELECTION OF UNITED STATES SENATORS.

Mr. CRAVENS moved that the order by which leave was granted the Committee of the Whole to sit again on Mr. Hargrove's bill (No. 28) for the election of United States Senators, be reconsidered.

The motion was agreed to.

Mr. CRAVENS moved that the bill be taken from the table.

The motion was agreed to.

The question being upon Mr. Hargrove's motion to strike out the emergency clause—a motion was made to lay that motion upon the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 26, nays 23.

So the motion lays upon the table.

Mr. TARKINGTON moved that the further consideration of the subject be postponed until to-morrow at two o'clock, in committee of the whole.

The motion was lost—yeas 25, nays 26.

A motion to adjourn was lost by yeas 21, nays 28.

Mr. CRAVENS moved the previous question on concurring in the report of the committee.

There being a second, the main question, viz: Shall the Senate concur? was decided by yeas 26, nays 23.

So the report was concurred in.

The bill was then read by its title, and passed the second reading.

Mr. HEFFREN moved to amend by striking out all that part of the emergency clause which declares a vacancy now exists in the office of United States Senator, from Indiana.

Mr. GOODING moved to amend the amendment by striking out all that relates to the election of Bright and Fitch, and an existing vacancy.

Mr. HEFFREN accepted the amendment.

Mr. BENNETT moved that the amendment lie on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 26, nays 23.

So the motion was laid on the table.

Mr. CRAVENS moved that the rules be suspended, and the bill considered as engrossed, and read the third time now.

Mr. WILLIAMS moved to amend, by adding at the proper place, "that after ten votes be taken by separate Houses, the Senate will then go into the House of Representatives for the purpose of joint *viva voce* vote."

Mr. BLAIR moved that the motion lay upon the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 26, nays 23.

So the amendment was laid on the table.

A motion to adjourn was lost by yeas 19, nays 30.

The question being shall the bill be considered as engrossed and read the third time now?—

Mr. WAGNER demanded the previous question, and under its operation, Mr. Cravens' motion was agreed to, by yeas 26, nays 23.

Mr. CRAVENS said, if gentlemen desire to discuss this bill he would yield for a motion to adjourn to seven o'clock to-night.

He moved the previous question, but there was not a second.

Mr. STUDABAKER moved to recommit with instructions that the committee inquire into the constitutionality of that section, which makes it a criminal offence if certain officers don't perform certain duties.

Mr. BENNETT moved to lay the motion on the table.

Which was agreed to.



The yeas and nays were demanded upon the passage of the bill, and being ordered and taken, resulted—yeas 26, nays 21—Messrs. Fisk, Gooding and Wilson refusing to vote, as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Deen, Henry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Warner and Weir—26.

NAYS—Messrs. Carnahan, Cobb, Conley, Hamilton, Harzrore, Haffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Sulabaker, Tarkington and Williams—20.

So the bill passed.

The title was then read, when

Mr. CRAVENS moved an amendment to the title, but immediately withdrew it.

Mr. HEFFREN moved to amend the title as follows:

"An act to provide for the selection of two persons to make a pilgrimage to the City of Washington for the purpose of showing to the folk of the Legislature of the State of Indiana, and exhibiting their own ignorance of law; with the further hope that they can get mileage and *per diem* therefor."

Mr. MURRAY moved to lay amendment on the table.

Mr. KINLEY moved to amend the amendment by inserting in the proper place "the Legislature of 1857."

This motion was rejected.

The yeas and nays were demanded on the motion to lay Mr. Haffren's amendment on the table, and being ordered and taken, resulted—yeas 32, nays 12.

So the amendment was laid on the table.

The title of the bill was read and adopted.

And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 8, 1858.

The Journal of yesterday was read.

### COMMITTEE ON ORGANIZATION OF COURTS.

The SPEAKER, under a resolution of the House, appointed Messrs. Claypool and Martin additional members of the Committee on the Organization of Courts.

### GAME LAW COMMITTEE.

On motion by Mr. MERRIFIELD, Messrs. Scott and Sherman were added to the select committee on the bill to repeal the Game law.

T. C. GILPIN.

Mr. HALL, of Rush, presented a certified paper from Rush county respecting an allowance of fees to T. C. Gilpin for services as Prosecuting Attorney, which was referred to the Committee on Ways and Means.

Mr. CLEMENTS, from the Committee on the Judiciary, reported back Mr. Griffith's bill (H. R. 15) to amend the 445th, 453d, 455th sections of the Law Reform Act, approved June 18, 1852, recommending that the same be indefinitely postponed.

The report was concurred in.

### COUNTY BOUNDARIES.

Mr. MELLETT, from the Committee on the Judiciary, reported back Mr. Newton's bill (H. R. 11) to repeal the 21 section of the act to authorize the formation of new counties and change

county boundaries, without amendment, and recommended its passage.

The report was concurred in, and the bill was ordered to be engrossed for the third reading.

### AGRICULTURAL SOCIETIES.

Mr. RYNERSON, from the Committee on Agriculture, to whom was referred the resolution with reference to the authority of County Boards of Agriculture, reported the same back with a bill (No. 55) regulating the holding of Agricultural Fairs and other public meetings, and to prevent frauds upon Agricultural Societies, which was passed the first reading.

### UNITED STATES SENATORS.

Mr. TREADWAY, from the Committee on Agriculture, to whom was referred the joint resolution of the House, concerning a grant of public lands for agricultural colleges, reported the same back, proposing to strike out from the resolution all that refers to United States Senators, and recommended its adoption as so proposed to be amended.

Mr. TEBBS, from the same committee, submitted a minority report, in the following terms:

*Resolved*, That the Committee on Agriculture, to whom was referred the joint resolution to instruct our Senators and request our Representatives in Congress to go for a grant of land for agricultural colleges, are not opposed to instructing our Senators, and recommend the passage of the original joint resolution.

Mr. DOUGHERTY moved ineffectually to lay the report of the majority of the committee on the table.

Mr. DOBBINS moved indefinite postponement of the majority report.

Which motion was lost, by yeas 42, nays 50—and the question recurred on concurrence.

Mr. HARNEY was opposed to all such propositions, going to the General Government for aid to build up public institutions, upon the belief that we are able to take care of ourselves, and the General Government have as much as they can do to get along; and he moved to lay on the table, but withdrew for—

Mr. DAVIS, who, being sustained in his position on the Senatorial question, by the highest Whig authority (the *National Intelligencer*), expressed his opposition to the report of the majority of the Agricultural Committee. He thought political questions ought not to be mixed with our agricultural interests.

Mr. RYNERSON gave a reason for the report.

Mr. GIFFORD, believing we are legally and constitutionally represented in the Senate of the United States, would amend the report so as to include them.

Mr. SCOTT renewed the motion to lay on the table, for the reasons submitted by Mr. Harney.

Mr. WATERMAN and another demanded the yeas and nays, which being ordered, and taken, resulted—yeas 69, nays 22—as follows:

YEAS—Messrs. Baird, Bowman, Boyd, Branham, Brotherton, Carr, Cavens, Clayton, Clements, Comstock, Cotton, Davis, Dobbins, Durham, Duval, Early, Eastham, Edwards, Firstone, Fortyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hancock, Harney, Harrison, Hunt, H. H. Johnston, Jones, Jordan, Keefe, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLean, Mansfield, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Prosser, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley



Stanfield, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Usrey, Wheeler, Whitman, Wildman and Wood—69.

**WAYS.**—Messrs. Austin, Boxley, Colgrove, Collier, Davidson, Dougherty, Griffin, Hall of Rush, Hamilton of Wayne, Major, Miller, Nebeker of Warren, Power, Riter, Robinson, Rynerson, Tebbis, Treadway, Turpie, Waterman, Whetzel and Mr. Speaker—22.

So the whole subject was laid on the table.

#### NATHAN ROWLEY.

Mr. DOBBINS, from the select committee, to whom was referred the bill (H. R. 40) for the relief of Nathan Rowley, &c., reported the same back, without amendment, and recommended its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### CHURCH PROPERTY.

Mr. HUNTER, from the select committee, to whom was referred the bill (H. R. 43) to authorize churches to form a union, &c., reported the same back, without amendment, and recommended its passage.

The report was concurred in.

Mr. STANFIELD moved to strike out the emergency newspaper publication clause, stating the constitutional provision that laws shall not be in force until they are printed and distributed, and that this same emergency might as well apply to all acts as to this.

The motion was lost, and then the bill was ordered to be engrossed.

#### CALUMET FEEDER DAM.

Mr. GRIFFIN, from the select committee to whom was referred the bill (H. R. 32) to repeal the act authorizing the Calumet Feeder Dam, approved March 7, 1857, reported the same back, recommending its passage.

The report was concurred in, and the bill ordered to be engrossed.

#### GOING TO CHURCH FREE OF TOLL.

Mr. JEFFRIES, from the select committee to whom was referred the petition of Amos Thomas and others, returned the same, and reported a bill (No. 56) in conformity therewith, to authorize going to church and returning on the Sabbath day, free of turnpike tolls.

The report was concurred in, and the bill passed the first reading.

#### EIGHTH JUDICIAL CIRCUIT.

Mr. NEBEKER, of Warren, from the select committee to whom was referred Mr. Newton's bill (H. R. 29) fixing Court time in the Eighth Judicial Circuit, reported the same back, with a motion that it be laid on the table.

The report was concurred in.

Mr. MERRIFIELD, from the select committee to whom was referred his bill (H. R. 34) to amend the 36th section of the act establishing Courts of Common Pleas, &c., reported the same back, recommending that it be laid on the table, and so give place to another proposition, to which he referred.

The report was concurred in.

#### STATE PRISON.

Mr. ROW submitted the following, which was adopted by consent:

**WHEREAS**, The present crowded condition of our State Prison, making a new one necessary, is owing greatly to the numerous convictions by the United States District Court, of persons violating the laws of the United States, many of whom are officers or employees of the General Government; therefore,

**Resolved**, That the Committee on the affairs of the State Prison be instructed to inquire into the propriety of changing the United States for such use of our State prison, for enquiring the United States to help build or enlarge our prison.

#### CLERKS OF THE CIRCUIT COURTS' FEES.

Mr. DUVAL submitted the following:

**Resolved**, That the Committee on Fees and Salaries be instructed to report a bill reducing the fees of all clerks of the Circuit Courts in this State, at least one-fourth.

Mr. TURPIE proposed to amend by inserting "members of the Legislature."

Mr. PROSSER proposed to add, "all officers."

On motion by Mr. GRIFFIN, the resolution and proposed amendments were laid on the table.

Mr. MURRAY submitted the following, which was adopted:

#### TAX FOR SCHOOL PURPOSES.

**Resolved**, The Committee on Rights and Privileges of the Inhabitants of the State, be instructed to inquire into the expediency of reporting amendments to the Constitution, to be submitted to the people, granting to all incorporated towns and all civil townships in the State, the right of levying taxes for school purposes.

Mr. DURHAM submitted the following:

**Resolved**, That the Committee on Education inquire into the expediency of changing the school laws, so as to allow each county to retain the amount of school tax collected therein, and pay out the same.

On motion of Mr. DOUGHERTY, it was laid on the table.

#### PATENT MEDICINES.

Mr. KEMPF submitted the following, which was adopted:

**Resolved**, That the Committee on the Rights and Privileges of the Inhabitants of the State, inquire into the expediency of requiring all vendors of patent medicines, excepting physicians and druggists, to pay a license for selling such articles; and that said committee report by bill or otherwise.

#### ASSESSMENTS.

Mr. HARTLEY submitted the following, which was rejected.

**Resolved**, That the Committee on County and Township Business be instructed to inquire as to what change should be made in the mode and manner of assessing personal property in this State, with leave to report by bill or otherwise.

#### SWAMP LAND FUNDS.

Mr. GRIFFIN submitted the following, which was adopted:

**Resolved**, That the Treasurer of State is hereby required to furnish this House immediately with the amount of Swamp Land Funds paid into his office more than has been disbursed according to law, belonging to the Swamp Land Fund of Lake county.

#### RAILROAD COURTESY.

Mr. MURRAY submitted the following:

**Resolved**, That the invitation extended to members of the House of Representatives, by the President of the Indiana Central Railroad, to pass free of charge, between Indianapolis and Dayton, till the 31st day of March, 1859, is a courtesy highly appreciated, and worthy of general imitation.

**A VOICE.** I have not got one yet. [Laughter.]



The SPEAKER ruled the resolution out of order.

#### TAXES.

Mr. DOBBINS introduced a bill (No. 57) to amend the 143d section of an act to provide for the valuation and assessment of real and personal property and the collection of taxes in the State of Indiana; for the election of Tax Assessors and Appraisers, and prescribing their duties and the duties of County Treasurers, Auditors, &c., approved June 21, 1852.

#### COSTS IN CRIMINAL PROSECUTIONS.

Mr. SCOTT introduced a bill (No. 58) to provide for the payment of costs in criminal actions, to enforce the collection of the same, and to repeal the 169th section of the act to abridge and simplify the rules, practice and pleadings in criminal prosecutions, approved June 17, 1852.

#### AMENDMENT OF THE CONSTITUTION.

Mr. PARKS introduced a bill (No. 59) to repeal the 13th paragraph of section 32 of the 4th article of the Constitution of the State of Indiana; to amend the first section of the 8th article, and repeal section 8 of the 8th article.

Mr. HAMILTON, of Wayne, introduced a bill (No. 60) to amend the 6th section of the act providing for the organization of County Boards, and prescribing some of their duties, approved June 17, 1852.

#### PETIT JURIES.

Mr. BLYTHE introduced a bill (No. 61) prescribing the manner of empanelling petit juries, and fixing the number and compensation thereof.

Which bills were severally passed the first reading.

#### POWERS OF JUSTICES OF THE PEACE.

The SPEAKER announced the order of the consideration of bills on the third reading; and Mr. Stiles's bill (H. R. 18) to amend section 18 of the act prescribing the powers and duties of Justices of the Peace in State prosecutions, coming up—

Mr. STILES said the act of 1852 empowers the Justice to commit the party upon his failure to pay his fine, but not on failure to pay the costs. The bill proposes to amend that act, so that upon failure of the party to pay the fine and costs, he shall stand committed.

The yeas and nays being taken thereon under the constitutional provision, the result was—yeas 81, nays 7—as follows:

YEAS—Messrs Austin, Baird, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davidson, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jeffries, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Marshall, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Ryerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stiles, Stinson, Sullivan, Summers, Tebb, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—81

NAYS—Messrs. Edwards, Lawhead, McLain, Snyder, Stanfield, Tappie and Wheeler—7.

So the bill was passed the third and last reading in the House of Representatives.

#### SERVICE OF PROCESS.

Mr. Clement's bill (H. R. 19) to secure the service of process in actions on corporations created by the General Assembly of this State which have no office in the county, &c., coming up—

Mr. HARNEY moved to recommit the bill, with instructions to strike out the emergency clause. These clauses were infractions of the Constitution—abuses of privilege.

Mr. CLEMENTS showed the existing emergency, in cases pending in the Circuit Court of his county, wherein parties ought to have some sort of service for the February term.

Mr. HARNEY withdrew the motion.

The bill was then passed the third and last reading in the House of Representatives by yeas 91, nays 0.

#### ELECTION OF UNITED STATES SENATORS.

Mr. Branham's bill (H. R. 28) prescribing the time, place and manner of election of United States Senators, coming up—

Mr. DOBBINS moved to recommit the bill, with instructions to strike out the emergency clause.

It would seem to him that gentlemen would weary with the declaration, that the State of Indiana was not represented in the Senate of the United States. He was in favor of a law on this subject; but, to say here, that the State of Indiana was not represented in the Senate of the United States, was to make a declaration contrary to the fact and the judicial record. He rehearsed the manner of the election of Bright and Fitch, and defended the legality thereof; alleging that it was revolutionary to make the declaration here that it was not a legal election, &c. When he had concluded—

Mr. SCOTT moved to lay on the table—but gave way and withdrew the motion for—

Mr. PARRETT, who complained that a minority of the Judiciary Committee had no part in making the report on the pending bill. He represented his position to the question of the legality of the election of our Senators in Congress. With reference to the regularity of that election, he submitted, that all elections of this class prior to 1852 were made in conformity to law on the Statute book. But that statute was repealed in 1852. What law or what precedent could we have on that subject in Indiana? He then proceeded, at length, to rehearse the history of the election of 1857, which was imposed, as a duty, on that Legislature by the State Constitution. With reference to the declarations of gentlemen, who would be glad, if they had the power, to remove Messrs. Bright and Fitch, he supposed those gentlemen might be glad to displace every Democrat. The fact of their voting in conflict with the views of gentlemen could have nothing to do with any effort here to displace them. For if the rule was good, it might unsettle members of this House, for voting, as perchance they might, against the views of their constituents. It was revolution—nothing but revolution. If Bright and Fitch have done wrong, at the proper time, the wrong could be legally corrected by the election of others to succeed them. But the question of their expulsion from the Senate of the United States belonged to another forum.



# THE LEGISLATIVE SENTINEL.

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whose authority, attempted to be exercised here, was blank usurpation. It was a judicial decision, which had given these Senators their seats—to which point he read Cushings' Legislative Law. The harmony of this Union was worth too much to be frittered away in such a manner.

Mr. DAVIS proposed to recommit the bill, with instructions to strike out the 6th section and insert:

"SECTION 6. That whereas there is no law now in force for the election of United States Senators, it is the opinion of this General Assembly that an emergency exists for the immediate taxing effect of this act, therefore the same shall take effect and be in force from and after its passage."

He considered, and submitted to the friends of the proposition, that 'o put this declaration in here would do no good. He condemned the resort by the Republicans of the last Legislature, to the revolutionary proceedings referred to; but no man more richly deserved the consequences of such proceedings than one of these Senators.

Mr. Speaker GORDON interposed. We were never asked to go into joint convention. It was done without even a formal request.

Mr. DAVIS. No doubt the gentleman was right but still the duty remained. Why did they fail to propose any law?

Mr. GORDON. The scheme of the members of the Democratic party was consummated before we had an opportunity to do so.

Mr. DAVIS. The gentleman looked upon it as a void proceeding, and the duty of enacting the law yet rested upon him. He replied to the reference which the gentleman from Warrick had made to his position on this question. He alleged that our Senators, by their course on the Kansas question, had enacted a fraud upon the doctrine upon which they held their places. He proceeded at some length to define his position to the question involved, which was sustained by a sense of duty and of right, and to deprecate action here upon a matter which must result in nothing but a waste of the public time. When he had concluded—

The House took a recess till 2 o'clock.

## AFTERNOON SESSION.

On motion of Mr. BLYTHE, Mr. Burnham's bill (H. R. 28) was postponed till to-morrow 2 o'clock.

## APPRAISEMENT OF REAL ESTATE.

The SPEAKER announced the special order, viz: The consideration of the bill (S. 3) to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto; the question being on engrossment—

Mr. STANFIELD proposed to amend the third section by striking out all after the word "lots," in the 4th line, and inserting the following words: "Railroads and their superstruc-

tures, plank roads, turnpikes, McAdamized roads, and canals, except the Wabash and Erie Canal, and toll bridges belonging to private individuals and private corporations."

The amendment was adopted.

On motion of Mr. EDWARDS, the House resolved itself into Committee of the Whole—Mr. Edwards in the Chair—and pursued the consideration of the bill by sections.

Mr. KELLY proposed to amend the first section by striking out the fourth line, and inserting: "Shall appoint the necessary number of appraisers, not exceeding ten in number in each county, and shall assign to the several appraisers their several districts."

Mr. RYNERSON proposed to amend the amendment by striking out "some suitable person," and inserting, "three suitable persons, one residing in each County Commissioner's district, in each county, as appraisers."

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

The CHAIRMAN. There is no rule, in committee, to lay on the table. The vote must be direct.

Mr. BRANHAM. The bill gives the Commissioners power to appoint deputies, as many as they want.

Mr. RYNERSON'S amendment was rejected.

Mr. DUNHAM proposed "one for each township," which was rejected; and then—

Mr. KELLY'S amendment was rejected.

Mr. DOUGHERTY proposed to strike out the words "the County Auditor," and insert "the Board of County Commissioners."

Which was agreed to, and then the resolution was adopted.

The section 2 being read by the Clerk—

Mr. KELLY proposed to amend, by striking out and inserting:

"SECTION 1. At the annual election in October, 1863, and every five years thereafter, three persons shall be elected by the people of each county, one of whom shall reside in each commissioner's district, and shall reside in their respective districts as designated by the commissioners, who shall, after the 1st day of January, thereafter, proceed to discharge his duty as required by law."

The amendment was rejected.

Mr. BLYTHE proposed to strike out "five" and insert "three" (years,) which was rejected.

Section 3 being read by the Clerk—

Mr. JORDAN proposed to insert the words "or elected," after the word "appointed," which was adopted.

Mr. NEBEKER, of Warren, proposed to strike out Mr. Stanfield's amendment to the third section, which was adopted by the House.

Mr. STANFIELD doubted whether the motion was in order, but (the Chair entertaining it) he proceeded to say: This was a bill for the appraise-



ment of real property. He desired the law should apply to all real property. The proper policy, he thought, was to tax all corporeal things—not the mere representatives of them. We know that the law of 1852 taxes corporate property, especially railroad property, and we know that not more than one-half of such property is brought out for taxation. This was evident from the Auditor's report. He gave numerous instances in support of this statement.

Messrs. Nebeker, of Warren, Parks, Baird and Harney were in favor of striking out.

The committee refused to strike out.

Mr. Speaker GORDON proposed to insert the words, "or elected," after "appointment" in the third line.

Which was agreed to.

Mr. DOBBINS proposed to amend the 4th section, by inserting the words "or elected," after the word "appointed," (appraiser, &c.)

Which was agreed to.

Mr. SULLIVAN proposed a similar amendment in the fourth line, which was agreed to.

Mr. Speaker GORDON proposed a similar amendment in the second line, which was agreed to.

Mr. Speaker GORDON moved, effectually, to strike out the proviso of the 5th section.

Mr. WATERMAN proposed to strike out and insert appropriately in the 5th section, these words: "the book containing said list shall contain blank columns, in which the appraiser shall set down the valuation put on each tract or parcel of land," which was rejected.

Mr. STANFIELD proposed to amend the 6th section, by inserting after the word "situation," and before the word "provided," in the eleventh line, the following words:

The said appraiser shall also, on actual view, make a true valuation of all lands used or held by railroad companies for road-bed, station-grounds, gravel pits, switches and side tracks, and all railroad tracks, depot buildings and other superstructures thereon, according to the same rule herein provided for ascertaining the value of other real property; and he shall, in the same manner, make a true valuation of all McAdamsized roads, plank roads, turn-pike roads and canals, other than the Wabash and Erie Canal, and also all toll bridges belonging to private persons or private corporations.

Which was adopted.

Mr. ROBINSON proposed to amend the 9th section, by adding: "Provided that there shall be deducted from the land owned by any person—as shown by the deed or survey, the amount of the same occupied by any railroad, canal, or public highway," which was adopted.

Mr. AUSTIN proposed to amend the 12th section by striking out these words: "with the consent of the owner or occupant thereof, and fully examine," which was rejected.

Mr. DOUGHERTY proposed to amend by striking out from the last line of the 12th section the word "taxes," and inserting in lieu thereof the word "appraisements," which was agreed to.

Mr. HUNTER proposed to amend the 15th section by inserting after the word "duties" these words: "such reasonable compensation as the Board of Commissioners shall allow, not exceeding" [\$2 per day,] which was rejected.

Mr. MILLER proposed \$3 per day, which was rejected.

Mr. COLGROVE proposed to strike out the 19th section, and insert words to the following effect:

"Every person who shall refuse to furnish a list to the Appraiser, when called upon therefor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five dollars nor more than five hundred dollars.

Mr. KNOWLTON proposed to amend the amendment, by inserting after the word "person" the word "company or corporation," which was agreed to:

And then the amendment, as amended, was rejected.

Mr. DOUGHERTY proposed to amend this section by striking out "fifty," and inserting "twenty five" [per cent. to the value of all real estate whose owner refused to furnish a list,] which was agreed to.

Mr. STANFIELD proposed to amend the 24th section, by adding a clause repealing sections 33, 34, 35 of an act to provide for the valuation and assessment of real and personal property in the State of Indiana; for the election of tax assessors and appraisers, and prescribing the duties of County Auditors and County Treasurers, and of the Auditor and Treasurer of State, approved June 21, 1852—sections in conflict with the amendments above recommended by the committee of the whole, in sections 3 and 5.

The amendment was adopted.

Mr. DOUGHERTY. Mr. Chairman, the 1st section provides for the appointment of appraisers, and the 2d section provides for the election of appraisers by the people. But the Board of Commissioners are to appoint the Deputies. I move to reconsider the vote adopting the first section, to enable me to offer an amendment.

The vote was reconsidered.

Mr. DOUGHERTY then proposed to amend the 1st section by striking out the proviso, and inserting these words: "Said appraisers shall have power to appoint deputies, who shall take the same oath required of their principals, to be endorsed on their certificate of appointment."

Mr. Speaker GORDON proposed to amend the amendment by adding after the word "Appraisers" the words, "and such as may be elected under the provisions of this act," which was adopted.

Mr. KNOWLTON proposed to amend further by adding, "with the approval of the County Commissioners," which was rejected.

After debate by Mr. Scott and Mr. Murray in opposition to the amendment—

Mr. SNYDER proposed further to amend by adding a proviso, "that the County Commissioners shall name four persons from whom the Appraiser shall select his Deputies if necessary, which was rejected.

Mr. Dougherty's amendment, as amended, was adopted.

Mr. BAIRD proposed [out of order] "that this Legislature shall now appoint the Appraisers."

Mr. MERRIFIELD moved to reconsider the vote adopting the 25th section, so as to enable him to propose an amendment allowing five copies of this act to each Appraiser instead of one copy, which motion was rejected.



An then, on motion of Mr. MURRAY, the Committee rose, and the Chairman reported these several amendments to the House, recommending their adoption, and asking that the Committee be discharged from further consideration of the subject.

The report of the Committee of the Whole was concurred in, and the amendments were ordered to be engrossed.

The House then adjourned.

## IN SENATE.

THURSDAY, December 9, 1853.

The Journal of yesterday was read.

### SINKING FUND BOARD.

Mr. STUDABAKER asked and obtained consent to take from the table bill (S. 44,) providing for the organization of a Board of Sinking Fund Commissioners. He then moved its reference to the Committee on Education, and it was so referred.

### JURISDICTION OF MAGISTRATES.

Mr. HEFFREN moved that messages from the House be taken from the table. The motion was agreed to, and the bill (H. R. 18) to amend section 18th of an Act prescribing the powers and duties of Justices of the Peace, approved May 29, 1852, was read through, and passed to the second reading.

### ADJOURNMENT SINE DIE.

A concurrent resolution that the Legislature adjourn on Monday, the 13 inst.; providing the law for the re-appraisal of real estate, and the other business as recommended by the Governor's Message, be acted upon and disposed of, was read.

The resolution was rejected.

### LEGAL PROCESS AGAINST CORPORATION.

The bill (H. R. 19,) to secure the service of process in actions against corporations having no offices doing business in towns in which they are located, was read through and passed to the second reading.

### REPEAL OF THE LIQUOR LAW.

The bill (H. R. 23,) repealing the Liquor Law, approved Feb. 16, 1855, was read through the second time.

Mr. CONNER moved its reference to the Committee on Temperance, and it was so referred.

### DESCRIPTION FOR TAXATION.

Mr. Studabaker's bill (S. 80,) supplementary to the law reform act, approved June 21, 1852, was read through the second time.

Mr. STUDABAKER moved its reference to the Judiciary Committee, and it was so referred.

### SUPREME COURT REPORTER.

Mr. McLEAN'S bill (S. 81) to amend section 2 of an act providing for the election of a Supreme Court Reporter, approved February 5, 1852, was read through the second time.

Mr. HENDRY moved its reference to the Judiciary Committee, and it was so referred.

### RAILROAD LIABILITY.

Mr. Conner's bill (S. 82) to amend section 1

of an act to provide compensation to owners of animals killed or injured by railroads, was read through the second time.

Mr. CONNER moved its reference to the Judiciary Committee, and it was so referred.

### COMPENSATION OF EXECUTORS.

Mr. Hargrove's bill (S. 83) fixing the compensation of executors and administrators, and repealing the 148th section of chapter 10, vol. 2 of the Revised Statutes of 1852, was read through the second time.

Mr. HARGROVE moved its reference to the Finance Committee, and it was so referred.

### MISDEMEANORS.

Mr. Slack's bill (S. 84) to repeal section 51 of an act defining misdemeanors, approved June 14, 1852, was read through the second time.

Mr. GOODING moved its reference to the Judiciary Committee, and it was so referred.

### PAPER CURRENCY.

Mr. Heffren's bill (S. 85) to prohibit the circulation of unsafe paper currency, was read through the second time.

Mr. McLEAN offered the following amendment.

"Strike out all that portion of the bill declaring the making, issuing and circulating of unauthorized currency a felony, punishable by imprisonment in the State's Prison."

Mr. HEFFREN advocated the passage of the bill, for the purpose of preventing the people of the State from being swindled. He was opposed to any and all banks, as an original proposition, and never would vote to establish them; and had he the legal and constitutional power so to do, he would sweep every one from the State—but we have not the power; and, therefore, he was willing to submit to the protection of vested rights in banks as well as others.

Mr. WEIR moved as an amendment to the amendment, the following:

"That it shall be a felony punished by imprisonment in the State Prison, not less than two years, for any person or persons, or officers of any bank or banks to refuse to redeem their currency on presentation."

Mr. STUDABAKER. This bill does not go far enough; unauthorized paper currency should be suppressed.

Mr. CARNAHAN believed it was an important bill. He moved that it lay on the table, and one hundred copies be printed.

The motion was agreed to by consent.

Mr. WEIR and Mr. McLEAN obtained leave to withdraw their amendments.

Mr. BLAIR from the Committee on Banks, by unanimous consent, reported back Mr. Conley's bill (S. 36) prohibiting the issue of unauthorized paper currency; recommending that it be laid on the table; and submitting an entire new bill (S. 86) in lieu thereof.

Mr. Blair's bill (S. 86) to enable the holders of unauthorized paper money, to collect the amount thereof from any person, company or corporation heretofore or hereafter issuing or aiding in the issue or circulation thereof; was read through the first time.

And then the report was concurred in by consent.

Mr. ANTHONY moved that the rules be sus-



pended, and that the bill be read the second time now

A constitutional provision requiring the yeas and nays, they were ordered, and being taken, resulted—yeas 45, nays 0.

So the bill was read the second time by its title.

Mr. ANTHONY moved that the bill lie on the table, and one hundred copies be printed.

Mr. CRAVENS. This bill is upon a matter about which there can be such small variety of opinions that he objected to putting the State to the expense of printing it, as it would only delay the final passage.

Mr. ANTHONY would not permit any person to go farther than he in opposition to this kind of paper currency. The bill does not go far enough.

Mr. BOBBS was willing to vote for the infliction of almost any penalty upon the violators of the proposed act, but thought that something less than the crime of felony, as proposed, would answer all purposes.

Mr. STEELE agreed with the Senator from Jefferson (Mr. Cravens) that the printing of the bill will only delay the matter. He was willing to go as far as any Senator to put down this shin-plaster currency.

Mr. ANTHONY withdrew his motion to print.

Mr. WEIR, under a wrong impression of the provisions of the bill, renewed his motion to print; but upon finding this out, withdrew it before he took his seat. In answer to an interrogatory by Mr. Gooding, he stated: When the question comes up for the repeal of the charter of the Bank of the State of Indiana I will vote "aye."

Mr. MURRAY moved the reference of the bill to the Judiciary Committee, which was agreed to by consent.

#### ENCOURAGEMENT OF AGRICULTURE.

Mr. Lomax's bill, (S. 63) to amend an act for the encouragement of Agriculture, approved February 7, 1855, was read the third time.

Mr. ANTHONY moved to recommit, with instructions to strike out "forty," and insert in lieu thereof, "seventy-five" [acres of land may be held by Agricultural Societies.]

Mr. WAGNER moved that the committee consist of three, in order that a report may be had immediately.

Mr. ANTHONY accepted, and his motion was agreed to.

The President appointed Senators Anthony, Wagner and Lomax said committee.

#### SWAMP LANDS.

Mr. Turner's bill (S. 68) to amend sections 20, 28, 32 and 51 of the Swamp Land Act, approved May 29, 1852, was read through the third time.

Mr. TURNER explained that this bill simply changes the appointing of Swamp Land Commissioners from the Governor to the County Commissioners.

Mr. STUDBAKER moved to recommit the bill to the Swamp Land Committee, with instructions to the effect that the Swamp Land Commissioners be required to give bonds.

The motion was agreed to.

#### ENCOURAGEMENT OF AGRICULTURE.

Mr. ANTHONY from the select committee, (this hour appointed) obtained leave to submit the following report:

MR. PRESIDENT—The select committee to whom was referred Senate Bill (No. 60), "A Bill to amend an act entitled An Act authorizing County Agricultural Societies to purchase and hold real estate, approved February 7th, 1855," with an amendment, have directed me to report the said bill back, amended as follows: Amend the second section by striking out the word "forty," and insert in its place "seventy-five," and when so amended, that the bill pass.

The report was concurred in by consent.

The bill was read by its title, and the question being, Shall the bill pass?

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 42, nays 2, as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—42.

NAYS—Messrs. Gooding, Hargrove.

So the bill passed.

The title was read and adopted.

And the Senate took a recess until 2 o'clock.

#### AFTERNOON SESSION.

The PRESIDENT. I will lay before the Senate the following communication from the Treasurer of State:

OFFICE OF TREASURER OF STATE,  
Indianapolis, December 8, 1858.

HON. A. A. HAMMOND, President, &c.—In reply to your resolution in regard to Swamp Land Fund in Lake county, I have the honor to state that the balance due this day from the Treasury to Lake county, on account of swamp lands, is eighteen thousand six hundred and seventy-six dollars and thirty-eight cents. (\$18,676 38)

Respectfully, your ob't servant.

AQUILLA JONES,  
Treasurer of State.

#### LIBRARY TO STATE PRISON.

The PRESIDENT. I will lay before the Senate the following communication from the Superintendent of Public Instruction:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,  
Indianapolis, December 6, 1858.

TO HON. A. A. HAMMOND, President of the Senate—Dear Sir: In reply to the resolution of the Senate, of November 30th, calling for information respecting the furnishing a township library to the State Prison, I have the honor to say that before the passage of the act to which reference is made in the resolution of the Senate, all the township libraries had been distributed according to the school law, and the Superintendent of Public Instruction had not in his control the means of furnishing the extra library required by the State Prison Act.

Respectfully,

W. C. LARRABEE.

A motion was made to refer this communication to the Committee on the State Prison, and it was so referred.

#### LEAVE OF ABSENCE TO A COMMITTEE.

Mr. ANTHONY said that a resolution having been passed by the Senate, some days ago, directing the Committee on the Affairs of the State Prison to visit the Penitentiary—in order that they may discharge that duty, he asked leave of absence from to-morrow morning till 2 o'clock Monday afternoon.



The motion was agreed to by consent.

#### ADJOURNMENT TILL MONDAY.

Mr. MURRAY offered the following preamble and resolution:

WHEREAS, The Governor, in his message, has recommended an extension of the present, or the erection of a new State Prison, to accommodate the large number of prisoners now in confinement; and WHEREAS, it is important that the Committee on State's Prison should visit and inspect the State Prison; therefore,

Resolved, That when the Senate adjourn it stand adjourned until Monday next, at two o'clock P. M., to enable the committee to visit the prison.

The resolution was debated by Messrs. Murray, Wagner, Carnahan and Anthony.

Mr. STEVENS moved to amend by inserting in the proper place, that when we adjourn to-morrow morning, we adjourn until Monday, two o'clock P. M.

Mr. MURRAY accepted the amendment.

The resolution, as amended, was then adopted by yeas 24, nays 15.

#### ABOLISHING STATE PRISON DIRECTORS.

Mr. TURNER offered the following resolution:

Resolved, That the Committee on the State Prison be instructed to inquire into the expediency of abolishing the office of Directors of State Prison, and report by bill or otherwise.

The resolution was adopted by consent.

#### ROAD TAX.

Mr. BOBBS offered the following resolution.

Resolved, That the Committee on County and Township Business be requested to inquire whether there is any law in force for the collection of road taxes, and if not, whether any legislation on the subject is expedient, with leave to report by bill or otherwise.

The resolution was adopted by consent.

#### POSTAGE STAMPS.

Mr. WEIR offered the following resolution:

Resolved, That the Door-keeper furnish each member of the Senate and officers with three dollars in postage stamps for the use of Senators and officers in distributing public documents.

The resolution was adopted on a division.

#### OLD STATE BANK.

Mr. BEESON offered the following resolution, which was adopted by consent:

Resolved, That the Committee on Banks be requested to inquire into the expediency of passing a law, to extend the time for the final settlement and closing up the old State Bank, for one year, from and after the 1st day of January, 1859, and to secure the redemption of outstanding notes, and the payment of the stock of said bank to parties legally entitled to the same, and report by bill or otherwise.

#### DISTURBING LAWFUL ASSEMBLAGES.

Mr. WAGNER from the Committee on Agriculture, by unanimous consent, reported back his bill (S. 74) for the better protection of religious, agricultural and other lawful assemblages, and recommended its passage.

The bill was passed the second reading, and ordered to be engrossed.

#### NEGROES.

Mr. HEFFREN obtained leave to introduce a bill (No 87) to enforce the 13th clause of the Constitution, and to prevent negroes or mulattoes of one-eighth or more negro blood, from coming into this State, or settling therein, and prescribing penalties therefor, which was read and passed the first reading.

#### MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by R. J. Ryan, their Clerk, informing the Senate of the passage, by the House, of the bill (S. 31,) fixing the time of the holding of courts in Bartholomew County.

#### NEGROES

Mr. WIER moved that the rules be suspended, and the bill (S. 87) be read the second time now.

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 20, nays 28.

So the rules were not suspended.

#### SUPREME COURT PRACTICE.

Mr. WAGNER, by unanimous consent, introduced a bill (S 88) regulating the practice in the Supreme Court of the State of Indiana, which was read through the first time.

#### MILLER AND SHRYOCK CONTESTED CASE.

Mr. GREEN obtained unanimous consent to offer the following preamble and resolution:

WHEREAS, The Constitution of the State of Indiana declares that each House of the General Assembly, when assembled, shall judge the elections, qualification and returns of its own members; and WHEREAS, at the general election in the year 1856 for Senator in the district composed of the counties of Fulton, Marshall, St. Joseph and Stark, Hugh Miller, Esq., received the certificate of election, and was, upon said *prima facie* evidence, admitted to a seat upon the floor of the Senate at the organization of the Senate then next after said election, to-wit: On the 8th day of January, 1857, and thereupon, Kline G. Shryock, then and there contested the seat of the said Hugh Miller, Esq., in due form, which was referred to the Committee on Elections, where a full, fair and impartial investigation of the whole matter relative to the rights of the parties claiming the seat was had; and on the 30th day of January, 1857, during the session, did make their report concentrating the result of their deliberations, and investigation in a resolution thereafter set out.

AND FURTHER, WHEREAS, Many efforts were made during the last session to bring a direct vote of the Senate upon this constitutional question, to judge the election qualification and returns of the member from the district aforesaid, but failed so to do; ther-by, this matter was continued and passed over to this session, and yet remains unsettled as required by the Constitution. And, it being high time that the people of the district should know who the Representative of their wishes upon the floor of the Senate is, as well as a sense of duty we owe to ourselves to know who are entitled to seats as Senators; therefore be it

“Resolved, That the Senate proceed to take the vote upon the original resolution reported by the Committee on Elections, as found on the Senate Journal of the last session, page 217,

Which reads as follows:

Resolved, That Hugh Miller, Esq., is not entitled to the seat which he now occupies on this floor, and that Kline G. Shryock, Esq., having been duly elected Senator, by a majority of the legal voters of the district, composed of Starke, Marshall, Fulton and St. Joseph, is entitled to that seat.”

#### MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by their Principal Clerk, R. J. Ryan, Esq., informing the Senate of the passage by the House of a bill providing for the reappraisement of unsold school lands; and a bill repealing the act authorizing the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by



the erection thereof, and regulating the draining of swamplands adjacent to the Calumet river in the State of Indiana, approved March 7, 1857, and asking the concurrence of the Senate therein.

#### MILLER AND SHRYOCK CONTESTED CASE.

Mr. TARKINGTON moved that it be made the special order for Wednesday next, in Committee of the Whole, at two o'clock P. M.

Mr. MURRAY was willing to say that he would not press the vote unless the Senate was full.

The motion was agreed to.

#### JURISDICTION OF JUSTICES OF THE PEACE.

Mr. ANTHONY obtained leave to report from the Judiciary Committee Mr. Rive's bill (S. 27) regulating the jurisdiction of Justices of the Peace in cases of attachment, and recommend its passage without amendment.

The bill was read by its title and passed the second reading.

Mr. RICE. It provides that claims to any amount may be tried by Justices of the Peace, but when the claim exceeds the jurisdiction of the Justice, he certifies the papers up to the Court of Common Pleas.

And then the Senate adjourned.

### HOUSE OF REPRESENTATIVES.

THURSDAY, December 9, 1858.

The Journal of yesterday was read.

#### EDWARDS AND FIRESTONE CONTEST.

Mr. MURRAY, from the Committee on Elections, to whom was referred the matter of this contest, reported the following:

*Resolved*, That the Committee on Elections be empowered to send some person into the counties of Huntington and Whitley, who shall be empowered to have witnesses summoned, to take depositions in the pending case of the contest aforesaid, with power to compel the attendance of witnesses and the production of papers.

The resolution was concurred in.

Mr. BOYD, from the Committee on Education, to whom was recommitted Mr. Stanley's bill (H. R. 22) for the reappraisement of unsold school lands, &c., reported the same back with their substitute, recited yesterday, in the form of an amendment.

The report was concurred in and the bill was ordered to be engrossed for the third reading.

#### UNAUTHORIZED PAPER CURRENCY.

Mr. MELLETT, from the Committee on Banks, returned Mr. Martin's bill (H. R. 9) to prevent the circulation of unauthorized paper currency, with the proposed amendments, recommending that the amendments be laid on the table, and the bill amended by striking out all after the enacting clause, and inserting seven sections—

1. That any and all bills, bonds, notes, &c., issued by any company, corporation, or association in this State, either in the form of certificate, promise to pay, &c., made in the similitude of bank notes for the purpose of being used as a circulating medium, shall be held and deemed fraudulent and void.

2. Shall be a misdemeanor, and the party, on conviction, shall be fined not less than \$100, nor

more than \$1,000, and be imprisoned not exceeding six months.

3. Failure to redeem shall be a separate and distinct offense, deemed a misdemeanor, and fined not less than the face of the paper issued, nor more than double that amount, to which may be added imprisonment, and so on.

The report was concurred in.

On motion by Mr. BAIRD, the bill was laid on the table, and made the special order for Monday, two o'clock.

#### A MESSAGE FROM THE SENATE

A Senate message announced their non-concurrence in the joint resolution to adjourn the session next Monday; also, the passage of a bill (S. 4) to amend the 6th, 7th, 10th, 11th, 12th, 15th, 19th and 20th sections of the Divorce Act, approved May 13, 1852; and a bill (S. 28) prescribing the time, place and manner of electing United States Senators, fixing penalties, &c., in which they respectfully request the concurrence of the House of Representatives.

#### SMALL NOTES.

Mr. SCOTT, from a majority of the Committee on Banks, returned Mr. Dobbins' resolution of inquiry into the expediency of suppressing the circulation of bank notes of a less denomination than \$5, with the expression of opinion that legislation on the subject would be inexpedient.

Mr. BOWMAN, from a minority of the Committee on Banks, reported the expression of opinion that if small bank bills were prohibited, it would have the effect of drawing out the coin into circulation, and so entirely prevent those numerous small note frauds upon the currency.

Mr. DAVIS moved to refer these reports to the Committee on the Judiciary, with instructions to inquire into the power of the Legislature over the currency in this respect. If it have the power, he subscribed to the doctrine of the minority of the committee. The exercise of this power he thought clear in the case of the Free Banks, but over the Bank of the State doubtful.

The motion was agreed to.

#### DIVORCE LAW.

Mr. BLYTHE, from the select committee to whom was referred Mr. Colgrove's bill (H. R. 5) to amend the Divorce law, reported the same back with amendments, striking out sections 2 and 3, and adding:

"SECTION —. That the third clause of section 7 of said act, namely, 'Absence for one year, or for a less period if the Court should be satisfied that a reconciliation is improbable,' be so amended as to read: 'Third, abandonment for one year.'"

The report was concurred in. The question now being, Shall the bill be engrossed for a third reading—

Mr. BLYTHE. The first section of the bill provides for an alteration in the present law. The present law does not require any given time of residence in the county or State, prior to filing application for a bill of divorce. This section provides that there shall be a residence of one year. To that, the committee make no amendment. The second section of the bill is to repeal the second clause of the seventh section of the Statute, on page 235 of the second volume of the Revised Statutes, in these words: "Or any



other cause for which the Court shall deem it proper." The purpose of the original bill is to repeal that clause. The committee instruct me to report against the propriety of repealing that clause. From some examination, I have found that this clause has run through all our divorce laws from the earliest period, giving the Courts this discretionary power. There are numerous cases in which it is eminently proper that the Court should interfere, which cannot be reached by statute. The third section of the bill is the emergency clause. The committee think there is too great haste to put bills in force, in violation of the spirit, if not the letter of the Constitution. With reference to the additional section, the committee simply wish to take away the discretion of the Court in the 7th section of the act, which this is to amend.

Mr. CLEMENTS proposed to recommit the bill, instructing the committee to report a bill repealing all laws authorizing divorces to be granted in this State, and providing a reasonable support for wives abandoned by their husbands! [Laughter.]

Mr. DAVIS. I believe we have a rule to prevent a member from voting on a proposition in which he is immediately interested. Under that rule I move that the gentleman from Boone and the gentleman from Harrison, be excused from voting on this question.

Mr. JORDAN. I believe I have never been divorced, Mr. Speaker.

Mr. DAVIS. But every divorce case increases his chance to get a wife.

Mr. Clements' instructions were rejected.

Mr. MURRAY. I move to recommit with instructions to "strike out one year in regard to residence, and insert two years;" and on that I demand the yeas and nays.

The House rejected the motion by yeas 25, nays 70.

Mr. AUSTIN moved to re-commit with the following instructions: "to set forth all the causes for which divorces may be granted."

Mr. A. said he was satisfied the passage of this bill would not meet the expectations of the people in the east part of the State. They were much dissatisfied with the present law of divorces. It had made our State a sort of Gretna Green, by leaving this discretion as to the time of residence. He was for making the law more stringent. He would particularly take away the option of the Court the very portion of the law which the report of the Committee proposes to retain. Want of definite and specific language in the laws was a great objection, and he would have the causes of divorce made most specific and definite—not left loose, to invite abuses of the law. If he could control this matter he would never authorize a divorce.

Mr. ROBINSON moved to lay the subject on the table.

The motion was lost.

Mr. COLGROVE was opposed to recommitment. He concurred with Mr. Austin on the general principle, but had never observed any abuse of the discretion of the Court under this seventh section. He hoped the bill would be organized now, and moved to reject the resolutions.

The motion was agreed to.

Mr. CLEMENTS proposed to recommit with instructions to amend, by adding a provision "that no divorce shall be granted when the case originated in another State, unless by the laws of such other State a divorce is authorized to be granted."

Mr. SCOTT proposed to substitute the instructions as follows:

"To so amend the clause in the 7th section as to read—For any cause which the Court shall deem a fraud upon the marriage contract."

Mr. BLYTHE opposed recommitment, and supported the report at length, replying to Mr. Austin and others.

Mr. AUSTIN replied.

Mr. GRIFFIN demanded the previous question, and under its operation, Mr. Scott's instructions were rejected; and then Mr. Clements' instructions were rejected by yeas 32, nays 64, as follows:

YEAS—Messrs. Austin, Bowman, Boyd, Boxley, Cavins, Clements, Collier, Comstock, Davidson, Firestone, Gregory, Hall of Rush, Hamilton of Boone, Hunter, Johnston, Keefer, Kelly, Kempf, Miller, Murray, Martin, Nebeker of Warren, Ritter, Rynerson, Shields, Shockley, Tebbis, Thompson of Elkhart, Thompson of Madison, Waterman, Whetzel and Wildman.—32.

NAYS—Messrs. Black, Blythe, Branham, Brotherton, Carr, Claypool, Clayton, Colgrove, Cottor, Davis, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jeffries, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Robinson, Row, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Treadway, Turpie, Usrey, Wheeler, Whiteman, Wood and Mr. Speaker.—64.

So Mr. Clement's instructions were rejected.

The bill was then ordered to be engrossed for third reading.

#### ASSESSMENTS.

Mr. HARTLEY submitted the following, which was adopted:

*Resolved*, That the Committee of Ways and Means be instructed to so change the Assessment laws that each taxpayer may deduct his indebtedness from money on hand or at interest, or from his personal property.

Mr. GIFFORD submitted the following, which was adopted:

*Resolved*, That the Committee on the Organization of Courts is hereby instructed to inquire into the expediency of extending the jurisdiction of Justices of the Peace in all civil cases to three hundred dollars, and report by bill or otherwise.

Mr. WHETZEL submitted the following, which was adopted:

*Resolved*, That the Committee on Rights and Privileges be instructed to inquire into the expediency of passing a law prohibiting any person or persons from throwing into any of the running streams of this State any dead hogs that have died with cholera, or any other dead animal or animals, and report by bill or otherwise.

#### REGISTRY.

Mr. DOBBINS submitted the following:

WHEREAS, Our present laws regulating the duties of Agent of State are not sufficiently guarded: Therefore,

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of creating a Registry by which it shall be the duty of some one to register each certificate after it goes out of the hands of the Agent of State, before it comes valid, and report by bill or otherwise.

The resolution was adopted.



## COUNTY AUDITORS' FEES.

Mr. DUVAL submitted the following:

*Resolved*, That the Committee on Fees and Salaries be instructed to report a bill reducing the fees of County Auditors in this State at least one-fourth.

Mr. MURRAY moved to include all State officers.

On motion by Mr. FIRESTONE the resolution was laid on the table by yeas 52, nays 45.

## INDIANA AMERICAN.

Mr. STINSON submitted the following:

*Resolved*, That the Door-keeper be instructed to subscribe for and lay on the table of each member of the House, two copies of the Weekly *Indiana American*, properly enveloped and stamped.

Mr. DOBBINS supported the resolution on account of the attentions the Reverend Editor of that paper (Mr. Goodwin) had conferred upon him.

Mr. MELLETT. I hope all on this side of the House will vote for the resolution.

Mr. EDWORD [in his seat] all on this side will.

The resolution was adopted without a division.

Mr. RITTER submitted the following, which was adopted:

*Resolved*, That the Committee on Fees and Salaries be instructed to revise the law regulating fees and salaries, so as to make the proceeds of the several offices more nearly equal to the amount of labor and responsibility connected therewith—reducing such as receive too much, and advancing those that receive too little for their labor.

## CONSTABLES' OFFICIAL BONDS.

Mr. ROW submitted the following, which was adopted:

*Resolved*, That the Committee on Judiciary be, and they are hereby, requested to enquire into the expediency of so changing the law regulating the approval of Constables' official bonds, as to authorize such approval to be made by the trustees of the townships.

Mr. KEEFER introduced a bill (62) for the punishment of officers of elections: for refusing or neglecting to receive the votes of legal voters.

Mr. EARLY introduced a bill (No. 63) to amend section 1 of an act entitled An Act to provide compensation to the owners of animals killed or injured by cars, locomotives, or other carriages, of any Railroad Company in this State, approved March 1, 1853. [Owners may go before a justice or judge, and file his complaint in writing, and at least ten day's notice shall be served on any conductor of any train passing through the county,] which bills were separately passed the first reading.

## NEW COUNTIES, &amp;c.

The SPEAKER announced the consideration of bills on their third reading, and Mr. Newton's bill, (H. R. 11) repealing the 2d section of the act to authorize new counties and change county boundaries, coming up—

On motion by Mr. DAVIS, the emergency clause was stricken out by unanimous consent.

And so the bill passed the third and last reading in the House of Representatives—yeas 57, nays 30. Mr. DAVIS stating that he was sorry to see his Democratic friends voting down the doctrine of popular sovereignty.

## COMMON PLEAS IN BARTHOLOMEW.

On motion by Mr. COLLIER, the bill (S. 31)

to fix the times of holding the Courts of Common Pleas in Bartholomew, was taken up and passed the third and last reading in the House of Representatives—yeas 90, nays 0.

## APPRAISEMENT OF SCHOOL LANDS.

Mr. Stanley's bill (H. R. 22) to provide for the reappraisement of unsold school lands therein mentioned, coming up, it was passed the third and last reading in the House of Representatives, by yeas 91, nays 1.

## CALUMET FEEDER DAM.

Mr. Griffin's bill (H. R. 32) to repeal the act authorizing the Illinois Calumet Feeder Dam, and to provide for the manner of assessment of damages against the State of Illinois, and the manner of the drainage of lands adjacent to the Calumet river, coming up—

Mr. GRIFFIN explained its merits. The dam flows water over the lands of his constituents to the amount of 14,000 acres, and it made the Swamp Land ditches valueless, &c.

Mr. Speaker GORDON (Mr. Branham in the chair) also supported the passage of the bill. He had opposed the passage of the original Feeder Dam bill, and with all his heart he now voted for its repeal.

Messrs. DOBBINS and DOUGHERTY also submitted favorable statements and explanations.

The bill was passed the third and last reading in the House of Representatives—yeas 80, nays 0. The House then took a recess till two o'clock P. M.

## AFTERNOON SESSION.

## ELECTION OF UNITED STATES SENATORS.

On motion of Mr. BLYTHE, the bill (H. R. 28) prescribing the time, place and manner of election of United States Senators, &c., was laid on the table, and the bill (S. 28) of similar title, adding "providing for the punishment of officers failing to certify to such election," and similar in all its provisions, was taken up.

The bill was read through by the Clerk, and passed the first reading.

Mr. BRANHAM moved to suspend the rules, and that the bill be read the second time now.

The yeas and nays were taken thereon, under the constitutional provision, resulting—yeas 49, nays 41—as follows:

YEAS.—Messrs. Austin, Baird, Blythe, Boyd, Boley, Branham, Brotherton, Cavins, Colgrove, Collier, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton ofayne, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Parks, Parrett, Power, Ritter, Robinson, Row, Scott, Sherman, Smith of Miami, Snyder, Stanfield, Stiles, Thompson of Elkhart, Treatway, Whetzel, Whiteman, Wildman and Mr. Speaker—49.

NAYS.—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Eastham, Firestone, Hancock, Harney, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Merrifield, Nelson, Newton, Prasser, Shockley, Smith of Perry, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Urey, Waterman, Wheeler and Wood—41.

So two-thirds not voting in the affirmative. the rules are not suspended.

## A MESSAGE FROM THE SENATE.

A message from the Senate announced the passage there of a bill to amend the act author-



izing Agricultural Societies to purchase and hold real estate, and requested the concurrence of the House of Representatives.

#### LEGALIZING ACKNOWLEDGMENTS.

The SPEAKER announced the order of bills on the third reading, and Mr. Blythe's bill (H. R. 38,) legalizing the acknowledgment of all deeds, mortgages and other instruments required to be certified since the reception of the Revised Statutes of 1852, coming up, it was passed the third and last reading in the House of Representatives by yeas 74, nays 12.

#### JUDGMENTS AGAINST SHERIFFS, &c.

The Judiciary Committee's bill (H. R. 39) regulating the collection of judgments and sale of property against officers or persons holding money in a fiduciary capacity, coming up—

Mr. DAVIS. Is there not a Statute to that effect?

Mr. MELLETT. It does not cover the whole ground.

The yeas and nays (under the constitutional provision) resulted—yeas 96, nays 0—so the bill passed the third and last reading in the House of Representatives.

#### NATHAN ROWLEY.

Mr. Blythe's bill (H. R. 40) for the relief of Nathan Rowley (against a judgement for \$445, to be paid out of the general school fund,) coming up—

Mr. COLGROVE supported the bill from his knowledge of it derived from an investigation of the case two years ago.

Mr. BLYTHE set forth the claim of Mr. Rowley, many years a School Commissioner of Vanderburg county, its merits and history at length.

Mr. STILES, learning that this matter had been before a jury, and so decided that Mr. Rowley was indebted to the School Fund to the amount of \$445, he felt no disposition to go behind the verdict of a jury.

Mr. EDWARDS was willing to rely on the statement of the gentleman from Vanderburg, which was entirely satisfactory.

Mr. DOBBINS made a statement corroborating that of Mr. Blythe. The vote of the House on this claim two years ago, was 64 in the affirmative, and 20 in the negative.

Mr. MELLETT criticised the grounds of the claim, which were based on the individual carelessness of the claimant, who was thus left without a remedy at law. It was his opinion that the State ought to have the same judgment in the case that should be awarded to an individual. The case was settled, and the Legislature was not a court of appeals.

Mr. BAIRD sustained the claim upon a plea of equity, a plea which was always good with an honest creditor, and therefore it ought to be good here.

Mr. Blythe, Mr. Mellett, and Mr. Stiles were heard again.

Mr. DAVIS might vote against this claim, if the county of Vanderburg, most interested in the fund to be affected by it, had not come up here and reported that injustice had been done in a case where the County Board have not the power

to enter satisfaction upon the record. It was a naked question of right and justice.

Mr. HALL of Rush, should vote against the bill on the principle that a man can not take advantage of his own error.

Mr. CLEMENTS supported the claim.

Mr. DAVIS demanded the previous question, and under the operation thereof, the bill was passed the third and last reading in the House of Representatives, by yeas 60, nays 33.

#### TRANSFER OF CHURCH PROPERTY.

Mr. Hunter's bill (H. R. 43) to authorize the transfer of church property where a union of churches is formed, and a new name assumed, &c., coming up, the bill passed the third reading in the House of Representatives, by yeas 87, nays 0.

#### OHIO FALLS CANAL.

The joint resolution (H. R. 3) instructing our Senators, and requesting our Representatives in Congress to use their influence to obtain an appropriation for the construction of a canal around the Falls of the Ohio river, coming up—

On motion by Mr. EDWARDS, it was laid on the table.

#### APPRAISEMENT OF REAL ESTATE.

The Speaker announced the consideration of bills from the Senate on third reading, and the bill (S. 3) to provide for the reappraisement of real estate, and prescribing the duties of officers in relation thereto, coming up, the engrossed copy was read through by the Clerk.

The SPEAKER ordered the yeas and nays on the third reading of the bill, according to the constitutional requirement.

Mr. PARKS made an ineffectual application for unanimous consent to amend the bill by engrossed order, adding to the 15th section the following:

"Provided the County Commissioners of any county may, in their discretion, authorize the appraiser so appointed or elected, during the time he may be engaged in such appraisement, to keep an office, and to make such appraiser a reasonable allowance therefor out of the County Treasury."

The yeas and nays were then taken, resulting—yeas 92, nays 3, as follows:

YEAS.—Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Fir stone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffries, Jones, Jordan, Keefe, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mellett, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Ryerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Febbs, Thompson of Elkhart, Thompson, of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood, and Mr. Speaker—92.

NAYS.—Messrs. Edwards, Nebeker of Warren, and Waterman.—3.

So the bill passed the third reading in the House of Representatives.

#### THE HONORABLE HENRY WALKER.

Mr. DURHAM (under a suspension of the rules) submitted a resolution tendering the use of the Hall to-morrow night for a lecture by the Hon. Henry Walker.



Mr. PROSSER proposed to amend by including the Hon. John D. Hopkins.

On motion by Mr. THOMPSON, of Madison, the matter was laid on the table.

The House then adjourned.

## IN SENATE.

FRIDAY, December 10, 1858.

The Journal of yesterday was read.

Mr. STEELE, from the Committee on Finance, responding to a resolution of the Senate, reported that there is no law authorizing County Treasurers to assess property omitted by the regular assessor, but that the law governing County Auditors is sufficient to enable that officer to correct the errors of assessors, which was concurred in.

Mr. MARCH, from the same committee, reported the following joint resolution, which was passed the first reading.

WHEREAS, There are in the hands of the Attorney General for collection, certain claims in favor of the State of Indiana against Allen May, endorsed by Michael G. Bright and James P. Drake; and WHEREAS, the Attorney General, in answer to a resolution of the Senate, has reported to that body that "he has received repeated assurances from the above parties that they are willing to adjust and settle said claims in such manner as the Legislature may direct;" therefore,

*Be it Resolved by the General Assembly of the State of Indiana,* That the Attorney General be instructed to proceed immediately to collect said claims by due process of law, unless the amount due thereon is faithfully paid to the Treasurer of State, or secured to his satisfaction; but nothing in this joint resolution shall be so construed as to release any officer or person through whom said claims have been derived, from any liability for the payment of the amount due thereon.

Mr. CRAVEN, from the same committee submitted a report recommending the indefinite postponement of the bill fixing the compensation of executors and administrators, which was laid on the table.

Mr. BENNETT, from the Judiciary Committee, submitted a report recommending the indefinite postponement of the bill amending an act for the election of Supreme Court Reporter, providing for the speedy publication of the Supreme Court reports, &c., which was concurred in.

Mr. CONNER, from the same committee, reported an amendment to the bill providing compensation to the owners of animals killed by railroad companies, which was laid on the table.

Mr. MURRAY, from the same committee, submitted a report recommending the passage of Mr. Anthony's bill amendatory of the practice act, which was concurred in.

Mr. MARCH, from the same committee, submitted a report recommending the passage of the bill amending the act defining misdemeanors, which was concurred in.

## CONVENTIONAL INTEREST.

Mr. SLACK, from the Judiciary Committee, submitted a report recommending the indefinite postponement of the bill repealing the 51st section of an act defining misdemeanors.

[This bill makes the rate of interest merely nominal, and does away with all punishment for taking interest at a rate greater than 6 per cent.]

Mr. SLACK said the majority of the committee had instructed him to make that report, but

he should oppose it, and hoped it would not be concurred in.

Mr. WAGNER was for free trade in money as in everything else.

Mr. CONNER was in favor of the report. If we had usury laws, they should be enforced.

Mr. LINE said if as much interest was allowed in Indiana as in Ohio, capital would flow into it. He knew a great deal of Indiana capital that had sought investment in Ohio.

Mr. CARNAHAN thought we had better be money lenders than money borrowers. Legalize a larger rate of interest and labor would cease in proportion. He was for a low rate of interest, believing we should have more productive labor with low interest than with high interest.

Mr. CRAVENS said he knew of capitalists in Kentucky who would gladly invest their money in Indiana if they could do so with profit and safety. He would like to see a modification of the present interest laws.

Mr. HENDRY was in favor of altering the present interest laws. Banks and brokers took a larger rate of interest than was allowed by law under the system of bills of exchange. They could do this while the poor man with a few hundred dollars to loan could not take this advantage. He was for putting all money lenders on a level. He was opposed to bank monopolies, and would vote, as the Senators from Laporte and Hancock had declared they would vote, to repeal the charter of the Bank of the State of Indiana—that gigantic fraud—at any time the monster could be reached.

Mr. MARCH agreed with the Senator from Posey that labor was first to be protected, and if there was to be a struggle between capital and labor it was the duty of the legislature to discriminate in favor of labor. The question could not be properly disposed of until the rate of interest was fixed.

Mr. MURRAY said we should look at this matter in the light of an agricultural and commercial interest and not in the light of a speculative interest. The question to be answered was: could we afford to pay a greater rate of interest than six per cent? He thought the Legislature should discourage the spirit of speculation, and give encouragement to the productive interests of the country.

Mr. SLACK said the question was not to increase the rate of interest, but to remove the heavy penalty for taking a higher rate than six per cent. in cases agreed on by contracting parties. If a penalty should be imposed on one party for taking a high rate of interest, a penalty should also be imposed on the other for agreeing to pay a high rate.

Mr. BOBBS concurred in the views expressed by Mr. Carnahan. The policy of the State was to encourage labor. He should vote to concur in the report.

On motion by Mr. LINE, the report was laid on the table.

Mr. WAGNER, from the Committee on Education, reported an amendment to the assessment law of 1852, which was concurred in, and the bill was ordered to be engrossed.

Mr. MARCH, from the Judiciary Committee,



submitted a report in favor of the passage of the bill supplemental to the assessment law of 1852, which was concurred in, and the bill was ordered to be engrossed.

In accordance with a resolution adopted yesterday, the Senate now adjourned till Monday 2 o'clock.

[CREDIT.—The Reporter to the Senate for this paper (he having leave of absence for this day) is debtor to Mr. Jones, of the *Indiana State Journal*, for his notes embracing the foregoing report.]

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 10, 1858.

### PERSONAL EXPLANATION.

Mr. DAVIS, by unanimous consent, took some notice of a writer in the *Indianapolis Journal*, charging him with an incautious statement that the 15th section of the act creating the Bank of the State of Indiana, provided that it should be taxed as other moneyed institutions. This question had been raised by the Branch in his town—whether stock tax should not be listed against individual stockholders. It was the opinion of Judge Howe, that they should. This was also Mr. Davis' opinion. Whoever had \$100 in money or notes, was assessed on that amount. But the bank with a capital of \$100,000 could issue notes to the extent of \$150,000; why then should not the bank be taxed on its discounts, notes, bills and moneys on hand? There was injustice in the present assessments.

### INSANE HOSPITAL.

The SPEAKER laid before the House the petition of Charles T. Noble, of Franklin township, Marion county, which was read and referred to the Committee on Benevolent Institutions. It is given literally from regard to the ancient right of petition:

"Honorable Comitty on Benevolent Institutions. I now ask the aid of this honorable body to look to our Insane Hospital and give it a fare investigation of the treatment patients receives at the hands of the officers there off they keep their clothing when they are sent away and treat them shame fully in different modes.

"Charles T. Noble living in Marion county Franklin Township two miles east of Southport."

### DEBTS AND FINANCES OF THE STATE.

Mr. HUNTER, from the Committee on Ways and Means, submitted a report on the finances and debts of the State, of which the following is a liberal abstract:

Your committee in considering the propriety of levying a tax for the present year, were naturally led to examine into the financial condition of the State, in connection therewith. Which they have done, so far as they were enabled, by the reports of the Auditor of State, and submit the following, as the result of their labors:

There were outstanding on the 1st day of November, 1858, of her foreign debt, 413 bonds, of \$1,000 each making.....\$413,000 00  
The amount of interest due thereon to same date..... 370,175 00  
\$783,175 00

The State is liable for full amount of said bonds and interest, unless they shall be surrendered under the act ceding the Wabash and Erie Canal to the bondholders of the State. If so surrendered, then only for one-half of each. Most of the creditors, now holding said bonds, refuse to surrender under said act. Including full amount of said bonds and interest, the liabilities of the State are as follows, to wit:

1 Amount of said bonds and interest.....	\$ 783,175 00
2 Amount of 5 per cent. State stock, not redeemed.....	5,162,500 00
3 Amount of 2½ per cent. State stock, not redeemed.....	1,803,701 00
4 Amount of Vincennes University bonds.....	60,585 00
5 Amount due school fund, for advance from sinking fund.....	1,100,342 67
6 Amount due sinking fund.....	165,000 00
7 Amount due swamp land fund.....	145,410 57
8 Amount due school fund.....	186 861 64
9 Amount due State debt sinking fund.....	105,715 32
10 Amount due township library fund.....	1,792 00
11 Amount due other trust funds.....	50,000 00
12 Amount due Shelby county, for tax illegally collected.....	2,076 63

Making in all.....\$9,964,969 83  
To meet the ordinary and extraordinary expenses of the State for 1859, as estimated by the Auditor, will require.....\$ 559,335 10  
To meet the ordinary and extraordinary expenditures of the State for 1860, as estimated by the Auditor, will require.... 473,985 10

\$1,333 20

Which estimates of the Auditor, your committee, at present, are not prepared to say are correct, but they will be able to give the people full information on the subject so soon as they can complete their present investigations.

Mr. BLYTHE moved that the report be laid on the table, and 1,000 copies printed.

Mr. MARTIN moved 200 copies, which was lost.

And then Mr. Blythe's motion prevailed.

Mr. MANSFIELD had leave to record his vote on the passage of the appraisal bill yesterday. He voted in the affirmative.

### ELECTION OF UNITED STATES SENATOR.

Mr. BAIRD, from a majority of the Committee on the Judiciary, to whom was referred Mr. Harney's bill (H. R. 37) to provide for the time and manner of electing United States Senators, returned the same, and recommended its indefinite postponement—"the majority of said committee believing that a bill now before the House for the same purpose, and which has received the sanction of this committee, contains a better plan for the election of such Senators than the one under consideration."

Mr. TURPIE, from a minority of the same committee, submitted a report recommending the engrossment of the bill. The minority say:

"We wish expressly to dissent from that part of the report of the majority stating that a better bill upon the subject is already before the House. On the contrary, we are of the opinion that the bill herewith returned is much fairer in all its provisions than the one referred to by the majority.

"It has been the law and uniform usage of this State, and most of the States of the Union, to elect Senators by joint ballot in a Convention of both branches of the Legislature, as provided for in the present bill, and we think the reasons urged for a change in that particular, and for the enactment of a law as recommended by the majority, are of such a nature that they commend themselves to the politician rather than the statesman. The method by which we shall select those who are to represent the sovereignty of the State in the Senate of the Union, is certainly a question which should exclude the consideration of political differences and engage the unbiased, disinterested attention of all. A law for that purpose should be the deliberate expression of sentiment of those engaged in the duties of legislation, suited and adapted to all times and occasions—not the result of a momentary excitement, elicited by an emergency really without existence, and manufactured to order. It should be the measure of neither one party or another, but a measure of justice to all."



Mr. TURPIE demanded the yeas and nays on concurrence in the majority report. But,

On the motion of Mr. BRANHAM, the subject was laid on the table.

#### COUNTY LINES

Mr. PARKS, from the Committee on County and Township Business, returned the bill (H. R. 34) to amend the second section of the act approved March, 7, 1857, to authorize new counties, change county boundaries, &c., recommending indefinite postponement.

Mr. NEBEKER, of Warren, gave examples of abuses under the provisions of the act of 1857, here proposed to be amended—that act of 1857 providing for the transfer of territory from one county to another, on petition to the County Board, without the consent either of the people of the county from which it is taken, or of the county to which it is to be attached.

On motion by Mr. TURPIE, the report was laid on the table.

#### AUDITOR'S CLERKS.

Mr. BROTHERTON, from the Select Committee, to inquire whether clerks were necessary in the State Auditor's office, reported the following:

*Resolved*, That the Auditor of State be allowed to employ such additional assistance in his office—not exceeding two clerks—as will enable him to respond to resolutions of the House of Representatives, requiring him to report the several amounts of money which have been paid to the several State officers.

The resolution was adopted.

#### BENEVOLENT INSTITUTIONS.

The SPEAKER laid before the House a communication from the Superintendent of the Deaf and Dumb Asylum, responding to the resolution of Mr. Smith, of Perry, as to the conduct and cost of management of similar institutions in other States of the Union, which was received, and, without reading,

On the motion of Mr. HARNEY, it was laid on the table, and 200 hundred copies ordered to be printed.

#### INTEREST ON BILLS OF EXCHANGE.

Mr. MARTIN submitted the following, which was adopted by consent:

*Resolved*, That the Committee on Banks be instructed to inquire into the expediency of prohibiting the banks in the State from taking or receiving, either directly or indirectly, by bills of exchange or otherwise, a greater rate of interest than by law an individual may take or receive, and that they report by bill or otherwise.

#### TO PRINT ENGROSSED BILLS.

The SPEAKER submitted the following:

*Resolved*, That all engrossed bills, before they are put upon their final passage, shall be first printed, and one copy thereof placed upon the desk of each Representative.

On motion of Mr. MURRAY it was laid on the table.

#### WHAT HAS BECOME OF THE STATE PRINTER?

Mr. MILLER submitted the following, which was adopted by consent:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the fact as to whether there is such an office as Public Printer in the State of Indiana, and report at their earliest convenience.

#### ADJOURNMENT.

Mr. POWER submitted the following, which was rejected—yeas 9, nays 97:

*Resolved*, That when the House adjourn, it stand adjourned till Monday, 2 o'clock, P. M.

Mr. TURPIE submitted the following, which was adopted:

*Resolved*, That upon a motion to adjourn, when a question is tabled thereon, or an objection made thereto, the Clerk shall enter on the Journal the exact time of day the motion was made.

#### LICENSE LAW.

Mr. DURHAM introduced a bill [No. 64] to regulate the sale of spiritous liquors. [A quart law.]

Mr. MANSFIELD introduced a bill [No. 65,] to license, regulate and restrain the sale of spiritous, malt and intoxicating liquors, to prevent drunkenness and crime; prohibit the adulteration of liquors, and repeal all acts conflicting with this act. Which bills were severally passed the first reading.

Mr. SHOCKLEY, from the Committee on Temperance, returned various resolutions of the House, directing inquiries into the expediency and constitutionality of a license law, and reported that the committee entertain no doubt of the constitutionality of a license law, but holding it to be morally wrong to make the State a partner in any evil work. They report the expression of opinion that the enactment of a license law would be inexpedient at this time.

Messrs. Murray and Hunter demanded the yeas and nays on concurrence.

Mr. DAVIS. For the sake of giving an opportunity to come fairly upon the record, I move to recommit the subject, with instructions to report a well regulated license law.

Mr. AUSTIN said the committee had given the subject due consideration, and there was a difference of opinion. But the committee could not, under its present organization, report a license law. They concur that a license law would be inexpedient. They also could concur in a law inflicting heavy penalties for violations of a restrictive law. There might be a minority report. From this the instructions of the gentleman from Floyd were manifestly improper. He could not respond to such instructions.

Mr. DAVIS. Committees were not constituted so much to promulge their own views, as to carry out the will of the House. This was one of the great objects in the constitution of all committees. The instructions were not disrespectful to the committee.

Mr. AUSTIN had said it was impossible for the committee now to harmonize, so as to present such a bill as the gentleman had indicated.

Mr. DAVIS. Let the House express its will, and then the way of the committee would be clear. He would deal with this traffic as a great evil, and treat it as such. Why not make it pay a part of the expense it would superinduce? The extreme friends of temperance had tried their hands, and lost, instead of gaining ground. He replied to the objection to making money out of evil doing. It was just as good morality in the case of intemperance, as in assault and battery.

Mr. MANSFIELD explained the views of the minority of the committee. All would restrain intemperance, but differ about the means. It was useless to legislate on moral subjects,



which could be better affected by public opinion. The prohibition should not be against the use, but the abuse of liquors. We have learned by prohibitory laws the impossibility of legislating directly with success against this traffic. The minority would recommend, if we cannot kill, to cripple the monster. They proposed a license law with proper regulations and restrictions.

Mr. MARTIN proposed to amend the instructions so as to read as follows:

"To report a bill as nearly conforming to the constitutional portion of the Liquor Law of 1853, as practicable.

Mr. SCOTT looked on this as the most important question of the session, and therefore moved to lay the subject on the table until we could get a bill such as indicated by the chairman of the committee (Mr. Austin,) but withheld the motion for—

Mr. DAVIS, who preferred a direct expression on a license law now.

Mr. COLGROVE. That expression might as well be given now as at any time. He was opposed to a license law, on the principle that the traffic was wrong; but since the traffic was an evil we could not get rid of, we ought to restrict it. He admitted the correctness of the position of Mr. Davis, that penalty should fall upon crime, but from this there could be no inference that the State should form a partnership, and become responsible for an evil which all acknowledge. The silver of Judas might as well be appropriated for the benefit of the Christian Church. Penalty could be added and enforced without granting a license. You sell under regulations, which, if you violate, you shall suffer the penalty.

Mr. MURRAY proposed to amend the instruction, by adding, provided they could not agree on any other proposition, &c., which was laid on the table.

Mr. SCOTT renewed, ineffectually, his motion to lay on the table.

Mr. MURRAY explained his position. He was in favor of a license law if we could not get any other. He was a Temperance man, ready to vote for the best law to put down drunkenness, &c. He should probably refuse to vote on this question.

Mr. HALL, of Rush, submitted considerations against a license law.

Mr. POWER should refuse to vote if placed in a position where he could not vote for anything but a license law.

And then, under the force of the previous question, the vote on Mr. Davis' instructions resulted—yeas 64, nays 31, as follows:

YEAS—Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Edwards, Firestone, Gifford, Griffin, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Murray, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Row, Sherman, Shields, Shull, Smith of Perry, Snyder, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wood and Mr. Speaker.—64.

NAYS—Messrs. Austin, Brotherton, Colgrove, Comstock, Cotton, Davidson, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Mellett, Martin, Parks, Power, Ritter, Robinson, Rynerson, Scott, Shockley,

Smith of Miami, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Wildman—31.

So the report was recommitted with instructions.

#### DISTRICT BOARDS OF EQUALIZATION.

Mr. EDWARDS introduced a bill (No. 66) to amend section 5, and repeal section 10, of the act entitled An Act to provide for a Board of Equalization and appraisement for taxation of real property in the State of Indiana, approved May 28, 1852, and constituting the County Auditors of each Congressional District a District Board of Equalization.

The bill being read through by the Clerk, was passed the first reading.

The House then took a recess till two o'clock.

#### AFTERNOON SESSION.

Mr. AUSTIN introduced a bill (No. 67) to suppress tippling houses, to punish drunkenness, and to regulate the sale, barter or giving away spirituous or malt liquors, wine or cider, which was read through and passed the first reading.

#### CORRECTION.

Mr. HUNTER asked and obtained leave to correct his report of this day from the Committee on Ways and Means, by striking out the words "Butler's bill," and inserting these words: "The Act ceding the Wabash and Erie Canal to the bondholders of the State," which is the Butler bill.

Mr. SHULL introduced a bill (No. 68) to amend section 9 of the act providing for the election of Clerks of the Circuit Courts and prescribing some of their duties, approved June 7, 1852, which was passed the first reading.

Mr. HAMILTON, of Boone, introduced a bill (No. 69) to prevent the illegal removal of deceased persons, and prescribing penalties therefor.

Mr. CAVINS introduced a bill (No. 70) for the relief of Peter Shultz, of Greene county, and releasing to him the interest which the State holds in certain real estate.

Mr. HAMILTON, of Boone, introduced a bill (No. 71) to amend the 76th section of the act defining misdemeanors and the punishment therefor, approved June 14, 1852.

Which bills were severally passed the first reading.

#### A BOARD OF FUND COMMISSIONERS—STATE DEBT.

On motion, by Mr. BRANHAM, the order of business was suspended, for a report from the Committee on Ways and Means.

Mr. SMITH, of Perry, from the said Committee reported a bill [No. 72,] entitled an Act for the permanent establishment of a Board of Sinking Fund Commissioners, prescribing their duties, term of office, and compensation; the safe keeping and disbursement of the public funds of the State, and appropriating certain funds to meet the interest on the public debt, and pay the current expenses of the State Government, and re-payment of the moneys borrowed for such purposes; establishing the salary of State Treasurer and his duties; to punish employees in the management of said funds for making any false checks, entries or records while in such employ-



ment: and he read the following report in relation thereto:

MR. SPEAKER:—In reporting a Bill for the permanent establishment of the "Board of Sinking Fund Commissioners;" for the providing of means to meet the current expenses of the State, and the interest on its foreign debt; for the safe keeping of its revenues; and for other purposes designated in the Bill—the Committee on Ways and Means have directed me to make the following explanations:

This Bill was framed under a peculiar state of circumstances, and to provide for the urgent wants of a Treasury nearly exhausted. It is wholly different, in outline and detail, from that which would have been presented by the committee, had the Treasury been full. The first object in view was the providing funds, by the 24th of this month, sufficient to pay the interest on our foreign debt maturing on the first of January next, and to preserve intact the credit and honor of the State. It was evident that a loan could not be effected abroad in the intermediate time, even if a foreign loan was regarded as preferable to one obtained at home. The only fund within our reach, ample for our purpose and peculiarly subject to our control, is that designated in this Bill. On examination of its resources and of its relations to the State, it became obvious that a reliance on its means and its management, until the revenues of the State were deficient for its current wants, and for the repayment of sums taken from this and other Trust Funds, would be advantageous, not only to the State itself, but also to each and all of these Trust Funds.

The withdrawal of all money from the hands of the Treasurer is evidently expedient while the State is compelled to pay interest on an open account—a suspended debt, or rather an unavailable investment of nearly \$85,000, to be deducted from cash balance in the Treasury on the 31st of October, 1858, as reported by the Treasurer and Auditor, further admonishes us of the expediency as well as the honesty of paying our debts, or any portion of them when we have the money in hand—and the payment of a certain and liberal salary to that officer, instead of allowances of perquisites of uncertain amount and of a character liable to suspicion, is certainly most to the dignity of the State and the usefulness of its servant.

It will be borne in mind that under the 113th section of the Act establishing the State Bank of Indiana and the Sinking Fund, the Commissioners of this Fund have no power to distribute any portion of its means for school purposes until the purchase and cancellation of the bank bonds has been effected. All the increment of the fund has been, and for the next two years, at least, must be invested in bonds, certificates, mortgage notes, or other securities. It is, then, submitted that no security can be offered to the Commissioners of the Sinking Fund more safe and advantageous than that proposed by the bill, wherein the loan is predicated on the earliest surplus revenue of the State, which has been shown, by a report already made, as ample for its liquidation before April, 1861.

The only alternative of the measure proposed seems to be the issue of coupon bonds, payable not earlier than July 1, 1861. The issue of such bonds to an amount sufficient to meet the wants of the State for 1859 and 1860 would be attended with cost and danger—cost, in the manufacture of the bonds and coupons and in the commissions or salaries of the Agents employed in their negotiation—danger, in the greater or less transformation of the money proceeds of these bonds into Bankers' certificates, bills of exchange or other "unavailable cash." Were such bonds now issued it is quite probable that the negotiating Agents would deem it advisable to throw the whole at once on a plethora money market, and accept an offer at par for 6 per cent. For, although loans on call might be effected at 3½ or 4 per cent., a twelve months' loan, on the best security, could not be had under 6 per cent. In such case, the larger portion of these proceeds would remain idle in the Treasury, while interest would be accruing on the bonds. Besides, an issue of a new series of State Bonds while the Commissioners of the Sinking Fund are constantly in the market for the bonds and certificates of the State, would seem to be anomalous and absurd in the extreme.

The reorganization of the Sinking Fund is, under any circumstances, a matter of present necessity. The commissions of the managers of that Fund expire on the first of next month. In providing for future elections the Committee have had in view the magnitude of the interests involved and the advantages of a permanent line of policy and action in reference to those interests. Under the present system a total change might occur at every

election. The Committee now propose that half of the Board shall have the experience and knowledge acquired by at least two years of service.

The expediency of commencing the term of service at official year subsequent to the adjournment of the electing Legislature is apparent.

The advantages of the arrangement contemplated by the bill are, in brief:

The use of the monies required, and when required, at a fair rate of interest, and the opportunity of repayment at any moment and in any sum; the saving of exchange and of at least ten thousand dollars a year on the interest account; the use of an organization which has been tried and whose past operations have evidenced the most careful and efficient management; the taking away from one department all danger of loss; the diminution of risk in another department, and the throwing around both additional securities in bonds and penalties.

In view of the foregoing reasons, and of others equally obvious, the Committee of Ways and Means unanimously recommend the passage of the bill.

Mr. COLGROVE moved to lay the bill and report on the table, and 200 copies of both be printed for the use of the House.

Mr. RITTER moved 1,000 copies of the report and 200 copies of the bill.

Mr. COLGROVE accepted, and it was so ordered.

Mr. HUNTER introduced a bill (No. 73,) to raise a revenue for State purposes for the years 1858 and 1860.

Mr. COTTON introduced a bill (No. 74,) to provide for and secure the right of married women to real estate. Which bills were passed the first reading.

Mr. Colgrove's bill (H. R. 5,) to amend the divorce law of 1852, coming up in order, it was passed the third and last reading in the House of Representatives, by yeas 90, nays 4.

#### ELECTION OF UNITED STATES SENATORS.

The bill (S. 28,) to provide for the time, place and manner of electing Senators of the United States, and providing for the punishment of officers failing to certify such elections, coming up in order on the second reading, it was read through by the Clerk.

On motion by Mr. BRANHAM, its consideration was made the special order for Tuesday next at two o'clock, P. M.

The bill (S. 11) to provide for the ventilation of county prisons, was passed the second reading.

The bill (S. 15) authorizing County Commissioners to take possession of abandoned turnpikes, &c., coming up—

On motion by Mr. TURPIE, it was amended by striking out the emergency clause.

Mr. COMSTOCK proposed to amend by adding appropriately:

"Provided, That nothing in this act shall be so construed as to affect any plank road, &c., leased or sold by any person or corporation which has not been abandoned by such person or corporation."

The amendment was adopted; and then,

On motion by Mr. HARNEY, the bill as amended was referred to the Committee on Roads.

The bill (S. 16) for the relief of James O'Brien, coming up on the second reading—

On motion by Mr. MILLER, it was referred to a select committee of five, which the Speaker makes to consist of Messrs. Miller, Blythe, Hunter, Baird and Edwards.

#### ADJOURNING TILL MONDAY.

Mr. DAVIS moved to reconsider the vote



adopting the resolution of the House of Representatives, to adjourn over from Saturday 11 o'clock A. M., till Monday 2 o'clock P. M.

But the House refused to reconsider—yeas 44, nays 49.

The House then adjourned.

### IN SENATE.

SATURDAY, December 11, 1858.

The Senate did not sit to-day.

### HOUSE OF REPRESENTATIVES.

SATURDAY, December 11, 1858.

The reading of the Journal was dispensed with.

Mr STANFIELD asked for the reading of the Journal of Mr. Smith, of Perry's report of the Committee on Ways and Means' bill, (H. R. 7,) and the order taken thereon.

The Journal, which copies the committee's report first, and then the bill, was read as follows:

"After the reading of which a first time—

Mr. COLGROVE moved that the report and pending bill be laid on the table, and that there be printed for the use of the House, one thousand copies of the report, and two hundred copies of the bill.

"Which was agreed to."

Mr. S. moved to correct the Journal. The Chair and the House knew that the bill was reported by the gentleman from Perry, before he read the report. There was then, as he contended, the first reading of the bill, and the House, according to parliamentary usage, had nothing whatever to do with the committee's report. The report goes on the Journal, and requires no action of the House, and it was contrary to parliamentary rule for the Chair to present a question upon concurrence in the simple argumentative part of the report of the committee. It was just like any other matter of argument submitted by a member. He desired to make the record conform to the fact, which it was certainly in the power of the House to do.

The SPEAKER Undoubtedly. But the Chair has this to say; that at the time of the introduction of the bill there was no order taken. A motion had been made by the gentleman from Jefferson, (Mr. Branham,) and sustained by the House, to suspend the order of business, and then the bill was read preceding the argument of the committee in support of it. But altogether, it was but one report. The bill was a part of the report, and read as such. I regard both the bill and the argument as constituting the report. This is the decision of which the gentleman from St. Joseph complains. But it is right in principle, and according to precedent. In all my experience and observation, there is not an instance of a committee report going by without the question of concurrence.

Mr. STANFIELD. When a bill is reported, is it not in the possession of the House? I do not wish a reversal of the decision of the Chair, but only that the Journal should show the facts.

The SPEAKER. There was no question raised as to the decision of the Chair. There is no such thing as putting a decision of the Chair on the Journal, without a question on an appeal;

and then the decision upon the appeal becomes matter of special record, to be entered at the close of the Journal for the day.

Mr. EDWARDS could not see anything in this review of the Speaker's decision yesterday. The time for an appeal was past; and it should be submitted in writing.

The SPEAKER. All the proceeding is shown upon the record. There may be error in laying the bill on the table, if it is regarded as a bill; but the Chair regarded it as simply a part of the report.

Mr. DAVIS. There was nothing in this more than the desire to be right on the record. It was unimportant. But he submitted, (as he had once before,) that when a committee makes a report there is no question upon concurrence. When a committee returns a proposition with amendments, the question arises: Will the House concur? The argument of the committee amounts to nothing but argument. The House has to vote only on the amendments offered. In his little experience and observation, he had never until this session heard the question put on concurrence in the matter of a report. If the committee report a resolution the question will come up on its adoption; or if the committee recommend the passage of a bill, the question comes up on the reading. As to the matter submitted by the gentleman from St. Joseph, there could be no difference of opinion as to the question of fact. We have no right to lay on the table, or make an order to print a bill not in the possession of the House.

Mr. EDWARDS admitted that the mere argument of a report presented no question. There was no doubt on that point. But nothing could be gained by raising this question about the record. If we were to make a rule to suit the action of yesterday, it would amount to nothing.

The SPEAKER. The Chair has been misled by the Journal of the last session, if there is a misleading, and if gentlemen think so, the Chair would suggest that the only way of getting at it would be to reconsider the vote of yesterday, laying the matter on the table, in order that there may be a second reading of the bill.

Mr. EDWARDS. That would be the proper course to pursue. No doubt there is precedent for the action of yesterday, but it is certainly irregular.

Mr. STANFIELD. All I have desired is that the record should show the facts. I would submit the following, which I have written here:

"Resolved, That the following entry be made by way of correction of the Journal of yesterday, after the reading of the bill from the Committee on Ways and Means:

"Thereupon the Chair decided it was not the first reading of the bill, and that the House could not be in possession of the bill, until the report was concurred in."

Mr. EDWARDS. Would it not be satisfactory to the gentleman to reconsider?

Mr. STANFIELD acquiesced.

On motion of Mr. EDWARDS the vote of yesterday, on tabling and printing the bill and report, was reconsidered, the bill was read through the second time and laid on the table, and it was ordered that 200 copies of the bill and 1,000 copies of the report be printed for the use of the House of Representatives.



## PETITIONS.

Mr. USREY presented the petition of sundry citizens of Sullivan county, asking for the passage of Mr. U.'s bill (H. R. 21) fixing the time of holding the Circuit Court in Sullivan county, which was referred to the Committee on the Organization of Courts.

Mr. U. also presented the petition of other citizens of Sullivan county, asking for the authorization of a conventional rate of interest, not to exceed 10 per cent., which was referred to the Committee on Rights and Privileges.

## COMMON PLEAS JURORS.

Mr. TURPIE, from the Committee on the Judiciary, returned Mr. Prosser's bill (H. R. 35) to amend the act providing the method of empaneling petit jurors for the Court of Common Pleas, recommending indefinite postponement. The committee say: The object of the bill is to empower the Sheriff to select the jury from among the bystanders, instead of having the selection made by the county officers; and in their argument they allege, that the administration of such a law as the bill proposes, would increase the number of "professional jurors."

On motion by Mr. DOUGHERTY, the bill was laid on the table.

## THERE IS A PUBLIC PRINTER.

Mr. MELLETT, from the Committee on the Judiciary, to whom was referred the resolution of the House of Representatives, enquiring whether there is such an officer as Public Printer, reported the result of their deliberations in writing, being certainly informed that Joseph J. Bingham is Public Printer to the State of Indiana, and that he holds and uses the said office of Public Printer by the commission of the Governor, and will hold and use it till his successor shall be elected and qualified.

The report was concurred in.

## CONSTABLES' OFFICIAL BONDS

Mr. SCOTT, from the Judiciary Committee, to whom was referred the resolution of inquiry as to such a change of the law as would authorize the approval of constables' official bonds by the Board of township trustees, reported back the resolution, with the expression of opinion that such a change would be inexpedient.

The resolution was laid on the table.

Mr. BROTHERTON, from the Committee on Rights and Privileges, returned the resolution to restrict the sale of patent medicines, and the petition on that subject, with the expression of opinion that Legislation is inexpedient thereon.

On motion, by Mr. DAVIS, the resolution was laid on the table.

## THAT PILE OF OLD PAPER.

Mr. HUNTER submitted the following, which was adopted:

*Resolved*, That the Doorkeeper sell the pile of old and abandoned documents now in the coal room, to the paper mill, and report to this House instantly.

## LAW OF INSURANCE.

Mr. MURRAY submitted the following, which was adopted:

*Resolved*, That so much of the Auditor's report as refers to the present insufficiency of the insurance laws,

and the fact that companies are doing business in this State regardless of its provisions, be referred to the committee on the Judiciary, with instructions to inquire what legislation on the subject is necessary, and to report by bill or otherwise.

## COUNTY AUDITORS AND TREASURERS.

Mr. COLGROVE submitted the following, which was adopted:

*Resolved*, That the Committee on Fees and Salaries be instructed to inquire into the expediency of so amending the law, as to provide that the fees and salaries, including perquisites, of County Treasurers and Auditors shall not exceed \$1,500 in any one year, and report by bill or otherwise.

## ABSENCE.

Messrs Clements, Knowlton, Prosser, Martin and Nebeker of Vermillion, had leave of absence for this day, respectively.

## WHAT IS THE TITLE?

Mr. FORDYCE introduced a bill (No. 78—the title was not read—) which was read through and passed the first reading.

## WORK FOR THE COMMITTEES.

The following bills coming up in order on the second reading, were considered and referred as noted respectively:

Mr. Carr's bill (44) to repeal section 73 of the assessment act of June 21, 1852, was referred to the Committee on Agriculture.

Mr. Prosser's bill (45) to legalize location and changes of public highways, was referred to the Committee on Roads, with instructions to strike out the emergency clause.

Mr. Turpie's bill (46) to fix the times and the length of sessions of Boards of Township Trustees, and to repeal section 11, of the act providing for a more uniform mode of doing township business, approved May 6, 1852, was referred to the Committee on County and Township Business.

Mr. Clement's bill (47) declaring what shall be a sufficient seal in deeds of conveyance, &c; and curing defects in deeds and other written instruments, &c., was referred to the Committee on the Judiciary.

Mr. Clement's bill (48) to repeal section 10 of the act establishing Courts of Conciliation, was referred to the Committee on the Organization of Courts.

Mr. Robinson's bill (49) regulating remission of forfeited recognizances, was referred to the Committee on the Judiciary.

Mr. Nebeker's (of Warren) bill (50) defining the misdemeanor of an assault, was referred to the Committee on the Judiciary.

Mr. Robinson's bill (51) prescribing that bills and business shall be taken up and considered in the regular session in the order in which they may be left at the close of the present session, was referred to the Committee on the Judiciary.

Mr. Jeffrie's bill (52) to authorize Plank Road Companies, &c., to consolidate stock and assume a new name, and to define the powers of such consolidated companies, was referred to the Committee on Corporations, with instructions to strike out the emergency clause.

Mr. Speaker Gordon's bill (53) to authorize the Reporter of the Supreme Court to republish the first four volumes of Blackford's Reports, was referred to the Committee on public Expenditures.



# THE LEGISLATIVE SENTINEL.

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Vol. I.

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No. 13.

Mr. Austin's bill (54) to amend the 15th and 91st sections of the act of 1855, establishing a Bank with Branches, was referred to the Committee on Banks.

The Agricultural Committee's bill (55) to regulate fairs and prevent frauds on agricultural societies, was referred to the Committee on Rights and Privileges.

The Committee bill (56) authorizing travel to and from places of public religious worship on the Sabbath day free of toll, was referred to the Committee on Corporations.

Mr. Dobbin's bill (57) to amend the 143d section of the Assessment act of June 21, 1852, was referred to the Committee on the Judiciary.

Mr. Scott's bill (58) to provide for the payment of costs in criminal actions, to enforce the collection of the same, and repeal the 169th section of the act to simplify practice, pleadings and forms in criminal actions, approved June 17, 1852, was referred to the Committee on the Judiciary.

Mr. Parks' bill (59) to repeal the thirteenth paragraph of section 22, in the fourth article of the Constitution of the State of Indiana, and to amend the first section of the 8th article, and to repeal the 8th section of the 8th article thereof, was made the special order for Thursday, two o'clock.

Mr. Hamilton's of (Wayne) bill (60) to amend the 6th section of the County Board Act of 1852, was referred to the Committee on County and Township Business.

Mr. Blythe's bill (61) presenting the manner of empaneling petit jurors, was referred to a select committee of five, which the Speaker makes to consist of Messrs. Blythe, Hamilton of Wayne, Davis, Edwards and Turpie.

Mr. Keefer's bill (62) for the punishment of election officers refusing legal votes, was referred to the Committee on Elections.

Mr. Earley's bill (63) to amend section one of the act providing compensation for animals killed by railroads, was referred to the Committee on Agriculture.

Mr. Durham's bill (64) to regulate the sale of spirituous liquors, was referred to the Committee on Temperance.

Mr. Hamilton's (of Boone) bill (71) to amend the 76th section of the act defining misdemeanors, was referred to the Committee on the Judiciary.

ANDREW JACKSON DAVIS.

Mr. COLGLOVE, on leave, submitted the following:

*Resolved*, That the use of this Hall be tendered to Andrew Jackson Davis, on the evening of the 15th instant, for him to deliver a public lecture therein.

Mr. DAVIS. Although this gentleman is a member of that great family of Davises, I do not go with him on spiritualism. [Laughter.]

Mr. Hamilton of Boone moved to strike out "Davis."

The SPEAKER. Not in order.

On motion by Mr. THOMPSON, of Madison, the resolution was laid on the table.

The House then (at 11 o'clock A. M.) adjourned till Monday two o'clock P. M.

## IN SENATE.

MONDAY, December 13, 1858.

The Journal of Friday was read.

The PRESIDENT laid before the Senate a communication from the Auditor of State, in answer to a resolution of the Senate, as to whether any legislation was necessary for the reimbursement by the Free Banks of expenditure made for them in the Bank Department of the Auditor's office by the State authorities, which was referred to the Committee on Banks.

Mr. WALLACE asked for a suspension of rules to enable him to submit a resolution in regard to heating the Chamber, appointing a committee to superintend the same, &c.

The resolution was adopted, and the President appointed Messrs. Wallace, Bobbs and Fisk said committee.

## PETITIONS.

Mr. STEELE presented a Temperance memorial, which was referred to the Committee on Temperance.

Mr. McLEAN, from the Judiciary Committee, reported a bill (No. 89) amending an act providing for the election of clerks of Circuit Courts, and prescribing their duties, which was passed the first reading.

## HOUSES OF REFUGE.

Mr. HILL submitted a resolution to the effect that the Committee on Benevolent Institutions inquire into the expediency of erecting houses of refuge for juvenile offenders, which was adopted.

## RESOLUTIONS.

Mr. TARKINGTON submitted a resolution that the Senate will, the House concurring, adjourn on Wednesday, the 22nd inst., which was adopted by the casting vote of the President.

Mr. LINE submitted a resolution of inquiry into the expediency of legislation for the protection of sheep and raising of the same.

Mr. HENDRY submitted a resolution of inquiry into the expediency of abolishing the office of Superintendent of Public Instruction.

Mr. TARKINGTON submitted a resolution that the Committee on Agriculture inquire if there can be any encouragement given to the people for the raising of sheep, and report by bill or otherwise, which was adopted.

Mr. HEFFREN moved, ineffectually, to suspend the order of business and take up messages from the House of Representatives.



Mr. SLACK introduced a bill (No. 90) to amend an act providing for holding Courts in the Eleventh Judicial Circuit.

The bill was passed the first reading.

#### ELECTION OF UNITED STATES SENATORS.

Mr. WALLACE presented a bill (No. 91) regulating the mode of choosing United States Senators, prescribing the time, place, &c.

Mr. WALLACE. With the consent of the Senate, I desire to say, at this time, that it was my intention to have introduced the bill just read as a substitute for the one passed some days ago by the Senate. Unfortunately, on account of indisposition, I was absent during the consideration of the act passed. I avail myself of this opportunity, the first I have had, to offer this measure.

I have given it a careful consideration, and say now that, in devising and drafting it, I endeavored to rise above all partizan considerations, having in view the benefit of the whole people, and not the advantage of the Democratic or Republican, Abolition or American party.

The bill proposes a mode of choosing United States Senators by the General Assembly, in conformity to the Constitution of the United States. Its leading feature is a novel one, viz: providing a plan by which the voters at large can designate whom they want the Legislature to choose United States Senator.

In drafting it, Sir, I had in view several great reforms, among which I may, at this time, mention—first, making the election of United States Senators a *certainly* whenever those elections became necessary. By examining the bill, it will be seen that, whether the majority of the people designate a Republican or a Democrat, it will be the duty of every member of the General Assembly, regardless of his politics, to go into a joint convention on the second Tuesday of the session, at which time the election is required to take place, and vote for the person receiving the popular designation. Thus, Sir, if I should be a member of the Legislature required to elect, and the people should designate a Republican as their choice for United States Senator, under this bill it would be my duty to vote for such Republican. On the other hand, if the person designated by the people should be a Democrat, every Republican Senator and Representative would be in duty bound to vote for him. In this way I hope to place the election of United States Senators above the contingencies of politics.

Secondly, I desired to give the people, through the ballot-box, a voice in the selection of those officers, the most honorable incident to their sovereignty as a State. For this purpose, the bill says that the people shall *designate the person*, leaving the Legislature merely to fill to constitutional requirement, and formally *choose* the person thus designated to be such Senator.

Thirdly, A great point in this intended reform was to bring gentlemen filling the places of United States Senators down to the people. Of late years, Sir, there has been too much hiding behind veils, too much shrouding themselves in cloud and mystery, too much standing afar off in grand elevation, on the part of our delegates to the National Senate. I would bring them

now and in the future out of that. I would compel them to feel a lively interest in the masses of their constituency. I would compel them to consult the will of those to whom power to make or unmake them is directly given. I would see United States Senators look to the commonality more than to Legislatures. I would, at the proper times, drive them to the stump to solicit suffrages, and thus enable the humblest voters to see how they look, and learn who they are, and what principles they follow, and measure their ability to advocate them in the national councils. All this has been recently tried in Illinois.

I again say, Sir, that I have no partizan motive in the measure. It is my judgment that, if the bill becomes the law, the system it proposes will remain forever. Let it be tried; let the popular privilege it confers be once enjoyed; let the people once taste the great liberty it gives them to designate whom *they* want to fill the high and responsible places of United States Senators, and no hand will ever be raised to strike it down. At the proper time, Sir, I may say more on this subject.

The bill was passed the first reading.

Mr. CRAVENS introduced a bill (No. 92) to change the time for the election of members of Congress, and to amend the act now in force in reference thereto.

Mr. TARKINGTON introduced a bill (No. 93) to amend section 1 of an act prescribing the manner of empanneling petit jurors.

Mr. LOMAX introduced a bill (No. 94) to amend an act for the election of township assessors, and for the valuation and assessment of the real property of the State.

Mr. JONES introduced a bill (No. 95) to provide compensation to persons who bring to justice fugitives from the law.

Mr. HEFFREN introduced a bill (No. 96) to prevent the destruction of sheep and other stock by dogs.

Which bills were severally passed the first reading.

On motion by Mr. TARKINGTON, the rules were suspended for the purpose of taking up the message from the House, returning the bill (S. 3) for the appraisement of real estate, with the various amendments attached thereto.

The amendment which proposed that the county appraiser appoint his deputies was not concurred in; also, the amendment for providing plate for appraisers of all cities, towns and villages was not agreed to; also, the repeal of several sections of the present law for the taxation of railroad and other incorporated companies was not agreed to. All the other amendments were concurred in.

The following bills from the House of Representatives, were severally passed the first reading.

For the relief of Nathan Rowley.

To legalize the certification of the acknowledgments of deeds, previous to the distribution of the Revised Statutes of the State.

To regulate sales on judgments, by sheriffs, constables, &c.

To authorize churches to form a union, assume a new name, and to hold real estate.



To amend the divorce law.

To provide for the re-appraisal of the unsold school lands of the State.

To repeal the act authorizing the State of Illinois to maintain a feeder dam on the Calumet River, &c.

The bill (H. R. 18) to amend section 18 of the act prescribing the powers and duties of Justices of the Peace, coming up in order, it was considered on the second reading, and referred to the Committee on the Judiciary, with instructions to strike out the emergency clause.

The bill (H. R. 19) to secure service of process against corporations, coming up—it was considered on the second reading, and referred to the Committee on Corporations.

#### FREE NEGROES.

Mr. Heffren's bill (S. 87) to enforce the 13th article of the State Constitution, coming up in order, on the second reading,

Mr. GREEN submitted an amendment, striking out the enacting clause; but

On motion of Mr. GOODING, the bill and pending amendment were referred to a select committee of five, which the President made to consist of Messrs. Heffren, Gooding, O'Brien, Hill and Steele.

The bill (S. 88) to regulate practice in the Supreme Court, coming up—

On motion by Mr. WAGNER it was referred to the Committee on the Organization of Courts.

#### ALLEN MAY.

Mr. March's joint resolution (S. 4) relative to the claim of the State against Allen May, M. G. Bright and J. P. Drake, coming up—

Messrs. March, Gooding, Carnahan and Wallace were heard in a few remarks.

Mr. WAGNER. Hoped the Senate would not take hasty action in the matter. It was said that these parties (securities) were not notified of the protest, and if so it was a question whether they were legally liable. This point should be investigated, and he moved its reference to the Judiciary Committee with power to send for persons and papers.

The motion was agreed to

And then the Senate adjourned.

### HOUSE OF REPRESENTATIVES.

MONDAY, December 13.

The Journal of Saturday was read.

#### PETITIONS.

Mr. SUMMERS presented the petition of James R. Lambkin, of Crawford county, embracing his claim of \$59 for apprehending Elisha Brothers, a felon, and it was referred to the Committee on Claims.

Mr. GREGORY presented the petition of sundry citizens of Ohio county, for amendment of the road law—that the road tax be made and collected in money, &c., which was referred to the Committee on Roads.

Mr. USREY presented the petition of sundry citizens of Sullivan county, asking for a conventional interest—not to exceed 10 per cent., which was read and referred to the Committee on Rights and Privileges.

#### QUALIFICATION OF ELECTORS.

Mr. PARKS, from the Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Mr. Gregory's bill (H. R. 27) to amend the Constitution so as to confine the qualifications of an elector, &c., returned the same, with the expression of opinion that legislation on the subject is inexpedient.

Mr. GREGORY moved to refer the bill to the Committee on the Judiciary

Mr. COLGROVE. That committee had already reported against legislation on this matter.

The motion was rejected.

On motion by Mr. GREGORY, it was then referred to a select committee of five, which the Speaker made to consist of Messrs. Gregory, Blythe, Branham, Hamilton of Boone, and Mellett.

#### EXTENDING COURT TERM.

Mr. DAVIS, from the Committee of the Judiciary, reported back his bill (H. R. 36) to amend the first section of the act to extend the terms of Circuit Courts by adjournment, recommending an additional section to this effect:

"SECTION 3. Whenever the Judge shall fix the time for holding such special term, the clerk, if the Judge require it, shall issue a summons to the grand and petit jurors of the last term to attend at the special term, &c."

The report was concurred in, the amendment adopted, and the bill, as amended, was ordered to be engrossed.

#### HOUSES OF REFUGE

Mr. DOBBINS submitted the following, which was adopted:

WHEREAS, Section second of article 9th of the Constitution of the State, declares that "the General Assembly shall provide Houses of Refuge, for the correction and reformation of juvenile offenders; and WHEREAS, recent developments admonish us of the increase of this character of offenders; and WHEREAS, it is unwise and impolitic to send such youthful outlaws to the State Prison, to mingle with the old, experienced, and hardened creatures of crime, such as are usually sent to that institution; Therefore be it

Resolved, That the Speaker is hereby authorized to appoint a select committee, consisting of one member from each Congressional District in the State, whose duty it shall be, at as early day as possible, to report a bill to this House, which, in the language of the Constitution, "shall provide Houses of Refuge for the correction and reformation of juvenile offenders;" *Provided*, That there shall not be more than five nor less than three of such houses erected, and that the same shall be located in various parts of the State.

#### PAPER CURRENCY.

On motion by Mr. STANFIELD, Mr. Martin's bill (H. R. 9) to prevent the circulation of unauthorized paper currency, was taken up, with the report thereon, and referred to a select committee of five, which the Speaker makes to consist of Messrs. Stanfield, Mellett, Colgrove, Dobbins and Merrifield.

#### STATE TEACHERS' ASSOCIATION.

Mr. MELLETT submitted the following, which was adopted by consent:

Resolved, That the use of this Hall be granted to the State Teachers' Association for holding their annual meeting, and that said Association have the use of the Hall at any hour when not occupied by this body.

#### ADULTERY.

Mr. DOBBINS introduced a bill (No. 76) to amend the 21st section of the act defining misde-



meanors and prescribing punishment therefor, approved June 14, 1852, which was passed the first reading.

#### LIQUOR TRAFFIC.

Mr. BOYD introduced a bill (No. 77) to regulate the retailing of spirituous and intoxicating liquors, to suppress the evils arising therefrom.

#### TRANSFER OF ACTIONS.

Mr. BROTHERTON introduced a bill (No. 78) to provide for the transfer from the Court of Common Pleas to the Circuit Court certain cases wherein the Courts of Common Pleas have no jurisdiction;

Which bills were passed the first reading.

#### COUNTY SEAT OF PERRY.

Mr. SMITH, of Perry, introduced a bill (No. 79) supplemental to the act providing for the relocation of county seats, relocation of highways, &c., approved March 2, 1855, and providing for a relocation of county seat, where lands and Court-houses have been donated and petition filed, which was read through and passed the first reading.

Mr. BRANHAM. I move to suspend the rule, and that the bill be read the second time now.

Mr. SMITH, of Perry. This is a bill for a specific purpose. Although in the form of a general law, it will only affect the people of Perry county. My constituents are exceedingly anxious, for several reasons, that it should be immediately passed. One cause for this emergency is, that, within a few months, large numbers of emigrants from abroad have removed to my county—the county of Perry—and they are rapidly building up a town which they have called by the name of Tell City. The gentlemen interested in this town have come from twenty-three societies in other countries; they have improved and opened streets, received conveyances of their lots; and within the next month there will be a call for the examination and record of perhaps thirteen or fourteen hundred deeds. The present county seat is some twenty miles from the center, and in addition to the inconvenience which would arise from the necessity for the examination and record of these deeds at the present county seat, it is the almost unanimous desire of the people of the county, that this change should be made—the removal of the county seat to Canelton, where the ground is donated and the Court-house built. More than two thirds of the voters in the county have petitioned for it; but it can not be made under the existing law. For these and other reasons it is desirable that this bill should pass with all reasonable speed.

The rules were suspended—Yeas 71, Nays 1, and the bill was read the second time by its title.

On motion by Mr. SMITH, of Perry, it was referred to a special committee of five, which, the Speaker makes to consist of Messrs. Smith, of Perry, Stanfield, Blythe, Davis and Mellett.

#### LIQUOR.

Mr. NELSON introduced a bill, (No. 80,) to regulate the sale of spirituous or intoxicating liquors, prescribing penalties for the violation of the same, and to raise revenue from the sale of such liquors.

#### FREE BANKS.

Mr. MURRAY introduced a bill, (No. 81,) requiring the Auditor of State to pay over monies or stocks belonging to the proprietors or stockholders of banks.

#### ASSESSORS.

Mr. WATERMAN introduced a bill (No. 82) to provide for the election of County Assessors, and prescribing their duties—to provide for the appointment of Deputy Assessors, and prescribing their duties, and to repeal all laws in conflict with this act—[abolishing Township Assessors:]

Which bills were severally passed the first reading.

#### THE BLIND SCHOOL.

The SPEAKER laid before the House a communication from J. McWorkman, Superintendent of the Institution for the Education of the Blind, responding to the resolution of Mr. Smith, of Perry, calling for information touching the relative cost, *per capita*, of supporting similar institutions in the United States, and stating that he was in possession of no certain information, but that he had opened a correspondence with several Superintendents, the result of which he would communicate at the earliest moment.

#### WORK FOR COMMITTEES.

The following bills from the Senate were now considered in order on the first reading, and passed to the second reading on to-morrow.

The bill (S. 4) to amend sections 6, 7, 10, 11, 12, &c., of the Divorce act, approved May 13, 1852.

The bill (S. 6) to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyance of real estate, &c., in the cases therein named—doing away with the ink scroll, and repealing conflicting laws.

The bill (S. 20) to authorize the incorporation of associations formed for building towns within this State.

The bill (S. 59) to amend section 3 of the act regulating pilots at the Falls of the Ohio, requiring bond and security from such pilots, prohibiting unlicensed persons from acting as such pilots—providing compensation for such pilots, &c.

The bill (S. 34) to prescribe duties of assessors, requiring lists of farm products, &c., to be reported to the Auditor of State every four years; and—

The bill (S. 60) to amend the act authorizing county agricultural societies to purchase and hold real estate, approved February 7, 1858.

The House then, at 4:40 o'clock, adjourned till to-morrow morning, 9 o'clock.

#### IN SENATE.

TUESDAY, December 14, 1858.

The Journal of Saturday was read.

#### PROHIBITING CLERKS OF COURTS FROM PRACTICING.

Mr. McLEAN from the Judiciary Committee, reported back Mr. Cooper's bill (S. 76) prohibiting Clerks of the Circuit and Common Pleas Courts and their Deputies from practicing in the courts in which they are employed; and also prohibiting County Treasurers from practicing



in the Courts of this State, with an amendment to the first section, adding the words "any legally appointed" [deputy]; and striking out that part which prohibits the practicing of County Treasurers; and after these amendments recommending its passage.

The report was received by consent; the bill read by its title, and passed the third reading.

#### THE OLD STATE BANK.

Mr. STEELE offered the following resolution.

*Resolved*, That the Committee on Banks inquire whether legislation is not necessary in the final winding up of the State Bank, in order that the State's interest in that institution may have some one legally authorized by law, to take charge of all books, papers, moneys and property of every description in connection with that institution, with leave to report by bill or otherwise.

Mr. STEELE said that the terms of the present Bank Commissioners expire on the first of next month, and unless a bill like the one proposed in this resolution be passed at this session, the State interests will be left in the hands of no one in particular.

The resolution was adopted by consent.

#### PARTITION OF REAL ESTATE.

Mr. CONNER introduced a bill (No. 97) providing for the partition of real estate and for the laying of the same off into lots, outlots, streets and alleys, and designating the period when the act shall take effect, which was read through the first time and passed to the second reading.

#### ELECTION OF CIRCUIT CLERKS.

The Order of the Day was now taken up. Mr. McLean's bill (S. 89) to amend the 9th section of an act providing for the election of Clerks of Circuit Courts and prescribing their duties, approved June 7, 1852, was read through the second time.

Mr. GOODING moved to amend by striking out the words "and all moneys in his hands received by him as such Clerk, belonging to other parties not already provided for by law;" [at the expiration of his term shall deliver to successors.]

The motion was agreed to, and the bill passed the second reading.

#### COURTS IN THE ELEVENTH DISTRICT.

Mr. Slack's bill (S. 90) to amend section 2 of an act changing the time of holding Courts in the Eleventh Judicial Circuit, approved July 17, 1857, was read through the second time.

[This bill provides that in the counties of Miami, Cass, Wabash and Huntington, the time of holding Circuit Courts shall be three weeks each; and in the counties of Grant, Howard and Carroll, two weeks each.]

Mr. CONNER moved its reference to the Committee on the Organization of Courts.

Mr. MURRAY moved its reference to a select committee consisting of the members of the Senate from that Judicial Circuit.

Mr. CONNER withdrew his motion.

The bill was referred to the select committee proposed by Mr. Murray.

#### RAILROAD LIABILITY.

Mr. CONNER asked and obtained leave to

take from the table his bill (S. 82) providing for compensation to owners of animals killed by railroads; he then moved its recommitment to the Judiciary Committee.

The motion was agreed to.

#### ELECTION OF UNITED STATES SENATORS.

Mr. Wallace's bill (S. 91) regulating the choosing of United States Senators, was read through the second time.

Mr. TARKINGTON moved its reference to the Judiciary Committee; but withdrew for—

Mr. GOODING, who moved to lay it on the table, as the author of the bill was not in his seat.

The motion was agreed to.

#### REPAIRS OF THE CAPITOL.

Mr. HENDRY offered a resolution, by unanimous consent, that the select committee, to whom was referred the resolution upon the subject of heating the Senate Chamber, inquire into the expediency of exempting the central portion of the Chamber from the operation of the falling rain.

The resolution was adopted by consent.

#### ELECTION OF MEMBERS OF CONGRESS.

Mr. Craven's bill (S. 92) changing the time of the choosing of members of Congress, and providing for their election, was read through the second time.

Mr. CRAVENS moved its reference to the Judiciary Committee, and it was so referred.

#### PETIT JURORS.

Mr. Tarkington's bill (S. 93) to amend section 5 of an act prescribing the manner of empanneling petit jurors, approved May 20, 1852, was read through the second time.

Mr. HEFFREN moved its reference to the Judiciary Committee, and it was so referred.

#### DISSENSING WITH BLANKS.

Mr. Lomax's bill (S. 94) to amend sections 24 and 65 of an act providing for the assessment of real and personal property in the State, the election of township assessors, &c., approved June 21, 1852, so as to enable assessors to perform their several duties without the aid of blanks, was read through the second time.

Mr. WILLIAMS moved its reference to the Committee on County and Township Business, and it was so referred.

#### PAY FOR CATCHING OUTLAWS.

Mr. Jones's bill (S. 95) to provide compensation to persons who may bring to justice fugitives from the same, was read through the second time.

Mr. MARCH moved its reference to the Committee on Claims, and it was so referred.

#### SHEEP KILLERS.

Mr. Heffren's bill (S. 96) to prevent the destruction of sheep and other stock by dogs, was read through the second time.

Mr. GREEN offered the following amendments:

That in all cases where the death penalty is to be executed under the provisions of this act, it shall be, if the criminal be a New Foundland or bull dog, by shooting; and if a hound, bitch, or other kind of dog or dogs, then



and in that case by hanging, and in all cases shall be buried without skinning.

Inasmuch as there now exists a law for killing sheep-killing dogs, it is hereby declared that this act shall not take effect and be in force unless the person or persons inflicting the death penalty as contemplated in this act shall be in the heat of passion, and that heat of passion caused by the wickedness of the canine to be punished.

Mr. HEFFREN moved that the bill and pending amendments be referred to the Committee on Agriculture.

The motion was agreed to.

#### THE DIVORCE LAW.

The bill (H. R. 5) to amend section 6, and repeal the seventh clause of section 7 of an act regulating the granting of divorces, approved May 13, 1852, was read through the second time.

[This bill provides that a petition for divorce may be filed after one year's residence; and that abandonment for one year shall be sufficient cause.]

Mr. CONNER moved its reference to the Judiciary Committee, and it was so referred.

#### UNSOLD SCHOOL LANDS.

The bill (H. R. 22) for the re-appraisal of unsold school lands in this State, was read through the second time.

[This bill provides that after five years from an appraisal such school lands as remain unsold, shall be re appraised before sold.]

Mr. CRAVENS moved its reference to the Committee on Education, and it was so referred.

#### CALUMET FEEDER DAM.

The bill (H. R. 32) repealing an act authorizing the State of Illinois to maintain the Calumet Feeder Dam, approved March 7, 1857, was read through the second time.

Messrs. WAGNER, WEIR and TURNER hoped it would be passed as soon as possible.

Mr. CONNER thought it should be referred to a committee.

Mr. MURRAY moved its reference to the Judiciary Committee.

Mr. WEIR moved to amend the motion by referring it to a select committee.

The motion was agreed to, and the bill was referred to the Judiciary Committee.

#### LEGALIZING ACKNOWLEDGMENTS OF DEEDS, &c.

The bill (H. R. 38) to legalize the acknowledgments of deeds, mortgages and other instruments required to be recorded, taken and certified by Clerks of Courts, after receiving the revised statutes of 1852, was passed the second reading.

#### COLLECTION OF JUDGMENTS.

The bill (H. R. 39) to regulate the collection of judgments, and the sale of property on execution, against public officers or administrators, or corporations receiving and holding money in a fiduciary capacity, or the sureties of either or any of them, was read through the second time.

Mr. MURRAY moved its reference to the Judiciary Committee, and it was so referred.

#### RELIEF OF NATHAN ROWLEY.

The bill (H. R. 40) for the relief of Nathan Rowley from the effects of a legal proceeding had against him in Vanderburgh county, in 1847.

Mr. HEFFREN offered an amendment "na-

king all sums of money to be paid said Nathan Rowley, to be paid out of the treasury of Vanderburgh county."

Mr. GREEN moved its reference to the Judiciary Committee.

Mr. WAGNER moved to amend the motion by referring it to the Committee on Claims.

The amendment were agreed to, and the bill and pending amendment were referred to the Committee on Claims.

#### CHURCHES.

The bill (H. R. 43) to authorize churches to form a union, assume a new name, appoint trustees, and to enable them to hold property, was passed the second reading.

#### JURISDICTION OF JUSTICES OF THE PEACE.

Mr. Rice's bill (S. 27) a bill regulating the jurisdiction of Justices of the Peace in case of attachment, was read through the third time.

The question being shall the bill pass? a constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 44, nays 0.

So the bill passed.

The title of the bill was then read and adopted.

#### LEAVE OF ABSENCE.

Mr. WAGNER asked and obtained leave of absence for the Senator from Rush [Mr. Cooper] who is kept from his seat by ill health.

#### WARMING THE SENATE CHAMBER.

Mr. WALLACE obtained unanimous consent to submit the following report:

MR. PRESIDENT—The Committee to whom was referred the resolution adopted yesterday in reference to overhauling the heating arrangements of the Senate Chamber, and report whether the same can be improved: beg leave to report that the only immediate available improvement they can now suggest will be to order the coal stoves now in use to be removed and exchanged for suitable stoves constructed for burning wood. They submit this suggestion with the hope that it will be at once adopted.

The committee further report that they will, at the earliest moment, consult some person skillful in the science, with a view to the perfection of some plan for heating the chamber from the basement of the house, so that Senators will not be so troubled during the continuance of the ensuing session. In the meantime, they renew their suggestion of an exchange of stoves as above stated, and recommend that the Door-keeper be charged with that duty immediately.

The report was concurred in by consent.

#### EXEMPTION FROM TAXATION.

Mr. Rice's bill (S. 71) to amend section 6 of an act providing for the assessment of real and personal property, for the election of assessors, &c., approved June 21, 1852, was read through the third time.

Mr. RICE explained that this bill was for the purpose of exempting a class of property that has never been exempted heretofore, viz: private female semi-aries that are now subject to taxation. The bill was drawn up under the 8th article of the Constitution, which provides for the encouragement of seminaries of learning.

Mr. CONNER moved to reconsider the vote by which the bill was ordered to be engrossed.

Mr. HEFFREN moved to lay it on the table.

The motion was rejected.

Mr. CONNER withdrew his motion to reconsider.



Mr. WALLACE moved to recommit the bill to the Judiciary Committee.  
The motion was agreed to.

#### ADJOURNMENT SINE DIE.

Mr. WEIR moved a reconsideration of the vote by which the resolution providing for an adjournment on Wednesday next, was adopted, for the purpose of rejecting the proposition.

Mr. MARCH moved a call of the House.

A motion was made to adjourn, but withdrew for—

Mr. MARCH, who asked and obtained leave to present a memorial from the Society of Friends of this State, and the eastern part of the State of Illinois, upon the subject of Temperance. He moved that it be read and referred to the Committee on Temperance.

The motion was agreed to.

And then the Senate took a recess till 2 o'clock.

#### AFTERNOON SESSION.

The PRESIDENT directed the Secretary to proceed with the call of the Senate.

Mr. TURNER moved that further proceedings in the call be dispensed with.

The motion was rejected.

#### BUSINESS OF THE REGULAR SESSION.

Mr. MURRAY moved that the call be dispensed with in order to enable him to introduce a joint resolution. The motion was agreed to.

Mr. MURRAY introduced a joint resolution (No. 5) for continuing in power the organization of the two Houses of the General Assembly at the commencement of the regular session, and providing for the continuation of business from the point where it is left at the close of this session, which was read through the first time, and passed to the second reading.

#### ABOLISHMENT OF COMMON PLEAS.

The PRESIDENT announced the order of the day, being Mr. Murray's resolution proposing to abolish the Courts of Common Pleas, as follows:

*Resolved*, That the committee on the Judiciary be instructed to report a bill providing for the abolition of the Court of Common Pleas, transferring the business thereof to the Circuit Court, increasing the circuits to not less than thirty, and providing for the holding of three terms per year.

Mr. MURRAY explained the importance of his resolution and urged a vote upon it as a test of the sense of the Senate upon this subject.

Mr. STEELE thought the adoption of this resolution was not the policy for this session. His constituents were not in favor of it. He was astonished when, the other day, the Senator from Greene (Mr. Conley) withdrew a resolution inquiring into the expediency of inaugurating a Surrogate system like that in force in New York. He was not prepared to act to-day upon this matter. The resolution makes it imperative to report a bill abolishing this system. His constituents were dissatisfied with the Common Pleas system, but they would like to see what is to be put in the place of it before it is abolished.

Mr. WEIR understood the resolution was for the purpose of getting an expression of views upon the subject. He would like to have it so

fixed that in vacation they could settle issues. One-third of the time of the Court is now used by lawyers in making up issues in Court time. This simple amendment would save at least seventy five thousand dollars a year to parties to law suits in this State. If we do abolish the Common Pleas system, we must put the probate business into hands that have no other business to attend to. Before voting for the resolution he wanted some other changes made. It is more important to change the law with regard to the making up of issues than to abolish the Court of Common Pleas. He would settle them as they do in New York—instead of summons being issued by the Court, the Attorney serves himself, and if the party demurs, it is settled by the Judge in Chambers. The districts are composed of several counties, and there is more than one Judge for each district. They have eight districts in New York and four Judges in each district. A smaller number of Judges would answer for this State—twenty-two or twenty-four would do.

Mr. HEFFREN offered the following amendment to the resolution:

"Strike out 'thirty,' and insert 'twenty.'"

This only increases the circuits some seven or eight. He was in favor of blotting out this Common Pleas Court and increasing the salary of Circuit Judges.

Mr. BENNETT was in favor of some change of the Judicial system, but was not prepared for the passage of such a peremptory resolution. He would offer the following as an amendment:

*Resolved*, That the Committee on the Organization of Courts be instructed to report a bill for the re-organization of our Judicial system, so as to render the same more economical and effective.

Mr. TARKINGTON said his constituents were tired of the Common Pleas system. He had not seen a bill submitted that would mend the township system of doing business in the State, and he was in favor of reorganizing that, also.

Mr. McLEAN said two years ago he was in favor of abolishing the Common Pleas system, and he has been strengthened in his opinion ever since. If you desire to diminish litigation in the State, the abolition of this court would tend more than anything else to accomplish that end. \$3,600 is paid to Common Pleas Judges in his district, while only \$1,000 is paid to the Circuit Judge.

#### MESSAGES FROM THE HOUSE.

A message was received from the House of Representatives by R. J. Ryan, its Principal Clerk, informing the Senate that the House had passed a resolution requesting the Senate to return the bill (S. 31) providing for holding Courts in Bartholomew county.

Also, that the House had passed a resolution that this General Assembly adjourn *sine die* on Wednesday, 22d inst.

Also, that the House had passed the bill (H. R. 36) to amend section 1 of an act to provide for the extension of the terms of the Circuit Courts, and to authorize the Judges to hold special terms, approved February 12, 1855.

Also, that the House had passed the bill (H.



R. 73) to raise a revenue for State purposes for the years 1859 and 1860.

In all of these several cases, the concurrence of the Senate is respectfully requested.

#### ABOLISHMENT OF COMMON PLEAS.

Mr. WALLACE was surprised that so many Senators were opposed to the Common Pleas system. He was opposed to this continual changing. He thought these propositions were another leap in the dark. The greatest objection to this Court seems to be the expense. He ventured to say there were not six districts in the State where two-thirds of the salary of the Judge was not derived from fees. Not one salary comes in full from the county treasury, he would venture to say. In his district, (Montgomery and Boone,) the fees pay entirely the salary of the judge. If the principal amount of salary arises from fees in that Court, the county nor State does not pay it—nobody but the losing party pays it.

He undertook to say if you strike down this Court there will be inevitably a suspense of justice. For two terms past, there has been no litigation of a civil character of any importance in his district, in the Circuit Court, because there were so many criminal cases on the docket. Thus you see the entire judicial business of the county could never be discharged by one single court. If it is true that the fees pay the salary can there be a more economical system proposed? and if the time of Circuit Judges is now nearly all taken up with criminal cases, how can they find time to transact the Common Pleas business?

Mr. STEVENS said his constituents were well enough pleased with the Common Pleas system. The people generally are satisfied with it. He was opposed to radical changes; when a system acts well and the people are satisfied with it, he was in favor of letting it alone. The people don't feel free to approach a Circuit Judge; but they can talk with Common Pleas Judges more freely, because they associate with them every day, and they do not approach the Common Pleas Judge with as much awe as they do the Circuit Judge. He was not prepared to make a speech upon the subject, but he was opposed to changes; the people would have to be continually upon the wing to keep up, if the Legislature of the State begin to make them.

He thought the people were not prepared for the change.

Mr. CONNER could not allow a vote without expressing an opinion. So far as he has heard an expression of opinion, no course has been of more satisfaction to the people than the Common Pleas system. No two Senators that had addressed the Senate have agreed upon any new system proposed. He would vote against the resolution and against the amendments.

Mr. HENDRY was in favor of a change, but could not designate what that should be. A change might be effected for the better.

Mr. RICE was satisfied with the Common Pleas system, and he believed the people on the Wabash were. If any plan were matured which would be better than the Common Pleas, he might consider it, however. The great object would be to prune the judicial system, and amend

it if we can to advantage. He was in favor of perfecting the system rather than abolishing it.

Mr. STEELE said it was premature to adopt the resolution. He would rather bear with the present system than to adopt one far worse. It is not the expense of people object to. It is that estates are eat up by this court. The Clerks' costs are great, and so are the Attorney's fees. He was not on the side of Attorneys, but upon the side of those unfortunate persons who have estates to settle.

Mr. BOBBS said this was a question in which his constituents had an abiding interest. Take the item of probate business alone in Marion county, and add the criminal business, and where will you find a Court that can discharge the duties of such a Court, and do it well? The objection that this Court has been expensive, he thought far-fetched. In this county it pays the expenses of the Judge. It is a self-sustaining Court, excepting the expenses of the jury. The docket fees of the Common Pleas Court for this county, show that in the last year, thirteen hundred dollars have or will be collected, while the Judge's salary is only eight hundred dollars, and the bailiffs and incidental expenses one hundred and fifty dollars. No Circuit Court can do all the business of this district, he ventured to affirm, and until he saw something that would meet our wants, he would vote against the resolution.

A motion to adjourn was voted down.

Mr. WALLACE moved that the resolution and pending amendments lay upon the table, but withdrew it at Mr. Murray's request.

Mr. CRAVEN did not understand that if this resolution is adopted, the Common Pleas are abolished. If we have but one Court, his preference would be for the Circuit.

When he concluded, on motion—  
The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, December 14, 1858.

The Journal of yesterday was read.

#### REFUSING LEGAL VOTES.

Mr. MURRAY, from Committee on Elections, returned Mr. Keefer's bill (H. R. 62) for the punishment of election officers refusing to receive the vote of a legal voter, with an amendment inserting after the word "shall," the words "willingly or maliciously."

The report was concurred in, and so the bill was ordered to be engrossed.

#### THE EDWARDS AND FIRESTONE CASE.

Mr. MURRAY, from the Committee on Elections, to whom was referred the contested election case from the counties of Huntington and Whitley, and the resolution of the House of Representatives authorizing them to appoint a commissioner to take testimony in this case, reported a resolution appointing Charles Walker, Esq., of this city, as such commissioner.

Mr. DOBBINS opposed this report of the Chairman because it was not stated that it was the report of the majority. It was also in violation of the resolution of the House convening the committee to appoint some person in the counties of Huntington and Whitley.



He knew nothing of Mr. Wallace, and spoke only to fact. He moved to amend the report, so as to read the report of the majority of the committee.

Mr. MURRAY considered that this was unnecessary, so long as the minority make no report.

Mr. DOBBINS. Did you submit that report to the minority?

Mr. MURRAY. No; and he proceeded to rehearse the action of the Committee in the proceeding, by which it was agreed to send Mr. Walker. The object was to get a man wholly disconnected with the contest. Mr. Firestone suggested the Judge of Common Pleas.

Mr. FIRES TONE said he had suggested Mr. Fowler. He had indeed spoken of the Judge as qualified for the position.

Mr. MURRAY. Mr. Edwards (the contestant) had objected to the Judge as some way connected with the case. He stated the case at length.

Mr. DOBBINS still objected on the grounds before stated. The question was, had the committee the power to make appointment outside of the counties of Huntington and Whitley.

The SPEAKER. If the House will concur, it will validate the report.

Mr. HAMILTON, of Boone. The gentleman from Martin was mistaken as to the action of the committee. There was a motion before the committee to make this report, and the gentleman voted in the negative. He also had understood that this Judge of the Common Pleas was incompetent to act in the case, and it was the duty of the committee to reconsider this appointment. It was not necessary to submit the report so long as the committee had authorized the chairman to make it. It would be difficult, perhaps, to find a man in those counties not connected in some way with this contest.

Mr. DOBBINS proposed to recommit the report with instructions to amend the report so as to read in accordance with the facts.

The SPEAKER ruled the proposition out of order.

Mr. DOBBINS made an ineffectual motion to lay the report on the table.

Mr. HARRISON rehearsed the reasons why the appointment of the Common Pleas Judge of Huntington county was not continued. The parties interested themselves were unwilling that he should act. He replied to the objections of Mr. Dobbins.

[A Senate message now reported the action of that body on the amendments of the House of Representatives to the bill (S. 3) for the appraisal of real estate, &c.]

Mr. POWER confirmed the statement of Mr. Hamilton, of Boone. It was well understood that the Chairman was to make this report this morning.

Mr. JORDAN had not so understood it. The intention to report this morning was not declared. He also rehearsed the committee's action. He resisted the appointment of any person outside of those counties. This Mr. Walker was the law student of the attorney of the contestant, (Mr. Edwards.) Two persons ought to

be appointed. We asked that as a right. But it was objected to because of the expense. Was the expense too much for the case involved—the seat of a member of this House?

Mr. MURRAY stated the facts. The attorney for Dr. Edwards was Mr. Daily, of Washington county, and not Mr. Porter. His attorney not appearing, Mr. Porter was sent for to answer once before the committee. Dr. Edwards has no attorney but Mr. Daily.

Mr. JORDAN. Mr. Porter appeared before the committee several times.

Mr. COTTON. Mr. Walker's reputation placed him above suspicion of acting unprofessionally.

Mr. FIRESTONE, in justice to himself, desired that one Democrat and one Republican be placed on this commission.

The House, on a division, refused to concur in the report—affirmative 41, negative not reported.

#### ELECTION OF UNITED STATES SENATORS.

Mr. HARNEY moved to take up the report on his bill (H. R. 37) providing for the election of United States Senators, but objection being made, he withdrew the motion.

Mr. MELLETT, from the Committee on the Judiciary, returned Mr. Griffin's bill (H. R. 6) to amend the 238th section of the Law Reform Act, approved June 18, 1812, recommending that the same be laid on the table.

The report was concurred in.

#### INSURANCE LAWS.

Mr. CLEMENTS, from the Judiciary Committee, returned the resolution with reference to so much of the Auditor's report as relates to the insufficiency of the insurance laws, recommending that the same be referred to the Committee on Corporations.

The report was concurred in.

#### DELINQUENT TAX LIST.

Mr. BAIRD, from the Committee on the Judiciary, returned Mr. Dobbins' bill (H. R. 57) to amend the 147th section of the assessment law of 1852—with reference to the publication of the delinquent tax list. The report states that the proposed change amounts to nothing, unless it were to enable the auditor and editor to collude for exorbitant charges, or unless it were for the benefit of some editor whose charges the Court would not sustain; and they recommend indefinite postponement.

The report was concurred in.

#### COSTS IN CRIMINAL PROSECUTIONS.

Mr. GRIFFIN, from the Committee on the Judiciary, returned Mr. Scott's bill, (H. R. 58) to provide for the payment of costs in criminal cases, and repeal the 69th section of the law reform act in criminal practice, approved June 17, 1852, recommending indefinite postponement.

The report was concurred in.

#### UNAUTHORIZED PAPER CURRENCY.

Mr. STANFIELD, from the select committee on that subject, returned Mr. Martin's bill (H. R. 9), with the pending report thereon, proposing to amend, by striking out all after the enacting clause, and inserting the substitute reported from the Committee on Banks, (heretofore described in this paper).



Mr. BAIRD moved to refer the bill to the committee on the judiciary, with instructions to inquire into its constitutionality, particularly the rule of evidence involved.

Mr. SCOTT did not think anything could be gained by the reference.

Mr. STANFIELD could see no room for a constitutional question.

The House refused to refer, and the bill was ordered to be engrossed.

#### COUNTY SEAT OF PERRY.

Mr. SMITH, of Perry, from the select committee on that subject, returned his bill (H. R. 79) supplemental to the act providing for the relocation of county seats, &c., with an amendment, substituting for section two, words to the following effect:

"SECTION 2. For the purposes of this act, the number of votes in said county, with fifteen per centum added thereto, shall be considered the whole number," &c

Mr. TURPIE hoped the House would not change the existing law on this subject on slight grounds. He should not be surprised to learn that it was liable to constitutional objections, and moved its reference to the Judiciary Committee.

Mr. SCOTT had confidence in the special committee, and saw nothing to be gained from another reference.

Mr. SMITH, of Perry, alleged that the bill could affect no other than the special case in Perry county, to which it is intended to apply. He had no objection that it should go to the Judiciary Committee, if it does not take too much time.

The motion was lost on a division—affirmative 32, negative 40.

Mr. TURPIE moved, ineffectually, to lay the bill and report on the table.

Mr. SMITH now asked that, by unanimous consent, it be referred to the Judiciary Committee.

And it was so ordered.

#### COUNTY TREASURERS.

Mr. Colgrove, from the Judiciary Committee, to whom was referred the resolution of the House of Representatives, inquiring into the expediency of repealing the law requiring County Treasurers to visit each township for the collection of taxes, reported a bill (No. 82) to amend the 94th section of the act to provide for the valuation and assessment of real and personal property, and for the collection of taxes in the State of Indiana, &c., approved June 21st, 1852, and the same was passed the first reading.

#### COMMON PLEAS JURIES.

On motion by Mr. PROSSER, (the order of business being suspended for the purpose,) his bill (H. R. 35) to amend the act empanneling petit juries in the Common Pleas, was taken up and referred to a select committee of three, which the SPEAKER (Mr. Edwards in the Chair) makes to consist of Messrs. Prosser, Baird and Keefer.

Mr. BRANHAM submitted the following, which was adopted.

*Resolved*, That the door-keeper of this House have the sky-light over the Clerk's desks repaired, so as to prevent leaking.

#### ADJOURNMENT SINE DIE.

Mr. SHULL submitted the following:

*Resolved*, That this General Assembly will adjourn *sine die* of Wednesday, 23d instant.

*Resolved*, That the Clerk inform the Senate of the adoption of the foregoing resolution.

Mr. JEFFRIES moved to lay the resolutions on the table,

Which was negatived, by yeas 22, nays 70, and the question recurred on its adoption.

Messrs. Jordan and Clements demanded the yeas and nays.

Mr. DAVIS proposed to add the words "and request the concurrence of that body,"

Which was taken by consent.

Mr. AUSTIN said he should have no objection to the resolution if we were ready. It was premature now. Important measures—measures absolutely necessary to be passed at this session—were not yet matured. He would adjourn earlier if we were ready. We should not defeat our own action, by leaving it in a crippled condition.

Mr. JEFFRIES. A large amount of business had been prepared, and he was opposed to leaving the appraisement and revenue bills unacted on. For this reason, he had moved to lay it on the table. He sacrificed as much as any gentleman in prolonging the session.

Mr. JORDAN demanded the previous question, and under its operation, an amendment by Mr. Colgrove was prevented, and the yeas and nays on the main question, demanded by Messrs. Keefer and Jordan, resulted—yeas 69, nays 25, as follows:

YEAS—Messrs. Black, Bowman, Boyd, Carr, Cavins, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Sinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman and Wood—69.

NAYS—Messrs. Austin, Boxley, Branham, Brotherton, Colgrove, Collier, Comstock, Cotton, Davidson, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hunter, Jeffries, Mansfield, Miller, Parks, Power, Ritter, Robinson, Sherman, Smith of Miami, Treadway and Whiteman—25.

So the resolution was adopted.

Mr. HUNTER moved that the bill (H. R. 73) to raise a revenue for State purposes for 1859 and 1860, be no taken up, and considered in Committee of the Whole.

The motion was agreed to, and (Mr. Branham in the Chair) the House resolved into Committee of the Whole, and the bill was read through by the Clerk, proposing 20 cents tax on the hundred dollars and 50 cents on the poll for 1859, and 15 cents on the hundred, and 50 cents the poll for 1860.

The first and second sections being separately adopted without amendment—

On motion by Mr. MURRAY, the Committee rose, and the Chairman reported recommendations that the bill pass, and the Committee be discharged.

The report was concurred in and the bill ordered to be engrossed.



## COUNTY WORK-HOUSES.

Mr. KEMPF submitted the following, which was adopted:

*Resolved*, That the Committee on County and Township Business inquire into the expediency of erecting work-houses, in connection with the county jails, for the employment of convicts, as idleness is the mother of all vice; and report by bill or otherwise.

On motion by Mr. STANFIELD, (the rules and order being suspended,) Mr. Hunter's bill (H. R. 73) to raise a revenue for State purposes for the years 1859-1860. was considered again on the third and last reading. The question taken by yeas and nays, under the constitutional provision, resulted yeas 94, nays 0.

So the bill passed the House of Representatives.

Mr. DOUGHERTY submitted the following, which was adopted:

*Resolved*, That the Committee on Agriculture inquire into the expediency of providing by law that when the owner of any lands shall desire to drain his land, or prevent the same from overflow of water, he may be authorized to enter upon the adjoining lands of another person, and construct the necessary ditches—the damages resulting therefrom being first assessed and tendered—and report by bill or otherwise.

## THE HUNTINGTON AND WHITLEY CONTEST.

Mr. HAMILTON of Boone submitted the following:

*Resolved*, That this House immediately appoint and authorize some suitable person residing outside of the counties of Huntington and Whitley, to proceed immediately to take evidence for this House in the contested election case between the Hon. J. B. Firestone and the Hon. C. W. Edwards.

Mr. KEEFER proposed to appoint two persons.

Mr. MURRAY preferred three.

Mr. POWER thought we should have either one or three.

Mr. KEEFER accepted "three."

Mr. HAMILTON, of Boone. This testimony was to be taken in conformity to law, and there was no room for party feeling.

Mr. KEEFER. Still all men have their biases in these cases.

Mr. DOBBINS proposed to amend by appointing "two," and giving them the power to choose a third in case of disagreement.

Mr. MURRAY gave notice that, at the proper time, he would move "one" Commissioner, and that he shall be a Democrat.

Mr. JORDAN. We do not ask that.

Mr. PROSSER preferred one to three.

On motion by Mr. TURPIE, the resolution and amendments were laid on the table.

Mr. DOUGHERTY submitted the following, which was adopted:

*Resolved*, That the Senate be requested to return to this House the Senate bill (No. 31) fixing the times of holding Common Pleas Court in Bartholomew county.

A Senate message now announced the passage in that body of the bill (S. 27) relating to the jurisdiction and duties of Justices of the Peace in cases of attachment.

Mr. NEWTON submitted the following, which was adopted:

WHEREAS, many members of this House have learned with regret that mail matter which ought to have reached their constituents the same day such mail matter was

taken to the Post-office, did not reach them until the day following, or still later; therefore,

*Resolved*, That the Door keeper be instructed to inquire of the Post-master of this city at what particular hour mail matter will be in time for the different mails, and that the Door keeper instruct the Messenger to deliver at the Post-office such mail matter as may be ready, punctually at the hour designated.

## WITNESS RESTRICTION.

Mr. SCOTT introduced a bill (No. 83) to amend section 238 of the Law Reform Act, approved June 18th, 1852, which was passed the first reading.

Mr. TREADWAY introduced a bill (No. 84) to amend the 31st section of the act providing for the election or appointment of supervisors of highways, &c., approved June 18, 1852, which was passed the first reading.

## EXTENDING COURT TERM BY ADJOURNMENT.

Mr. DAVIS' bill (H. R. 36) to amend the first section of the act providing for extending the terms of the Circuit Court by adjournment, &c., coming up on the third reading—

Mr. DAVIS stated that the object of the bill was to relieve the burdensome tax of jail keeping between the terms of Court—to put it in the power of the judge to call a special term for this and other business.

The yeas and nays being taken under the constitutional provision, resulted yeas 75, nays 9.

So the bill passed the third and last reading in the House of Representatives.

The House then took a recess until 2 o'clock.

## AFTERNOON SESSION.

Mr. TURPIE obtained unanimous consent to make a report from the Committee on the Judiciary; returning Mr. Smith, of Perry's bill (H. R. 79) for the removal of the Perry County Seat—concurring in and recommending the adoption of the report of the select committee thereon.

The report was concurred in and the bill ordered to be engrossed.

## ELECTION OF UNITED STATES SENATORS.

The SPEAKER [Mr. Edwards in the Chair] announced the consideration of the special order, viz: the bill (S. 23) providing for the time, place and manner of the election of United States Senators, &c., on the second reading.

Mr. DAVIS submitted again his modification of the 6th section, so as to leave out the fact alleged therein, and to make it declare simply that "an emergency exists for the immediate taking effect of this act, and therefore the same shall take effect and be in force from and after its passage."

Mr. Speaker GORDON then took the floor in a general speech of a partizan character, pleading justification for the Republican party in its opposition to the pretended election of Mr. Bright and Mr. Fitch to the Senate of the United States, &c. When he had concluded—

Mr. BLYTHE complained that the gentleman had occupied nearly two hours time without touching the general questions in issue. There was danger in doing wrong. When wrong was done, the safest course was to admit it. That gentleman's party had done wrong. He admitted his argument; but the gentleman had said that



this election was the duty—the sworn duty of the Legislature. It would not do for the gentleman to shield himself and his party from duty to the State by holding up their party obligation. But the gentleman had even boasted in his wrong doing. It was the duty of every man to do right, and let consequences take care of themselves. This was what he proposed to do. His Republican friends were asking of him and of Democratic members to do what they believed to be wrong. There were two questions upon which he would have been glad to have heard the gentleman from Marion: One was that involved in the amendment proposed by the gentleman from Floyd, and the other was this legal question: Has not the Senate of the United States decided and concluded this question of the right of Messrs. Bright and Fitch to sit in that body for the State of Indiana? He had heard nothing to shake the opinion he had before expressed on this latter question. There was a point beyond which inquiry could not go—no matter how erroneous, or how corrupt the decision may be. In this case, the Senate had exhausted its power, and conferred privileges which it could not take away. Senator Bright and Senator Fitch were just as much invested with the right of seats in the Senate of the United States, as any other member of that body. But he distinguished between the right and the power. He justified his statement, that, if he had the right and the power to do it, he would remove these men from their places. He was assured of a just retribution for wrong doing. It had even overtaken one of these men, (Mr. Bright,) who was himself the first to inaugurate those proceedings to which he now owed his place in the Senate of the United States; but at this day, with all his energy and industry, on account of his subservency to the wrong in the question of the admission of Kansas into the Union with a fraudulent Constitution, there was scarcely a man in the State of Indiana so poor as to do him reverence. He then proceeded to support the amendment of Mr. Davis, striking out the objectionable matter contained in the emergency clause. The Constitution required not the reason for the emergency, but simply the fact of the emergency to be stated, &c.

Mr. STILES next gained the floor, contending earnestly for the fact in the emergency clause, as embodied in Mr. Austin's resolution, which had been solemnly adopted by the House. He entered a plea of justification for the action of the Republican party in the State Legislature in 1857, which he based upon the action of Democratic members of the Legislature two years before that. It had been alleged that the legality of the election of Bright and Fitch was decided by the highest authority on earth. But one memorable decision of that same high tribunal had just been reversed. It was the case of Lecompton against the People. That high tribunal decided the case for the plaintiff, but it had been reversed by the people—the Democratic party could tell how, and he told where it had been reversed.

When he had concluded—

The House (at ten minutes before five o'clock) adjourned.

## IN SENATE.

WEDNESDAY, December 15, 1858.

The Journal of yesterday was read.

Mr. HENDRY, from the Judiciary Committee, to whom was referred the bill (H. R. 39) regulating the collection of judgements and sale of property on execution against any constable or other person holding money in a fiduciary capacity, reported the same back and recommended its passage.

The report was concurred in, the bill read a second time by its title and passed to the third reading.

### LEGAL ADVERTISEMENTS.

Mr. BENNETT, from the same committee, to whom was referred Mr. Green's bill (S. 41) in relation to the publication of legal advertisements, reported the same back and recommended its passage, after striking out the emergency clause.

The report was concurred in, the bill read a second time by its title, and ordered to be engrossed for the third reading.

### RIGHTS OF MARRIED WOMEN.

Mr. ANTHONY, from the same committee, to whom was referred Mr. Bobbs' bill (S. 9) to provide for and secure the rights of married women in real property, reported the same back, and recommended its indefinite postponement.

Mr. MURRAY, from the same committee, submitted a minority report upon the same subject, sustaining the provisions of Mr. Bobbs' bill (S. 9) and recommending its passage.

Mr. MURRAY stated that as the author of the bill (S. 9) was not present, he would move that the reports lie on the table.

The motion was agreed to.

### PAPER CURRENCY.

Mr. RICE, from the same committee, to whom was referred Mr. Blair's bill (S. 86) to enable the holders of unauthorized paper currency to collect the amount thereof from any person, company or corporation, who may circulate the same or authorize the issue thereof, reported the same back and recommended its passage.

The report was concurred in, the bill read the second time by its title, and ordered to be engrossed for a third reading.

### ELECTION OF MEMBERS OF CONGRESS.

Mr. MARCH, from the same committee to whom was referred Mr. Craven's bill (S. 92) to change the time for the choosing of members of Congress, and providing for their election, reported the same back and recommended its passage.

The report was concurred in, the bill read a second time by its title, and ordered to be engrossed for a third reading.

### PETIT JURORS.

Mr. SLACK, from the same committee, to whom was referred Mr. Tarkington's bill (S. 93) to amend section 5 of an act prescribing the manner of empannelling petit jurors, approved May 20, 1852, reported the same back and recommended its indefinite postponement.

Mr. — moved to lay the report on the table.



The motion was agreed to.

#### DIVORCES.

Mr. MARCH, from the same committee, to whom was referred the bill (H. R. 5) to amend the 6th section and repeal the 7th clause of the 7th section of the law regulating the granting of divorces, approved May 13, 1852, reported the same back and recommend that it be laid on the table.

The report was concurred in by consent.

#### RAILROAD LIABILITY.

Mr. CONNER, from the same committee to whom was referred his bill (S. 8) to amend sections 1 and 2 of an act to provide for compensation to owners of animals killed by railroads, &c., approved March 1, 1852, and to provide for the manner of service of process; reported the same back with an amendment, after which recommending its passage.

The report was concurred in, the bill read a second time by its title, and ordered to be engrossed for a third reading.

#### COMMON SCHOOLS.

Mr. WAGNER, from the Committee on Education, to whom was referred his bill (S. 26) supplemental to an act entitled An Act to provide for a general system of common schools, &c., approved March 5, 1855, reported the same back and recommended its passage.

The report was concurred in by consent.

Mr. STUDABAKER moved that the bill be postponed till to-morrow, 2 o'clock, P. M.

Mr. WAGNER stated that there was no other proposed change in the existing law, but that funds arising from the ten per cent. tax shall be distributed by the County Auditor to the Treasurer, to be by him paid out as now to be applied for school purposes.

Mr. STUDABAKER modified his motion by extending the postponement till Friday next, 2 o'clock.

The motion was agreed to.

Mr. O'BRIEN, from the Committee on Education, to whom was referred a resolution of the Senate, inquiring whether legislation is necessary to secure any public fund from losses on lands mortgaged to secure loans therefrom, reported a bill (No. 98) calculated to meet the wants of the resolution.

Mr. O'BRIEN'S bill (S. 98) providing for the collection of taxes assessed against lands mortgaged to secure loans made from the Sinking and other public funds, to prevent losses, and to repeal the 8th section of chapter 6 of the Revised Statutes, was read through the first time and passed to the second reading.

#### TIME TO STATE FUND BORROWERS.

Mr. ANTHONY, from the Committee to whom was referred Mr. Gooding's bill (S. 29) to extend to borrowers of Sinking and other funds time for the payment of their loans, and prescribing the duties of the proper officers in relation thereto, reported the same back and recommended its indefinite postponement, substituting a bill (No. 99) in lieu thereof.

Mr. Anthony's bill (S. 99) to extend to borrowers of Sinking and other funds time for the

payment of their loans and prescribing the duties of proper officers, was read through the first time and passed to the second reading.

#### SWAMP LANDS.

Mr. TURNER submitted the following report:

Mr. PRESIDENT: The Committee on Swamp Lands, to whom was referred Senate bill No. 68, entitled, "A Bill to amend the 20th, 28th, 32d and 51st sections of an act entitled 'An Act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant,' approved May 29, 1852," have had the same under consideration, and direct me to report the following amendments:

Amend section No. 32 as follows: After the words "before he enters on the duties of his office" insert:

"Give bond, with at least four freehold securities, payable to the State of Indiana, in such sum as the Board of County Commissioners shall direct, and when approved by the said Commissioners, shall be filed in the Clerk's office of said county."

Also, add an emergency clause

And, with the foregoing amendments, recommend its passage.

All of which is respectfully submitted.

The report was concurred in by consent, and the bill being upon its third reading—

Mr. TURNER explained that the bill simply removed the appointing power—the appointment of Swamp Land Commissioners—from the hands of the Governor to the County Commissioners; and required bond to be given by the Swamp Land Commissioner, which was to be approved by the County Commissioners.

#### PRACTICE IN THE SUPREME COURT.

Mr. MURRAY obtained leave to submit a report from the Committee on the Organization of Courts, to whom was referred Mr. Wagner's bill (S. 88) regulating the practice in the Supreme Court of the State of Indiana; recommending its indefinite postponement.

The report was concurred in.

#### MESSAGE FROM THE GOVERNOR.

A message from the Governor, by his Private Secretary, Mr. Osborn, informed the Senate that he had approved and signed Mr. Jones' bill (S. 31) fixing the times of holding the Court of Common Pleas in Bartholomew county.

#### SWAMP LANDS.

The question being shall the bill (S. 68) pass? a constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 38, nays 9—as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Weir, Williams and Wilson—38.

NAYS—Messrs. Carnahan, Fisk, Hamilton, Heffren, McClure, Miller, O'Brien, Studabaker and Tarkington—9.

So the bill passed.

The title was read, as above recited, and adopted by consent.

#### TOLL FOR GRINDING GRAIN.

Mr. HILL submitted the following:

Mr. PRESIDENT—The Committee on Rights and Privileges, to whom was referred a resolution of the Senate, in relation to the rates of toll that the owners of steam grist mills may charge for grinding grain, have had the same under consideration, and directed me to report the following bill [No. 100] and recommend its passage.



Mr. Hill's bill (S. 100) to amend section 1, chapter 71, of volume 1, Revised Statutes—An Act to regulate the toll of grist mills and prescribing certain duties of millers, approved May 31, 1852, was read through the first time.

[The bill provides that water mills shall not charge less than one-eighth, and steam mills not less than one-sixth.]

The report was concurred in.

#### PAY FOR CAPTURING A HORSE THIEF.

Mr. MILLER offered the following resolution, which was adopted by consent:

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of allowing a compensation to John Metz, late Sheriff of Miami county, for recapturing John Matthews, a horse thief, who escaped from the authorities of that county and was afterwards retaken.

#### LAW REFORM.

Mr. GOODING offered the following:

*Resolved*, That a select committee of three be appointed to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in this State, and report their proceedings and revision at the next session of this Senate.

Messrs. Gooding, Murray, March, Green, Anthony and Cravens, made a few remarks in reference to this resolution, when—

Mr. GOODING moved to postpone the further consideration of it till Monday next at two o'clock P. M.

The motion was agreed to

#### SINKING FUND.

Mr. WAGNER offered the following resolution, which was adopted by consent:

*Resolved*, That the Committee on the Judiciary be requested to inquire into the power of the Legislature to set apart a sufficient amount of sinking fund for the redemption of the bank bonds—and whether the interest of the remaining funds can not be applied to common schools, or must the whole of the interest be held until all of said bonds are paid.

#### ADJOURNMENT SINE DIE.

Mr. WEIR moved that the order of business be suspended in order to take up the motion submitted by him yesterday morning to reconsider the vote by which the Senate adopted the resolution to adjourn next Wednesday.

The motion was agreed to upon a division—26 in the affirmative.

Mr. HEFFREN moved to lay the motion to reconsider on the table.

The motion was rejected by yeas 23, nays 27.

The question recurring upon reconsidering—

The motion was agreed to—yeas 26, nays 23.

Mr. WEIR moved that the further consideration of the resolution be postponed till Monday next.

Mr. WAGNER moved that the motion to postpone, and the resolution be both laid on the table.

Mr. WEIR withdrew his motion to postpone.

Mr. MURRAY moved a postponement until Saturday next, 10 o'clock, A. M.

Mr. WALLACE moved a call of the Senate.

The call was proceeded with, and the Secretary reported all the Senators as present.

Mr. WALLACE moved that further proceedings in the call be dispensed with.

The motion was agreed to.

The question being upon the motion to postpone till Saturday—

The motion was rejected by—yeas 25, nays 25.

The question recurring upon the adoption of the resolution, which is in the following words:

*Resolved*, That the Senate, with the House concurring, adjourn *sine die*, on Wednesday, the 23d inst.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 23, nays 27—as follows:

YEAS—Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Line, Lomas, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Sturtevant, Tarlington, Wallace, Williams and Wilson—23.

NAYS—Messrs. Anthony, Beeson, Bennet, Blair, Robbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hendry, Hill, Jones, Kiale, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

#### CIRCUIT COURTS.

Mr. WEIR moved that the rules be suspended, and messages from the House be taken from the table.

The motion was agreed to.

The bill (H. R. 36) to amend section 9 of an Act entitled an Act to provide for extending the terms of Circuit Courts by adjournment when the pending business shall be unfinished, approved February 13, 1855, authorizing the Judge to call and hold special terms, and fixing the compensation of the Judge for holding the same, and of the Prosecuting Attorneys in attendance upon the same—was read through and passed to the second reading.

#### COUNTIES' BOUNDARIES.

The bill (H. R. 11) repealing the 2nd section of an Act entitled an Act authorizing the formation of new counties and changing county boundaries, approved March 7, 1857, was read through and passed the first reading.

#### LIQUOR LAW.

Mr. SLACK offered the following resolution:

*Resolved*, That the Committee on Temperance return to the Senate House Bill No. 23, for the action of the Senate. [This is the bill repealing the Maine Law.]

The resolution was adopted.

The Senate took a recess till 2 o'clock.

#### AFTERNOON SESSION.

The bill (H. R. 73) entitled "An Act to raise revenue for State purposes for the years 1859 and 1860," was read through the first time.

Mr. McLEAN moved that the rules be suspended and the bill read a second time now.

The motion was agreed to.

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 44, nays 0.

So the motion was agreed to, and the bill read by its title the second time.

Mr. HEFFREN offered the following amendment:

Insert in the proper place "153," and also, "that there be levied the sum of fifteen cents on the one hundred dollars, and fifty cents on each poll, for State purposes for the year 1858."

Mr. McLEAN moved that the bill and pending amendment be referred to the Committee on Finance.



The motion was agreed to by consent.  
Mr. GREEN demanded a call of the Senate.  
The call was proceeded with, and the Secretary reported Messrs. Robinson, Slack and Wallace, absent.

On motion, a Door-keeper was sent after the absentees.

#### LEAVE OF ABSENCE.

Mr. McLEAN asked and obtained leave of absence for the Senator from Rush (Mr. Cooper), who was absent on account of ill health. Mr. Cooper had paired off with Mr. McLean on the Miller and Shryock case and all political questions for this afternoon.

#### LICENSING CARAVANS, &c.

Mr. McLEAN obtained leave to introduce a bill (No. 101,) to amend sec. 1 of an Act to amend the 1st section of an act entitled an act concerning the licensing to vend foreign merchandize, to exhibit any caravan, circus, puppet-show, &c., approved June 15, 1852; and for the encouragement of agriculture, &c., approved March 7, 1857, which was read through the first time.

Mr. McLEAN moved to suspend the rules, and read the bill by its title a second time: *Now.*

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 36, nays 9.

So the bill was read a second time by its title.

Mr. McLEAN moved its reference to the Committee on the Rights and Privileges of the Inhabitants of the State, and it was so referred.

#### FREE NEGROES.

Mr. CRAVENS asked and obtained leave to introduce a memorial purporting to come from certain colored persons of Washington county, against the passage of Mr. Heffren's bill (S. 87) for the enforcement of the 15th article of the Constitution of the State of Indiana.

Mr. HEFFREN, denouncing it as a forgery, an insult to the Senate, and personal to himself, moved that it be rejected.

After some extended conversation in relation thereto, by Messrs. Cravens, Heffren, March, Gooding, Murray, Conner, Wallace, McLean, Johnston, Carnahan, and Bobbs,

Mr. MURRAY offered the following resolution:

*Resolved*, That the paper purporting to be a memorial from certain colored residents of Washington county, being couched in unbecoming language—an insult to the feelings of a Senator, and also to the Senate of Indiana, [and believed to be a forgery,] be by this Senate rejected, and that no entry be made of the same upon the Journal.

#### MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by R. J. Ryan, their Clerk, informing the Senate that the House insists upon all their amendments to Mr. Tarkington's bill (S. 3) for the re-appraisement of real estate.

Also, that the House has passed a bill (H. R. 79) to provide for the re-location of the County Seat of Perry, &c.

#### FREE NEGROES.

Further remarks upon this matter were indulged in by several Senators, when,

Mr. HEFFREN withdrew his motion.

Mr. MARC moved to amend the resolution by inserting in the proper place, the words "and believed to be a forgery."

The motion was agreed to.

Mr. WEIR called for the previous question, but there was not a second.

Mr. MURRAY offered an amendment to his resolution, as follows:

"Presented by the Senator from Jefferson, without a knowledge of its contents.

The amendment was rejected.

The yeas and nays were demanded upon the adoption of the resolution, and being ordered and taken, resulted—yeas 46, nays 2.

So the resolution was adopted.

#### MILLER AND SHRYOCK CONTESTED CASE.

The special order was now announced—being Mr. Green's resolution, declaring Mr. Shryock entitled to Mr. Miller's seat.

Mr. GREEN demanded a call of the Senate.

The call was proceeded with, and the Secretary reported all the Senators present, except Mr. Cooper.

Mr. GREEN said he had hoped some other Senator would have moved in this matter, but he had waited as long as he thought he ought to, in justice to his position, and to all the circumstances attending the case, and now he had offered the resolution, which he hoped would be considered without argument.

#### MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, informing the Senate that the House had passed Mr. Hargrove's bill (S. 28) providing for the election of United States Senators, with an amendment of the emergency clause.

Mr. McLEAN offered the following amendment to the resolution:

*Resolved*, That Hugh Miller is entitled to the seat he now holds as Senator from the counties of Marshall, Stark, Fulton and St. Joseph, and that Kline G. Shryock, the contestant of said seat, is not legally entitled to the said seat.

Mr. SLACK offered the following as an amendment to the amendment:

*WHEREAS*, At the last session of this Senate much time was consumed and great expense incurred in contesting the seat of the Hon. Hugh Miller, a Senator upon this floor, from the counties of Fulton, Stark and St. Joseph, which consumption of time, and expenditure of money were useless and profitless, *AND WHEREAS*, we believe, from an examination of the evidence in said case, that said Hugh Miller did receive a majority of the legal votes cast at the election in said district for the office of Senator, at the annual election in October, 1856; *AND WHEREAS*, it is highly desirable that the scenes of the session of this Senate of 1857, should not again be re-enacted, and that the legitimate business of the Senate should not be disturbed; therefore,

*Be it Resolved*, That Hugh Miller, Senator elect from the counties of Fulton, Stark and St. Joseph, be and he is hereby confirmed in his seat as such Senator, and that the contest of Kline G. Shryock be, and the same is hereby dismissed.

Mr. MURRAY moved that this amendment to the amendment be laid on the table.

Mr. SLACK withdrew his amendment.

Mr. ROBINSON said that he had not had time to investigate this matter, and in compliance with the request of Mr. Miller, who was absent for the time being, he had agreed to pair off with



him upon this question, and asked to be excused from voting.

The question being upon the adoption of Mr. McLean's amendment, the yeas and nays were demanded, and being ordered and taken, resulted—yeas 23, nays 23, as follows :

**YEAS.**—Messrs. Carnahan, Cobb, Conley, Fisk, Gooding Hamilton, Harzgrove, Heffren, Jennings, Johnston, Jones, Line, L. man, McClure, O'Brien, Odell, Shoemaker, Slack, Stubbaker, Tarkington, Wallace, Williams, and Wilson—23.

**NAYS.**—Messrs. Anthony, Beeson, Bennett, Blair, Robbs, Brown, Conner, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner, and Weir—23.

The PRESIDENT declared the amendment to the resolution adopted.

The question recurring upon the resolution as amended—

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 23, nays 23—as before. So the resolution as amended was adopted.

Mr. HEFFREN moved that the vote just taken be re-considered, and that the motion to re-consider be laid upon the table.

The latter motion was agreed to by consent.

The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 15, 1858.

The Journal of yesterday was read.

### LIQUOR TRAFFIC.

Mr. AUSTIN presented a memorial of members of the Western Yearly Meeting of Friends, composed of that portion of said society residing in the western part of the State of Indiana and the eastern part of the State of Illinois, asking for a law to suppress the traffic in intoxicating liquors, which was read and referred to the Committee on Temperance.

### SCHOOL TAX.

Mr. PARKS, from the committee on the Rights and Privileges of the inhabitants, returned the resolution inquiring into the expediency of amending the Constitution so as to give to towns and civil townships the power to levy taxes for school purposes, recommending a change so far as to give such power to towns only.

On motion, by Mr. MURRAY, the consideration of the subject was postponed and made the special order for Thursday 2 o'clock.

Mr. STILES, from the Judiciary Committee, returned Mr. Nebeker of Warren's bill (H. R. 50) defining the misdemeanor of an assault, and recommending that the same be indefinitely postponed.

The report was concurred in.

Mr. EDWARDS, from the Select Committee, on that subject, returned Mr. Merrifield's bill (H. R. 20) to amend the 4th section of the game law, with an amendment.

On motion, by Mr. TURPIE, the report was laid on the table.

### CONTRACT FOR PUBLIC BINDING.

Mr. DURHAM submitted the following, which was adopted:

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of separating the

Public Printing and Binding, and letting out the binding to the lowest responsible bidder, who will give bond to do such binding in the best style and shortest time, and report the result of such inquiry to this House.

### JUSTICES OF THE PEACE.

Mr. HARTLEY submitted the following, which was adopted:

*Resolved*, That the Committee on County and Township Business be instructed to inquire into the expediency of so changing the jurisdiction of Justices of the Peace as to extend the same to \$200, and so as to make debts collectable in the townships in which they are contracted.

### THE HUNTINGTON AND WHITLEY CASE.

Mr. HAMILTON, of Boone, submitted the following:

*Resolved*, That the Hon. John B. Firestone and the Hon. Caleb W. Edwards be and they are hereby authorized, each by himself or attorney, to take depositions, in the ordinary way, to be read and used as evidence by and before the Committee on Elections of the House of Representatives, in the case where the said Edwards is contestant and the said Firestone is contestee; and that the said parties place the said evidence before the said Committee, or deliver the same to the Chairman thereof, at an early day of the next session of this General Assembly, and that the said testimony so taken shall be all that shall be admitted before said Committee, except oral testimony, and except the House shall order otherwise.

Mr. DOBBINS objected to the resolution. This contest was not brought on by Dr. Firestone, and the House could not in justice require of him such labor and expense. He would have persons disinterested to take these depositions; and both these gentlemen were directly interested. On the doctrine of the gentleman from Marion, (the Speaker) advanced in his speech of yesterday, Mr. Firestone was now, to all intents and purposes, a member of this House, and therefore the expense involved in the contest for his place should not be thrown on him.

Mr. HAMILTON, of Boone. This was a new doctrine, that would exempt Mr. Firestone from expense. He had proposed this plan, thinking it would be satisfactory, economical to the State, and that the work could be done in the vacation of the session of the General Assembly. There was, (he alleged) a disposition to postpone this matter on the part of the defense.

Mr. FIRESTONE denied the imputation of a desire to cause delay. He had suggested Mr. James I. Holland as a high minded Republican, and proper Commissioner to take testimony. He had confidence in Holland. The Judge of Common Pleas was suggested by the Committee on Elections.

Mr. MURRAY. He was suggested by Mr. Harney.

Mr. FIRESTONE desired only that the investigation proceed fairly.

[A message from the Governor now announced his Excellency's approval of the bill (S. 31) fixing the time of Common Pleas in Bartholomew.]

Mr. HARNEY rehearsed the action of the committee, expressing his desire that this matter might be settled without partisan feeling or influence. The resolution had been brought so suddenly before the House, that he was hardly prepared to decide how he should vote upon it, and would prefer that the matter be left to the committee.

Mr. STANFIELD saw no necessity for the resolution. He read the statutory provision, that either party may take depositions in the ordi-



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any way. There was neither necessity for the resolution, nor for the appointment of a Commissioner. Depositions could be taken, as in other cases, on notice.

Mr. HAMILTON, of Boone, gave the reasons which determined the Committee not to take the suggestions of Mr. Firestone.

Mr. POWER. It was a fact known to the committee, that notice of depositions was duly served, and that the contestee's attorney was present at the taking, though he would not then become an attorney of record. There was a "nigger in the wood-pile."

Mr. FIRESTONE. Had not attempted to interfere with the investigation. He would have his rights—would stand up for them on all occasions.

Mr. DOBBINS asked for a fair showing for the minority of the committee. If the majority would consult the minority, this matter could be settled in Committee. Democrats placed no nigger in the wood-pile—the imputation came with a bad grace from the gentleman from Kosciusko.

Mr. MURRAY was satisfied the House did not understand the resolution of yesterday—refusing to concur. The matter was taken out of the hands of the committee, and they were helpless; and they were now merely making a suggestion for progress. It was a work of peculiar modesty in Mr. Firestone to suggest commissioners, and reprimand the committee for not accepting his suggestions. He would never submit to such dictation. He wanted a disinterested commissioner. He rehearsed the committee's proceedings.

Mr. DAVIS suggested that Judge Stanfield be authorized to take these depositions in the recess.

Mr. Hamilton, of Boone, accepted this modification of his resolution.

So the resolution was adopted.

## COUNTY SEAT OF PERRY.

On motion by Mr. SMITH, of Perry, (the order of business being suspended for the purpose,) his bill (H. R. 79) for the relocation of the county seat of Perry county, (at Cannelton,) was considered and passed the third and last reading in the House of Representatives—yeas 91, nays 1, with an amendment of title, so as to read: "An act to provide for the relocation of county seats and county buildings, where two thirds of the voters of any county have petitioned for relocation, designating the site and a house to be used as a Court house, and where a deed has been executed; and to provide for the limitations of actions growing out of such relocation, and for the donation of the former county property."

## BLIND SCHOOL EXHIBITION.

Mr. COLLIER submitted the following:

*Resolved*, That the Superintendent of the Asylum for the Deaf and Dumb, and the Superintendent of the Asylum for the Blind, are respectfully invited to give exhibitions of the proficiency of the pupils in their schools, respectively, before the members of this General Assembly.

Mr. EDWARDS. I understand that the Superintendent of the Blind School proposes to give an exhibition to-night.

The SPEAKER. I have such a notice.

Mr. EDWARDS. I move to lay the resolution on the table.

The motion was agreed to by consent.

The SPEAKER. The Superintendent of the Blind Asylum desires me to lay before the members and officers of the House an invitation to appear at the Asylum to-night at candlelight, and witness an exhibition of the proficiency of his pupils.

## DEBATE.

Mr. MURRAY submitted the following:

*Resolved*, That no member of this House shall be permitted to speak more than fifteen minutes on any question under consideration, without unanimous consent of the House.

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

Mr. MURRAY demanded the yeas and nays, and the resolution was rejected—yeas 73, nays 22.

## TEMPERATURE OF THE HALL.

Mr. TREADWAY submitted the following, which was adopted:

*Resolved*, That a select committee of five be appointed to investigate the condition of this Hall, and ascertain whether better arrangements cannot be had for warming and ventilating the same during the coming session, and that they report as soon as practicable.

## DEBATE ON ELECTION OF UNITED STATES SENATORS.

Mr. BROTHERTON submitted the following:

WHEREAS, The gratifying intelligence has been received that there are a number of members of this House, who are yet desirous to deliver speeches to the same, on the bill providing for the election of United States Senators: therefore be it

*Resolved*, That all those members who are desirous to make speeches on said bill, are hereby respectfully requested and positively required to postpone the delivery of said speeches until the next regular meeting of this General Assembly, and said speeches, when delivered, will be received by this House with like effect as if the same had been delivered before any action was taken on said bill.

Mr. EDWARDS. The resolution, no doubt, was offered in jest, but I can very properly move to lay it on the table, as I do not intend to take up the time of the House on any subject.

Mr. BROTHERTON. In justice to Democrats around me, I have this to say, that they have had no hand in getting up this resolution. I am responsible for it all myself, here and elsewhere. [Laughter.]

Mr. HAMILTON of Boone. Debate should



close on this question. Every member has his mind made up.

Mr. DOBBINS would claim the privilege of speaking whether the resolution passed or not.

Mr. MURRAY. The three parties had been represented on this question, each by two speeches.

On motion, by Mr. EDWARDS the resolution was laid on the table.

#### DEBATE.

Mr. MILLER submitted the following:

*Resolved*, That any member occupying the time of this House, in debating political questions, after the settlement of the Senatorial question, shall pay the expense of the time of the session of the House during such debate—computing the daily sessions at six hours each.

The SPEAKER. The resolution is out of order.

#### COMPENSATION OF MEMBERS.

Mr. THOMPSON, of Madison, submitted the following:

*Resolved*, That the Committee on Fees and Salaries be instructed to draft a law reducing the compensation of members of the General Assembly to two dollars per day, and report such bill to this House for action as soon as possible.

Mr. COLGROVE. I move to amend, by inserting seventy five cents. [Laughter.]

Mr. POWER proposed four dollars a day.

On motion by Mr. BRANHAM, the subject was laid on the table.

#### ELECTION OF STATE PRINTER.

Mr. MURRAY submitted the following:

Joint Resolution for the election of State Printer:

*Resolved*, That the House will, if the Senate concur, on the 16th day of December, 1853, at 2 o'clock, P. M., proceed in the Hall of this House to elect a State Printer.

Mr. KEEFER. I move to lay it on the table. Mr. MURRAY demanded the yeas and nays, and they were ordered.

Mr. DOUGHERTY. There is a special order for to-morrow.

The SPEAKER. It would be competent for the House to change the special order.

The vote resulted, yeas 53, nays 46, as follows:

YEAS—Messrs. Black, Blythe, Bowman, Cair, Claypool, Clayton, Clements, Collier, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Ryerson, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, and Wood—53.

NAYS—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Colgrove, Comstock, Cotton, Davidson, Davis, Duval, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Parks, Power, Robinson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker—46.

So the resolution was laid on the table.

#### ACTIONS ON CONTRACTS.

Mr. PROSSER introduced a bill (No. 86) to amend section 33 of the Loan Reform Act of June 18, 1852, so that all actions against makers of written contracts shall be brought in the county where the maker resides, except where a

capias ad respondendum shall have been first filed.

#### CANCELLATION OF BONDS.

Mr. BRANHAM introduced a bill (No. 87) to amend section 6 of the Act in relation to applying certain funds therein named, to the payment of the public debt, approved June 15, 1852, so as to provide for the cancellation of purchased bonds.

Mr. MARTIN introduced a bill (No. 88) to amend section 14, of the Act providing for the election of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.

Mr. SMITH, of Miami, introduced a bill (No. 89) to amend the third section of the Act to incorporate the town of Peru, approved February 14, 1848.

Mr. COLGROVE. The bill, proposing to amend a local law, it appeared to him, infringed on the Constitution.

Mr. POWER introduced a bill (No. 90) to repeal the Act entitled An Act to establish a Court of Cancellation, approved June 11, 1852.

Mr. STANLEY introduced a bill (No. 91) to prohibit clerks and their deputies of the Supreme, Circuit and Common Pleas Courts from practicing as an attorney and counselor at law, declaring it a misdemeanor in any clerk of the Circuit and Common Pleas Courts to refuse to issue summons, and providing punishment for the same.

Mr. HAMILTON, of Boone, introduced a bill (No. 92) to prevent the carrying of concealed and dangerous weapons, and to provide punishment therefor.

#### APPRAISEMENT OF REAL ESTATE.

On motion of Mr. DAVIS, the message for the Senate, transmitting the action of that body on the amendments of the House of Representatives, to the bill (S. 3) for the appraisement of real estate, &c. The Senate refused to concur in the following amendments of the House of Representatives:

Striking out the proviso of the first section, and substituting matter, as before reported in this paper.

Striking out the proviso of section five, and—Mr. Stanfield's amendment to the 24th section, repealing sections 32, 33, 34 and 35 of the assessment act of June 21, 1852.

Mr. DAVIS moved that the House insist on these amendments. If we recede, the mode provided for assessing a large amount of railroad property will be lost.

Mr. BRANHAM moved to amend the motion, and that the House recede.

Mr. DAVIS. All our railroad property has passed away into the hands of foreigners, and whilst they come here and operate their railroads he would have them taxed as other people.

Mr. BRANHAM was as willing as any member to have railroad property taxed as any citizen or corporation is taxed. As he understood the existing law it was so taxed. But if not he did not think the amendment would better it.

Mr. STANFIELD said there was a misunderstanding between the two Houses in relation to this amendment. The purpose of this law was



to appraise the realty of the State, without reference to personal property. The Senate refused to concur in the amendment repealing certain sections of the appraisement law of 1852. The law of 1852 regarded and treated this property (their superstructures) as personal property; and it provided for its valuation with their other personal property, which was apportioned among the several counties through which the road runs. Now we propose to include and tax as real property all permanent superstructures in the several counties along the line of the road. But to perfect the system proposed, another bill will be introduced and matured for the appraisement of personal property, so as to give each county its due share of tax on railroad property. He had before shown, more at length, that under the present law many counties were deprived of their share of tax on railroad property, because of the inability of the revenue officers to acquire any precise knowledge of the amount of property belonging to railroads. He had seen that in several counties there was no evidence of any taxation upon railroad property. By the mode pointed out in the amendment, this property could not fail of coming on the list. Under its provisions all the permanent railroad property is to be appraised. The rolling stock and machinery will go as personal property. He thought that in this way we would adopt a more perfect system, and trusted the House would adhere. He had no objection to the appointment of appraisers by the County Boards, &c.

Mr. HAMILTON, of Boone, said the law as it stands at present on this subject of assessing railroad property was on pages 113, 115 of Statutes. He rehearsed its provisions, and gave objections to the amendment proposed. It would make the law worse.

Mr. NEBEKER, of Warren. The gentleman from St. Joseph seemed to have overlooked the provision on page 115. The provisions of the law were perfect and complete, and the amendment was not complete. It was only necessary to compel the revenue officers to do their duty.

Mr. DAVIS. How was it that railroad property was taxed at one-tenth of the original cost? Might it not be because the valuation is made by their own employees. Under the operation of the amendment of the gentleman from St. Joseph, we might get at it. The revenue officers did not hold their places by appointment of the railroad companies or of interested parties.

Mr. PARKS spoke in favor of insisting upon Mr. Stanfield's amendment.

Mr. BRANHAM insisted there was no mode of getting at the real value of railroad property better than the present—through the officers of the company. If we proposed to tax the cost of the road, it would be another thing. A large portion of railroad property was moveable from county to county, and so it might escape assessment. The amendment, he thought, would enable the company to reserve from taxation at least one half their personal property. As he understood the amendment, you assess the property where found.

Mr. STANFIELD said his amendment did

not contemplate the personal property of railroads. When we came to that, he supposed, in regard to the assessment of personal property, we would adopt something like the present system. It seemed to him that these superstructures, &c., were realty, and should be regarded as such in our assessments, and that for purposes of taxation it should belong to the county where it is situated.

The House refused to recede, and then the House insisted on its amendments.

Mr. EDWARDS said one of the amendments of the gentleman from St. Joseph was concurred in by the Senate.

Mr. STANFIELD. But it was necessary that those sections in the appraisement act of 1852 should be repealed, or this property would be taxed twice.

The House then took a recess till 2 o'clock.

#### AFTERNOON SESSION.

#### ELECTION OF UNITED STATES SENATOR.

On motion of Mr. DAVIS, the special order was dispensed with, and the House resumed the consideration of the bill (S. 28) to provide the time, place and manner of the election of United States Senators; the question being on Mr. Davis's engrossed amendment, modifying the emergency clause.

Mr. DOBBINS took the floor, but gave way for—

Mr. TURPIE. He was heard at length in opposition, and in reply to Mr. Speaker Gordon, and Mr. Blythe.

Mr. DOBBINS spoke on the same part, reviewing the debate.

After further debate by Mr. Speaker Gordon (Mr. Davis in the Chair) Mr. Dobbins and Mr. Turpie—

Mr. BRANHAM demanded the previous question, and there being a second, the main question was ordered and taken, viz: on the adoption of the amendment of Mr. Davis to the sixth section, the vote resulting, yeas 54, nays 45.

So the amendment was adopted: Mr. Turpie filing his motion to reconsider this vote; which was subsequently lost.

On motion by Mr. STANFIELD (the order of business being suspended for the purpose) the bill and amendment was considered as engrossed, and passed the third and last reading in the House of Representatives—yeas 52, nays 45—as follows:

YEAS.—Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Collier, Comstock, Cotton, Davidson, Davis, Duval, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—52.

NAYS.—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Duham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Presser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—45.

So the bill passed—the title as above written.



## FUND COMMISSIONERS BILL.

On motion of Mr. BRANHAM, the special order, to wit: the consideration of the Committee on Ways and Means' bill (H. R. 72) to provide for the election of a Board of Fund Commissioners, &c., on the second reading thereof—

The bill was read through by the Clerk.

Mr. DAVIS proposed to amend the 19th section by adding: "Provided however, that this Act shall only remain in force for the period of three years from and after its passage."

The SPEAKER. The bill is on the third reading.

Mr. DAVIS was willing to go for the bill as a temporary measure, but would hardly give its support as a permanent measure. Was there any mode provided for the care and management of those funds when the term of the present Fund Commissioners shall expire?

Mr. COLGROVE. There was no such provision of law.

Mr. DAVIS. Then I can support it as a temporary measure.

Mr. EDWARDS insisted that the bill was still on the second reading, the question being on engrossment.

Mr. COLGROVE. The bill has never been ordered to be engrossed.

The SPEAKER. The Chair has been misled by the record. The question is on the amendment.

Mr. SMITH, of Perry, addressed the House in favor of, and in explanation of the bill.

Mr. Davis' amendment was adopted.

Mr. HARNEY took the floor in opposition to the bill, and on his motion, at 4:20 o'clock, The House adjourned.

## IN SENATE.

THURSDAY, December 16, 1853.

The Journal of yesterday was read.

## PETITION ON TEMPERANCE.

Mr. BEESON presented the memorial of an Indiana Yearly Meeting, composed of that portion of the religious society of Friends, residing in the western part of Ohio, and eastern and northern parts of Indiana, and in the State of Iowa, respectfully asking the passage of such a law, or laws, as shall, within the Constitution, most effectually prevent, throughout the State, the evils arising from the sale and use of intoxicating liquors.

The memorial was read through.

Mr. BEESON moved its reference to the Temperance Committee, and it was so referred.

## CALUMET FEEDER DAM.

Mr. MARCH, from the Judiciary Committee, to whom was referred the bill (H. R. 32) to repeal an Act authorizing the State of Illinois to maintain the Calumet Feeder Dam, &c., approved March 7, 1857, reported the same back and recommended its passage.

The report was concurred in by consent, and the bill was read by the title the second time.

On motion by Mr. MURRAY, the bill was considered as engrossed, read through the third time, and finally passed by yeas 41, nays 1—Mr. Williams; absent and not voting, Messrs. Cooper,

Bobbs, Culver, Gooding, Slack, Stevens, Wallace and Weir.

The bill was then read and adopted.

## ALIENATION OF REAL PROPERTY.

Mr. CONNER from the Judiciary Committee, to whom was referred Mr. Hamilton's bill (S. 21) to amend an Act concerning real property and the alienation thereof, approved May 6, 1852, reported the same back and recommended its passage, with an amendment striking out the word "purchase," so that the section will read, "any alien may acquire and hold lands by [purchase] devise or design."

The report was concurred in, and the bill read a second time by its title.

On motion by Mr. HEFFREN the bill was considered as engrossed, read through a third time, and finally passed the Senate by yeas 42, nays 0; absent and not voting the same as in the above vote.

The title was then read and adopted.

Mr. WEIR made an ineffectual motion to suspend the order of business and take from the table messages from the House of Representatives.

Mr. CONNER, from the Committee on Corporations, to whom was referred the bill (H. R. 19) to secure the service of process in actions against corporations, created by the General Assembly of this State, which have no officer or person doing business in counties in which they exercise corporate powers, reported the same back and recommended its passage.

The report was concurred in, and the bill read by its title the second time.

On motion by Mr. CONNER the bill was considered as engrossed, read through a third time and finally passed by yeas 47—nays 0; absent and not voting Messrs. Cooper, Slack and Wallace.

The title was then read and adopted.

## THE OLD STATE BANK.

Mr. STEELE, from the Committee on Banks, to whom was referred a resolution of the Senate inquiring whether legislation is necessary on the subject of the winding up of the State Bank and the funds of the State connected therewith, have directed me to report bill (No. 102) upon that subject, and recommend its passage.

The report was concurred in by consent.

Mr. Steele's bill (S. 102) entitled an Act to continue the present Board of Sinking Fund Commissioners from January 1, 1859 to April 1, 1859, was read through the first time.

On motion by Mr. STEELE the rules were suspended—yeas 45, nays 1—the bill read by its title the second time and passed to the third reading.

Mr. CONNER moved that the order of business be suspended and messages from the House taken up.

## SALARIES OF JUDGES AND ATTORNEYS.

Mr. HAMILTON obtained unanimous consent to introduce a bill (No. 103) relative to the salaries of Supreme and Circuit Judges and Prosecuting Attorneys; which was passed the first reading.

[The bill allows Supreme Judges \$2,000, Circuit Judges \$1,500 and Prosecuting Attorneys \$400 per year, and contains an emergency clause.]



## LIQUOR LAW.

M. GOODING, by unanimous consent, submitted the following report from the Committee on Temperance.

Mr. PRESIDENT: The majority of the Committee on Temperance, to which was referred House bill No. 23 entitled, "A Bill to repeal an act entitled, An Act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in cases therein named, and to repeal all former acts inconsistent herewith, and for the suppression of intemperance, approved February, 1855," have considered the same, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in by consent. the bill read by its title the second time, and ordered to be engrossed for the third reading.

## THE GAME LAW.

Mr. GOODING obtained further leave to make the following report from the same committee:

Mr. PRESIDENT: The Committee on Temperance, to which was referred Senate bill No. 42, entitled, "An Act to repeal an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, approved February 26, 1857," have had the same under consideration and have been unable to agree upon the propriety of the passage of said bill, and have directed me to report the same back to the Senate without any recommendation whatever, and ask to be discharged from the further consideration of the same.

Mr. HEFFREN moved that the bill and report lay on the table as a test question.

Mr. CARNAHAN moved to lay the motion on the table.

The PRESIDENT [Mr. Cravens in the chair] decided the question to be upon Mr. Heffren's motion.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 31, nays 15—as follows:

YEAS.—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cravens, Craven, Culver, Fisk, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Weir and Wilson—31.

NAYS.—Messrs. Carnahan, Cobb, Conley, Conner, Gooding, Green, Hargrove, Line, Lomax, McClure, Shoemaker, Studabaker, Tarkington and Williams—15.

So the bill lays upon the table.

## RE-APPRAISEMENT OF REAL ESTATE.

Mr. CONNER modified his motion so as to embrace only the Senatorial and appraisement bills.

The motion was agreed to.

Mr. Tarkington's bill (S. 3) from the House of Representatives, insisting upon their amendments, that the assessors elected under the provisions of this bill, shall have power to appoint their own deputies; striking out the proviso in section 5, and repealing sections 32, 33, 34 and 35 of an act approved June 21, 1852.

Mr. TARKINGTON moved that the Senate insist upon disagreement, and ask for a committee of conference to consist of three.

The motion was agreed to.

The PRESIDENT [Mr. Cravens in the Chair] appointed Messrs. Tarkington, Heffren and March, said committee on part of the Senate.

## ELECTION OF UNITED STATES SENATORS.

Mr. Hargrove's bill (S. 28) in relation to the

time, place and manner of the election of United States Senators, coming from the House of Representatives with an amendment striking out the 6th section and inserting an emergency clause in lieu thereof, was taken from the table.

Mr. HEFFREN moved that the Senate concur in the amendments proposed by the House of Representatives.

The amendment was concurred in by consent.

A point of order being raised—

The PRESIDENT (Mr. Cravens in the Chair) decided that it required the reading of the bill by sections, its passage, as amended, by yeas and nays, and a majority of the whole number of Senators elected voting for it.

Mr. MURRAY appealed from this ruling by the Chair.

Mr. BOBBS demanded a call of the Senate.

The call was proceeded with and the Secretary reported Messrs. Cooper, Jennings and Sluck absent.

Mr. WEIR moved that Mr. Jennings and Mr. Sluck be sent for.

The motion was agreed to.

On motion by Mr. WAGNER, Mr. Cooper was sent for.

When the Door-keeper returned with these Senators—

On motion by Mr. CONNER the proceedings in the call were dispensed with.

Mr. MURRAY withdrew his appeal.

The bill (S. 28) was then read through as amended by the House of Representatives.

The PRESIDENT (Mr. Cravens in the Chair) deciding that this was the reading of the bill upon its final passage.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 27, nays 22, as follows:

YEAS.—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

NAYS.—Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington, Wallace, Williams and Wilson—22.

Mr. ANTHONY, when his name was called, said he voted under protest and should not be responsible for consequences.

Mr. GOODING, when his name was called, said: I wish to say that, in giving the vote I now give, I express no opinion, as I understand it, with reference to the election of Bright and Fitch as Senators, either for or against.

Mr. WALLACE, when his name was called, said he should vote no, because he wished to mature and pass the bill of his own upon the same subject.

So the bill passed.

The title was then read and adopted.

The PRESIDENT (Mr. Cravens in the Chair) directed the Secretary to report to the House of Representatives that the Senate had concurred in the amendments of the House and passed the bill.

An ineffectual motion was made to take a recess till 2 o'clock.



## INCORPORATION OF CITIES.

Mr. ANTHONY, by unanimous consent, introduced a bill (No. 104) to amend the 18th section of an act to repeal the general laws now in force for the incorporation of cities, to provide for the incorporation of cities, prescribing their powers and rights, &c., approved March 9, 1857, which was passed the first reading.

## CHOOSING OF UNITED STATES SENATORS.

Mr. WALLACE moved to take from the table his bill (S. 91) regulating the choosing of United States Senators, with a view to its reference.

The motion was agreed to.

Mr. WALLACE moved its reference to a committee of five, with the following instructions:

Amend the bill by striking out section 6, and inserting the following:

SECTION 6. Such designation shall have the effect of instruction to the General Assembly to carry out the popular will by choosing the person designated as a United States Senator, and the General Assembly shall, at 2 o'clock P. M., on the second Tuesday of the session at which a United States Senator is to be chosen, and proceed to choose such Senator.

Mr. HEFFREN said he should oppose the bill because he believed it to be in conflict with the Constitution of the United States.

Mr. WALLACE spoke in favor of his bill; explaining its features and urging its importance. During his remarks he said: Will the Senator from Washington (Mr. Heffren) tell me that if all the other counties of the State should vote for and designate a Republican for United States Senator, and his counties should be the only ones voting *no*, it would be right for him to come up here and vote to refuse to carry out the will of the people of the State?

Mr. HEFFREN. Yes, sir. I most certainly would.

Mr. Wallace's motion was agreed to.

The PRESIDENT (Mr. Craven in the Chair) appointed Messrs. Wallace, Gooding, Tarkington, March and Anthony said committee.

And then the Senate took a recess till 2 o'clock.

## AFTERNOON SESSION.

Mr. TARKINGTON moved to suspend the rules and take up Mr. Heffren's bill (85) to suspend the circulation of shinpasters.

The motion was rejected.

Mr. MURRAY moved to proceed to the orders of the day, and take up bills from the House on the third reading.

Mr. TARKINGTON made an ineffectual move to lay this motion on the table.

The motion was agreed to.

## MAINE LIQUOR LAW.

The bill (H. R. 23) to repeal an act prohibiting the manufacture and sale of spirituous and intoxicating liquors, &c., approved February 16, 1855, was read through the third time.

The question being: Shall the bill pass, a constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 35, nays 11, as follows:

YEAS—Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien,

Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Weir, Williams and Wilson—35.

NAYS—Messrs. Beeson, Green, Hendry, Hill, Kinley, March, Steele, Stevens, Thompson, Turner and Wagner—11.

Mr. BOBBS, when his name was called, said that when on the stump, he told his constituents he would vote neither for nor against the repeal of this law unless he was instructed. He refused to vote.

Mr. MARCH, when his name was called, said he never was an admirer of this law, but as the Supreme Court has repealed all that part of the law which was objectionable, he saw no necessity to go through the form of repeal until we get some law in its place.

Mr. MURRAY, when his name was called, said: I voted for this bill four years ago, believing it to be right, and I believe it to be so now, but the Supreme Court have riddled the thing so as to leave nothing of the original bill.

Mr. STEVENS, when his name was called, said, he did not like to vote for the repeal of this law because it will leave no law upon the subject on the Statute books. He would vote for the repeal of this law if we had any law on the subject in existence.

So the bill passed.

The title of the bill was then read and adopted.

## LEGALIZING DEEDS, &amp;C.

The bill (H. R. 38) legalizing acknowledgments of deeds, mortgages and other instruments recorded and taken by clerks and others, taken after the reception of the Revised Statutes of 1852, in their respective counties, coming up on the third reading, was finally passed by yeas 38, nays 9.

## FIDUCIARY TRUSTS.

The bill (H. R. 39) regulating the collection of judgments on sale of property, on actions against any person, officer or corporation, or their sureties receiving or holding money in a fiduciary capacity, coming up on the third reading, was finally passed by yeas 32, nays 16.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives announced the passage by that body of a bill providing for the punishment of officers of election for neglecting to receive legal votes; also, the bill (H. R. 9) to prevent the circulation of unauthorized paper currency.

## CHURCHES.

The bill (H. R. 43) to enable churches to form unions, assume a new name, appoint trustees to hold property, &c., coming up on the third reading, was finally passed by yeas 42, nays 7.

## PUBLICATION OF LEGAL ADVERTISEMENTS.

Mr. Green's bill (S. 41) in relation to the publication of legal advertisements by consent: [This bill provides that advertisements may be published once a week in daily papers for the three weeks required by law.]

On motion by Mr. BOBBS the vote by which the bill was ordered to be engrossed was reconsidered, and the bill referred to a special committee of three.

The PRESIDENT (Mr. Cravens in the Chair)



appointed Messrs. Bobbs, Rice and Gooding said committee.

#### PROTECTION OF LAWFUL ASSEMBLAGES.

Mr. Wagner's bill (S. 74) to prevent disturbances of lawful assemblages, was read through the third time.

On motion by Mr. WAGNER the bill was referred to a special committee of three.

The PRESIDENT (Mr. Cravens in the Chair) appointed Messrs. Wagner, Heffren and O'Brien said committee.

Mr. JOHNSTON offered the following resolution; was read through the third time.

*Resolved*, That the House be requested to return the bill (H. R. 47) to the Senate immediately.

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

The motion was agreed to.

#### MISDEMEANORS.

Mr. Hargrove's bill (S. 75) to amend section 63 of an act defining misdemeanors, approved June 14, 1852, coming up on the third reading, was passed the Senate by yeas 42, nays 6.

#### MESSAGE FROM THE HOUSE.

A message was received announcing to the Senate that the House of Representatives had appointed Messrs. Stanfield, Brown and Edwards a committee on the House amendments to Mr. Tarkington's bill (S. 3) for the reappraisal of real estate.

#### COUNTY CLERKS AND THEIR DEPUTIES.

Mr. Cooper's bill (S. 76) prohibiting county clerks and their deputies from practising in the courts in which they are employed, coming up on the third reading, was passed the Senate by yeas 31, nays 18, as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Shoemaker, Steele, Thompson, Turner and Wagner—31.

NAYS—Messrs. Carnahan, Conley, Culver, Fish, Hargrove, Jennings, Johnston, Jones, Odell, Robinson, Slack, Stevens, Studabaker, Tarkington, Wallace, Weir, Williams and Wilson—18.

Mr. Anthony's bill (S. 78) to amend the 196th section of a Law Reform Act, approved June 18, 1852, coming up on the third reading, was passed the Senate by yeas 28, nays 17.

#### CHOOSING OF MEMBERS OF CONGRESS.

Mr. Cravens' bill (S. 92) changing the time for the choosing of members of Congress, and to provide for their election, was passed the third and last reading, by yeas 35, nays 14, as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Heffren, Hendry, Hill, Jones, Kinley, McClure, McLean, March, Miller, Murray, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Weir—35.

NAYS—Messrs. Fisk, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, O'Brien, Odell, Shoemaker, Studabaker, Wallace, Williams and Wilson—14.

Mr. Studabaker's bill (S. 80) supplemental to an act providing for the valuation and assessment of personal property, &c., approved June 21, 1852, coming up on the third reading, was rejected by yeas 21, nays 27.

#### MESSAGE FROM THE HOUSE.

A message was received, informing the Senate that the House of Representatives had passed Mr. Heffren's bill (S. 11) in relation to the warming and ventilating of county prisons, without amendment.

#### RAILROAD LIABILITY.

Mr. Conner's bill (S. 82) to amend sections 1 and 2 of an act to provide compensation to owners of animals killed by railroads, &c., approved March 1, 1853, coming up on the third reading, was passed by yeas 38, nays 7.

And then the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, December 16, 1853.

The Journal of yesterday was read.

#### LIQUOR TRAFFIC.

Mr. HAMILTON, of Wayne, submitted the memorial of the Eastern Indiana Yearly Meeting of the Society of Friends, praying for a law to prohibit the Liquor Traffic, which was read and referred to the Committee on Temperance.

#### ORGANIZATION OF COURTS.

Mr. BAIRD, from the Committee on Organization of Courts of Justice, returned the resolution to abolish the Court of Common Pleas, &c., and reported a bill (No. 93) to repeal the act establishing Courts of Common Pleas, and defining the jurisdiction and duties of the judges thereof.

Also a bill (No. 94) to provide for the organization of Circuit Courts, for the election of the Judges thereof, and to define the powers, duties and jurisdiction of said Courts; to fix the Judge's salaries, and the number of terms of said Court; to provide for adjourned terms, and repealing all former laws on the subject.

Also a bill (No. 95) giving the clerks of the Circuit Courts probate jurisdiction, defining their powers and duties therein, and fixing their compensation therefor; prohibiting clerks and their deputies from practicing law, prescribing penalties therefor; and repealing all laws in conflict with this act.

Also a bill (No. 96) to provide for the election of, and prescribing certain duties of prosecuting attorneys.

Which bills were severally read and passed the first reading.

Mr. COLGROVE moved to suspend the rules and taken up the bill (H. R. 94) to provide for the organization of the Circuit Courts, &c., with a view to a second reading now and an order to print.

Mr. SCOTT was opposed to change, but favored the motion to print, &c.

Mr. PARKS thought a test on the question of change should be had at once. He must see the advantages of the new system before he could go for a change, and was opposed to suspending the rules.

Mr. PARRETT was rather favorable to the Common Pleas Court as it is, but felt that there was great deficiency in the court system, and desired to see the plan for the proposed change, as matured by its friends, in print.

Mr. HALL, of Rush, said it seemed to him



that the proposed increase of the circuits to thirty would not accomplish much in the way of economy. The Judges of Probate were better paid than other judges. He would like to see a reform of the system.

Mr. AUSTIN saw no great necessity for hasty action—a suspension of the rules for the second reading of this bill. It was an infraction of a constitutional principle which he desired to respect.

Mr. BLYTHE It was not to hasten action on the bills, but to get them before the country for elicitation of opinion thereon—to give time with the means of intelligent reflection.

Mr. MURRAY considered the printing would be thrown away. He preferred first to test the question of the abolition of the Courts of Common Pleas by resolution.

Mr. COLGROVE. The Committee on the Organization of Courts had had that question before them for ten days, and came to the conclusion to do so upon considerations of economy, and now it would be discourteous to disregard their labors, or prevent the examination of the results of their labors—the bills they have now reported. If they were printed now, we could act intelligently upon the subject in the coming regular session.

Mr. BAIRD. There could not be a test question on a motion to suspend the rules.

Mr. AUSTIN. He had only made a constitutional objection.

Mr. DOUGHERTY. A suspension of the rules was due to the committee reporting these bills, which had been prepared, evidently, with much care.

Mr. HAMILTON, of Boone. The intention was to print two of the bills and leave the other two.

Mr. COLGROVE. The other two did not embrace the matter of change which should go to the people.

Mr. HAMILTON, of Boone, concurred with the gentleman from Wayne.

Mr. MURRAY protested against this principle of sweeping out old systems and instituting new ones every time the Legislature comes together.

Mr. NEBEKER, of Warren, wished to print.

The rules were suspended by yeas 85, nays 12, and the bill (94) was read the second time by title.

Mr. COLGROVE moved that the bill lay on the table, and that 300 be printed.

Mr. CLEMENTS proposed 500 copies.

Mr. COLGROVE accepted, and the order was made accordingly.

#### FUND COMMISSIONERS' BILL.

On motion by Mr. MELLETT, the Committee on Ways and Means' bill (H. R. 72) was taken up and recommitted with the following instructions:

Prepare and report four bills, embracing the subjects contained in said bill, each bill to embrace but one subject, and matters properly connected therewith, according to the constitutional provision, as follows:

1. Providing for the election of Sinking Fund Commissioners, and prescribing their duties, term of office and compensation.

2. Appropriating certain funds to meet the interest on

the public debt, pay the current expenses of the State Government and repay the money borrowed for such purposes.

3. Establishing the salary of State Treasurer and defining his duties.

4. Providing for the punishment of persons having the management of the public funds for making false drafts, checks, entries or records.

#### PROBATE BUSINESS.

On motion by Mr. PARRETT (the rules being suspended for the purpose) the committee's bill (H. R. 95) giving the Clerks of the Circuit Courts probate jurisdiction, &c., was considered and read the second time by its title.

On motion by Mr. GRIFFIN, the bill was laid on the table and 500 copies, ordered to be printed.

#### HOUSES OF REFUGE.

The SPEAKER now announced the select committee on Mr. Dobbins' resolution relative to the subject of the erection of houses of refuge, namely: Messrs. Dobbins, Davis, Branham, Robinson, Jeffries, Whetzel, Edwards, Harney, Merrifield, Wheeler and Hall, of Grant—one for each Congressional District.

#### PETIT JURORS.

Mr. BLYTHE, from the select committee on that subject, returned the bill (H. R. 61) prescribing the manner of empanneling petit jurors, recommending that the same do pass.

The report was concurred in, and the bill was ordered to be engrossed.

#### GAME LAW.

Mr. SCOTT, from a majority of the select committee on that subject, returned Mr. Turpie's bill (H. R. 16) to repeal the Game Law, and the memorial thereon, and recommended the indefinite postponement of the bill.

Mr. TURPIE, from a minority of the same committee, returned the bill with the expression of opinion, that nature has done enough for the protection of wild game without the aid of legislation; that the existing law offering to bribe the informers, is contrary to the spirit of our institutions, and that they recommend the passage of the bill.

On motion by Mr. DAVIS, the subject was laid on the table for the present.

#### PHEASANTS AND QUAILS.

Mr. EDWARDS, from the select committee on that subject, returned the resolution of the House of Representatives relative to amendments of the Game Law, so as to make it unlawful to net pheasants or quails at any time, with the expression of opinion that such legislation is inexpedient.

The report was concurred in.

#### TOWNSHIP BOARDS.

Mr. HARRISON, from the Committee on County and Township Business, returned Mr. Turpie's bill (No. 46) fixing the time and the length of the sessions of Boards of Township Trustees, and to repeal the 11th section of the act providing for a more uniform mode of doing township business, approved May 6, 1852, recommending that the bill be laid on the table, as matter superseded by pending legislation.

The report was concurred in.



## APPRAISEMENT BILL.

A message from the Senate announced that that body insists on its disagreement to three amendments of the House of Representatives to the bill (S. 3) for the appraisal of real estate, and has appointed Messrs. Tarkington, Heffren and March, a committee of free conference on these disagreeing votes.

Also that the Senate has passed the bill (S. 21) amendatory of the act concerning real property, of May 6, 1852, and the bill (S. 63) amendatory of the Swamp Land Act, of May 29, 1852.

On motion by Mr. STANFIELD, the appointment of a committee of free conference on the part of the House of Representatives, with reference to the above disagreeing votes was ordered, and the SPEAKER makes the same to consist of Messrs. Stanfield, Branham and Edwards.

## TOWNSHIP BOARDS.

Mr. HARRISON, from the Committee on County and Township Business, returned Mr. Hamilton, of Wayne's, bill (60) to amend the 6th section of the act providing for the organization of County Boards, and prescribing some of their powers and duties, approved June 17, 1852, recommending its passage.

The report was concurred in, and the bill ordered to be engrossed.

## BUSINESS OF THE SESSION.

Mr. SHULL submitted the following, which was adopted:

*Resolved*, That the Committee on the Judiciary inquire into the constitutionality of continuing over to the regular session of the General Assembly, all the unfinished business of this House, in the order in which it stands.

Mr. DURHAM introduced a bill (No. 97) to amend section 3 of the act containing several provisions in regard to landlords and tenants, lessors and lessees, approved May 25, 1852; which was read and passed the first reading.

## UNAUTHORIZED PAPER CURRENCY.

Mr. Martin's bill (H. R. 9) to prevent the circulation of unauthorized paper currency, was considered on the third reading.

Mr. MELLETT explained its object and provisions.

The bill passed the final reading in the House of Representatives, by yeas 94, nays 0.

On motion of Mr. STANFIELD, the title was amended by adding these words: "and for the redemption of such as have been heretofore issued or may hereafter be issued, and for the punishment of violations of this Act"

## ELECTION OFFICERS.

Mr. Keefer's bill (H. R. 62) for the punishment of election officers refusing legal votes, coming up,

Mr. RITTER made an ineffectual motion to lay it on the table.

The bill passed the final reading in the House of Representatives—yeas 87, nays 0.

The House then took a recess till 2 o'clock.

## AFTERNOON SESSION.

Mr. CLAYPOOL asked and obtained leave of absence for Mr. Merrifield.

## AMENDMENTS OF THE CONSTITUTION.

On motion by Mr. SCOTT, the special order, viz: Mr. Parks' bill (H. R. 59) to amend the State Constitution, was referred to the Committee on the Judiciary.

## COUNTY PRISONS.

The bill (S. 11) in relation to ventilating, repairing and warming county prisons, coming up on the third reading, the vote stood—yeas 85, nays 0—so the bill passed the House of Representatives without amendment.

## PILOTS OF THE OHIO FALLS.

The bill (S. 59) to amend section 3 of the Pilot License Act of June 15, 1852, coming up in order on the second reading—

On motion by Mr. CARR, it was referred to a select committee of three, which the SPEAKER makes to consist of Messrs. Carr, Davis, and Branham.

The bill (S. 5) to amend several sections of the Divorce Act. [It requires one year's residence to be entitled to make application for a divorce; defines causes of divorce, &c.] coming up—

On motion by Mr. BLYTHE, it was laid on the table for the present.

The bill (S. 6) to cure defects in acknowledgments of deeds of conveyance, &c., and doing away with the ink scroll, coming up—

On motion by Mr. CLEMENTS, it was referred to the Committee on the Judiciary.

The bill (S. 20) to authorize incorporations for building towns in this State, coming up—

On motion by Mr. EDWARDS it was referred to the Committee on Corporations.

The bill (S. 34) to provide assessor's lists of farm products every fourth year, coming up—the emergency clause was stricken out by Mr. Turpie's motion—

On motion by Mr. COLGROVE, it was referred to the Committee on County and Township Business.

The bill (S. 60) to amend the act authorizing County Agricultural Societies to hold real estate [exempt seventy-five acres] coming up—

Mr. LEWIS desired the engrossment, and accordingly it was ordered to be engrossed for a third reading.

Mr. Mansfield's bill (H. R. 65) to license, regulate and restrain the sale of vinous, malt and intoxicating liquors, coming up in order on the second reading—

On motion by Mr. DAVIS, it was referred to a select committee of five, which the SPEAKER makes to consist of Messrs. Davis, Stanfield, Harney, Blythe and Turpie.

Mr. Edwards' bill to amend the 5th section and repeal the 10th section of the Appraisal Act of 1852—[Congressional District Boards of Equalization]—coming up—

Mr. DOBBINS proposed to amend by requiring the District Board for his district to meet at the county seat of Gibson county, which was agreed to.

Mr. COMSTOCK proposed the county seat of Wabash for the place of the meeting of the Board for his district.

Mr. THOMPSON, of Madison, proposed the county seat of Madison county.



Mr. HARRISON preferred the amendment of Mr. Comstock.

Mr. Thompson's amendment was rejected, and Mr. Comstock's amendment was adopted.

Mr. LAWHEAD proposed the county seat of Fulton, in his district, which was lost.

[A message from the Senate announced the passage in that body of the bill (H. R. 23) to repeal the Indiana Maine Law of February 16, 1855; the bill (H. R. 38) legalizing deeds since the reception of the Statutes of 1852; the bill (H. R. 39) regulating collections against Sheriffs and others holding money in a fiduciary capacity; the bill (H. R. 45) legalizing highways; and also, that the Senate concurred in the House amendment to the Senatorial Election bill of the Senate, and had passed said bill.]

Mr. HAMILTON, of Boone, proposed to amend the first and second sections, substituting "appraisers of real estate," for "auditors," to constitute the Board of Equalization, which was lost.

On motion of Mr. TURPIE, the bill was referred to the Committee on Ways and Means.

#### FUND COMMISSIONERS—STATE DEBT.

Mr. BRANHAM, from the Committee on Ways and Means, the rules being suspended for the purpose, introduced a bill (No. 98) to provide for the election of a Board of Sinking Fund Commissioners, prescribing their duties, term of office and compensation.

Also a bill (No. 99) appropriating certain funds to meet the interest on the public debt, to pay the current expenses of the State Government, and repay money borrowed for such purpose, which bills were read through and passed the first reading.

On motion by Mr. HUNTER, the rule being suspended for the purpose, the bill (H. R. 99) was read the second time by its title.

Mr. HARNEY gave his views in opposition to this measure of finance. He was obliged to consider it in connection with the succeeding bill, providing for carrying on the State Government. He objected to the provisions allowing the commissioners to fix their own fees; to the provision authorizing them to use the State credit without restriction of law any more than that now thrown around the Treasurer of State. The Sinking Fund was held by the State in a fiduciary capacity. If money is worth seven per cent. where was the propriety in the State's taking it at six per cent.? The use of the bonds there, as collateral security, was also objectionable. There was the same objections here, as that urged against the Treasurer loaning out the public money. The manner of taking up the Bank Bond debt was very indefinitely pointed out, &c.

Mr. BRANHAM replied. Six per cent. was a better per cent. than seven on mortgages. There was frequently large amounts on hand which were not used. The present law will continue to prescribe the use of this fund, but probably there would be no surplus on hand. How would the gentleman pay the January interest? He could show that the administration of this bill would result in the advantage of the State as well as of the fund. The School Fund could not be appropriated until the bank bonds are re-

deemed. It must be loaned to somebody, and should not the State be a preferred borrower? We propose not to borrow till we need it; and then to pay back to the fund from which we borrow, on a day certain. It was to be regarded as a sacred fund.

Mr. COLGROVE. The printed bill seems to have been divided up into two or three.

Mr. SMITH, of Perry. The bill (93) contains the first eleven sections, and the 17th section of the printed bill. The other bill (99) contains the 12th, 13th, 14th, 15th, 16th, 17th, 18th and 20th sections. The 19th section, with reference to the penalty, was referred to the Committee on the Judic ary.

On motion by Mr. HUNTER, the bill was referred to a select committee of five, which the SPEAKER makes to consist of Messrs. Hunter, Colgrove, Branham, Smith, of Perry, and Mellett.

Mr. COLGROVE proposed to instruct the said committee to amend—striking out objectionable matter, and leaving the feature of the election of Fund Commissioners, and the transference of the management of the finances from the Treasurer to the Commissioners. But his amendments would be fatal to the bill.

The SPEAKER. There is nothing before the House.

On motion by Mr. BRANHAM, (the rules being suspended for the purpose,) the bill (H. R. 98) was now considered on the second reading.

Mr. HUNTER moved that it be referred to the select committee on the bill No. 99.

Mr. HARNEY moved to refer it to the Committee on the Sinking Fund—demanding the yeas and nays thereon.

Mr. COLGROVE. The 11th and 12th sections contained the matter about which there would be controversy—the balance would be free from objection. He desired a test vote on a motion to strike out these sections.

Mr. Harney and Mr. Hunter withdrew their motions for this purpose, and Mr. Colgrove submitted his amendment.

Mr. COLGROVE read the 11th and 12th sections, authorizing the Fund Commissioners to pay the State Treasurer's checks for the current expenses of the State; and, if the cash means in said Fund should be insufficient therefor, to negotiate a loan or use collaterally any securities in their hands. The surplus of revenue beyond the payment of the interest on the State debt to be applied to the purchase of certificates of the foreign debt of the State: and he proceeded to object to the conferment of this discretion. If the State becomes a borrower of this Fund, she should do so on the same terms which any individual may do so. Besides, this Fund was sacred to common schools. To show that the interests of this Fund would be jeopardied by the bill, he rehearsed that the State was already debtor to the Fund to the extent of \$616,681 44 in principal. This should have been entitled to compound interest at 7 per cent.; and the Fund had, in this way, lost already \$1,200,000. He spoke more at length, stating his preference to go into the market for money, and strenuously opposing those propositions to make no distinction between the School Fund and any other fund.



[A Senate message announced their passage of bills to amend section 3 of the Misdemeanor Act of June 14, 1852; to prohibit clerks and their deputies from practising law; to amend section 196 of the Law Reform Act of June 18, 1852; to amend sections 1 and 2 of the Railroad Accident Act of March 1, 1852, and to provide the manner of process; and to change the time of the election of members of Congress, and provide for the same.]

Mr. BRANHAM. Part of the speech of the gentleman ought to have been made seventeen years ago. He would repay that debt, principal and interest. Our bonds in New York could not be negotiated for less than six per cent. interest. If we buy bonds, it is at par, and we borrow money at six per cent to do it. That was the gentleman's proposition. The question was as to the place where we should go to borrow. Should we not go where we could get it cheapest? The bill proposes that we borrow and appropriate by distinct amounts. If gentlemen will wait, we will tell precisely the amounts we shall borrow, and then we restrict the Commissioners in the use of these specific appropriations. Loans on mortgages did not net the fund five per cent., and the management of that fund, for integrity and fidelity, was without a parallel in the management of trusts.

On motion by Mr. BLYTHE, Mr. Colgrove's amendment was referred to the Committee on Ways and Means.

Mr. BLYTHE renewed the motion to refer to the select committee on the bill (99) which was agreed to.

#### LECTURE IN THE BAPTIST CHURCH.

The SPEAKER read to the House a letter of invitation "to members and Clerks of the General Assembly to attend a lecture before the Ladies' Benevolent Society of the Baptist Church, at their church, on to-morrow evening, by Dr. J. J. Updegraff, on the Law of the Sun Beam, and the Philosophy of the Human Eye; making a tender of tickets, and signed by ladies.

And then, at 5 o'clock, the House adjourned.

#### IN SENATE.

FRIDAY, December 17, 1858.

The Journal of yesterday was read—Mr. Tarkington in the Chair, by appointment of the President, who was sick and unable to preside.

#### REVENUE FOR 1859 AND 1860.

Mr. RICE, from the Committee on Finance, to whom was referred the bill (H. R. 73) to raise a revenue for State purposes for the years 1859 and 1860; reported the same back and recommended its passage.

The report was concurred in, and the bill read the second time.

Mr. MURRAY moved that the bill be now considered as engrossed and read the third time.

The motion was agreed to by yeas 30, nays 18.

Mr. HEFFREN moved to recommit to the Committee on Finance with instructions to amend by adding in the proper place, 15 cents on the hundred dollars, and 50 cents on each poll for the year 1858.

Mr. SLACK moved to amend by striking out "fifteen," and inserting "ten."

On motion by Mr. WEIR this motion was laid on the table, by yeas 31, nays 17—as follows:

YEAS—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hendry, Hill, Jones, Kinley, Line, McClure, McLean, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Weir and Williams—31.

NAYS—Messrs. Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Jennings, Johnston, Lomax, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, and Williams—17.

Mr. BLAIR moved to recommit with instructions to strike out "20 cents" [on each \$100 for 1859,] and insert "15 cents."

Mr. GREEN was in favor of this motion.

Mr. WEIR was opposed to it. He thought 20 cents would hardly be enough.

Mr. SLACK thought 10 cents would be enough. He thought there would be eight hundred millions of dollars of taxables under the new Appraisalment law, and 10 per cent. he thought would be amply sufficient to pay all expenses. It is anti-Democratic to raise more revenue than we need, and consequently he was opposed to it. He thought every county would be doubled and thribbled in taxables under the new appraisalment.

Mr. ANTHONY has had no time to make calculations, but was satisfied with the estimate made. He would think the amount was too low, but we have no data by which we could come to any satisfactory conclusions.

Mr. RICE said the committee relied upon the data and calculations made by the Committee on Ways and Means in the House of Representatives. He was opposed to the amendment, and was in favor of 20 cents on the \$100 for 1859 because the people had been relieved from this tax for the present year, and he believed it would not be too much.

Mr. BOBBS was in favor of the proposition of the Senator from Hendricks, [Mr. Blair] but was in favor of the tax being 20 cents on the \$100 for 1860.

Mr. HEFFREN was anxious to pay off the indebtedness now hanging over the State. He was in favor of levying a sufficient tax to pay the interest on the State debt, and carry on the government, and was opposed to borrowing money for these purposes.

Mr. JOHNSTON offered an amendment to the instructions to the committee, viz: to strike out all that part of the bill which relates to the year 1860.

Mr. CRAVENS was opposed to the amendment and the amendment to the amendment. We are assembled for the purpose of devising ways and means for carrying on this government; and he was in favor of so doing. Nearly all the trust funds are calling for the return of moneys borrowed by the Legislature from them, and consequently he was in favor of levying 20 cents on the \$100 for 1859.

Mr. ANTHONY moved to lay the amendment and the amendment to the amendment on the table; but withdrew for—

Mr. WEIR, who wished to say that the calculations of the Senator from Huntington [Mr.



Slack] must be wrong—the taxables of the State would not come up to his figures. He renewed the motion of the Senator from Floyd [Mr. Anthony] to lay the amendment on the table.

Mr. HEFFREN called for a division of the question.

The question being upon the motion to lay on the table the instructions of the Senator from Putnam (Mr. Johnston)—

The motion was agreed to by yeas 34, nays 16.

The question recurring on the motion to lay on the table Mr. Blair's motion to refer with instructions—

The motion was agreed to by yeas 37, nays 12.

In accordance with the first vote taken, the bill was read through the third time.

The question being: Shall the bill pass? A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted—yeas 42, nays 7—Messrs. Conley, Heffren, Jennings, Johnston, Slack, Wallace and Williams.

Absent—Mr. Cooper.

So the bill passed.

The title was read and adopted by consent.

#### SAFE KEEPING OF THE PUBLIC TREASURE.

Mr. HEFFREN, from the same committee, to whom was referred Mr. Tarkington's bill (S. 55) to provide for the safe keeping of public moneys, stocks, bonds and other securities entrusted to the care of public officers, reported the same back and recommended its passage.

The report was concurred in by consent, the bill read through the second time.

Mr. HEFFREN moved to re-commit, with instructions to strike out the words "public moneys," wherever they occur. By the provisions of the bill it would be the duty of the Treasurer of State to take all the paper money collected and pile it up in a safe—running the risk of the banks breaking—there being no provision allowing him to deposit in any banking institution.

Mr. CONNER moved to add to the instructions the following: Insert in the proper place "That the Treasurer of State shall account for all interest received by him on deposits or otherwise as Treasurer."

This amendment was discussed by Messrs. Heffren, Conner, Steele, Weir, Wagner and Murray.

Mr. HAMILTON moved to lay the bill and pending amendments on the table.

The motion was agreed to.

#### RAILROAD TAXATION.

Mr. HENDRY, from the Judiciary Committee, to whom was referred Mr. Miller's bill (S. 5) to amend the 32d section of an act to provide for the valuation and assessment of real and personal property, collect taxes, &c., approved June 21, 1852, reported the same back with an amendment.

Mr. MILLER hoped the Senate would consent, that the bill may be considered as engrossed and read a third time now. He made that motion.

The report was concurred in, and the bill read by its title the second time.

Mr. Miller's motion was agreed to, and the bill was read through the third time.

\*Mr. HENDRY. The amendment simply dis-severs the lands lying distant from railroad beds, and requires them to be taxed in the counties in which they lie, but leaves the law taxing the rolling stock, railroad bed and depots just as it stands now.

The bill was finally passed the Senate by yeas 48, nays 1—Mr. Wallace.

Absent—Mr. Cooper.

The title was then read and adopted by consent.

#### TITLE OF A LAW REFORM ACT.

Mr. GOODING, from the Committee on the Judiciary, to whom was referred Mr. Murray's bill (S. 52) to amend the title of the law reform act, approved June 21, 1852, reported the same back, and recommended that it be laid on the table.

The report was concurred in.

Mr. SLACK, from the Judiciary Committee, to whom was referred a resolution directing the committee to inquire whether legislation is necessary to perfect the law in reference to the conviction of felons, when more than one conviction has been had against one person at the same court, and report by bill or otherwise, reported a bill (S. 104) in compliance with the same.

The report was concurred in by consent.

Mr. Slack's bill (S. 104) to provide for the infliction of punishment where more than one conviction has been had against one person at the same term of the courts in this State; was read through the first time.

[This bill provides that punishment assessed upon the same person at the second conviction takes place after the expiration of the first sentence.]

Mr. BENNETT, from the Judiciary Committee, to whom was referred the bill (H. R. 18) to amend the 18th section of an act prescribing the powers and duties of Justices of the Peace, &c., approved May 27, 1852; reported the same back, and recommended its passage.

Mr. MARCH said he dissented to the will of the majority of the committee, but would not delay the action of the Senate at this time.

The report was concurred in and the bill passed to the third reading.

Mr. ANTHONY, from the Judiciary Committee, to whom was referred Mr. Rice's bill (S. 71) to amend section 6 of an act to provide for the valuation, assessment and collection of taxes in the State of Indiana, approved June 21, 1852; reported the same back with an amendment, and recommended its adoption.

The report was concurred in and the bill passed the second reading.

#### JUSTICES OF THE PEACE.

Mr. COBB, from the Judiciary Committee, to whom was referred Mr. Conley's bill (S. 40) to amend section 10 of an act to provide for the election and qualifications of justices of the peace, and defining their duties and powers in civil cases, approved June 9, 1852, reported the same back and recommended its indefinite postponement.

The report was concurred in.

#### RAILROAD LIABILITY.

Mr. CONNER, from the Judiciary Committee,



to whom was referred a resolution inquiring whether the General Assembly can pass a law compelling railroad companies to pay for the killing of animals where railroads can not be fenced, reported that, in their opinion, the General Assembly has the power to pass such a law.

The report was concurred in.

#### EXEMPTION OF PROPERTY FROM SALE.

Mr. McLEAN, from the Judiciary Committee, to whom was referred his bill (S. 46) to amend section 9 of an act to exempt property from sale in certain cases, approved February 17, 1852, reported the same back without recommendation.

The report was accepted by consent, the bill read a second time and ordered to be engrossed.

#### AMEND FORMS OF PRACTICE.

Mr. HENDRY, from the Judiciary Committee, to whom was referred Mr. Bennett's bill (S. 48) to amend an act to simplify the rules of practice in certain civil cases, approved June 18, 1852, reported the same back and recommended that it be laid on the table.

The report was concurred in.

#### DESERTED WOMEN AND CHILDREN.

Mr. MARCH, from the Judiciary Committee, to whom was referred Mr. Heffren's bill (S. 62) to provide for the relief and support of married women, when deserted by their husbands, and children when abandoned by their parents, reported the same back and recommended that it be laid on the table.

The report was concurred in by consent.

#### PUBLIC OFFICERS AS WITNESSES.

Mr. MARCH, from the Judiciary Committee, to whom was referred Mr. Jones' bill (S. 52) to render public officers competent to testify as witnesses in actions brought on their relation in the name of the State, reported the same back with an amendment, and recommended its passage.

The report was concurred in, the bill read the second time, and ordered to be engrossed for the third reading.

#### JUDGMENT SALES OF PROPERTY.

Mr. MARCH, from the Judiciary Committee, to whom was referred Mr. Murray's bill (S. 57) to amend the 381st section of an act to revise, abridge and simplify the rules of practice in the courts of this State, &c., approved June 18, 1852; reported the same back, and recommended that it be laid on the table.

[This bill provides that no judgment shall be rendered authorizing the sale of property, waiving benefit of valuation and appraisement laws.]

Messrs. March, Murray, Bennett, Green and Wagner were heard in a few remarks; when—

A Senator rising to make a motion to adjourn—

#### REPORTERS.

Mr. WALLACE called the attention of the Senate to a paragraph in the *Indianapolis Daily Journal's* report of the proceedings of the Senate of yesterday, in which the Reporter took occasion to reflect, in a humorous way, upon a point of order which was then raised; and obtained unanimous consent to offer the following resolution:

*Resolved*, That the several Reporters on this floor be respectfully requested to leave out of the body of their re-

ports of the proceedings of this body, all comments of their own, favorable or unfavorable.

Mr. WALLACE supported his resolution, and was followed by Messrs. March, Gooding, Murray, Anthony, Bennett and Wagner.

Mr. GREENE moved to amend by adding "that a committee of three be appointed to instruct the Reporters what to report."

Mr. WAGNER moved that the resolution and amendment be laid on the table.

The motion was agreed to.

And then the Senate took a recess till 2 o'clock.

#### AFTERNOON SESSION.

##### TRANSFER OF STATE BONDS.

Mr. HEFFREN, from the Committee on Finance, to whom was referred his bill (S. 53) providing for the transfer of bonds of the State of Indiana, &c., preventing fraudulent issues thereof, and providing punishment for the same, reported the bill back with sundry amendments.

Mr. HEFFREN stated that the amendments proposed did not change the bill, but were merely verbal alterations.

The report was concurred in, and the bill was considered on its third reading.

Mr. HAMILTON demanded a call of the Senate.

The call was proceeded with, when—

On Mr. HENDRY'S motion, further action in the call was dispensed with.

Mr. HEFFREN said in explanation of his bill, that there was no check upon the Agents of State putting into market any amount of State stocks, and this bill was for the purpose of remedying this, and putting a stop to all avenues for fraudulent issues.

The bill being upon its third and last reading, it was passed by yeas 42, nays 0.

##### REAPPRAISEMENT BILL.

Mr. HEFFREN, by unanimous consent, submitted a report from the select committee of free conference on Mr. Tarkington's bill (S. 3) for the reappraisement of real estate.

[The committee report the bill so that County Commissioners shall appoint the assistants to the Assessors, and that the Auditor has to furnish plats of incorporated towns, and not townships or counties.]

The report was concurred in, and the committee discharged.

##### COMMON SCHOOLS.

The PRESIDENT *pro tem.* announced the special order—being Mr. Wagner's bill (S. 26) supplementary to an act to provide for a general system of common schools, approved March 5, 1855.

Mr. MURRAY moved that the Senate resolve itself into a Committee of the Whole on this bill.

The motion was agreed to.

The Senate accordingly resolved itself into a Committee of the Whole—the President *pro tem.* calling Mr. Murray to the Chair.

Mr. WAGNER spoke at length in support of his bill, explaining its provisions and urging the importance of early action thereon.



He was followed by Messrs. Studabaker, Hendry, Bennett, Green and Bobbs.

Mr. CRAVENS said a number of dicta of the Supreme Court has been read here; and there was truly a constitutional question involved in the distribution of this common school fund. He was in favor of the bill; if he thought it would be a blow against the common school system he should vote against it.

Mr. ANTHONY said that the proposed bill was constitutional.

When he had concluded—

Mr. HEFFREN moved that the committee rise, report progress, and ask leave to sit again. The motion was agreed to.

The committee accordingly rose and the President *pro tem.* resumed the Chair.

Mr. MURRAY, the Chairman of the Committee of the Whole, said, Mr. President: The Committee of the Whole Senate have had under consideration the Senate bill No. 26, and after some time spent therein without coming to any conclusion, have directed me to report progress, and ask leave of the Senate to sit again.

The report was concurred in by consent.

And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 17, 1858.

The Journal of yesterday was read.

### FUND COMMISSIONERS.

Mr. HAMILTON (the order of business being suspended for the purpose) from the majority of the select committee on the bill (H. R. 98) for the election of Sinking Fund Commissioners, returned the same, with an amendment in the seventh section, striking out the words "also, elect assistants if necessary."

The report was concurred in.

Mr. MURRAY submitted the following objections to the passage of the bill:

1. That it works an uncertain and radical change in our whole financial system.

2. That the State has not in times past refunded the school funds she has used, and is not likely to do so in time to come.

3. That there is no more restriction of this Board to a free use of the public funds than to the Treasurer of State, against whose practice such universal complaints are made.

4. That this Board is not properly restricted as to the amount of fees or salaries for official services rendered by officers thereof.

5. That the system is planned for a permanent instead of a temporary purpose, alone warranted by the exigencies of the State.

6. That upon principles of safety to the public funds, I would prefer to limit and restrict one man in the capacity of Treasurer to a proper discharge of his duties, than a board of five men.

7. That at the foundation of the whole scheme I think there is an opportunity for this board to transfer our school funds into banking funds, for the use of speculators. For these reasons I shall vote against the whole scheme.

Mr. STANFIELD proposed to amend the compensation clause, by striking out and inserting these words: "The salary of the President of said Board shall not exceed \$2,000, nor shall

the salary of any assistant exceed \$800 per annum."

Mr. KEEFER proposed \$1,500 for the President, and \$2 a day for the assistant, when actually employed.

Which was accepted, and so the amendment was agreed to.

Mr. STANFIELD proposed further to amend by adding:

Section — This act shall not be in force more than three years from and after its passage.

The amendment was adopted.

Mr. STANFIELD proposed further to amend, by adding a section to the following effect:—doubting, however, about its constitutionality:

Section — That any officer or member of said Board, who shall directly or indirectly take to his own use or benefit, the interest for the use, loan or deposit of said fund, shall be guilty of felony, and upon conviction thereof, shall be fined in any sum not exceeding double the amount so used, and imprisoned in the State Penitentiary for any period not less than two nor more than fourteen years.

Which amendment he subsequently withdrew.

Mr. MELLETT—the order of business being suspended for this purpose—introduced a bill (No. 100) prohibiting any officer or officers, clerk, deputy, employee, or agent of any officer or officers, having in charge or under their control in any manner the public funds of the State, or of any fund belonging to any county in the State, from making any fraudulent draft or entry, &c, declaring the same to be a felony, and providing punishment therefor—[fines in double the amount involved in the fraud, and imprisonments not less than two nor more than fourteen years,] which was passed the first reading.

On the further motion of Mr. MELLETT—the rules being suspended by yeas 93, nays 3—the bill was read the second time by title.

Mr. STANFIELD proposed to amend by adding, appropriately, these words: "Or who shall fail or refuse, at the expiration of his term of office, to account for and pay over to his successor in office all interests, premiums or compensations, directly or indirectly received by him for the use of such fund."

Mr. EDWARDS proposed to amend the amendment, by inserting after the word "office" these words: "or when required by the proper authorities."

Mr. STANFIELD accepted, and so the amendment was adopted.

The bill was then ordered to be engrossed.

Mr. PROSSER alleged that it would be necessary further to amend the bill (No. 98) to make it conform to the restrictions of the time for the act to continue in force.

Mr. DOUGHERTY. It seemed to him the difficulty could be obviated by striking out the 11th and 12th sections of the bill.

The SPEAKER. The gentleman refers to the other bill—the bill (No. 99) to pay the interest on the public debt.

The bill (98) was then ordered to be engrossed.

Mr. STANFIELD. His amendment in regard to limitation applied only to that particular section.

Mr. SMITH, of Perry, moved a reconsideration of the vote, reducing the salary of the President of the Board, and the compensation of the



clerks. He said: If you desired a good clerk, Mr. Speaker, and put him behind the counter, near the money till, giving seventy-five dollars a year, and telling him he must dress well, what would be the result? I am disposed to give for public service every dollar it is worth, and I want the best man I can get. I say to you, neither of these rates of compensation is sufficient to obtain a man of first-rate capacity; a responsible business man, I mean—not loafers about the Capitol. No responsible man could take this position for such a compensation, unless he expected outside advantages. If you expect a man to do your business well and right, you must pay him. A bare book-keeper can go to your cities and get \$1,000 a year, without giving a bond for \$200,000.

Mr. DAVIS. It did not appear to him that the President of this Board should have better pay than the Governor or the Judges of the State. Fifteen hundred dollars would be much better pay to this officer, than the pay of those officers, State and Judicial, whose functions require brains. The highest qualification of the President of this Board was an indisposition to steal. The Secretary of the present Board (Mr. Ray) was entitled to the highest credit for his management of that fund, but as for the members of the Board, they had nothing to do with it. They were put there, probably, because they believed in certain political doctrines. Whilst he would fix this officer's pay at a liberal rate he would not go so high as to render him rich out the school fund, which was sacred to the children of the State.

Mr. SMITH, of Perry, had been endeavoring laboriously, as a member of the Committee on Ways and Means, to ascertain the condition of these funds and accounts; and the office of the Board of Sinking Fund Commissioners was the only place he had been able to find the information he desired. He had found there every paper in place, numbered, dated and filed with care; and this induced him at first to think of the office of the Sinking Fund Board as the proper place for the deposit of these funds, until a suitable place could be provided—the object here being simply to find, for a limited period, a safe depository of the public funds. He was not content to let this matter remain as it is. It was not for the mere exhibition of skill that a man would be induced to enter upon a public trust like this. He had heard of such a thing as honor; and when the public have need or a judge, there is a legal representation in the case to induce a man to take a judicial position. But in the case of the President of a Board, or of a Bank, there is not a professional reputation nor anything to be obtained which pays a man better than money. No man could have a more clear and practical knowledge of everything concerning finance than Mr. Ray, the present Secretary of this Board. He understood the business thoroughly, and was better worth \$10,000 to the State in that capacity, than any mere politician could be worth one dollar. But there was no reputation connected with his position; it was merely working in the line of his duty for the support of his family. And should we cut that man down to \$2 a day?

He had learned this morning for the first time, that the accounting officer of the Treasurer had

already borrowed the amount (\$165,000) we want to pay the January instalment of interest, and if that were the case it is useless for us to be legislating here—sitting here in grave council in this extra session—while the whole business is being done for us without our knowledge or advice. We might as well go home at once, if the officers of State undertake to make all these financial arrangements, without deigning to give us the slightest notification of their proceedings. It might be well enough for them, as prudent men, to be commencing negotiations for a loan, in case the General Assembly should not be ready, but certainly a proper sense of courtesy would call for their strict advisement with the Committee on Ways and Means. But he now learned, that whilst we are debating here the ways and means of making the loan, the payment is probably on the way to New York.

He submitted a statement of figures, of the present available amount in the Treasury—\$111,121; of the objectionable and unconstitutional mode of managing the public finances—the State Treasurer giving acceptances—the probability that \$50,000 had been issued without the color of a warrant, &c. He gave the State Auditor due credit for his prudence, in retaining in his hands some \$20,000 belonging to the State debt sinking fund, but there was neither law nor reason for the last year's loan of \$165,000, and exposing the State to the interest, &c., when there appeared to be over \$500,000 in the Treasury.

He reiterated the absurdity of the idea of two dollars a day for the services of such a man as James M. Ray. No man fit for such a trust could be obtained for less than \$2,000 a year.

Mr. DOUGHERTY. The amendment was only to apply to the Assistant Clerk, not the Principal Clerk. The duties of the President and Board were more onerous under the old system, than they would be under the new; because the fund would be used by the State, and not loaned out in small sums. The salary of the President, at \$1,500 a year, he thought, would be ample. The record of the management of this fund was the best eulogy that could be pronounced upon the old Board. They never held their places as political partisans.

Mr. SMITH, of Perry. The amendment would embrace the menials of the office. The first object of the Board was to get competent men for these four Commissioners. The Commissioners would best know what would be reasonable for their compensation. He had no knowledge of the old Board. He had looked at them as the controllers of a fund that had been kept in capital, good condition. He supposed these Commissioners should be selected as good and true men, without reference to party affiliation.

[A Senate message, announced their passage, without amendment, of the bill (H. R. 73) to raise a revenue for the years 1859, 1860.]

The vote on Mr. Stanfield's amendment was reconsidered, and the question recurring on its adoption—

Mr. MURRAY proposed, ineffectually, to make the President's salary \$1,000.

Mr. MELTETT proposed \$1,500 as the salary of the Clerk of this fund.

Which was agreed to.



Mr. MURRAY moved to lay the pending amendment on the table—demanding the yeas and nays, the vote resulted—yeas 40, nays 53, as follows:

**AYES**—Messrs. Black, Bowman, Boxley, Carr, Claypool, Clements, Davis, Dobbins, Durham, Eastham, Hancock, Harney, Hatley, Jeffries, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLean, Massey, Murray, Nelson, Newton, Parks, Parrett, Row, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—40.

**NAYS**—Messrs. Austin, Blythe, Boyd, Branham, Brotherton, Cavins, Clayton, Colgreve, Comstock, Davidson, Dougherty, Duval, Early, Edwards, Firestone, Ferdyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Jones, Keefer, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stenson, Tebbs, Treadway, Whetzel, Whiteman Wildman and Wood—53.

So the House refused to lay on the table.

Mr. DAVIS could not support the bills in their present shape, but his position to the subject and to the friends of these bills required that he should state his position to it. He moved to postpone its consideration till 2 o'clock.

Mr. BRANHAM. The friends of the bill did not wish to restrict debate. The question was whether we should supply the means to pay the January interest. The House ought to say whether this shall be done by them, or by parties unknown to the Constitution.

Mr. SMITH, of Perry, did not object to the limitation to three years, though they had drawn the bill to be self-continuing.

The SPEAKER. That amendment is adopted.

Mr. Davis' motion was agreed to.

#### INTEREST ON THE PUBLIC DEBT.

Mr. HUNTER, from a majority of the select committee on the bill (No. 99) appropriating certain funds toward the payment of the interest on the public debt, &c., (the order of business being suspended for the purpose,) returned the bill with an amendment, striking out "said" and inserting "the" in the first section, and so amended recommended that the bill pass.

The report was concurred in—the question being now on engrossment,

On motion by Mr. DAVIS, the further consideration of the bill was postponed till 2 o'clock.

The SPEAKER laid before the House a communication from the Superintendent of the Insane Hospital, responding to the resolution of Mr. Smith, of Perry.

#### WARMING AND VENTILATING THE CAPITOL.

The SPEAKER named the following select committee under Mr. Treadway's resolution on this subject: Messrs. Treadway, Collier, Sherman, Sullivan and Rynerson.

#### DEFECTIVE DEEDS.

Mr. GRIFFIN, from the Committee on the Judiciary, returned the bill (S. 6) to cure defects in the execution of deeds, &c., and doing away with the ink-scroll in the cases named, without amendment, and recommended its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. SCOTT, from the Committee on the Ju-

diary, returned the bill (H. R. 49) regulating the remission of forfeited recognizances, recommending indefinite postponement.

The report was concurred in.

Mr. CLEMENTS, from the Committee on the Judiciary, returned the bill (H. R. 47) to amend the act declaring what shall be a sufficient seal, &c., recommending that it be laid on the table as superceded by pending legislation.

The report was concurred in.

Mr. RYNERSON, from the Committee on Agriculture, returned the bill to repeal the 73d section of the Assessment Act of June 21, 1852, recommending indefinite postponement.

The report was concurred in.

Mr. HAMILTON, of Boone, from the Committee on Roads, to whom was referred the bill (H. R. 52) to authorize road companies to consolidate their stock, defining their powers and duties in such cases, recommending its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. HARNEY, from the Committee on Corporations, returned the bill authorizing travel to church, &c., free of toll on the Sabbath day, recommending that the same do pass.

Mr. DOUGHERTY moved, ineffectually, to lay the bill and report on the table.

The report was then concurred in, and the bill was ordered to be engrossed.

#### COMMON PLEAS.

Mr. BROTHERTON, from a majority of the Committee on the Organization of Courts of Justice, returned Mr. Hunter's bill (H. R. 42) to reorganize the Court of Common Pleas, &c., with the following points of objection:

1. It requires the holding of too many terms.
2. It gives civil jurisdiction in too small amounts.
3. The manner in which the Judge is to be paid will be entirely inadequate to secure a competent person.
4. It would make litigation more expensive.
5. But two classes of persons would be benefited—lawyers and professional jurors; and the least patronage extended to these two classes, 'be better is it for the community.

For these reasons the committee returning the bill recommend that it be laid on the table.

Mr. HUNTER, from the minority of the same committee, submitted a minority report in writing, answering the objections of the majority, and recommending the passage of the bill.

Mr. DOBBINS made an ineffectual motion to lay the subject on the table.

Mr. HUNTER supported the bill upon the reasoning submitted in the minority report, suggesting an amendment which would require the payment, by the plaintiff, of the docket fee in advance. He contended that the pay of the judge would be ample to command the services of men of adequate talent, &c. When he had concluded—

The House took a recess till 2 o'clock.

#### AFTERNOON SESSION.

The House resumed the consideration of Mr. Stanfield's amendment to the bill (H. R. 98.)



# THE LEGISLATIVE SENTINEL.

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No. 15.

Mr. STANFIELD proposed to modify his amendment so as to read as follows:

"That the President and employes of said Board shall receive such salaries and compensations as may be allowed by said Board, until their salaries and compensations shall be fixed by law."

After debate by Messrs. Davis, Hunter, Turpie, Austin, Dobbins, Ritter, Mellett, Gifford and Hall of Rush, pending which—

[A Senate message announced the concurrence of that body in the report of the conference committee on the disagreeing votes with reference to certain amendments of the House of Representatives to the bill (S 3) for the reappraisement of real estate, and the passage of the bill (S 53) providing for the transfer of certificates of State stocks, for the registry of the same, &c.]—

On motion by Mr. CLEMENTS, the further consideration of the subject was postponed, and it was made the special order for to-morrow morning, 9 o'clock.

## APPRAISEMENT BILL.

Mr. STANFIELD, from the Committee of Free Conference on the disagreeing votes of the two Houses of the General Assembly respecting certain amendments of the House of Representatives to the bill (S. 3) for the appraisal of real estate, reported their agreement to recede from the House amendment to the 1st section; to insist on the House amendments to the 5th section; to substitute for the House amendment to the 24th section a clause striking out so much of the sections 32, 33, 34 of the said appraisal act as are inconsistent with this act. The only change, he said, from the House amendments was in the first section—where the County Commissioners would appoint the deputies.

The report was concurred in.

## MILEAGE.

Mr. NEBEKER, of Warren, from the Committee on Mileage, by unanimous consent, reported the following:

*Resolved*, That the members of this House be requested on or before Monday next, to hand in to the Chairman or the Committee on Mileage, their account of mileage, computing the distance from their respective residences to the seat of government, by the usually traveled route.

The SPEAKER. There is a statute on that subject.

Mr. NEBEKER. It is in the exact language of the statute.

Mr. CAVINS. The statute was repealed by the last Legislature.

The resolution was adopted.

And then at 4:40 o'clock the House adjourned.

## IN SENATE.

SATURDAY, December 18, 1858.

The Journal of yesterday was read—Mr. Tark-

ington still occupying the Chair, in consequence of the continued indisposition of the President.

Mr. STEELE presented a petition, from the County Commissioners of Parke county, asking for an explanation of the law in regard to the fees of County Treasurers, which, on his motion, was referred to the Committee on County and Township Business without reading.

## TRUSTEES OF STATE ASYLUMS.

Mr. HEFFREN obtained unanimous consent to offer the following resolution, which was adopted by consent:

*Resolved*, That the Superintendents of the Hospitals for the insane, the deaf and dumb and the blind, be requested to report the pay in mileage and *per diem* of each Trustee thereof, stating in separate and distinct columns the number of days each Trustee has received pay for and the mileage of each for the years 1854, '55, '56, '57 and '58, and that if the same can not be ascertained in time to report at the present session, that they report at the regular session of this body.

## COUNTY BOUNDARIES.

Mr. MURRAY, from the Judiciary Committee, to which was referred Mr. Wagner's bill (S. 43) to amend an act to authorize the formation of new counties and to change county boundaries, approved March 7, 1857, reported the same back, and recommended its indefinite postponement.

The report was concurred in by consent.

## BUSINESS OF THE REGULAR SESSION.

Mr. CONNER, from the committee to which was referred a resolution of the Senate with reference to taking up the unfinished business of this session and acting upon it at the next regular session, in the order and at the stage in which it will be left at the adjournment of the special session, and of continuing the organization made at the commencement of the special session, reported that on account of doubts entertained of the constitutionality of the matter, it is unwise and inexpedient to take up the business of this session in the order and at the stage it will be left at the adjournment of the special session, but recommended that the organization made at the commencement of the special session be continued.

Mr. HEFFREN was opposed to the continuation of the present organization, and moved to strike out all that part of the report.

Mr. CONNER and Mr. LINE spoke to this motion, when—

Mr. HEFFREN withdrew it.

Mr. JOHNSTON asked for a division of the question.

Mr. HAMILTON was opposed to the continuation of the organization.

Mr. WALLACE would consent to the continuance of the organization for the simple purpose of getting rid of a strife at the beginning of the next session, because he did not believe the Democrats could control the organization.

Mr. STUDABAKER opposed the continua-



tion of the present organization during the regular session.

Mr. HEFFREN did not believe the Senate had the power to organize for the regular session of 1859. We have to adjourn *sine die*, and that is the last of the Senate of 1858. When the Senate meets on the 6th of January, 1859, it must regularly organize for that session.

Mr. MARCH was in favor of organizing on the first day of the regular session and adopting the officary of this session for the session of 1859.

Mr. JOHNSTON said if Republicans had the power to elect their own officers why were they so anxious to forestall action at the regular session; and if Democrats had the power they wanted a chance to exercise it.

Mr. JONES presumed that this body had no power to control the regular session. At the meeting of the next session he might vote for a resolution continuing the present organization, but circumstances may transpire which would change his course.

Mr. ANTHONY did not think this was a partisan question, but there seemed to be an effort to make it so. He had never before witnessed the same amount of liberality as was manifested by the Republicans in the organization of this session. They had strength enough to prevent any organization that did not suit them. He thought this Legislature did not expire until the end of the next session, and it was a question in his mind whether there was power in the Senate to overthrow the present organization.

Mr. CARNAHAN moved to lay the report and motion on the table; but withdrew for—

Mr. WALLACE, who said that his action upon this question was made dependent upon the course pursued by the Senator from Bartholomew [Mr. Jones], and as that gentleman had signified his intention of voting against the report of the committee, he would act with the Democracy as long as there was a shadow of a chance for their success. He reviewed the motion of the Senator from Posey [Mr. Carnahan].

The yeas and nays were demanded by Messrs. March and Hill, and being ordered and taken, resulted—yeas 24, nays 23, as follows:

YEAS.—Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

NAYS.—Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner and Weir—23.

So the report lies on the table.

Mr. McLEAN, when his name was called, said that having previously paired off with the Senator from Rush [Mr. Cooper], on all political questions he would not vote. In further explanation, he remarked that the report of the Judiciary Committee in opposition to the constitutional right and power of the regular session to take up, at the point left off, the business of this extra session, met his approval; but he was opposed, at this time, to the passage of any resolution which would forestall the organization of the next session. He did not think the next Senate would be bound by any such a resolution.

#### SHERIFF'S FEES.

Mr. SLACK, from the same committee, to which was referred Mr. Steven's bill (S. 66) to secure advance fees to Sheriffs, reported the same back, recommending its indefinite postponement.

On motion of Mr. MARCH, the report was laid on the table.

#### COSTS IN CRIMINAL PROSECUTIONS.

Mr. GOODING, from the same committee, to which was referred a resolution of the Senate, inquiring into the expediency of making the State pay the expenses of witnesses and officers in criminal causes, reported the same back with the expression of opinion, that further legislation on that subject was inexpedient.

The report was concurred in.

#### SCHOOL LANDS.

Mr. CRAVENS, from the Committee on Education, to which was referred the bill (H. R. 22) for the reappraisal of unsold school lands in this State, returned the same back with an amendment, and recommended its passage.

The report was concurred in, the bill read the second time by title, and ordered to be engrossed for the third reading.

#### ROAD TAX.

Mr. BLAIR, from the Committee on County and Township Business, to which was referred a resolution of the Senate, requesting them to "inquire whether there is any law in force for the collection of road taxes, and if not, whether any legislation on the subject is expedient," reported that by the second and fourth sections of chapter forty-three of the acts of 1855, the township trustees may levy such tax, and that the same may be collected as other township taxes, as provided in the 1st volume of the Revised Statutes of 1852, page 496 and section 15.

[A message from the Governor, announced that his Excellency had approved and signed Mr. Heffren's bill (S. 11) An act in relation to ventilating, repairing and warming county prisons.

#### THE SABBATH DAY.

Mr. GOODING, from the Committee on Temperance, to which was referred Mr. Green's bill (S. 33) entitled a bill for the protection of the Sabbath, with penalties for the violation thereof; and to repeal an act entitled an Act for the protection of the Sabbath, and providing penalties for the desecration thereof, approved February 28th, 1855, reported the same back to the Senate, and recommended that the same be laid on the table, and that the accompanying bill (No. 105) be a substitute in lieu thereof, and the committee recommended that the same do pass.

The report was concurred in.

Mr. Gooding's bill (S. 105) an act to repeal section 2 of an act for the protection of the Sabbath, and providing penalties for the desecration thereof, approved February 28, 1855, was passed the first reading.

#### LAWFUL ASSEMBLAGES.

Mr. HEFFREN, from the select committee, to which was referred Mr. Wagner's bill (S. 74) for the better protection of churches, public meetings, agricultural fairs and other lawful as-



semblages, reported the same back with an amendment, inserting appropriately these words:

"Or any person who may be the owner or proprietor of any real property, who may rent the same to be occupied for any such purpose."

And when so amended the committee recommended the passage of the bill.

The report was concurred in, and the bill was ordered to be engrossed.

#### DEBATE.

Mr. MILLER offered the following:

*Resolved*, That inasmuch as it is in contemplation to adjourn next week, no Senator shall be entitled to speak more than ten minutes to any one question, without the unanimous consent of the Senate.

Mr. WEIR moved as an amendment "that no new business shall be introduced during the present session."

Mr. MILLER accepted the amendment.

Mr. GOODING suggested that no further business be done at all. He looked upon it as child's play to say how many minutes a man may speak upon any subject or at any time.

The PRESIDENT *pro tem*. decided that the resolution was not in order without one day's notice.

Mr. MILLER withdrew his resolution.

Mr. HEFFREN offered the following:

*Resolved*, That the Judiciary Committee be requested to return to the Senate, Senate bill No. 50, on regulating changes of venue.

Mr. GOODING. I have the bill and am making out the report. It will be returned this afternoon if the Senate will receive it.

Mr. HEFFREN withdrew his resolution.

#### TRUSTEES OF STATE ASYLUMS.

Mr. TURNER offered the following, which was adopted:

*Resolved*, That the Committee on the Benevolent Institutions be instructed to inquire into the expediency of reducing the number of trustees of said Institutions, or of providing that the same Board have control of all said Institutions and report by bill or otherwise.

#### COUNTY TREASURERS.

Mr. STEELE offered the following:

*Resolved*, That the Committee on County and Township Business inquire into and report to the Senate whether the law of 1855, in regard to the fees of county treasurers, needs any amendment so that the law may be construed uniformly throughout the State.

The resolution was adopted by consent.

#### OUR SENATORS IN CONGRESS.

Mr. GOODING introduced the following joint resolution, (No. 6):

A joint resolution disapproving of the course of Hons. Jesse D. Bright and Graham N. Fitch, in the Senate of the United States on the Lecompton Constitution and the removal of Hon. Stephen A. Douglas from the chairmanship of the Committee on Territories.

*Be it resolved by the General Assembly of the State of Indiana*, That the course of Hon. Jesse D. Bright and Hon. Graham N. Fitch in the Senate of the United States, in the attempt to force Kansas into the Union as a State under the Lecompton Constitution, against, and in defiance of the well known and legally expressed will of a majority of the citizens of that Territory, was at the time and still is disapproved by the people of this State.

*Be it further resolved*, That the course of said Bright and Fitch in the Senate aforesaid, at the present session thereof, in regard to the removal of Hon. Stephen A. Douglas from the chairmanship of the Committee on Territories is most heartily and fully disapproved and repudiated by the people of this State.

*Be it further resolved*, That his excellency the Governor be and he is hereby requested to transmit a copy of this joint resolution to Hon. Stephen A. Douglas, to be by him laid before the Senate of the United States.

Mr. CRAVENS said he could find no authority for reading joint resolutions, like a bill, through three times.

The PRESIDENT, *pro tem*, said it has been customary from time immemorial.

#### ALLEN MAY.

Mr. WEIR offered the following:

*Resolved*, That the Judiciary Committee be instructed to return to the Senate, for its action, Joint Resolution (No. 4) in regard to the claim in favor of the State against Allen May and others.

Mr. MARCH. I would like to inquire the reason for the adoption of this resolution.

Mr. WEIR. The reason is that we ought to have that joint resolution disposed of in some manner. This claim has been running for some two or three years, and nothing has been done with it.

Mr. MARCH. The committee is as anxious as the Senator from Laporte to have the matter settled. The committee have served process for witnesses and they will probably be through with the examination to-day. As soon as they can, the committee will report.

Mr. WEIR withdrew his resolution.

#### THE KANSAS QUESTION.

Mr. JONES offered the following Joint Resolution (No. 7):

WHEREAS, It is at this time eminently fit and proper that a frank expression of opinion on the only living political issue of the day should be made by the Senators and Representatives of the State of Indiana, in the Legislature; therefore—

*Be it Resolved, &c.*, That Robert J. Walker, late Governor of Kansas, in his efforts to effect a fair settlement of the Kansas difficulties, proved himself worthy of his high position; and the failure of the President to sustain him has merited and received the condemnation of the people of Indiana.

*Resolved*, That the attempt made by the President and Congress to force the Lecompton Constitution upon the people of Kansas against their expressed will, is regarded by the people of Indiana, as a direct attack on the right of the people to govern themselves.

*Resolved*, That the doctrine enunciated by Jesse D. Bright, in the Senate of the United States, that "the principle of submitting constitutions to a direct vote of the people, is a vicious principle," is an anti-Democratic and vicious doctrine, and that Jesse D. Bright and Graham N. Fitch, in promulgating that and similar doctrines, stand opposed to the known sentiments of the people of Indiana.

*Resolved*, That Stephen A. Douglas, by his manly and able defense of the doctrine "that all governments derive their just powers from the consent of the governed," has deserved and received the approbation of the people of Indiana.

Mr. WALLACE moved that the order of business be suspended and the joint resolution be read a second time, now.

The yeas and nays being demanded—

Mr. WALLACE said if it would take up so much time, he would withdraw his motion.

Mr. GOODING renewed it.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 26, nays 18—as follow:

YEAS—Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Cobb, Conley, Cravens, Culver, Gooding, Green, Hendry, Hill, Jones, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir and Wilson—26.



NAVS—Messrs. Carnahan, Craven, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, Lomax, Miller, O'Brien, Odell, Shoemaker, Stulabake, Tarkington and Williams—18.

Mr. ANTHONY, when his name was called, said, he did not wish to commit himself by his vote to the first or the last resolution.

Mr. BOBB3, when his name was called, said, to accommodate gentlemen who desire to have this vote, I vote "aye."

Mr. COBB, when his name was called, said, I voted some time ago to lay resolutions of a political character on the table, because I did not desire at that time that resolutions of that character should come up—I thought them premeditated—although some of them agreed with my principles. But the time has now come when I want to place myself upon the records of this Senate, and I want every other member of the Democratic party to place his vote upon the record also, so that it may be understood by the people of the State.

Mr. HAMILTON, when his name was called, said, I have been opposed to the introduction of political questions here, from the first to the last. This resolution would have me not only to indorse Mr. Douglas, but to condemn Messrs. Bright and Fitch, while I am not prepared to do one thing or the other. Perhaps I am as much of an Anti-Lecompton man as the Senator who introduced the resolution, but I will vote no, notwithstanding.

Mr. HEFFREN, when his name was called, said, I have no objection to facing the music when this resolution comes up; but I am opposed to the consideration of such resolutions when the session is so near closed.

Mr. HENDRY, when his name was called, said: I want to vote "aye" to accommodate Senators, although the resolutions as they are don't suit me.

Mr. HILL, when his name was called, said: I don't like the resolutions, but I shall vote "aye."

Mr. JOHNSTON, when his name was called, said: There has been some insinuation thrown out here that some Senators were afraid to vote. As far as that is intended to apply to me, I will have honorable Senators to know that as far as putting my name on record is concerned, I stand as independent and as little afraid as any Senator upon this floor. I am not one of those pinning their faith to any body's sleeve, or that can be led by the nose into this thing or that. I have my own opinions, and those opinions I will express when the proper time comes; but I am not in such a great hurry to put my name on the record, for I don't think it matters much to the people whether it goes there or not. My constituents know my position, and if necessary I would have it put in large letters and placed upon my back, so that everybody might know that I am Anti-Lecompton. I will not follow Mr. Buchanan wherever he may choose to go, and I will not follow Mr. Douglas wherever he may go, nor am I willing to vote for every resolution that the Senator from Hancock [Mr. Gooding] gets up, for I do not mean to follow him wherever he goes. But I do not think we ought to take up political questions this session—the people don't look for this time to be taken up with resolutions condemning anybody, and therefore I vote "no."

Mr. KINLEY, when his name was called, said: He had paired off with the Senator from Scott [Mr. McClure] but would take the responsibility of voting. I have voted uniformly against taking up the time of the Senate with political questions, and acting upon that principle shall vote "no" now.

Mr. MILLER, when his name was called, said: I will state that if this Lecompton matter was a living issue, I would unhesitatingly say I am an Anti-Lecompton man, but I am willing to say that I shall not vote to indorse or condemn anybody. I recollect that the champion, Henry Clay, voted against the instructions of the Legislature of Kentucky, when he voted for the bankrupt law; and I shall not vote to condemn Messrs. Bright and Fitch in any matter where I do not think their action has been influenced by private considerations.

Mr. GOODING, [interrupting.] Do I understand the Senator to say that the President [Mr. Buchanan] talks in his message about dead issues?

Mr. MILLER. I don't know but that the President could be better employed in talking about other things in his message than Kansas. [Laughter.]

Mr. MURRAY, when his name was called, said: This was the first political question that he had ever enjoyed the pleasure of being able to vote with the Democratic party. With a little modification of one of the resolutions, he could vote freely for all of them.

Mr. WALLACE, when his name was called, said: Mr. President, I shall never put myself on record against my own honest sentiments. I vote "aye."

Mr. WEIR, when his name was called, said: I presume, although I shall vote for a suspension of the rules, I shan't vote for the resolutions as they are. I should like to see a fair flop between the wings and the body of this Lecompton bird, therefore I vote "aye."

So, two-thirds not voting in the affirmative—The rules were not suspended.

#### SWAMP LANDS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State in reply to a resolution of the Senate that the Secretary of State be requested to communicate to the Senate, at his earliest convenience, the amount of swamp lands deeded to each individual since the last session of the Legislature, in what county the same is situated, and the amount of money paid for the same (if he has a record of the amount of payment in his office); also, how much of said lands have been ditched and drained; in which the Secretary stated that the only way by which the information asked for in the first part of the resolution could be obtained would be by referring to each patent issued, and that service could not be performed by the force now employed in his office. The other inquiries could be better obtained from the Auditor's office.

Mr. GREEN moved that the communication be referred to the Swamp Land Committee.

The motion was agreed to by consent.



## COST OF PRINTING THE REPORT OF THE SECRETARY OF STATE.

The PRESIDENT *pro tempore* laid before the Senate another communication from the Secretary of State in answer to a resolution asking him to inform the Senate by what authority his predecessor had printed in his report certain statistical matter, and the cost of printing thereof; in which he states that he knows of no authority other than that stated in the commencement of said report; and as to the cost of printing the same, he apprehended the information desired could be more properly obtained elsewhere.

On motion by Mr. RICE, the communication was referred to the Committee on Printing.

Mr. HEFFREN said that for the information of Senators desiring to know about the cost of printing the matter referred to, he would state the amount to be about \$276.

## LEGAL ADVERTISEMENTS.

Mr. BOBBS, from the select committee to which was referred Mr. Green's bill (S. 41) in relation to the publication of legal advertisements, reported the same back with the following amendments thereto, and when so amended recommend its passage:

Amend the 1st section by striking out "weekly newspapers," and inserting in lieu thereof "a weekly newspaper," and amend the same section by striking out the words "daily newspapers," and inserting "a daily newspaper," where they respectively occur.

Mr. GOODING said the proposition was to so change the law as that the advertisement may be printed once a week in a daily paper. He was opposed to it, because it was in effect a bill to give notice to towns and cities and not to the country.

Mr. WILLIAMS proposed to amend the report by striking out the words "daily newspapers" wherever they occur.

Mr. RICE was opposed to the amendment. He thought it right to give discretion to the officer to publish in a daily paper if he thought best.

Mr. MARCH demanded a division of the question.

The question being upon the amendment of the Senator from Knox [Mr. Williams] it was agreed to by yeas 23, nays 11.

On motion by Mr. MARCH, the report as amended was laid on the table.

## CHOOSING UNITED STATES SENATORS.

Mr. WALLACE obtained leave to make a report from the select committee, to whom was referred his bill (S. 91) regulating the choosing of United States Senators, and providing for the designation of such Senators by the voters of the State. The report proposed amendments and recommended the passage of the bill.

The report was concurred in, the bill read the second time by its title, and ordered to be engrossed for the third reading.

## ADJOURNMENT TILL MONDAY.

Mr. JENNINGS obtained leave to offer the following:

*Resolved*, That when the Senate adjourn, it adjourn till Monday, 2 o'clock, P. M.

Mr. HEFFREN stated that the House of Representatives had adjourned till Monday, 2 o'clock,

and he did not think that we ought to be compelled to work more than they of the House.

Mr. HAMILTON thought we had better meet this afternoon and get up a political discussion.

Mr. GREEN hoped the Senate would adjourn, because there were enough Senators paired off and absent to defeat any action that might be had.

The resolution was rejected by—yeas 12, nays 32.

## JUDGMENT SALES OF PROPERTY.

The PRESIDENT *pro tempore*, announced the special order—being a report from the Judiciary Committee upon Mr. Murray's bill, (S. 57) providing that no judgment shall be rendered authorizing the sale of property, waiving benefit of valuation and appraisal laws.

Mr. MURRAY said, in order to save discussion, and as Senators say there are other things in the law proposed to be amended that ought to be reached by this bill; he moved that the bill be recommitted to the Judiciary Committee.

The motion was agreed to by consent.

## RE-LOCATION OF COUNTY SEATS.

Mr. MARCH moved to take from the table messages from the House of Representatives.

The motion was agreed to.

The bill (H. R. 79) for the re-location of county seats, was read through the first time.

Mr. SHOEMAKER moved a suspension of the rules, and that the bill be read the second time now.

The motion was agreed to—yeas 37, nays 3—and the bill was read the second time by title.

Mr. COBB moved to amend by adding the following:

This act shall not be taken as repealing an act providing for the re-location of county seats, approved March 2, 1855.

Mr. JOHNSTON moved to amend by striking out the word "lawyers" wherever it occurs in the bill, and inserting in lieu thereof the words "competent persons." [Laughter.]

On motion by Mr. HEFFREN the bill and amendments were referred to a select committee of three.

The PRESIDENT, *pro tempore*, appointed Messrs. Shoemaker, Cobb and Wilson, said committee.

## BOARD OF ELECTIONS.

The bill (H. R. 62) for the punishment of officers of elections for refusing or neglecting to receive legal votes, was read through and passed the first reading.

The resolution from the House of Representatives, requesting the Senate to return to the House Mr. Jones' bill (S. 31) fixing the time of holding courts in Bartholomew county, being read—

Mr. HEFFREN moved that the resolution lie on the table.

The motion was agreed to.

## ADJOURNMENT SINE DIE.

The following resolution from the House of Representatives, came up as the next thing for the consideration of the Senate:

*Resolved*, That this General Assembly will adjourn *sine die* on Wednesday, the 22d inst.



Mr. HEFFREN moved to amend by inserting "Friday, the 24th."

Mr. MARCH said, as the Senate is not full it would be unfair to take final action now. I move that the resolution lie upon the table.

Mr. HEFFREN withdrew his amendment.

The motion was agreed to.

#### PUBLIC OFFICERS AS WITNESSES.

Mr. Jones' bill (S. 52) to render public officers competent to act as witnesses in cases brought on their relation to the State; and providing that the defendants to such action shall also be permitted to testify; coming up on the third reading, it was not passed, (yeas 23, nays 15) for want of a constitutional majority.

And then the Senate took a recess till 2 o'clock, P. M.

#### AFTERNOON SESSION.

Mr. WAGNER obtained unanimous consent to introduce a bill (S. 107) to authorize the Governor, Treasurer and Auditor of State to borrow money from the Sinking Fund Commissioners to pay wholly or in part the interest on the State debt due in January 1859.

Mr. HEFFREN stated that arrangements were already made for the borrowing of this money.

Mr. WAGNER moved that the rules be suspended and the bill read the second time now.

The motion was rejected by yeas 29, nays 3—two-thirds not voting in the affirmative.

Mr. WILLIAMS moved to reconsider the vote by which Mr. Wallace's joint resolution, censuring the action of the Indiana U. S. Senators in the Leecompton question, was postponed to the 28th instant.

The motion was agreed to.

Mr. GREEN moved a call of the Senate.

The Secretary reported thirty-nine Senators present.

On motion of Mr. GREEN, further proceedings in the call were dispensed with.

On motion by Mr. CRAVENS a recount was had of the vote on Mr. Wagner's motion to suspend the rules, and the rules were suspended by yeas 37, nays 3.

So Mr. Wagner's bill (S. 107) was read by its title the second time.

Mr. CRAVENS moved that it be referred to a select committee of five.

The motion was agreed to.

The PRESIDENT, *pro tempore*, makes this committee to consist of Messrs. Cravens, Gooding, Carnahan, Murray and Miller.

#### COUNTY BOUNDARIES.

The bill (H. R. 11) repealing section 2 of an act forming new counties and changing county boundaries, approved March 7, 1857, coming up on the second reading—

Mr. MURRAY moved its reference to the Judiciary Committee.

Mr. WAGNER moved to amend Mr. Murray's motion by striking out "Judiciary Committee" and inserting "a select committee of five."

The motion was agreed to, and the bill was referred to a select committee of five, which the PRESIDENT, *pro tempore*, makes to consist of

Messrs. Wagner, Murray, Odell, Heffren and Rice.

#### SPECIAL TERMS OF COURTS.

The bill (H. R. 36) to amend section 1 of an act providing for extending the terms of courts by adjournments, &c., approved February 12, 1855, and to authorize judges to call and hold special terms, and for pay to judges and prosecuting attorneys in attendance upon the same, coming up on the second reading—

Mr. HEFFREN moved its reference to the Judiciary Committee and it was so referred.

#### PARTITION OF REAL ESTATE.

Mr. Conner's bill (S. 97) to provide for the partition of real estate, laying the same off into lots, streets and alleys, coming up, it was read through the second time and ordered to be engrossed for the third reading.

#### PAPER CURRENCY.

By unanimous consent the bill (H. R. 9) to prevent the circulation of unauthorized paper currency, was read through and passed the first reading.

#### DJOURNING TILL MONDAY.

Mr. BOYD, (by unanimous consent,) submitted the following:

*Resolved*, That this House now recede from the resolution by which it was ordered that the House shall adjourn each Saturday at eleven o'clock till Monday at two o'clock.

Mr. SCOTT. The House has already once refused to reconsider the vote on the adoption of that resolution.

The SPEAKER. It is out of order, for the time (eleven o'clock) is already past. This House stands adjourned till Monday 2 o'clock.

So the House adjourned.

Stanfield paired off with Merrifield.

So the instructions prevailed.

Mr. EDWARDS moved to reconsider this action from Warren [Mr. Wagner] to the chair; but he, pleading that he wished to be upon the floor during the discussion, designated the Senator from Jefferson [Mr. Cravens].

The Senate accordingly resolved itself into a Committee of the Whole—Mr. Cravens in the chair.

Messrs. Heffren, Johnston, Murray, Wagner, Craven, Stevens, Kinley, Beeson and Line were severally heard at length upon the merits and demerits of the bill, when—

Mr. WAGNER moved that the bill be reported to the Senate, the committee rise, report progress, and ask to be discharged from the further consideration thereof.

The motion was agreed to.

So, Mr. CRAVENS, the Chairman of the Committee of the Whole, to whom was referred Mr. Wagner's bill (S. 26) supplemental to an act providing for a general system of common schools, reported that the committee had had the same under consideration, and after protracted discussion thereon, had directed him to report the bill back to the Senate, without amendment, asking to be discharged from the further consideration thereof.

The report was concurred in by consent.

#### ALLEN MAY.

Mr. MARCH, from the Judiciary Committee,



to which was referred a resolution having reference to the claim of the State against Allen May and others, obtained unanimous consent to report that in the opinion of the Committee, Colonel May's sureties, Messrs. Bright and Drake, had due notice of process, and are liable for the amount.

#### CHANGE OF VENUE.

Mr. GOODING, from the same committee, to which was referred Mr. Heffren's bill (S. 50) to amend the sections 207 and 208 of a law reform act, approved June 18, 1852; so as to authorize a change of venue in certain cases, obtained leave to report the same back, recommending its passage with amendments.

The report was concurred in, by consent, and the bill ordered to be engrossed.

#### OLD STATE BANK.

Mr. WALLACE moved that the Committee on Finance be instructed to report back to the Senate his joint resolution (S. 3) with regard to the indebtedness of the old State Bank to the State of Indiana.

The motion was agreed to.

Mr. GREEN demanded a call of the Senate.

The call having been commenced—

A SENATOR moved that the call be dispensed with.

The PRESIDENT *pro tempore* decided that the motion was agreed to, and in the midst of cries for "a division," and many motions to adjourn, he declared—

The Senate adjourned.

### HOUSE OF REPRESENTATIVES.

SATURDAY, December 18, 1856.

The reading of the Journal of yesterday was dispensed with.

#### FUND COMMISSIONERS BILL.

The special order, viz: the consideration of Mr. Stanfield's amendment to the amendment of the bill (H. R. 98) as follows:

That the President and employees of said Board shall receive such salary and compensations as may be allowed by said Board, until their salaries and compensations shall be fixed by law.

Mr. STANFIELD said he was indifferent as to the matter—was satisfied with the salaries as they stood in the original amendment. When the Legislature came to consider fees and salaries generally, the matter would be reconsidered and determined again.

The amendment to the amendment was concurred in, and the amendment as amended was adopted.

Mr. SMITH, of Perry, submitted the following amendments, as agreed upon by the Committee on Ways and Means, which were severally adopted:

Amend by striking out "present" in section 1st, and substituting the words "next regular."

Amend section 11, by striking out the words "hereinafter designated," in the seventh line, and inserting in lieu thereof the words "and for all other sums and funds which he is or may be required by law to disburse."

Add the following sections, the committee had submitted these, (said Mr. Smith,) to make the security of the fund still stronger and undoubted:

SECTION 13. That said Sinking Fund shall not have any lien upon the funds described in section 2 of article 8 of

the Constitution for any advancements made and to be made by said Sinking Fund to the State, but said funds shall be kept separate and distinct from the funds belonging to said Sinking Fund and the revenues of the State proper, and shall be paid out on the check of said Treasurer, at the times and in the manner and for the purposes now provided by law, and not otherwise.

SEC. 14. That the Sinking Fund shall have a lien upon the funds belonging to the State proper, and which may be deposited by virtue of this act, for the advancements already made and to be made by said fund to the State; and the said Sinking Fund shall not be required to pay out the funds herein named, other than trust funds, until the said Sinking Fund shall be reimbursed for the sums of money advanced to the State.

Mr. MURRAY moved to recommit the bill with the following instructions:

"To provide for funding and repaying to the Sinking Fund (principal and interest) the amount now due said fund from the State."

Mr. MURRAY confessed that the bill was far more unobjectionable than at first, but it was still the same bill, though, like the old ship *Constitution*, it had been many times worked over. He considered its principles, which he regarded as radically wrong, and answered arguments in its favor—and first as to the exigency: We had been told by the gentleman from Perry that already a loan had been negotiated for the January interest; and this was a full answer to the plea of emergency. He then considered its inexpediency. Was there no other way to effect a loan of the trust funds? Why not introduce a bill simply authorizing the Treasurer to make the loan for the January interest? Then, in regard to the security of the public funds: Was such a scheme necessary? His opinion was that the true policy was to distribute these funds among the several counties, where the law authorized that they should be deposited by loans, or that they should be appropriated toward buying in the State bonds. Such a policy would be a means of increasing the taxable property of the State—so putting into the Treasury a kind of double interest. He also looked to the consequences of such a radical change in the management of the State finances. It was a scheme untried and unnecessary. The Treasurer could be restricted better and easier than those five members of the Board. As a mere party question he accepted it, but denied that it could have any desirable political effect. This bill was fraught with consequences full of important results—and he said this in view of the Governor's stump speech declaration, that the Republican party never could do any public good. He washed his hands of it. If the Republican State ticket had been elected no such proposition would have been heard of from the Committee on Ways and Means. Were he a Democrat he would consider it an insult to the man whom he had helped to make Treasurer, and he was astonished to see the proposition come from a Democrat.

The SPEAKER repressed this range of debate, but—

Mr. MURRAY proceeded by permission of the House. The eulogy which the gentleman from Perry pronounced upon the management of this fund, was a most withering commentary upon the financial conduct of the State officers. But this was also an argument against the bill. Who were to fill the places of these Fund Com-



missioners? They would not be the same as now. They could not be more honest and incorruptible. Men of all parties were alike liable to corrupt action. Was it good policy to use Trust Funds to meet our liabilities? It was to establish a bad precedent—following the example of the Legislature of 1841. Future Legislatures would follow yet further, and grab the last dollar of this Common School Fund, established for the children of the State by the beneficent fathers of the State. He was aware of the latent opposition to the school system. Not having himself the advantages of an early education, he could doubly appreciate the value of this fund. He depended upon the common school as the only resource for the education of his children. Out of these common schools went forth a larger number of those into whose hands the destinies of this country were to be committed, and who would worthily control them, than walked forth from your college halls. He had proposed to recommit the bill with instructions to provide for the repayment—principal and interest, of the amount now due to this fund. He was regarded at home as a Young America—a radical; but gentlemen here so far outwent him, that he would have to tell his people, that he was no more a radical, but henceforth a conservative of the strictest sect. He affirmed that under the present assessment, the delinquent list next year, instead of \$50,000, would be \$100,000. He had no more reliance on the estimates of the Committee on Ways and Means, than he could have on their power to control the winds of heaven, &c.

Mr. BLACK opposed the bill, from the consideration, that it was an untried system. The present custody of the fund had been safe and satisfactory. He would let well enough alone. The people would not pay a large increase of taxes. How do gentlemen promise to pay, when they have nothing to pay with, &c.

[A message from the Governor announced that he had approved and signed the bill (S. 11) to provide for warming county prisons.]

Mr. HAMILTON, of Boone, replied at length to the remarks of Mr. Davis yesterday, and defended and supported the bill by various considerations.

When he had concluded—

Mr. EDWARDS demanded a division of the question, and the first question, viz: Shall the bill be recommitted? was taken, and resulted—yeas 47, nays 43, as follows:

**YEAS.**—Messrs. Black, Bowman, Boyd, Carr, Claypool, Clements, Colgrove, Cotton, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Gregory, Hancock, Harney, Hartley, Jeffries, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Newton, Parks, Parrett, Power, Prosser, Row, Rynerson, Shockley, Snyder, Stanley Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—47.

**NAYS.**—Messrs. Austin, Boxley, Branham, Brotherton, Cavin, Comstock, Davidson, Duval, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Jones, Kempf, Major, Mansfield, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Ritter, Robinson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stiles, Stinson, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—43.

Mr. Blythe paired off with Mr. Davis, and Mr. Stanfield with Mr. Merrifield.

So the bill was recommitted to the committee on Ways and Means.

Mr. PROSSER now moved to strike out Mr. Murray's instructions, and insert the following:

'Add a section pledging the faith and revenues of the State for the reimbursement of all the funds drawn from the Sinking Fund on or before the first of March, 1861.'

The SPEAKER said it was not in order at this stage of the question.

Mr. MURRAY demanded the yeas and nays, on his instructions, which being ordered and taken, resulted—yeas 74, nays 16—as follows:

**YEAS.**—Messrs. Austin, Black, Bowman, Boyd, Boxley, Carr, Claypool, Clements, Colgrove, Collier, Cotton, Dobbins, Dougherty, Durham, Duval, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Hartley, Hunter, Jeffries, Johnston, Jones, Jordan, Kelley, Kempf, Lawhead, Lewis, McLain, Major, Murray, Martin, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wildman, and Wood—74.

**NAYS.**—Messrs. Branham, Brotherton, Cavin, Comstock, Davidson, Griffin, Hamilton of Wayne, Harrison, Mansfield, Mellett, Nebeker of Vermillion, Nebeker of Warren, Smith of Perry, Treadway, Whetzel, and Mr. Speaker—16.

Stanfield paired off with Merrifield.

So the instructions prevailed.

Mr. EDWARDS moved to reconsider this vote, to accommodate Mr. Austin, who had voted under a misapprehension of the question; which motion was lost on a division.

ADJOURNING TILL MONDAY.

Mr. BOYD, (by unanimous consent,) submitted the following:

*Resolved*, That this House now recede from the resolution by which it was ordered that the House shall adjourn each Saturday at eleven o'clock till Monday at two o'clock.

Mr. SCOTT. The House has already once refused to reconsider the vote on the adoption of that resolution.

The SPEAKER. It is out of order, for the time (eleven o'clock) is already past. This House stands adjourned till Monday 2 o'clock.

So the House adjourned.

## IN SENATE.

MONDAY, December 20, 1858.

The Journal of Saturday was read and corrected.

TRUSTEE OF THE WABASH AND ERIE CANAL.

Mr. TURNER offered the following, which was adopted by consent:

*Resolved*, That the Committee on Canals and Internal Improvements be instructed to inquire into the expediency of reducing the salary of the Trustee of the Wabash and Erie Canal, and report by bill or otherwise.

SWAMP LANDS.

Mr. BEESON offered the following:

*Resolved*, That the Auditor of State be requested, at as early a day as possible after the commencement of the next Legislature, to inform the Senate what amount has been paid out in the last four years (and to whom paid) for draining swamp lands; what number of acres, to whom sold, and at what price per acre; what number of certificates and patents have been issued for the same, and to whom issued.

Mr. GOODING proposed to amend by adding, "and how much money received thereon."



Mr. BEESON accepted the amendment. The resolution, as amended, was adopted by consent.

#### BOARD OF ELECTIONS.

The bill (H. R. 62) for the punishment of officers of elections for refusing or neglecting to receive the votes of legal voters, coming up in order on the second reading, it was ordered to be engrossed for the third reading.

#### LANDS MORTGAGED TO STATE FUNDS.

Mr. O'Brien's bill (S. 98) to provide for the collection of taxes against lands mortgaged to pay for loans from State funds, and to repeal section 8, chapter 6, of Revised Statutes of 1852, coming up on the second reading, it was ordered to be engrossed.

#### BORROWERS OF STATE FUNDS.

Mr. Anthony's bill (S. 99) extending to borrowers of State funds time for payment of their loans, and prescribing duties of the proper officers, coming up on the second reading, it was ordered to be engrossed.

Mr. Hill's bill (S. 100) to amend section 1 of chapter 71, vol. 1, of the Revised Statutes, approved May 31, 1852, coming up on the second reading—

Mr. HILL moved its reference to the Committee on Agriculture, and it was so referred.

#### SINKING FUND COMMISSIONERS.

Mr. Steele's bill (S. 102) to continue the present Board of Sinking Fund Commissioners from the 1st of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified, was read through the second time.

Mr. STEELE urged the passage of the bill and moved that the rules be suspended, and the bill read the third time now.

The motion was agreed to by yeas 37, nays 0, and the bill read through the third time.

The question being shall the bill pass?

The bill was finally passed the Senate by yeas 37, nays 0.

The title of the bill was then read and adopted by consent.

#### SCHOOL FUND.

Mr. LINE by unanimous consent, reported from the Committee on Education a bill (No. 108) to authorize the payment of school money retained in the County Treasuries by injunction of courts, and recommended its passage.

Mr. Line's bill (S. 108) was read through the first time.

Mr. LINE urged the necessity of the passage of his bill, and moved that the rules be suspended and the bill read the second time now.

The motion was agreed to—yeas 37, nays 0, and the bill was read by title the second time..

Mr. LINE moved its reference to the Judiciary Committee, and it was so referred.

#### SALARIES OF JUDGES AND ATTORNEYS.

Mr. Hamilton's bill (S. 103) raising the salary of Supreme Judges to \$2,000, Circuit Judges \$1,500, and Prosecuting Attorneys \$400 per annum, coming up—

Mr. MARCH moved to strike out "\$2,000," insert "\$1,500," and strike out "\$1,500" and insert "\$1,200."

Mr. HAMILTON insisted upon the adoption of the bill as introduced by him.

Mr. HEFFREN spoke in favor of the bill as it came from the hands of the author.

Mr. WEIR moved to amend the amendment by striking out from the bill "\$2,000" and inserting in lieu thereof "\$2,500," and striking out "\$1,500" and inserting "\$2,000," and insisted upon its adoption, various considerations submitted at length.

Mr. MARCH recommended the adoption of the amendment offered by him. If the salaries were increased, office seekers would be stumping for the places out of mercenary motives. He had heard of no judge wanting bread or going naked under the present salary, and he was opposed to larger figures than he had proposed.

Mr. MURRAY thought the Circuit Judges' salary should be larger than that of the Supreme Judge, if any discrimination is made in the amount of compensation allowed. He thought the salaries ought to be increased, but to what amount he was not prepared to say.

Mr. STUDBAKER desired a change in the salaries of Judicial officers, and especially in that of Prosecuting Attorneys. Young men just entering upon the profession, have been placed in these positions; they can not compete with the experience and talent of the bar, and in many cases the Judges are compelled to employ an assistant to the Prosecutor at the expense of the State, in order to secure a just prosecution in criminal cases. The young lawyer can not successfully prosecute a case in opposition to one or two lawyers of twenty year's experience. He wanted the salary raised so that competent men would accept these positions. It would be more economical in the long run.

Mr. WEIR withdrew his amendment.

Mr. WAGNER offered an amendment to increase the fees of Justices of the Peace one hundred per cent. He objected to singling out the officers named in the bill, and increase their salaries. He would vote to increasing no salaries until the fees of public officers were examined, and a sort of equalization of salaries could be adopted. He was prepared to show that the Governor, who claims to get a salary of \$1,500, gets \$4,000, and that according to law, or rather, in the absence of law. The incompetency of Justice's of the Peace costs more by appeals from their decisions than any other branch of the Judiciary in the State.

Mr. COBB thought the salaries of the officers named in the bill should be increased, but not to too great an extent. He thought the bill was premature because it was more than probable that the judicial system would be reorganized at the next session of the Legislature, and it would then be necessary to make the salaries conform to that organization. He opposed the passage of the bill for this reason.

Mr. HAMILTON said that he did not introduce this bill because Democrats were in office, for he would insist just as strongly upon the passage of the bill if Republicans were to be benefited—in fact there were a good many Republicans holding these offices throughout the State—although a majority of office-holders were



Democrats. He moved to lay the amendments on the table.

Mr. GREEN demanded a division of the question.

The question being upon the motion to lay on the table the amendment of the Senator from Warren [Mr. Wagner] it was agreed to by yeas 33, nays 5.

[The Governor returned to the Senate Mr. Hargrove's bill (S. 28) for the election of United States Senators, with his objections thereto in writing, by the hands of Mr. Osborne, his Private Secretary.]

The next question being upon the motion to lay on the table the amendment of the Senator from Delaware [Mr. March] it was rejected by yeas 13, nays 25.

Mr. MURRAY offered to amend the amendment by making the salaries of Supreme and Circuit Judges \$1,500 and Prosecuting Attorneys \$600.

Mr. TARKINGTON moved to lay the bill and pending amendments on the table.

Mr. HENDRY demanded a division of the question.

The question being upon laying the amendment on the table.

It was laid on the table by yeas 27, nays 11.

The question recurring on laying the bill and pending amendment on the table.

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 19, nays 19—as follows:

YEAS—Messrs Bobbs, Brown, Carnahan, Cobb, Conley, Fisk, Hendry, Johnston, Line, Lomax, Murray, Rice, Robinson, Tarkington, Thompson, Turner, Wagner, Wallace and Wilson—19.

NAYS—Messrs. Beeson, Blair, Cravens, Gooding, Green, Hamilton, Heffren, Hill, Kinley, McLean, March, Miller, O'Brien, Odell, Shoemaker, Steele, Studabaker, Weir and Williams—19.

Mr. BOBBS, when his name was called, said: I would like the bill to comprehend more than the officers named, consequently I vote "aye."

Mr. BROWN, when his name was called, said: If we raise the salary of one, we ought to raise the salary of all, and a bill should be introduced raising the salaries in proper ratio of all officers, therefore I vote "aye."

Mr. RICE, when his name was called, said: I am in favor, at the proper time, of raising the salary of all judicial officers, but while we are contemplating the revision of our entire judicial system, I think it would be premature, at this time, to fix or increase any salaries. With the design, at the proper time, to vote for an increase of salaries, on this question I vote to lay the bill and amendment on the table.

Mr. WALLACE, when his name was called, spoke at considerable length, in which he advocated raising of the salary of every judicial officer; but he thought those proposed in the bill were not enough, consequently he voted "aye."

The PRESIDENT. The bill lies on the table. I give my vote believing that, at the present session, it would be inopportune to mature the bill.

Mr. TARKINGTON moved to take up the message from the Governor.

Mr. MARCH hoped the Senator would withdraw his motion, because the Senate is not full,

and every Senator would like to be in his seat when the message comes up.

Mr. TARKINGTON withdrew his motion.

#### PAPER CURRENCY.

The bill (H. R. 9) to prevent the circulation of unauthorized paper currency, and for the redemption of such as has heretofore been issued, coming up on the second reading—

Mr. HEFFREN moved that the bill be referred to a select committee of five, with any amendments that may be offered.

Mr. MARCH offered the following amendment:

Section—*Be it further enacted*, That any person who shall, knowingly, exchange, barter, sell, or put away for a valuable consideration, any bank note or bill, drawn on or by any bank of any State, knowing such bank at the time to have suspended specie payments or to be broken, without disclosing such knowledge to the person receiving such bill or note, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten nor over one thousand dollars.

Mr. WEIR offered an amendment, making it a misdemeanor punishable by fine and imprisonment in the county jail for the officers of any bank, including President, Cashier and Directors, to fail or refuse, to redeem their bank notes on demand, or to fail to pay deposits on demand received by them from any person or persons, as such bank, and providing the same punishment for brokers or private bankers who fail or refuse to pay deposits received by them from any person or persons; also providing the same penalties for the officers of any bank which has heretofore received deposits, to fail after sixty days after demand to pay over such deposits.

Mr. Heffren's motion was now agreed to, and the PRESIDENT makes the committee to consist of Messrs. Heffren, Tarkington, Jones, Kinley and Culver.

#### INCORPORATION OF CITIES.

Mr. Anthony's bill (S. 114) to amend the 18th section of an act to repeal all general laws now in force for the incorporation of cities, and providing for the incorporation of cities, &c., approved March 9, 1857, coming up on the second reading—

[This bill simply gives the power to take a change of venue from the Mayor to any Justice of the Peace in the township.]

Mr. CRAVENS moved to lay the bill on the table, as the author was not in his seat.

The motion was agreed to by consent.

#### THE SABBATH DAY.

Mr. Gooding's bill (S. 106) to repeal section 2 of an act for the protection of the Sabbath, approved February 28, 1855, coming up on the second reading—

Mr. GREEN moved its reference to a select committee of five.

Mr. GOODING said if this bill passed it would leave the law of 1855 in force, except that original jurisdiction will be taken from the Common Pleas Court and given to Justices of the Peace.

Mr. HEFFREN proposed to amend by repealing section 1, as well as section 2, of the act of February 28, 1855.

Mr. MURRAY moved to lay this amendment on the table.

The motion was agreed to by yeas 38, nays 1.

Mr. Green's motion was then agreed to, and



the PRESIDENT makes the committee to consist of Messrs. Green, Thompson, Hill, Line and Lomax.

Mr. HEFFREN moved to instruct the committee so as to protect those who keep the seventh day as well as those who keep the Sabbath.

And then the Senate took a recess till 2 o'clock.

#### AFTERNOON SESSION.

The question being upon the instructions to the select committee, proposed by the Senator from Washington, [Mr. Heffren,] just previous to the recess—

Mr. HEFFREN insisted upon the adoption of his instructions.

Mr. GREEN thought the object of the instructions was to kill his bill, whereupon he launched out into an argument in favor of it. When he had concluded—

The instructions were rejected:

Mr. WALLACE moved to take from the table the Governor's Message.

Mr. MURRAY demanded a call of the Senate.

The call was proceeded with when forty-eight Senators were reported as present.

[Mr. WAGNER asked and obtained leave of absence for the Senator from Madison, Mr. Craven, who was called home by sickness in his family.]

Mr. WALLACE'S motion was lost upon a division of the Senate, by yeas 22, nays 24.

#### INTEREST ON THE STATE DEBT.

Mr. CRAVENS, by unanimous consent, submitted a report from the select committee, to which was referred Mr. Wagner's bill (S. 107) authorizing the Governor, Treasurer and Auditor of State to borrow from the Board of Sinking Fund Commissioners, money to pay wholly or in part the interest due on the State debt in January 1859, recommending its passage for the following reasons:

1. The existence of doubts as to the power of the present executive officers of State to negotiate a loan for the purposes contemplated in the Constitution.

2. The immediate necessity of providing the means for meeting and liquidating the interest on the foreign debt of the State, maturing on the 1st day of January, 1859, and

3. The propriety of domesticating, so far as practicable, the public debt, and especially so much thereof as may be necessarily incurred in providing for the accruing interest of said debt.

As to the first of the above enumerated reasons, it is sufficient, if a reasonable doubt exists as to the power, for immediate action on the part of the General Assembly; for, if deemed advisable on the part of the officers of State, upon whom is devolved the duty of providing for the protection of the public credit and honor, to offer her securities in the money markets of the country, it is essential that every facility which wise and prudent legislation can supply should at once and without unreasonable delay be afforded.

In anticipation of the unavoidable delay incident to the hasty enactment of measures and interruptions consequent upon the preparation of the necessary forms of the security, as well as unforeseen contingencies that might render it impossible for the officers of State to provide in time for the payment of the semi-annual instalment of interest maturing on the 1st of January next, your committee has sought and obtained the information that the Board of Sinking Fund Commissioners can command the amount now demanded to protect the honor of the State, and will provide for the loan if required by law so to do.

The report was concurred in, and the bill read by title the second time.

Mr. CRAVENS moved that the bill be considered as engrossed and read the third time now.

Mr. STUDABAKER objected.

Mr. CRAVENS urged the passage of the bill in a ten minutes' speech.

[A message from the House of Representatives here announced to the Senate that the House had concurred in the report of the free conference committee, on Mr. Tarkington's bill (S. 3) for the re-appraisal of real estate.]

Mr. MURRAY could not see any valid objections to the passage of the bill.

Mr. Cravens' motion was agreed to and the bill was read through the third time.

The question being, Shall the bill pass?

Mr. HEFFREN could not consent to the passage of the bill without entering his protest against it.

Mr. WAGNER advocated the passage of his bill.

Mr. BOBBS sustained the provisions of the bill in a few remarks, during which he took occasion to reflect rather severely upon the officers of State—charging upon them that they did not reply in a satisfactory manner to inquiries from either end of the Capitol, and doubting whether they kept their affairs in such a manner as that they could do so.

Mr. TARKINGTON was in favor of the passage of the bill.

Mr. ANTHONY urged the passage of this law immediately.

Mr. HEFFREN moved to recommit with instructions to strike out the words, "Commissioners of the Sinking Fund," and also that they specifically provide for the repayment of the loan.

Mr. WEIR moved to lay the motion on the table.

The motion was agreed to by yeas 37, nays 11.

The yeas and nays were demanded on the final passage of the bill, and being ordered and taken, resulted—yeas 36, nays 12—as follows:

YEAS—Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hill, Jones, Kinley, Line, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Stesle, Stevens, Tarkington, Turner, Wagner, Weir, Williams and Wilson—36.

NAYS—Messrs. Heffren, Hendry, Jennings, Johnston, Lomax, McClure, Miller, Shoemaker, Slack, Studabaker, Thompson and Wallace—12.

Mr. CARNAHAN, when his name was called, said he had some unwillingness to vote for this bill although he felt himself bound to do so.

Mr. MARCH, when his name was called, said he voted for this bill as the best measure yet proposed, but he should feel himself bound to have this money restored—every dime of it—and all the money heretofore taken from it; and have the fund preserved for the benefit of common schools.

Mr. ROBINSON, when his name was called, said, he had thought he never would vote to authorize the State officers to borrow an indefinite amount of money, but it seemed as though we can not come into possession of the true and definite amount in our treasury; and he would have to vote for this bill.



Mr. WALLACE when his name was called, said, he was in favor in the first place of an assessment of taxes to meet this interest on the State debt; but he was not here at the time the vote was taken on that question. He did not know what he was voting for, and therefore he voted "no."

So the bill passed the Senate.

The title was then read and adopted.

#### CONVICTIONS AGAINST FELONS.

Mr. Slack's bill (S. 105) to provide for the infliction of punishment when more than one conviction has been had against one person, coming up on the second reading—

Mr. HEFFREN moved its reference to the Judiciary Committee, and it was so referred,

#### PAPER CURRENCY.

Mr. TARKINGTON moved to take from the table Mr. Heffren's bill (S. 85) having reference to unsafe paper currency, that it may be placed on the files of the Senate.

Mr. GOODING opposed the proposition.

The motion was agreed to.

Mr. WALLACE moved that the Committee on Finance be instructed to report back this joint resolution (No. 3) having reference to the interest of the State in the State Bank.

The motion was agreed to.

And then the Senate adjourned.

### HOUSE OF REPRESENTATIVES.

MONDAY, December 30, 1858.

The Journal of Saturday was read.

#### THE BLIND INSTITUTION.

The SPEAKER laid before the House a communication from the Superintendent of the Institution for the Education of the Blind, responding to Mr. Smith, of Perry's resolution.

On motion of Mr. HARNEY, it was ordered to lie on the table, and 200 copies be printed for the use of the House of Representatives.

#### FUND COMMISSIONER'S BILL.

Mr. HUNTER, (the rules being suspended for the purpose,) moved to reconsider the vote of Saturday by which the Fund Commissioners bill (H. R. 98) was recommitted to the Committee on Ways and Means.

Mr. MELLETT took the floor in support of the bill (98.) It had been broadly declared that the proposition to appropriate a portion of the Sinking Fund for the purposes of the State exigencies was a felony. It had been called stealing. He read a passage from the speech of Mr. Davis, in the *Sentinel's* reports, to the effect that this fund belonged not to the State, but to the children of the State. This he denied. Who gave it to the children? It was the money of the State, earned by the State, and now in the hands of the State; and, yet it had been called larceny to use it temporarily for State purposes. The State might hereafter use this fund for the support of common schools, but not now. He gave an illustration of the right by which this fund was held by the State—the case of John Smith who had placed a fund in bank, in trust, for the use of his son John, when he becomes of age, &c.,

He continued to reply to the speech of the gen-

tleman from Floyd. He read the intimation, that the effect of the bill was to put all the State finances into the control of the Bank of the State of Indiana. This, he said, went to the extent of charging culpability upon the Committee on Ways and Means. He answered it not on their behalf, because the members of that committee were able to defend themselves. But he took the charge as personal to himself. If this committee were guilty of a high fraud, then he was guilty as accessory to their act, for he approved it with all his heart. If they were to be punished he ought to suffer the same penalty. It was a remarkable charge, because the gentleman from Floyd was remarkably sensitive about charges made against him—making no charges himself, and suffering none to be made against him—and then it was an insinuation of the darkest kind. He made no insinuations. He had heard it stated, and it was probably true, that there was an object, a purpose in defeating this bill. It was plain to any man with his eyes open that the political buzzards of all parties have scented the carcass in opposition to this bill. He admitted that it was nothing extraordinary that the Democrats should range themselves in opposition to it; but when he saw members of his own party in opposition, with features long, lank and hungry, hanging about this hall for the purpose of defeating the bill, it turned all the feelings of his soul into gall and bitterness. If there was a member upon this floor who deserved a monument for honesty and firmness, it was that man who could resist the appliances of his party and stand up to the honest convictions of his heart upon this question, and that man was the gentleman from Perry [Mr. Smith] a Democrat, who had introduced the bill.

It was proper to answer all fair argumentation; and suppose it to be true that this money is to go into bank—would it not be as well thus as for the State funds to be handed round to the favorites of the State Treasurer? But then it was said by the gentleman that this Bank of the State was a monster to grind the face of the people. Was not that an extraordinary intimation, coming from the man who induced the introduction of the bill to charter this bank, drawn up by Mr. Thomas L. Smith. He read testimony from the Bank Frauds Report, to show the origin of that bill. How should the gentleman now come into this hall and warn us against this bank! He imputed no motive. He also read from the testimony of Horatio C. Newland, going to show Mr. Davis' opinion that the Trust Funds would be safe in this bank. He had a right, in this way, to look at the source whence came these warnings against this bill. He would speak out, and his word might go to record. Was it not extraordinary for this man to impugn motives, who had spent more money for this bank charter than any and all the members of the Committee on Ways and Means were likely to spend for this or any other measure?

Mr. COLGROVE noticed the doubtful compliment of the gentleman from Floyd, addressed to him for being right on this subject. If he was right now, he had been so all the time and therein he had the advantage of the honorable gentleman. He had been somewhat familiar



with legislation with regard to the Sinking Fund. Was there a proposition to read him out of the Republican party? Where then should he go? If he were fated to stand alone, he needed no party organization to sustain him in the right, and he wanted no support if he were in the wrong. He had ever characterized the chartering of the Bank of the State, as an effort to steal away the whole of these funds. It was with much effort that a direct proposition to this effect was put down. Again, a grave proposition came from the Committee on Ways and Means of that session, declaring that these funds were unsafe in the hands of the Sinking Fund Commissioners, proposing to sell the old bank stock at \$1 23, when the report of the Commissioners showed that it was worth \$1 80 to the dollar. If that had succeeded, there would have been stealage to the amount of \$400,000 from the bank stock alone, which, with other things in the proposition, would have amounted to half a million. The speech of the gentleman from Henry had unmasked the whole subject, in the statement that the State was under no obligation, legal or moral, to repay this fund, and that it belongs to the State—not the children. Then all the State has to do is to use it. Why not do it, then, directly! This statement took away his confidence in some degree, in the fairness of the authors and defenders of this bill. He read the 114th section of the Old State Bank Charter, creating this fund, and gave its history—showing that this money was the bondholders' till the bonds in their hands should be paid. Every dollar more than shall pay those bonds belongs to the Common School Fund. This fund cost the State nothing—it was not the proceeds of taxation—it had cost nothing but the use of the State's name. Any measure to divert this fund from its legitimate purpose, he must and would oppose with his vote and influence, party or no party.

He respectfully submitted that this was not a safe proposition, reading the 11th 12th and 17th sections of the bill—giving the new commissioners control of these funds. He objected, as he had before stated, to the State becoming a creditor to this fund; because too many, with the gentleman from Henry, entertained the opinion that this fund belongs to the State. The State was heavily taxed, grinding the people into the dust; and the natural feeling of the representative was to put off any proposition that would increase the taxes. In 1866 those bonds would be all paid, and then these nearly three millions of dollars—the interest thereon—might be all applied to the support of Common Schools, if we do our whole duty toward that fund. The State, manifestly had no right to become a creditor to this fund, unless she put herself on an equal footing with other borrowers. He would strike out from the bill the 11th and 12th sections, because they are contained in the bill No. 99. Then the bill would be all proper—creating and fixing the duty of the Board of Commissioners. He would ask also that the State should, by this act of borrowing, pledge themselves to pay the old score—and this he would apply to the bill No. 99. He read his proposed amendment to the following effect:

“The Treasurer of State shall, on the 24th day of December, 1858, appropriate all the money in his hands

toward the payment of the interest on the State debt, coming due on the 1st day of January, 1859, and shall then, on behalf of the State, open a credit with the Board of Sinking Fund Commissioners for what sums may be required for the payment of the January and July instalments of interest on the foreign debt for the year 1859, and the current expenses of the State for the year 1859; and all advancements made by the State Board to the State shall claim interest at the rate of seven per cent. per annum: *Provided*, that nothing in this Act shall be so construed as to authorize the Treasurer of State to check upon the said Board of Sinking Fund Commissioners, nor shall said Board pay any such check, except for the payment of the interest above specified, and the current expenses of the State for the year 1859.”

This would forever close up the door of abuse. As the bill now stood, the discretion of the Treasurer was not sufficiently restricted, &c.

He would also make the 6th section of the bill to read as follows:

“Whenever the revenues of the State shall have been returned to the said Board of Sinking Fund Commissioners, all advances made under the acts of 1841 and 1842, and the interest on the same, shall be paid as follows: The first, on the loan made under the previous act of 1841, to be computed at six per cent. per annum, and the interest on the loan made under the act of 1842 at seven per cent. per annum; and also the loan made by the said Board of Fund Commissioners to the State in July, 1858, with the interest on the same, to be computed at seven per cent. per annum, according to the terms of said loans, together with all sums advanced under the provisions of this act, with interest at the rate of seven per cent. per annum; and the Board of Sinking Fund Commissioners shall apply any surplus that may come into their hands, beyond the requisitions of the Treasury for the payment of the said interest and the current expenses of the State government, to the purchase of certificates of the foreign debts of the State, if the same can be obtained on reasonable terms, which certificates shall be cancelled at the date of the purchase and held as vouchers by the Board of Sinking Fund Commissioners.”

He wanted the bill should state precisely what it means; and he considered that this language could not be misconstrued. He explained his amendments at length, and said that if they were incorporated he could support the bill, but not otherwise.

Mr. HARNEY thought gentlemen did not understand the nature of the opposition to this bill. He deprecated all disposition to make it a party question. Some of us, and the committee also, were in a false position. The two propositions ought to be separated. The organization of the Sinking Fund Board should be a distinct proposition. There were ample security for the payment of any debt against this Fund. He would have the proceeds of this fund begin at once—as soon as may be—to be applied to the common schools. But this should not be complicated with the organization of the Board. Nor should the Treasury question be complicated with this bill. All the present objections to the Treasurer's system of using these funds, he thought, by this bill, might be carried to the Sinking Fund Commissioners. A large amount of discussion was expended for want of distinctness in propositions. He defended the speech of Mr. Davis from the personal application sought to be made of it by the gentleman from Henry, (Mr. Mellett.) He thought the proposition, that this fund's proceeds could not be applied to the schools till the last Bond should be paid, was not good in law. This fund was the guardian of the common schools. This bill was a proposition striking at its very heart, and the opposition of the gentleman from Elkhart was pertinent.



Where was the good faith in the former loans from this fund? No provision was made to pay the interest. It was a Mexican system of finance. It was to a forced loan upon the fund that he objected. The State should approach the fund as any other borrower. He considered the existing objections to the Treasury management, and rested the blame as much with the Legislature as the Treasurer. He charged it as against a system that ought to be changed. "When I look at the opportunities before me," said Lord Cline before the Parliament, "I am astonished at my moderation." He had as much interest in taking care of the Treasury as though the Treasurer belonged to the opposite party, &c.

Mr. BLYTHE. It was a matter of gratulation that we could approach this question without party feeling. He regretted that there had been one single instance in which an effort had been made to raise the party lash. He eulogized the gentleman from Perry for his position to this bill. The gentleman from Floyd, if he were present, would pardon him for saying that his opposition submitted last Friday, was only an admirable stump speech. The objection of the opposition was to the State's use of part of a trust fund; and, secondly, that the system proposed to be wiped out was an old one. These were all; and he looked at these objections and at the bill. We were taking part of a trust fund, therefore the bill ought to fail. What was the foundation of this argument, but that the State of Indiana is a scoundrel, and can not pay its obligations? It was a baseless argument. With the exception of the gentleman from Randolph, gentlemen in the opposition had dealt only in generalities. He alleged that the provisions in the 17th section of the bill were ample to secure the repayment of the loan.

[A Senate message now announced the passage of bills (S. 107) authorizing the Governor, Auditor and Secretary of State to borrow from the Board of Sinking Fund Commissioners to pay the January interest; (S. 5) to amend the 32d section of the assessment act of June 21, 1852; also (S. 102) to continue the Board of Sinking Fund Commissioners till the first Monday in April, &c.]

Mr. COLGROVE said that section provided nothing for the payment of interest.

Mr. BLYTHE called attention to the language of the 16th section for answer. But the objection was not an argument against the principle of the bill. It might, indeed, suggest amendment. The bill, he affirmed, provided a sufficient guarantee for repayment—interest and all. The main argument of the gentleman from Floyd was that the system proposed to be set aside was an old one. But when age had brought decrepitude or vice, his veneration failed him. He was willing to advance, with a due regard to the past. And, in view of the history of this system, he said to the gentleman from Randolph, in the words of Shylock: "Now infidel. I have thee upon the hip." The propriety of change in the system, was demonstrated beyond all cavil. Let the part of the opposition to the bill show a better plan than that submitted by the Committee on Ways and Means. He yielded to no man in his

affection for the common schools, and would not lay his hand on this fund, unless there were honesty and ability in the State enough to return it. There was another subordinate objection urged by the gentleman from Floyd, that there was no present exigency for this measure. He took issue on the allegation that the Governor, Auditor and Treasurer, had power to provide by loan for the ordinary expenses of the Government. He read this assumed authority from the act in the Statutes, prescribing the duty of the Governor, and pronounced it unconstitutional and void. For this was a function not expressed in the title of the act. Then there was an exigency for the passage of this act, or something like it, to pay the January interest, and the current ordinary expenses of the State Government. When he had concluded—

The House (at 4:45) adjourned.

## IN SENATE

TUESDAY, December 21, 1853.

The Journal of yesterday was read.

### THE OLD STATE BANK.

Mr. RICE, from the Committee on Finance, to which was referred Mr. Wallace's joint resolution (No. 3) touching the indebtedness of the State Bank of Indiana to the State; reported the same back for the action of the Senate.

Mr. RICE said that the resolution called for the appointment of three members of each House, to investigate the affairs of the bank, and to make a full report of the same. He said, as a member of the committee, he was opposed to the resolution, because he was informed by the President of the Bank, that a full report would be made of the condition of the bank, at the commencement of the regular session, by the officers of that institution.

Mr. WALLACE supported his resolution. He thought it was the duty of the Legislature to investigate the affairs of the old bank. We have over \$1,300,000 interest in that old State Bank, and no report shows where it is. He wanted to know where it was and when we should have it.

Mr. HAMILTON thought there was no necessity for an investigation, and he was opposed to the engrossment of the resolution, because there was an implied censure of the officers of the bank contained in it.

Mr. STEVENS proposed an amendment, making it the duty of the Sinking Fund Board to examine and report at the next session of the General Assembly. He was opposed to appointing a committee. He thought there was an implied charge of corruption in the resolution.

Mr. WALLACE, (interrupting,) denied that there was any charge of corruption in his resolution.

Mr. STEVENS believed the officers of that institution above suspicion. He thought it was right to investigate, but believed the Board was better able to examine into the matter than a committee from the two Houses.

Mr. STEELE thought the resolution proposed the wrong way to get the information desired. If the resolution had been directed to the Sinking Fund Commissioners, he thought it would have



been satisfactorily answered long ago. He thought we would get the information at an earlier day if no action at all was taken in the matter.

Mr. TARKINGTON could not see that this resolution would meet the object of the gentleman who introduced it, but he thought there should be no objection to the investigation. It was not policy to adopt the amendment because it was appointing those interested to make the investigation. If the investigation is worth making, it is worth making right.

Mr. HEFFREN thought it was a question whether we had the power to appoint the committee called for in the resolution.

Mr. GOODING thought there was nothing wrong in the matter proposed to be investigated, but he would not oppose an investigation if any respectable number of Senators desired it. He will never vote to screen any public officer; if men whom we trust with honor betray the trust, let it be published throughout the land—lay on the lash and expose the scoundrel.

Mr. CONNER was opposed to the resolution. The President of the old State Bank has not been called upon for the information sought, and he thought it necessary to have a report from that officer, in order that we may have a basis for an investigation. He was willing to vote for the amendment proposed by the Senator from Decatur, [Mr. Stevens.]

Mr. MARCH supposed we would all be glad to find out what is desired by this resolution. The question is which is the best way to get at the desired information. He thought it best to change it into a resolution of the Senate asking the President of the Bank to make a report of the condition of that institution. He is always in favor of investigation, and if the report from the President should not be satisfactory, then appoint a committee.

Mr. WAGNER was opposed to all resolutions in the matter, because on the first of January that bank ceases to exist and its officers will then undoubtedly report all the facts in the case; then a committee may be appointed, and until then a committee would have no foundation to work upon whatever.

Mr. WEIR was in hopes this resolution, or something to that effect, may pass. It was the duty of the General Assembly to inquire into the whole history of this matter. He believed every thing would be found correct, but that institution has been in operation twenty years, and no investigation has yet been had. He was opposed to the amendment proposed, because he wanted disinterested men to make this examination. He thought it no reflection upon the officers of the bank to make the investigation.

Mr. JOHNSTON was in favor of a thorough investigation of this Sinking Fund matter, and hoped the committee proposed would be raised, and that they would report at an early day.

Mr. RICE was as far as any Senator from opposing an investigation into the affairs of the old State Bank, but there was a proper and an improper way of doing it. If this committee was appointed without first calling upon the officary of the institution for a report, it would be discourteous to them. If their report should not be satisfactory to every Senator, then appoint a commit-

tee. He opposed the resolution upon the ground that it was discourteous to send a committee to examine into their affairs before asking for a statement from them.

Mr. WALLACE said, in the beginning of the session he offered this resolution, when it was referred to the Committee on Finance, and he asked why it was not acted upon as soon as referred?

Mr. RICE replied that it was discourteous to the officers of the institution.

Mr. WALLACE could see no discourtesy in it—no charge, not even an insinuation was contained in the resolution against the President of that institution.

Mr. MURRAY held that it was the imperative duty of the Legislature to appoint a committee of investigation as soon as the report of the Board of Commissioners shall come in; but he thought a committee should not be sent to disturb them at this time, while they are engaged in preparing a report to submit to the regular session of the Legislature on the 6th day of January next. He opposed the resolution because he believed it premature.

Mr. BOBBS said at the commencement of the regular session we would have a report from the Commissioners, and if it was not satisfactory he would himself, if no one else did, move an investigation. He would vote for the resolution if it were so demanded as to call for an investigation into the affairs of all the State officers.

Mr. WALLACE was willing to such a modification of his resolution.

Mr. STEVENS moved to lay the resolution and amendment on the table.

The motion was rejected by yeas 20, nays 27.

Mr. CRAVENS moved to amend the amendment so that provision shall be made for a like investigation into the condition of the other officers connected with the public service.

Mr. JOHNSTON moved to lay the amendment of Mr. Steven's on the table.

The motion was agreed to by consent.

Mr. JOHNSTON moved to amend so as to include an examination into the condition of all the school funds belonging to the State.

This amendment was rejected upon a division; 20 to 21.

The question being upon the amendment proposed by Mr. Cravens, it was adopted by yeas 49, nays 0.

Mr. MURRAY moved its reference to a committee of three or five.

Mr. WALLACE thought there was no need of a reference.

Mr. MURRAY withdrew his motion.

Mr. HEFFREN moved that the joint resolution be considered as engrossed and read the third time now.

The motion was agreed to, and the resolution was read through the third time.

The question being, "Shall the joint resolution pass?" it was finally passed the Senate by yeas 50, nays 0.

#### ELECTION OF UNITED STATES SENATORS.

Mr. CRAVENS moved that the Senate take up the message from the Governor.

The message was taken up by consent, and read through by the Secretary, as follows:



*Gentlemen of the Senate :*

I return to you enrolled bill of the Senate No. 28, entitled, "An Act to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election."

It is to be regretted that there should be any necessity for State legislation on this subject.

The Constitution of the United States confers upon Congress full power to regulate the time and manner of choosing Senators. The authors of that Constitution anticipated that confusion might arise from the conflicting rules of the States—that even some States might decline entirely to be represented in the Senate.

The result of the failure of Congress to exercise the power conferred upon it, has been that conflicting rules and regulations have been adopted in reference to the manner of elections, to such an extent that it is now apparent that no uniform rule can be adopted on the subject until Congress executes the provision of the Constitution to which I have before alluded.

But since Congress has failed to pass any law upon the subject, and inasmuch as there is no rule provided by the Legislature of the State, I regard it as highly proper that one should be established.

But in establishing the regulation which shall prevail in the future, would it not be wise to so make it, that hereafter, we may avoid all difficulty on the subject? You are not unmindful of the history of this question in the State. Frequently the election of United States Senators has been the all absorbing question before the Legislature, and for this reason great public interests have been neglected, domestic legislation, in which the welfare of the State, and the happiness of her people were involved, have been disregarded. The differences of opinion between the two Houses of the General Assembly, as to the propriety of elections, and the persons to be chosen, have been so great, that at sometimes no election has been had, and our State for years in part been unrepresented in the United States Senate. I make no inquiry as to who has done right or wrong in these various conflicts.

Each individual who has been an actor in the scenes is responsible for the part he has taken to the constituency he represented, and in a free government, like our own, an intelligent and patriotic people will give to each his just reward or punishment, as his conduct may deserve.

More harmony will prevail in your deliberations, less excitement be occasioned among the constituents you represent, should a law be passed that placed it beyond the power of either House of the General Assembly, by its separate action to defeat an election of United States Senators.

Section 2d of the Bill you have passed requires that a majority of the whole number of the members of the Senate, and a majority of the whole number of the members of the House shall be necessary to designate the Senator. If such majority of each branch of the General Assembly could be procured, it would be a simple mode of election. But the history of the State shows that in times past, on several occasions, no such con-

current majority could be procured; and for that reason the State has been without her proper representation in the Senate.

It is desirable that at all times, Indiana should have her full constitutional delegation in the Senate; and the Legislature should endeavor to place it there, if it can be done without doing violence to our Constitution. The practice heretofore has been to require a majority of the General Assembly to choose the Senators.

It has been sometimes impossible to bring the Houses together so that a vote could be obtained. If the law provided for the creation of a joint convention, or any other mode of election whereby a majority of the General Assembly could elect the Senators, so far as the mode and manner of election is concerned, it would command my approval. But there are provisions in the bill which, in my judgment, are in conflict with the Constitution of the State.

Section 3d of the Bill prescribes the duties of the President and Secretary of the Senate, the Speaker and Clerk of the House of Representatives and the Secretary of State, and Section 5 declares that a failure, neglect or refusal of any of the above named officers, or either of them, to perform the duties to them assigned, shall render them guilty of a misdemeanor and subject them to the penalty of a fine.

The 19th section of Article 4 of the Constitution of the State provides that "Every Act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title."

The Supreme Court of the State in the case of the Indiana Central Railway Co. vs. Potts and others, 7th Indiana Reports 681, have construed this section of the Constitution. They held that provision for a criminal prosecution cannot be included in a civil act. The court has fully discussed this section of the Constitution, showing the reasons why and the necessity for its adoption. Section 20 of the same Article declares that the General Assembly shall not pass local or special laws for the punishment of crimes and misdemeanors. This bill provides that the officers of the Legislature, chosen by each branch, shall be guilty of a misdemeanor in the special case there named, while in no way held responsible for any other dereliction of duty. The only way in which they can be punished is by a general act, making it an offense to refuse to obey the orders of the House where said officers are elected.

Again, the bill provides that the Secretary of State shall attach the seal of State to the certificates of election, and upon failure thus to do he shall be guilty of a misdemeanor. I know of no section of the Constitution which gives to the Secretary control of the seal of the State. Section 5 of Article 15 of the Constitution provides that there shall be a seal of State, kept by the Governor, which shall be called "the seal of the State of Indiana." It would be manifestly unjust to punish that officer for failing to perform an act not in his power. But if the seal of the State was intrusted to his keeping, and he alone required to impress it as an evidence of the official action of the Legislature, a failure on his part to obey the direction of the Legislature gives to



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that body no power to punish him by either fine or imprisonment. Section 1 of Article 6 of the Constitution provides that "there shall be elected by the voters of the State a Secretary, an Auditor and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law." Section 7 of the same Art. provides that "all State officers shall, for crime, incapacity or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly, two thirds of the members elected to each branch voting in either case therefor."

The Secretary of State holds an office created by the Constitution. He is elected by the people to discharge the duties assigned to him by the Constitution and the laws of the State. He is required to take his oath of office, that he will obey the Constitution and discharge his duties. If by any act of his personal wrong is done to a citizen, the remedy for that wrong is upon his official bond. If he is guilty of a crime or misdemeanor, for the punishment of which the criminal or penal code of the State provides, he is liable to be punished upon information or indictment. But for a failure to discharge his official duties he can only be punished in accordance with the provision of the Constitution, as heretofore set forth in Section 7, of Article 6—that is, by impeachment or removal from office. The people of the State, in the adoption of the section above mentioned, provided the means whereby the officers of State, by them chosen, should be punished for official negligence. They conferred upon the General Assembly the power to arraign such officers before them, and depose them for a failure to discharge their duties. They never did confer upon the General Assembly the power to punish, in a court of justice, any of the State officers above mentioned for failure to perform any of the duties assigned them by law. They gave to every officer of State the same right as they did to every member of the General Assembly, after taking his oath to support the Constitution of the State, according to his own judgment—to put his construction thereon. They provided no punishment except that of expulsion for neglect of duty on the part of a member of the General Assembly, of which negligence the House to which he belonged could alone decide, and of the negligence of an officer of State they provided that the General Assembly could alone decide. Therefore, the provision of this bill which subjects the Secretary of State to punishment for a neglect to execute your commands, I regard as clearly in violation of the Constitution.

For these reasons I can not approve the bill.

ASHBEL P. WILLARD.

## SENATE BILL NO. 28.

*An Act to prescribe the time, place, and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election.*

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the election of United States Senators may be held at any time during any session of the Legislature, whenever a vacancy in that office exists or occurs, or at any session next preceding the time, when according to law such vacancy will occur, and the places of holding such election shall be the same as now, or may hereafter be prescribed by law for the settings of the two Houses of the General Assembly.

SEC. 2. The manner of said election shall be by *viva voce* vote of the Senate and House of Representatives, separately had, and a majority of the whole number of the members of the Senate, and a majority of the whole number of the members of the House of Representatives, concurring in the same choice, shall be necessary to an election.

SEC. 3. It is hereby declared to be the duty of the Secretary of the Senate, and of the Clerk of the House of Representatives to spread at large upon the Journals of their respective Houses, as in the case of a vote by ayes and noes, each vote had at such election, and to make out a fair transcript of the same, together with all the proceedings of the said Houses respectively in relation thereto, which transcript of the Senate Journals, shall be signed by the President of the Senate, and that of the House of Representatives by the Speaker thereof, and when so signed, the same shall be transmitted to the Secretary of State, who shall file the same in his office, and shall forthwith make out and transmit to each person elected to the office of Senator of the United States, a complete transcript of the same, which the said Secretary of State shall certify under his hand and the great seal of the State, and the said transcript so certified shall be sufficient evidence of such election. But should any one or all of the officers whose duty is in this section before declared, neglect, fail or refuse to discharge his duty as hereinbefore prescribed, then, and in that case sworn copies of the journals of the two Houses verified by the affidavit of any sworn officer, or by any member of the respective Houses composing the General Assembly, shall in all cases, and for all purposes, be deemed, taken and received as competent and sufficient evidence of such election. Provided, however, that such sworn copy or copies of such journals, shall in all cases be accompanied by a resolution of each House, declaring the neglect, failure or refusal of such officer or officers to discharge his or their duties as here-



inbefore prescribed, and a copy of such resolutions sworn to as provided for in the case of the journal aforesaid, shall in all cases be deemed and taken and received as sufficient evidence of such neglect, failure or refusal on the part of such officer or officers, and shall entitle the aforesaid sworn copies of the journals of the two Houses of the General Assembly to the same faith and credit as if certified under the broad seal of the State, as hereinbefore provided.

SEC. 4. The elections herein provided for may be entered into at any time in either House, upon motion and assent of the House thereto. And nominations shall be made and votes taken as in case of electing officers of the respective Houses.

SEC. 5. The failure, neglect or refusal of any one of the officers named in the third section of this act, upon the request of any person elected to the office of Senator of the United States, as herein provided, to perform any duty or duties imposed upon him by this act, shall be deemed, and is hereby declared to be a misdemeanor; and upon prosecution by information in the Court of Common Pleas of Marion County, and conviction thereof, the person so failing, or neglecting, or refusing, shall be fined in any sum not less than five hundred nor more than one thousand dollars.

SEC. 6. Inasmuch as this State is now wholly unrepresented in the Senate of the United States, no person having been elected thereto by the Legislature of the State, since the session of the General Assembly, in the year One Thousand Eight Hundred and Fifty-Three, and it is necessary that an election to fill the vacancies in said office occasioned thereby, an emergency exists for the immediate taking effect of this Act. It is, therefore, hereby declared to be in full force from and after its passage.

The question being, "Shall the bill pass, the objections of the Governor to the contrary, notwithstanding?"—

Mr. GOODING said he would vote for the bill if he were satisfied that it was constitutional. He desired that the vote be postponed till 2 o'clock, and he would try to examine into the constitutionality of the bill by that time. When he voted for the passage of the bill his attention was not called to the points suggested by the Governor. He would shirk from no responsibility, and would cheerfully vote for the bill were the constitutional objections urged against it removed. If the vote was gone into now he would be compelled to withhold his vote upon its passage, although he desired to vote for some such law.

The question being called for all over the Senate, a constitutional provision demanding the yeas and nays, the PRESIDENT directed the Secretary to call Senators for their votes, and the bill was passed, the objections of the Governor to the contrary notwithstanding, by yeas 26, nays 23—as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

NAYS—Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax,

McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

Mr. ANTHONY, when his name was called explained his vote at considerable length. He was loath to vote for any bill over the veto of the Governor, if he considered it based upon good grounds; but he really could see no substantial reasons for believing the bill to be unconstitutional, or that it was a want of policy to pass it at this time.

Mr. GOODING, when his name was called, said he had already signified his approbation of the general provisions of the bill; but as the Senate had refused to grant him time to examine into its constitutionality, he asked to be excused from voting.

Mr. MURRAY, when his name was called, explained the reasons for his vote. He should certainly not be influenced by any argument coming from his Excellency, although he had a high opinion of the Governor's decisions outside of politics.

Mr. STUDABAKER, when his name was called, explained his vote in a little speech.

Mr. WALLACE, when his name was called, said he believed this act to be unconstitutional, and that a better bill of the same kind and character as this, was on the files of the Senate which he would much rather see passed.

Mr. WEIR, when his name was called, said: I find that one great objection urged by his Excellency in his veto message, is, that the law contains two subject matters, and he therefore concludes that it is unconstitutional. I would call gentlemen's attention to the law known as the charter of the Bank of the State of Indiana. It contains precisely the same objection here urged by the Governor, providing punishment for the infringement of its provisions. I refer to sections 75 and 76 of that act, and if I mistake not, the Governor then approved of the passage of that bill by his vote; hence I conclude that in this particular his objection is not well founded, and though he may have changed his opinion from what it then was, I am of opinion he then held a different view on that question. I therefore vote "yea," the Governor's objection to the contrary.

#### MESSAGES FROM THE GOVERNOR.

Pending the call, a message from the Governor by his private Secretary, Mr. Osborne, informed the Senate that he had signed and approved the following bills:

Mr. Tarkington's bill (S. 3) providing for the reappraisal of real estate.

The bill (H. R. 39) regulating the collection of judgments and sale of property against any officer or person or corporation receiving or holding moneys in a fiduciary capacity, or the sureties of any or either of them.

The bill (H. R. 23) to repeal the liquor law, approved February 16, 1855.

The bill (H. R. 38) legalizing the acknowledgments of deeds, mortgages and other instruments required to be recorded, taken and certified by clerks of courts after the reception of the Revised Statutes of 1852, in their respective counties.

The bill (H. R. 43) to authorize churches to form a union, assume a new name, appoint trus-



tees and enable them to receive conveyances of lands and donations of personal property.

The bill (H. R. 32) to repeal the Calumet Feeder Dam law of March 7, 1857.

The bill (H. R. 73) to raise a revenue for State purposes for the years 1859 and 1860.

The bill (H. R. 19) to secure the service of process in actions against corporations created by General Assembly, which have no office in or persons doing business in the counties, and have exercised corporate power.

#### MESSAGES FROM THE HOUSE.

A message was received from the House of Representatives by Mr. Ryan, Principal Clerk, thereof, announcing to the Senate the passage by the House, of Mr. Anthony's bill (S. 59) to amend the third section of an act regulating the licensing of pilots at the Falls of the Ohio, approved June 15, 1852, without amendment. Also, Mr. Shoemaker's bill (S. 20) authorizing the incorporation of associations formed for building towns within this State, with an engrossed amendment.

And then the Senate took a recess till two o'clock.

#### AFTERNOON SESSION.

Mr. SLACK moved that the order of business be suspended to enable him to introduce a resolution to adjourn *sine die*.

Mr. HENDRY demanded a call of the Senate.

The call was proceeded with, and forty-five Senators were reported as being present.

Mr. HAMILTON moved that further proceedings in the call be dispensed with.

The motion was rejected.

Mr. GREEN moved that the absentees—Messrs. Bobbs, Cravens, Culver, Stevens and Studabaker—be sent for.

The motion was agreed to.

The PRESIDENT laid before the Senate a communication from the Superintendent of the Insane Asylum, in reply to a resolution of the Senate, asking for a statement of mileage and per diem paid to commissioners during the last five years; submitting the information asked for in tabular form.

The PRESIDENT also laid before the Senate a communication from the President of the Deaf and Dumb Asylum, in reply to a resolution of the Senate.

Mr. CRAVENS moved their reference to the Committee on Benevolent Institutions, and they were so referred.

Mr. HEFFREN thought they ought to be read, and moved a reconsideration of the vote by which they were referred.

The motion was agreed to, and the communication from the Blind Asylum was read.

Mr. HEFFREN moved the reference of the communications to the Committee on the Benevolent Institutions of the State, and they were so referred.

On motion by Mr. GOODING, further proceedings in the call were dispensed with.

Mr. Slack's motion to suspend the order of business was rejected.

#### SUPERINTENDENT OF PUBLIC INSTRUCTION.

Mr. KINLEY, from the Committee on Education, to which was referred a resolution of the Senate, inquiring whether the duties now required by the Superintendent of Public Instruction can be dispensed with; also, the expenses of that office, made a report in answer thereto.

On motion by Mr. HEFFREN, the report was laid on the table.

#### FELONY.

Mr. BENNETT, from the Judiciary Committee, to which was referred his bill (S. 73) to amend section 51 of an act defining felony, approved June 11, 1852, reported the same back and recommended its passage, with amendments.

The report was concurred in, and the bill ordered to be engrossed for the third reading.

#### COPARTNERSHIPS.

Mr. CONNER, from the Committee on Corporations, to which was referred Mr. Weir's bill (S. 47) allowing the formation of, and defining the liabilities of limited co-partnerships, reported the same back, and recommended that it lie upon the table.

The report was concurred in by consent.

#### NATHAN ROWLEY.

Mr. JONES, from the Committee on Claims, to which was referred the bill (H. R. 40) for the relief of Nathan Rowley, of Vanderburgh county, reported the same back, with the amendment as instructed by the Senate, and recommended its passage.

Messrs. Cravens, Carnahan, Steele and Williams, indulged in a very few remarks upon the bill.

The report was concurred in by consent, and the bill passed the second reading.

#### FREE BANKS.

Mr. STEELE, from the Committee on Banks, to which was referred a communication from the Auditor of State, in relation to certain free banks paying over certain moneys, reported the same back, and recommended that it lie upon the table.

The report was concurred in by consent.

#### COUNTY TREASURERS.

Mr. BLAIR, from the Committee on County and Township Business, to which was referred a petition from the Commissioners of Parke county, having reference to the pay of County Treasurers, made a report thereon.

The report was concurred in by consent.

#### THE SABBATH.

Mr. GREEN, from the select committee, to which was referred his bill (S. 33) and Mr. Gooding's bill (S. 106) for the protection of the Sabbath, reported them both back, recommending the passage of the bill (S. 33) and the indefinite postponement of the bill (S. 106.)

The report was concurred in by consent.

Mr. Green's bill (S. 33) was read by title the second time and ordered to be engrossed for the third reading.

#### RELOCATION OF COUNTY SEATS.

Mr. SHOEMAKER, from the select committee, to which was referred the bill (H. R. 79) to



provide for the relocation of county seats; reported the same back with amendments, and recommended its passage.

The report was concurred in by consent.

On motion by Mr. WEIR, the bill was considered as engrossed and read the third time.

The bill was then passed the Senate by yeas 33, nays 14.

#### BRIGHT AND FITCH.

Mr. GOODING moved to dispense with the regular order and take from the table his joint resolution (S. 6) disapproving of the course of Messrs. Bright and Fitch on the Lecompton Constitution question.

The motion was agreed to, and the joint resolution was read through.

Mr. GREEN moved an amendment by adding after the words "disapproved by," the words "Anti-Lecompton Democrats;" strike out the word "people," in the last line, and insert the word "same."

Mr. HEFFREN moved to lay the resolution and amendment on the table.

The motion was rejected by yeas 19, nays 31.

Mr. GREEN withdrew his amendment.

Mr. JOHNSTON moved to strike out from the enacting clause, and insert a resolution stating that the Lecompton question was a settled question, and ought not to be revived.

On motion by Mr. GOODING, this amendment was laid on the table by yeas 34, nays 16.

Mr. HEFFREN offered the amendment proposed and withdrawn by Mr. Greene.

On motion by Mr. GOODING, this amendment was laid on the table.

Mr. WEIR moved to strike out the second resolution.

Mr. HAMILTON moved to amend the second resolution by inserting after the word "Territories" the words "without having first consulted the Senator from Hancock."

Mr. HEFFREN moved to lay the resolution and pending amendments on the table.

Mr. GOODING demanded a division of the question.

Mr. HAMILTON withdrew his amendment.

Mr. HEFFREN withdrew his motion.

Mr. Weir's amendment was rejected.

The question being on ordering the joint resolution engrossed for a third reading—it was not so ordered by yeas 22, nays 28.

#### PAPER CURRENCY

Mr. HEFFREN from the select committee to which was referred the bill (H. R. 9) to prevent the circulation of unauthorized paper currency, reported the same back with an amendment, striking out all after the enacting clause, and recommended its passage.

The report was concurred in by consent.

The bill was read through the first time.

Mr. HEFFREN moved to suspend the rules and read the bill the second time now.

After some discussion on a point of order—

Mr. HEFFREN withdrew his motion.

And so the bill passed the first reading.

Mr. MURRAY moved to take from the table Mr. Shoemaker's bill (S. 20) with the House amendments thereto.

The motion was agreed to and the amendments concurred in.

#### BRIGHT AND FITCH.

Mr. WEIR moved to reconsider the vote by which it was refused to engross joint resolution (No. 6) disapproving of the course of Messrs. Bright and Fitch.

Mr. HEFFREN demanded a call of the Senate.

The call was proceeded with, and every Senator was reported as being present.

The vote was reconsidered by yeas 31, nays 19. Mr. GOODING, after extended remarks, moved to strike out the second resolution.

Mr. WEIR moved to amend by striking out from the title "and the removal of Hon. Stephen A. Douglas from the Chairmanship of the Committee on Territories."

Mr. GOODING accepted.

The motion of M. Gooding was agreed to by yeas 29, nays 21.

Mr. WILLIAMS moved to amend by inserting after the words "Bright and Fitch," the words "our Senators in Congress."

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

The motion was agreed to by yeas 29, nays 21.

The question recurring on the engrossment—

The resolution was ordered to be engrossed by yeas 30, nays 20.

And then the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, December 21, 1858.

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

#### THE COMMON SCHOOLS.

On motion by Mr. MANSFIELD, the order of business was further dispensed with, and he had leave to submit a report, as follows:

Mr. Speaker: The Committee on Education, to whom was referred a resolution offered by the Representative from Warren, stating that the State was indebted to the Sinking Fund in two several debts, one of which amounted in the year 1853, to the sum of \$800,000, and the other to \$128,000, and instructing said committee to report a bill to more effectually secure said fund in payment of these debts, have had the subject under consideration and they have instructed me to report:

That the State debt of \$128,000 as referred to in the resolution, has already been disposed of in the House bills 98 and 99, which are now pending before the House.

In regard to the other debt of \$800,000, which was incurred by the State under an act of the Legislature of February 6, 1841, and under a joint resolution of January 31, 1842, the committee beg leave to state that this debt with interest at the rate of six per cent. per annum, is justly due to the Sinking Fund; that it is of nearly eighteen years standing, that no interest has ever been paid thereon, and that no provision has as yet been made for the payment of the principal or for the payment of the interest. The committee are of opinion that it is of vital interest to the system of our common schools, and that the honor of the State requires that this debt should be fully secured to the Sinking Fund without delay, and that provisions should be made for the payment of the interest thereon. To this intent said committee respectfully recommend the introduction of the following bill.

A bill (No. 101) to secure to the Sinking Fund a debt which the State owes to said fund, and to provide for the payment of the interest on said fund.

The bill was passed the first reading.



Mr. MANSFIELD, (by unanimous consent,) said: Mr. Speaker, there has been a debt, as is well known, created by the State to the Sinking Fund, under the act of the Legislature of the 6th of February, 1841, and another under a joint resolution of the 31st of January, 1842. These two debts have run on to the present day without any provision whatsoever having been made for the payment of the interest thereon. That the means which are at our disposal of this Sinking Fund, and which will ultimately revert to the common schools, ought to be held secure for that purpose, is a matter I need not now dwell upon. Where a debt has had a standing of eighteen years without any attention having been paid to it, so much as to provide for the interest, I think, as in the case of an individual, the law should prevent the obligation from the entire loss of his debt. This sum has accumulated to such an extent—\$1,100,000—that it would be burdensome to the people to cancel it at once. The provisions made in the bill are, that the interest on the original debt shall run to the 12th of January, 1861; that then the interest shall be added to the capital and considered as together with it bringing interest from that date. To secure this, the fund is to be given to the custody of the Sinking Fund Commissioners, payable at any time, at the pleasure of the State, bringing interest at six per cent. per annum after that date—and the debt can be paid off so the burden shall fall as lightly as possible on the Treasury. It will not be a very great burden upon the Treasury to pay this interest in the year 1862. But I think, sir, that on a question of this kind, we should not stop to consider whether the obligation be a heavy or a light one—the question being simply whether we shall act as honest men—whether we shall fulfil our obligations, or find some means for avoiding them. But, sir, I will not dwell on the subject. It is a clear matter; and at the proper time I shall expect the aid of friends of this fund better informed than I on the whole subject.

#### RAILROAD APPRAISEMENTS.

On motion by Mr. LAWHEAD, the order of business was further suspended, and the bill (S. 5) to amend the 31st section of the act [in reference to the appraisal of railroad property in counties,] of June 21, 1852, was taken up, passed the first and second readings, and referred to the Committee on Corporations.

#### PILOTS OF THE OHIO FALLS.

Mr. CARR, (the order of business being further suspended,) from the select committee to whom was referred the bill (S. 59) relative to licensing pilots at the Falls of the Ohio, returned the same without amendment, with a recommendation that it pass; and, accordingly, the bill was passed the third and last reading in the House of Representatives by yeas 88, nays 9.

#### TELL CITY.

Mr. BROTHERTON, (the rule being further suspended for the purpose,) submitted a report from the Committee on Corporations, returning the bill (S. 20) to authorize the incorporation of Associations formed for building towns in this State—[to meet the case of the Tell City Association in Perry county]—with several amend-

ments thereto, and adding a provision: "That nothing herein contained shall be so construed as to exempt such lands from taxation as other lands are taxed," and recommending passage.

The amendments were concurred in.

On motion and explanation by Mr. BLYTHE, the amendments were considered as engrossed, and the bill was passed the third and last reading in the House of Representatives by yeas 82, nays 2.

Mr. BROTHERTON proposed amending the title better to suit the subject matter of the bill, which was concurred in.

#### TEMPERANCE.

Mr. DOUGHERTY, (the order being further suspended,) submitted a resolution to the following effect:

*Resolved*, That as it is of vital importance that such a temperance law should be enacted as shall meet with the approbation of the people, and as several temperance bills are now before the committee of this House, which it will be impossible to consider at the present session, it is therefore ordered, that 200 copies of each of these bills be printed for the use of the House of Representatives.

The resolution was agreed to on a division—affirmative 42, negative 36.

#### THE FUND COMMISSIONERS BILL.

Mr. HUNTER, (the order of business being further suspended,) moved that his motion of yesterday to reconsider the recommitment of the bill (H. R. 98.)

The motion was agreed to.

Mr. MURRAY demanded the yeas and nays on the motion to reconsider.

Mr. BRANHAM said this bill was of paramount importance. It was to provide for the deficit in the Treasury. There was no existing law by which this could be done without violating, at least, the spirit of the Constitution. He was unwilling to go home without such a provision of law. The measure had met with unexpected opposition. With the committee it was only a choice between evils—between going into the market with the bonds of the State, and borrowing from the Sinking Fund. It was imperative that we should provide these Sinking Fund Commissioners. He knew that the State bonds were already made and signed, and probably on the way to New York; but he alleged it was done in violation of the spirit of the Constitution. The debt of the State involved taxation, and the right of taxation belonged alone to the Representatives of the people. He rehearsed the provisions of the bill. It makes an assignment of the State revenue to reimburse the Sinking Fund. What objection could there be to that? It was obliged to be loaned or locked up. The officers of the fund had assured him that six per cent. on the loan to the State would be better than seven per cent. loans on mortgages. He spoke against the present system of managing the public finances, not against the State officers. He might yet offer them a vote of thanks for having done as well as they have under the injudicious discretions allowed to them by law.

Were gentlemen willing to go home and shirk the responsibility of amending the law in this respect? He would not touch the fund, but to benefit the fund itself. A domestic debt would be much more likely to be provided for than a



foreign one. He believed the present incumbent of the treasury had acted with a fidelity unsurpassed by any of his predecessors. The reputation of these citizens of the State was the brightest heritage we have. Some things had been unfortunate—calling loudly for amendment of the law. He said the system we had given justified the officers in the discretion they had taken. Their duty should be distinctly and definitely defined. He was as ready as any man to vote for repaying the loans of 1841 and 1842. He would give the best assurance of good faith in making the proposed loan from this fund. It was only a temporary measure. He complained of the opposition to bills because no better system was proposed by its enemies. This bill came in by the unanimous recommendation of the committee, and it had been resisted at every step since its introduction on the 12th of December. If it was not right, vote it down; but gentlemen should remember, it is much easier to vote down the bill than to provide the remedy. Should it go to the country that we are unable to devise a safe and adequate system of revenue? He admitted that the report of the Committee on Ways and Means on the assets of the State was crude and unreliable; but he ventured the estimates would be sustained by time and events. There was another bill we ought to have up—that is for the cancellation of the stock of the State. He insisted on action, and could not expect unanimity, &c. He had been amongst those in a former Legislature, who had successfully resisted the proposition to place these funds in the Bank of the State. He insisted, at all hazards, to pay the interest on the public debt—to preserve the public honor inviolate. The acts of the Governor and Auditor were void in these loan negotiations—but this did not go to a declaration that they should not be paid. The loan of \$165,000 of last July was not necessary to meet the interest on the public debt. The State of Indiana held \$391,000 of her own stocks, yet these men propose to borrow money to pay the interest on these stocks in their own hands!

Mr. MURRAY was opposed to the motion reconsider. He replied to Mr. Branham. There was on the table two distinct propositions sufficient to meet the State's exigencies—one to authorize the necessary loan from the Sinking Fund, and the proposition to continue that Board. Let these bills be passed, and if they are not, the responsibility of their failure must rest with the Committee on Ways and Means, because they have so zealously pressed this measure.

Mr. TURPIE argued against the bill, from the nature of the trust funds, referring to the constitutional provision in reference to the same. How could it be a faithful application of the Sinking Fund to subject it to the check of the Treasurer? He would vote for the embezzlement bill of Mr. Mellett, and the abstract proposition for a loan to pay the January interest. The very amendments of the committee themselves was a confession of the imperfections of the bill. He argued against the practicability of the bill in its present shape, giving numerous illustrations. The Treasurer will be a mere automaton, a shadow, by the side of the Board of Fund Commissioners. The Board would just pay such checks as

they please. They would have the pocket lien on the State, and the Treasurer's checks would be waste paper. The bill was incompatible, also, with the revenue bill already passed and signed by the Governor. The Treasurer was a constitutional officer elected by the people, but this bill was to set him aside for a Board of Commissioners not only not elected by the people, but they were to be eligible for an indefinite period.

Mr. DAVIS took the floor and spoke at length in opposition to the financial system proposed in the bill and to the motion to reconsider. His speech, written out by the Reporter, is reserved for correction, and will appear hereafter.

Whilst he occupied the floor—

A message from the Senate announced the passage in that body of the bill (S. 28) prescribing time and manner of the election of United States Senators, &c. The objections of the Governor to the contrary notwithstanding.

A message was received from the Governor by Mr. Osborn, Executive Messenger, announcing that he approved and signed the bills (S. 3, H. R. 39, &c.), as in the report of the Senate proceedings above.

Mr. SMITH, of Perry, next obtained the floor, and spoke at length in support of the bill. His remarks, written out by the Reporter, are withheld for authentication. He concluded by demanding the previous question.

There was a second for the previous question, and under its operation the vote consigning the bill again to the Committee on Ways and Means was reconsidered by—yeas 48, nays 43, as follows:

YEAS—Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Presser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker—48.

NAYS—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Durham, Early, Firestone, Gifford, Hancock, Harney, Jeffries, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, Massey, Murray, Nelson, Newton, Parrett, Ryerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, and Wood—43.

Mr. Stanfield had paired off with Mr. Merrifield.

And then the question recurred on the motion to recommit.

The House then took a recess till 2 o'clock.

#### AFTERNOON SESSION.

A call of the House ascertained the presence of 98 members.

Mr. GREGORY moved to lay the motion to recommit the bill to the Committee on Ways and Means on the table, demanding the yeas and nays.

Mr. BAIRD explained his vote. He should vote to lay on the table, without being committed either for or against the bill.

The vote resulted—yeas 51, nays 46. So the motion to recommit lies on the table, and the question recurred on the engrossment of the bill.



Mr. COLGROVE moved to amend the bill by striking out sections 11 and 12, (heretofore described.) These sections, he said, were not necessary to the bill. With an amendment to sections 1 and 6 of the bill 99, and striking out these 11th and 12th sections, he could support the measures; and without the support of those who stood with him it was possible that the bill could not pass. He demanded the yeas and nays on his motion, which, being ordered and taken, resulted—yeas 47, nays 50—as follows:

YEAS.—Messrs. Baird, Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jeffries, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parrett, Rynerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—47.

NAYS.—Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—50.

So the House refused to strike out.

Mr. DOUGHERTY proposed to amend the 14th section of the bill, by inserting after the word "made," these words: "to the State officers for the payment of the July, 1858, instalment of interest on the foreign debt." The object was to remove an ambiguity in the bill. It might, without this amendment, be construed that the Sinking Fund should have a lien until all the advancements heretofore made by it to the State shall have been paid.

The amendment was adopted without a division.

Mr. AUSTIN now demanded the previous question, and under the operation thereof the main question, viz: Shall the bill be engrossed for a third reading, was then taken—the vote resulting—yeas 50, nays 46, as follows:

YEAS.—Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davidson, Dougherty, Duval, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—50.

NAYS.—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jeffries, Jones, Jordan, Keefer, Kelley, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parks, Parrett, Row, Rynerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the bill was ordered to be engrossed.

Mr. EDWARDS moved that the order of business be suspended, and that the bill be considered as engrossed and read a third time now.

Mr. DAVIS demanded the yeas and nays, which being taken, resulted—yeas 51, nays 45.

So the motion was agreed to, and accordingly the bill was read and considered on the third reading.

The bill being again read through by the Clerk—

Mr. WHITEMAN demanded the previous question, and under its operation, the main question: Shall the bill pass? was taken, and the vote resulted—yeas 51, nays 46—as follows:

YEAS.—Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davidson, Dougherty, Duval, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

NAYS.—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Durham, Early, Eastham, Firestone, Hancock, Harney, Hartley, Jeffries, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parrett, Row, Rynerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the bill passed the third and last reading in the House of Representatives.

#### ELECTION OF UNITED STATES SENATORS.

On motion by Mr. MURRAY, the order of business was suspended, and the bill (S. 28) prescribing the time and manner of the election of United States Senators, &c., was taken up, as communicated this day from the Senate, it having been passed by that body, notwithstanding the Governor's objections. The question being, shall the bill pass, notwithstanding the objections of the Governor?

The bill was again read through by the Clerk, with the Governor's objections thereto.

Mr. BLYTHE regretted to find himself obliged to vote against the passage of the bill. He regretted this because of the inconvenience it might bring to the Republican party, but still he must do his duty. He was convinced that the Governor's view was right, and a cording to his sense of right he must sustain him. He called the attention of the House to the title of the bill. It was to fix the time and manner of this election and to prescribe penalties. There were two subjects embraced in the bill, whereas, as the Governor says, the Constitution prescribes that a bill shall embrace but one subject and matter pertaining thereto. He also concurred in the objection of the Governor, taken with reference to the penalty. If his attention had been called to the matter earlier, the result might have been different, but now he must sustain the veto, &c.

Mr. Speaker GORDON (Mr. Edwards in the Chair) replied to Mr. Blythe, and reasoned briefly against the veto.

The vote on this question—yeas 49, nays 48—resulted as follows:

YEAS.—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Colgrove, Collier, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker—49.

NAYS.—Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Law-



head, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Usey, Waterman, Wheeler and Wood—48.

So there not being a majority of all the members voting in the affirmative, the bill failed of its passage against the objections of the Governor.

A message from the Senate announced the passage in that body of Mr. Smith, of Perry's bill (H. R. 79) for the removal of the Perry county seat to Cannelton, with amendments.

And then, at 4:10 o'clock, the House adjourned.

## IN SENATE.

WEDNESDAY, December 22, 1858.

On motion by Mr. MURRAY, the reading of the Journal of yesterday was dispensed with.

On motion by Mr. HARGROVE, the vote of yesterday, by which the communications from the Blind and Deaf and Dumb Asylums were referred to the Committee on Benevolent Institutions, was reconsidered, the communications laid on the table and two hundred copies of each ordered to be printed for the use of the Senate.

## PAPER CURRENCY.

Mr. HEFFREN moved that the order of business be dispensed with, and that his bill (S. 109) with regard to the circulation of uncurrent paper money, be taken up and read the second time.

The motion was agreed to.

Mr. TARKINGTON demanded the previous question on the engrossment of the bill.

There being a second, under the operation of the previous question the bill was passed the second reading and ordered to be engrossed.

## COUNTY BOUNDARIES.

Mr. WAGNER, by unanimous consent, submitted a report from the Select Committee to which was referred the bill (H. R. 11) repealing section 2 of an act for the formation of new counties and changing county boundaries, returning the same and recommending its passage.

Mr. MURRAY moved that the report and bill lay upon the table.

The motion was agreed to.

## PUBLICATION OF LEGAL ADVERTISEMENTS.

Mr. CONNER, from the Judiciary Committee to which was referred a resolution of the Senate inquiring into the expediency of the publication of all acts containing an emergency clause, in at least one newspaper in each county in the State, reported that in the opinion of the committee the enacting of such a law was expedient, and recommended the passage of a bill to that effect.

The yeas and nays were demanded on concurring in the report.

[A message from the House of Representatives was received, announcing that the House had concurred in the Senate amendments to the bill (H. R. 79) to provide for the relocation of county seats and buildings, where two-thirds of the voters petition therefor.]

Mr. CONNER urged the adoption of the report of the committee. He thought it right to publish

all acts containing an emergency clause in at least one paper in each county of the State, and if no other gentleman did he would introduce a bill at the next session to that effect.

Mr. GREEN was also in favor of the adoption of the report. He thought the printers throughout the State would be willing to print the laws for a very small compensation—probably the simple cost of setting the type.

Mr. JOHNSTON hoped this report would not be concurred in. He was opposed to the passage of acts containing an emergency clause—it was in opposition to the interest of the people of the State, and ought not to be done. In some cases where public officers are concerned, it may be perhaps necessary, but in such cases the persons interested have ample means of ascertaining the passage of such acts. He did not think the enacting of such a bill as recommended by the report would accomplish anything, but help to support a paper in each county of the State, and for that reason he opposed it.

Mr. MURRAY said, the Senator from Putnam [Mr. Johnston] misapprehends the effect of the passage of such a law. He thought the very fact that it will be attended with expense to the people of the State, would make their representatives more careful about inserting the emergency clause. When we pass an act and make it to be in force from and after its publication in the *Indianapolis Journal and Sentinel*, as by our laws, every man is bound to know the law, we ought to give the people an opportunity of knowing what the law is. In Ohio, all the laws, whether they contain an emergency clause or not, are published in every county in the State where there is a newspaper.

The report was concurred in by yeas 27, nays 22, as follows:

YEAS—Messrs. Bennett, Bobbs, Brown, Carnahan, Conner, Cooper, Craven, Culver, Gooding, Green, Hendry, Hill, Jennings, Jones, Kinley, McLean, March, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Tarkington, Thompson, and Turner—27.

NAYS—Messrs. Anthony, Beeson, Blair, Cobb, Conley, Cravens, Fisk, Hamilton, Hargrove, Heffren, Johnston, Line, Lomax, McClure, Miller, Robinson, Studabaker, Wagner, Wallace, Weir, Williams and Wilson—22.

## SCHOOL FUND.

Mr. CONNER, from the same committee, to which was referred Mr. Line's bill (S. 108) authorizing the payment of school funds retained in county treasuries by injunction of courts, reported the same back, and recommended its indefinite postponement.

The report was concurred in by consent.

## CIRCUIT COURTS.

Mr. MARCH, from the same committee, to which was referred the bill (H. R. 36) to amend section 1 of an act providing for extending terms of Circuit Courts by adjournment, &c., approved February, 12, 1855, and authorizing the holding of special terms thereof, and fixing pay to Judges and Attorneys in attendance thereon, reported the same back with an amendment, and recommended its passage.

After remarks thereon by Messrs. March, Weir, Green and Hendry—

The report was concurred in.

[A message was received from the House of Representatives announcing to the Senate the



passage by the House of the bill (H. R. 98) providing for the election of the Board of Sinking Fund Commissioners, and asking the concurrence of the Senate therein.]

Mr. STEVENS moved to amend the bill by requiring county officers to make application to the judge when they think the interest of the county requires an extra term, and fixing his salary at \$5 per day and 10 cents mileage.

Mr. MURRAY proposed to amend the bill so that the Board of County Commissioners may allow such compensations as they may think proper, to be paid out of the county treasury.

Mr. Stevens' amendment was rejected.

Mr. Murray's proposition was rejected.

The bill was then passed the second reading and ordered to be engrossed.

#### PAPER CURRENCY.

Mr. STEELE, from the Committee on Banks, to which was referred a resolution of the Senate inquiring into the expediency of passing an act prohibiting the banks of the State from emitting bills of a less denomination than ten dollars, and providing a suitable penalty for the circulation, within this State, of foreign bills of a less denomination than ten dollars, reported that it was inexpedient to legislate upon this subject at this time.

Mr. MARCH said he was on the committee, but disagreed to the report.

Mr. CARNAHAN was in favor of a bill preventing the circulation of small notes, but thought it best to postpone the maturing of a bill to that effect till the next session of the Legislature.

On motion by Mr. STEELE, the report was laid on the table.

[A message was received from the Governor announcing to the Senate that he had approved and signed Mr. Shoemaker's bill (S. 20) providing for the incorporation of associations formed for the building of towns in this State.]

#### MISDEMEANORS.

Mr. GOODING, from the Committee on Temperance, to which was referred Mr. Blair's bill (S. 58) to amend section 37 of an act defining misdemeanors, approved June 14, 1852, reported the same back and recommended that it lie upon the table.

The report was concurred in by consent.

#### ADJOURNMENT SINE DIE.

Mr. SLACK offered the following:

*Resolved*, That the Senate will, the House concurring therein, adjourn *sine die* on Thursday, the 23d inst., at 10 o'clock A. M.

Mr. HARGROVE moved to strike out and insert "Friday, the 24th."

Mr. SLACK accepted the amendment.

Mr. MURRAY moved to amend the resolution so that it may read "Saturday, the 25th inst."

Mr. ANTHONY moved to lay the resolution and amendments on the table.

The motion was rejected—yeas 23, nays 27.

Mr. WEIR made an ineffectual motion to postpone the further consideration of the subject till two o'clock.

Mr. GREEN proposed "Tuesday," which—

On motion of Mr. CARNAHAN, was laid on the table.

Mr. TURNER named "Monday," which—

On motion of Mr. CARNAHAN, was laid on the table, upon a division—23 to 17.

The question recurring upon Mr. Murray's amendment, proposing "Saturday"—

It was agreed to by yeas 31, nays 19.

The resolution as amended was then adopted without a division.

#### CERTIFICATES OF ELECTION.

Mr. CONLEY offered the following, which was adopted by consent:

*Resolved*, That the certificate of election of each of the newly elected members of this Senate be referred to the Committee on Elections, and that said committee be requested to report thereon as soon as is convenient for them to do so.

#### PUBLISHING THE LAWS.

Mr. LINE offered the following:

*Resolved*, That the laws heretofore ordered during this session to be published in the *Indiana State Sentinel* and *Indiana State Journal*—or that may be on their passage—containing a clause ordering such publication, be also published in the *Indiana American*—*Provided* the charge for the same shall not exceed the prices paid to said *Sentinel* and *Journal*, for said publication.

Mr. GREEN moved to amend by adding the words, "and one paper in each county in the State."

Mr. HARGROVE moved to lay the resolution and amendment on the table.

The motion was rejected—yeas 21, nays 29.

[A message was received from the House of Representatives, announcing to the Senate that the House had passed, without amendment, Mr. Miller's bill (S. 5) taxing the real estate of railroads, &c.; also, without amendment, Mr. Lomax's bill (S. 60) to amend the act in relation to agricultural societies, approved February 7, 1855.]

Mr. SLACK proposes to amend by inserting the *Locomotive, Citizen, Expositor and Morning News*.

On motion by Mr. WIER, the amendments were laid on the table.

Mr. STEVENS moved to amend the resolution by inserting in the proper place the *Volksblatt*.

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

The motion was rejected by yeas 16, nays 32.

The amendment was then agreed to.

The yeas and nays having been demanded on the adoption of the resolution—

Mr. LINE withdrew it.

[A message from the House of Representatives announced the passage by that body of the bill (H. R. 60) to amend the 6th section of an act providing for the organization of County Boards, approved June 7, 1857.]

#### MILITIA.

Mr. WALLACE offered the following, which was rejected:

*Resolved*, That the Committee on Military Affairs be instructed to prepare and offer, at the beginning of the ensuing regular session, a bill for the complete and thorough organization and regulation of the Militia, as was contemplated by the makers of the Constitution.

#### ACCOUNTS.

Mr. SLACK offered a resolution that the Secretaries, Door keepers and Committee Clerks re-



port to the Finance Committee the time they have served, and that the committee report the same to the Senate.

The resolution was adopted.

#### REARRANGEMENT OF DESKS.

Mr. ANTHONY offered the following, which was adopted by consent:

*Resolved*, That the select committee, to which was referred the rearrangement for heating the Senate Chamber, be further authorized and directed to cause the desks in said chamber to be rearranged, if in their opinion, the present arrangement can be improved—said change, if any, to be made by the next session of the Senate.

#### AUDITOR OF STATE.

Mr. WEIR offered a resolution, which was adopted, calling upon the Auditor of State to show by what authority he has heretofore charged persons for examining the public books, the name of such person, how much charged and the disposition he has made of the money received therefor.

#### PUBLICATION OF LAWS.

Mr. JOHNSTON offered the following, which was adopted by consent:

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of appointing some suitable person, in each county, to stand on the corners of the streets, and read the laws to the people.

#### PAPER CURRENCY.

Mr. TARKINGTON moved to suspend the order of business and take up Mr. Blair's bill (S. 86) in relation to shipplasters.

The motion was agreed to by consent, and the bill (S. 86) to enable the holders of unauthorized paper currency to collect the amount thereof from any person or corporation heretofore or hereafter issuing or aiding in the circulation thereof, was read the third time.

The bill was then finally passed the Senate—by yeas 46, nays 0.

The title was adopted.

#### THE DIVORCE LAW.

On motion by Mr. CONNER, the bill (H. R. 5) to amend the 6th section and repeal the 7th clause of the 7th section of the divorce act, approved May 13, 1852, by unanimous consent, was then considered by the Senate.

Mr. MARCH moved to amend by proposing a substitute—striking out all after the enacting clause.

Mr. MURRAY moved to amend, providing that suits pending at the time of the passage of this act shall not be affected by it.

After debate by Messrs. McLean, Green, Wier, Conner, Bennett, and Hendry—

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

The motion was agreed to—yeas 34, nays 16.

Mr. March's substitute was then adopted.

On motion by Mr. MARCH, the bill was considered as engrossed, and read a third time.

The bill was then finally passed the Senate by yeas 44, nays 1.

The title was read and adopted.

#### UNITED STATES SENATORS.

On motion by Mr. WILSON, Mr. Wallace's joint resolution, (S. 1) having reference to the choosing of United States Senators, was taken

from the table and placed upon the files of the Senate.

And then the Senate took a recess till 2 o'clock.

#### AFTERNOON SESSION.

On motion by Mr. HEFFREN, the bill (S. 109) was taken up, it being on the second reading.

Mr. HEFFREN moved the rules be suspended and the bill read the third time now.

The motion was agreed to—yeas 41, nays 2—and the bill was read through the third time.

[A message from the House of Representatives was received, announcing the passage by that body of Mr. Steele's bill, (S. 15) having reference to abandoned highways, with engrossed amendments; also, of a joint resolution directing State officers to borrow money from the Sinking Fund or elsewhere, giving preference to the Sinking Fund.]

Mr. WEIR moved to recommit with an amendment—the same as reported in the proceedings of the Senate of Monday morning to the bill (H. R. 9.)

This proposition to amend was discussed by Messrs. Weir, Heffren and Murray.

Mr. HEFFREN moved to lay the amendment of the gentleman from Laporte [Mr. Weir] on the table.

Mr. WALLACE moved to amend the motion by laying the bill and the amendment on the table.

A division of the question being called for, Mr. Weir's amendment was laid on the table by yeas 36, nays 13.

The question recurring on the motion to lay the bill on the table, it was rejected by yeas 7, nays 42.

The bill was then finally passed the Senate by yeas 47, nays 2.

#### ELECTION OF UNITED STATES SENATORS

Mr. CRAVENS asked and obtained the consent of the Senate to offer the following:

*WHEREAS*, The State of Indiana has been and now is unrepresented in the Senate of the United States; and whereas, there is now no law other than the Constitution of the United States and of this State providing for a choice by the Legislature of this State; and whereas, it is essential that this Legislature should choose such Senators at its present session: Therefore,

*Be it resolved by the Senate (the House of Representatives concurring therein):* 1. That the Senate shall, upon the passage of this resolution by either House, proceed immediately to the choice of two persons to represent this State in the Senate of the United States, and that a majority of each House shall be necessary to such a choice.

2. That each person who shall receive a majority of the votes given in both Houses of this Legislature shall be declared duly elected to represent the State of Indiana in the Senate of the United States, the person first chosen shall be declared elected from the date of the election herein provided, and shall serve as such Senator until the 4th of March, 1863, and the person next chosen shall, in like manner, serve as such Senator until the 4th of March, 1861.

3. The Secretary of the Senate and the Clerk of the House of Representatives shall, immediately upon the choice, as herein provided by the respective Houses, certify the same to the Secretary of State, who shall immediately thereafter certify the same under the seal of the State, to the Vice President of the United States, and also furnish to each of the persons so chosen, as herein provided, when application is made by such person or persons, or



others, for three copies of their election or choice as such Senators.

4. The said Secretary of State, shall also furnish with the certificate as herein provided, a copy of this resolution, and the vote of each House thereon.

The PRESIDENT decided the resolution out of order.

Mr. CRAVENS appealed from the decision of the Chair, for the purpose of simply asking the Senate of the United States to do justice to the State of Indiana.

The PRESIDENT directed the Senator to state his appeal in writing.

Mr. WALLACE demanded a call of the Senate.

The call was proceeded with and the Secretary reported Mr. Studabaker absent.

On motion by Mr. WALLACE the absentee was sent for.

When the door-keeper returned and reported, further proceedings in the call were dispensed with.

[A message was received from the House of Representatives announcing the passage by that body of Mr. Blair's bill (S. 86) with engrossed amendments.]

Mr. CRAVENS submitted his appeal as follows, and it was read by the Secretary:

The President of the Senate having decided that a resolution, providing for the election of United States Senators, submitted by the Senator from Jefferson, to be out of order, I respectfully appeal from such decision to the Senate.

JNO. R. CRAVENS.

Mr. SLACK moved to lay the appeal on the table.

The motion was rejected by yeas 18, nays 32.

The PRESIDENT stated the grounds of his decision at length, and some reasoning thereupon, which he had prepared in writing.

[A message was received from the House of Representatives announcing the passage by that body of the bill (H. R. 101) to secure the Sinking Fund debt.]

The question being shall the decision of the Chair remain as the judgment of the Senate,

The yeas and nays were demanded, and being ordered and taken, resulted, yeas 22, nays 27.

So the decision of the Chair was not sustained and the resolution was entertained and considered.

Mr. JOHNSTON made an ineffectual motion to strike out the preamble.

The question recurring on the passage of the resolution—

The yeas and nays were demanded, and being ordered and taken, resulted, yeas 26, nays 24—as follows:

YEAS—Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

NAYS—Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

Mr. GOODING, when his name was called, said: Mr. President, I desire briefly to state to this Senate the reasons for the vote that I shall give on the resolution now before the Senate. I participated in the supposed election of Bright and Fitch at the session of 1857. I then had and

still have serious doubts of the legality of that election, but having doubts on the subject, I gave the benefit of those doubts to the Democratic party, of which I then was and still am an humble member. My participation in that election was reluctant, and I frankly confess that subsequent events have not removed my doubts, nor do I believe that the peace, harmony, or success of the Democratic party was thereby promoted. That the course of Messrs. Bright and Fitch and others in their lead, in their attempt to make the advocacy and support of *Lecomptonism* a test of Democracy, have done more to defeat and break down the Democratic party in this State than all the Republicans in it. The persecution of the friends of Judge Douglas and Governor Wright by those men assuming the leadership of the party is unjust, impolitic and insufferable, and must cease, otherwise there can be no peace.

We cannot, we will not stand by and hold the clothes of those that stone Stephen, nor will we consent unto his death, nor that he be slain in the house of his friends.

I represent a district overwhelmingly Democratic, and can not and will not misrepresent my constituents by voting for a Republican on the one hand, nor a Lecomptonite on the other, for the United States Senatorship, until otherwise instructed by them.

Our objections to Messrs. Bright and Fitch are that they have denied the *faith* and repudiated the *time honored principles* of Democracy, by which we intend to stand whoever may prove faithless. We follow principles, and men only as they are true to those principles. We have strong attachments to the organization of the Democratic party, but still stronger for its principles as we have understood them.

From what I have already said it will appear that I cannot vote for this resolution.

So the resolution was adopted.

Mr. CRAVENS then nominated Henry S. Lane for United States Senator till the 4th of March, 1863.

The PRESIDENT directed the roll called, and 26 Senators voted for Mr. Lane, as follows:

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

Present and refusing to vote:

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson.

Absent—

Mr. Heffren.

Mr. JONES nominated William M. McCarty for United States Senator till the 4th of March, 1861.

The result of the call of the roll was the same as in the case of Mr. Lane.

#### INTEREST ON STATE DEBT.

On motion by Mr. HEFFREN messages from the House were taken from the table.

The joint resolution (H. R. No. 4) providing for the payment of the interest on the State debt, coming up—

Mr. CRAVENS moved that the rules be sus-



pendent and the joint resolution be read the second time now.

The motion was agreed to—yeas 38, nays 9—and the resolution passed to the third read ng.

Mr. HAMILTON moved that the rules be suspended, and the joint resolution be read the third time now.

The motion was agreed to—yeas 37, nays 7—and the resolution was read through the third time.

The resolution was then finally passed by yeas 31, nays 19.

Mr. Blair's bill (S. 86) prohibiting unauthorized paper currency, coming up—the House amendments were concurred in.

The bill (S. 15) authorizing County Commissioners to take charge of abandoned roads, coming up—the House amendments were concurred in.

The bill (H. R. 60) to amend section 6 of an act approved June 17, 1852, coming up—

Mr. HEFFREN demanded a call of the Senate.

Thirty-four Senators were reported as present. Mr. CONNER moved that further proceedings in the call be dispensed with.

The motion was agreed to.

And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 22, 1858.

On motion by Mr. BOYD, the reading of the Journal of yesterday was dispensed with.

### PERRY COUNTY SEAT.

On motion by Mr. SMITH, of Perry, (the order of business being suspended for the purpose,) the Senate amendments to his bill (H. R. 79) a general bill for the removal of the county seat of Perry from Rome to Cannelton, were taken up. Besides clerical amendments the Senate have added sections 18 and 19, to the following effect:

Sec. 18. That nothing herein shall be taken or considered as repealing any of the provisions of the Act for the relocation of county seats, approved March 2, 1855.

Sec. 19. That nothing in this Act shall be so construed as to draw money from the said County Treasury for the purposes of this Act.

They also amend the title, by making it supplemental to the Act for the relocation of county seats, &c., approved March 2, 1855.

The amendments of the Senate were concurred in.

### INDEPENDENT TREASURY.

Mr. JONES (by unanimous consent) introduced a bill (No. 102) to establish the Independent Treasury of the State of Indiana, to provide for the safe keeping and disbursement of the public money of the State, and of the several counties thereof; creating the office of Comptroller of the Treasury and prescribing the manner of his election, defining his duties and fixing his compensation; defining the duties of the Treasurer of State, Auditor of State, and other State officers, and the duties of County Auditors and Treasurers and other county officers; for the examination of the State and County Treasuries, and providing for the punishment of the crime of embezzlement of the public funds, and fixing other

penalties for the violation of this Act; which was passed the first reading

Mr. JONES moved to suspend the rule and constitutional provision and read the bill a second time now, and the vote showing two-thirds in the affirmative—

The bill was read the second time by title.

Mr. PROSSER moved that it be laid on the table, and that 200 copies be printed.

Mr. KEEFER proposed 500 copies, which was agreed to, and the order was made accordingly.

### HOUSES OF REFUGE.

Mr. DOBBINS, (by leave,) from the select committee of one from each Congressional District, to whom was referred the resolution of the House making it their duty to report a bill for the erection and maintenance of three Houses of Refuge for the correction of juvenile offenders, reported the expression of opinion that the Legislature ought to make provision at as early a day as possible for these objects, but owing to the lateness of the day of the session they deem it inexpedient at this time to report a bill, &c.

The House refused to concur in this report.

### A LICENSE LAW.

Mr. AUSTIN, (by consent,) from the Committee on Temperance, to which sundry propositions on the subject had been referred, reported back the petition and papers that had been referred to them, and returned a license law bill, stating the reasons which had induced the report—that it was not such a bill as could meet with the approval of the committee, but, under all the circumstances, the committee supposed it the best thing that could be done by this General Assembly.

On motion by Mr. Davis, the report and bill were laid on the table.

Mr. BLYTHE, (by consent,) from the Special Committee, to whom was referred Mr. Mansfield's bill (H. R. —) (a license law) reported the same back with sundry clerical and immaterial amendments, with a favorable recommendation.

The report was concurred in and the bill was laid on the table.

### ABANDONED ROADS.

Mr. COMSTOCK, (by consent,) from the Committee on Roads, returned the bill (S. 15) and the amendments thereto, with sundry amendments, stating that the emergency clause had been stricken out under instructions from the House, and not on the motion of the committee.

On motion by Mr. RITTER, the emergency clause was restored.

Mr. GIFFORD moved to amend further adding appropriately these words: "And all claims thereto relinquished by the said company," which was rejected.

Mr. Hall, of Rush, made an ineffectual motion to refer again to a Select Committee.

The report was then concurred in, and the bill ordered to engrossment and passed the third reading.

### ABSENCE.

On motion by Mr. DAVIS, Mr. Murray, from the counties of Elkhart and Lagrange, had leave of absence from and after to-morrow at twelve o'clock M.



## CLERKS AND EMPLOYEES.

Mr. BRANHAM, (by unanimous consent.) submitted the following:

*Resolved*, That the Chairmen of the several committees of the House of Representatives who have employed clerks forthwith report their names and the number of days employed respectively to the Committee on Ways and Means.

Mr. STANFIELD proposed to amend by including all the employees by the authority of the House of Representatives.

The amendment was concurred in, and so the resolution was adopted.

## RAILROAD PROPERTY APPRAISEMENTS.

Mr. STILES, (by unanimous consent,) from the Committee on Corporations, returned the engrossed bill (S. 35) to amend the 52d section of the Assessment Act of June 21, 1852, with a recommendation that the same do pass.

Mr. STANFIELD. The bill was for the purpose of clearing up doubt in regard to the assessment of real estate belonging to railroad companies, and therefore it should be passed at once.

So the bill passed the House of Representatives.

## AGRICULTURAL SOCIETIES' LAND.

On motion of Mr. LEWIS, (the order of business being further suspended for the purpose,) the engrossed bill (S. 60) to amend the Act of February 7, 1855, authorizing County Agricultural Societies to hold real estate—[75 acres]—was taken up and passed the third and last reading by yeas 85, nays 0.

## COMMISSIONERS' COURT.

On motion by Mr. DOUGHERTY, (the order being further suspended for the purpose,) the engrossed bill (H. R. 60) to amend the 6th section of the Act of June 17, 1852, requiring the Court of County Commissioners to meet in the Auditor's office in term time of the other Courts was taken up.

On motion by Mr. GRIFFIN, the bill was amended, by substituting "may" for "shall," and so the bill passed the final reading in the House of Representatives by yeas 87, nays 5.

## A PUBLIC LOAN.

Mr. SMITH, of Perry, (the order of business being further suspended for the purpose,) reported the following from the Committee on Ways and Means:

A joint resolution (No. 4) directing the Treasurer of State to appropriate all the moneys in his hands, as therein provided, and directing the Governor, Auditor and Treasurer of State, to borrow money of the Commissioners of the Sinking Fund, or elsewhere, giving the preference to the Sinking Fund, which was passed the first reading.

Mr. BRANHAM moved that the rules be suspended and the joint resolution be read the second time now.

Mr. DAVIS. As the gentleman over the way was getting nearer right now, he hoped the rules would be suspended.

The Constitution requiring this vote to be taken by yeas and nays, and the Clerk reporting—yeas 71, nays 19—two-thirds in the affirmative; the

rules were suspended, and the joint resolution was read again and considered on the second reading.

Mr. KNOWLTON proposed to strike out and insert "25th day of April."

Mr. CLEMENTS resisted the passage of the resolution, because it allowed the Treasurer to check on the School Fund, the Swamp Land Fund, &c., for the payment of the interest on the State debt.

Mr. HUNTER said to the gentleman, that all the Swamp Land and all the School Fund had already been taken for the last July instalment of interest. None of these funds were in the Treasury. Did the gentleman propose any other means to pay this interest. If the Governor veto the bill passed yesterday, there would be no alternative but to go at large into the market with new State bonds. This joint resolution was to avoid that, &c.

Mr. JONES proposed to amend the amendment, by striking out the words "giving preference to the Sinking Fund."

Mr. HARNEY. As it was a case of emergency, he would vote for the joint resolution; but he begged the gentleman, in mercy, not to connect it with the bill passed yesterday.

Mr. DAVIS. This joint resolution proposed, first, to make application to the Sinking Fund Commissioners, giving evidence of debt, and paying interest on the money borrowed. But he would have it distinctly understood that he did not vote for it for the reasons given by the gentleman from Monroe, (Mr. Hunter) because, if it were in any way connected with the bill of yesterday, he would record his vote against it at all hazards.

Mr. PARRETT. Taking the resolution as a secondary evil, he was willing to go for it. On his motion the amendment were laid on the table.

On his further motion, the joint resolution was ordered to be engrossed, and the rules being suspended—yeas 70, nays 23—it was considered as engrossed on the third and last reading.

Mr. DOBBINS regarded the joint resolution as twin sister to the bill of yesterday. It had many objectionable features. He would never appear against paying the public debt, but the proposition must proceed upon just principles, &c.

Mr. HARNEY. We had, in debate here, raised doubt about the Governor, Treasurer and Auditor's authority to loan, and rendering it, perhaps, impossible for them to do so. It was imperative that this money should be provided, to prevent consequences like the throwing back upon the State of the Wabash and Erie Canal, &c. He would therefore support the resolution.

Mr. SMITH, of Perry. This was an emergency. It was absolutely necessary that we should show to the holders of the State bonds that we will pay—will put them in *statue quo*. We propose to give security to the Sinking Fund, and to throw upon the State officers the responsibility of the discretion whether to use money in the hands of the Sinking Fund Commissioners or not. If they take the Sinking Fund they will give seven per cent. for money that is now draw.



ing only four per cent. interest. It was by some supposed, that if we do not take this money out of the Sinking Fund, it will be loaned through the several counties in small sums of \$50. He would be allowed to say that only a small amount of the fund would be thus loaned. The Commissioners would be obliged to reserve this money for the purpose of retiring the bank bonds; and in the mean time it would be deposited perhaps with Winslow, Lanier & Co., at only four per cent., whilst it was proposed here to give seven per cent.

Another thing. The resolution referred to the bonds in the hands of the State officers. These bonds in their hands uncanceled by the Auditor's indorsement, could go into the market and money could be drawn on them, it was thought, without further authority. In this way, if the Sinking Fund Commissioners should not choose to loan to the State for three, six or eighteen months, or two years, the officers of State could negotiate these bonds in the hands of the fund Commissioners, and so make ample provision for the interest money.

[A Senate message now announced the passage in that body of a bill (S. 86) to enable the holder of unauthorized paper currency to collect the amount thereof.]

Mr. STILES demanded the previous question, and under its force the vote was urged upon the main question, viz: the passage of the joint resolution, resulting—yeas 62, nays 35—as follows:

**AYES**—Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davidson, Davis, Dougherty, Duval, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Johnston, Kempf, Lawhead, McLean, Major, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Robinson, Ryerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whitman, Wildman and Mr. Speaker—62.

**NAYS**—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Durham, Early, Eastham, Griffin, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Knowlton, Lewis, Murray, Newton, Ritter, Row, Shull, Stanley, Sullivan, Summers, Tebb, Thompson of Madison, Snyder, Turpie, Usrey, Waterman, Wheeler and Wood—35.

Mr. GRIFFIN explained his vote. There were \$18,000 of the Swamp Land Fund due to the ditches in his county, and by this resolution it was proposed to divert this money to other purposes. Therefore he voted against it.

So the joint resolution was passed the third reading in the House of Representatives, and it was ordered that the Clerk acquaint the Senate therewith.

#### DISTRIBUTION OF THE PROCEEDS OF THE SCHOOL FUND.

Mr. PARKS, (by unanimous consent,) from the Committee on education, responding to a resolution of the House of Representatives, submitted a report embracing a statement showing the distribution share paid to each county in the State of the common School Fund for the year 1858—amounting in all to \$323,125.

The report was laid on the table.

Mr. ROBINSON, (by unanimous consent,) from the Committee on the Sinking Fund returned

the bill (H. R. 41) to punish giving false certificates and making false appraisements in certain cases, with an amendment, adding a section to the following effect:

**SECTION 4.** Any person charged by law with the duty of loaning the fund named in the first section, who shall knowingly make any such loan to any person who has not procured the proper certificate required, upon conviction shall be fined not exceeding \$100, and imprisoned not exceeding one year.

The amendment was concurred in and the bill ordered to be engrossed.

#### STATE PRISON.

Mr. HUNTER, (by consent,) submitted the following, which was adopted:

*Resolved*, That the Committee on the Affairs of the State Prison, be authorized to continue their investigations in vacation, and that they report the result of their labors at as early a period as practicable during the next session of the Legislature.

#### TEMPERANCE.

Mr. ROBINSON, (by consent,) submitted the following:

*Resolved*, That a select committee of three be appointed to draft a Temperance bill on the license principle; and, also, that a committee of three be appointed to draft a bill embracing the views of the opponents of a license law, and that 200 copies of each of these bills be printed for the use of members of the House of Representatives, in lieu of all the Temperance bills heretofore ordered to be printed, and that said order be and the same is hereby rescinded.

On motion by Mr. BLYTHE, the resolution was laid on the table.

#### ELECTION OF UNITED STATES SENATORS.

Mr. STANFIELD gave notice that at 2 o'clock this day he would introduce a proposition to go into the election of United States Senators.

The House then took a recess till 2 o'clock.

#### AFTERNOON SESSION.

Mr. LEWIS asked and obtained leave of absence for Mr. Kempf, for the remainder of the extra session.

On motion by Mr. DAVIS, Mr. Summers had leave of absence from and after to-morrow morning.

#### SINKING FUND.

On motion by Mr. MANSFIELD, (the order being suspended for the purpose,) the bill (H. R. 101) to secure to the Sinking Fund a debt which the State owes to said fund, and to provide for the payment of the interest on said fund, was taken up, passed the second reading, and—

On motion by Mr. HARNEY, (the rules being suspended by yeas 93, nays 0,) the bill was considered as engrossed and passed the third and last reading in the House of Representatives, by yeas 95, nays 0.

#### UNAUTHORIZED PAPER CURRENCY.

On motion by Mr. HUNTER, (the orders being further suspended for the purpose,) the bill (S. 86) enabling persons holding unauthorized paper currency, to collect the amount thereof, was taken up and passed the first reading.

On his further motion; (the constitutional provision being suspended by yeas 94, nays 0,) the bill was passed the second reading.



Mr. BLYTHE proposed to amend the bill by adding to the 4th section, these words:

Provided however, if any such bill, note or promise to pay, as described in the act, shall be lost or destroyed, or shall be in the possession of the person, company or corporation, who issued the same, any such person, company or corporation not having redeemed the same, it may be sued upon as a lost instrument, and it shall not be necessary to produce upon the trial such bill, note or promise to pay.

The amendment was agreed to.

On motion by Mr. HUNTER, (the rule and constitutional provision being again suspended—yeas 87, nays 5,) the bill, as amended, was considered as engrossed, and passed the third and last reading in the House of Representatives by yeas 96, nays 1.

#### THE PUBLIC PRINTING.

Mr. NEWTON, (the orders being further suspended for the purpose,) from the Special Committee on Public Printing, submitted a report in writing, reviewing particularly the public printing and the cost thereof as far back as the year 1854, and making sundry suggestions and recommendations based upon testimony in the investigation and submitted with the report, which was read at length.

The committee recommended the passage of a law suggesting among others, the following features:

1. A repeal of the statute of 1853, fixing the compensation of public printer.
2. The establishing of prices for binding in addition to those of composition and press-work, folding and stitching.
3. That the public printer should furnish his own paper, and that the same shall in all cases be of a given weight and according to sample furnished.
4. Requiring the public printer to keep an exact account of each item of work done for the State, together with the number of reams of paper used by him in doing work for the State.

Mr. MILLER explained the report, and reasoned at length in favor of the report, its suggestions and recommendations—protesting specially, as a practical printer, against the right of the public printer to the outside or cassie quires of paper.

[A message from the Senate now announced the passage in that body of the bill (S 109) to prevent the circulating of unauthorized and broken bank paper, &c.]

Mr. BLYTHE moved that the report and testimony be laid on the table, and that 1,000 copies thereof be printed for the use of the House of Representatives.

Mr. HARNEY would like to know why the committee traveled out of their line of investigation to censure the Attorney General, when there was nothing in the facts to warrant it. The Superintendent of Public Instruction to excuse himself for having published certain books ordered by An Act of the Legislature in 1853, page 126, said that the Attorney General had given his opinion that it was his duty to do so. That opinion was given in a private conversation with the Superintendent, whereupon the committee proceed to censure him for it. The Attorney General did give an opinion on that subject, at

another time; and any person can see by reading the act above alluded to, that the opinion was correct; and if the Superintendent had heretofore failed to comply with it, the Attorney General certainly could be no way responsible for it, nor could he make a legal opinion conform to what might have been explained at the time it was given. Certainly the committee should give some good reasons for this open censure.

Mr. RITTER replied. It was evidently the intention to distribute documents already printed. Why did not the Attorney-General tell them to reprint the Statutes? There was \$7,800 audited for composition and press work of the documentary journal, reprinted under the Attorney-General's decision.

Mr. DAVIS understood that the opinion of the Attorney-General was in writing and on file, and he suggested that it be printed with this order.

Mr. BLYTHE. Such a course might not be the best for the legal reputation of the Attorney General.

Mr. DAVIS. Let him rest upon his own work.

Mr. TURPIE called for a division of the question.

The first question was on laying the report and testimony on the table, which was agreed to, and then the order to print 1,000 copies for the use of the House of Representatives, was adopted.

#### BROKEN BANK PAPER, &c.

On motion by Mr. HUNTER, (the orders being suspended for the purpose,) the bill (S. 109) to prevent the circulating of unauthorized and broken bank paper, prescribing penalties, &c., was taken up on the first reading, and it was being read by the Clerk, when—

#### ELECTION OF THE UNITED STATES SENATORS.

A message from the Senate, by Mr. Vawter, their Secretary, announced the passage in that body of a concurrent resolution, to authorize a separate *visa voce* election of two United States Senators—one to serve till the 4th of March, 1863, and the other till the 4th of March, 1861.

[The resolution is printed in the report of the proceedings of the Senate of this day.]

On motion by Mr. STANFIELD, (the order of business being further suspended for the purpose, by yeas 52, nays 43,) the resolution was taken up and read through by the Clerk.

Mr. KEEFER moved to lay the resolution on the table, demanding the yeas and nays.

Mr. SCOTT demanded a call of the House, which proceeded till its object was accomplished.

Mr. MURRAY demanded the previous question, and there being a second, the vote was forced on the main question.

Mr. TURPIE demanded the yeas and nays, and they were ordered.

Mr. DOUGHERTY made the point of order, that this is a joint resolution, requiring to be read three times under the constitutional provision.

The SPEAKER. The Chair regards it as a concurrent resolution. The Clerk will proceed with the call.

The vote on the question of concurrence resulted yeas 51, nays 46, as follows:



**YEAS**—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Powers, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Wetzel, Whiteman, Wildman and Mr. Speaker—51.

**NAYS**—Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelley, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the House concurred, and the resolution was adopted.

Mr. STILES named Henry S. Lane, of Montgomery county, for the longest term in the resolution.

The SPEAKER directed the Clerk to proceed with the call.

Mr. BLYTHE asked and obtained excuse for refusing to answer.

Mr. KEEFER asked to be excused, but the House refused.

Mr. TURPIE moved to reconsider the vote by which Mr. Blythe was excused, and proceeded thereupon to reason, that this was no regular action of the House of Representatives, and there was no room for excuse. But—

The SPEAKER repressed debate, and the House refused to reconsider, on a division—affirmative 24, negative 47.

The Clerk pursued the roll and reported as follows:

FOR HENRY S. LANE—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Powers, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Wetzel, Whiteman, Wildman and Mr. Speaker—51.

**PRESENT AND NOT VOTING**—Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelley, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbis, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—45.

Mr. DAVIS, when his name was called, asked to be excused, because he did not think there was any officer to elect. But the House refused.

The SPEAKER announced the result: Henry S. Lane having received the votes of a majority of the members of the House of Representatives, I declare, on the part of this House, that he is duly elected a Senator of the United States for the State of Indiana, to serve till the fourth day of March, 1863. [Great cheering followed here.]

[A Senate message announced that that body had elected Henry S. Lane and Wm. M. McCarty United States Senators for the State of Indiana.]

Mr. COLLIER nominated William M. McCarty, of Marion County, for the shortest term in the resolution—the Clerk pursuing the roll, as

before, and with a similar result, except that the House now refused to excuse Mr. Blythe.

Mr. EDWARDS, when his name was called on the McCarty roll, said: Mr. Speaker, I have voted here that Indiana is not represented in the Senate of the United State, by persons elected in pursuance of the Constitution and Laws. I believe I was right when I gave that vote, and I wish to act upon that principle in voting now. I would prefer to vote for some gentlemen who represented my political sentiments nearer than the gentlemen now nominated,—in the belief that my constituents and those of my friend from Ohio (Mr. Gregory) ought to be entitled to some respect and a fair representation, I have good reasons for preferring some one else for this position, but in order that the gentlemen now nominated may have fifty one votes I will give him mine.

Mr. RITTER moved to take up and concur in the Senate message announcing the result of the action of that body in its proceedings under the above resolution.

Mr. DAVIS. The action of the two Houses is concurrent, and there it ends. So it seems to me.

The SPEAKER and Mr. RITTER acquiesced.

Mr. Parrett, Mr. Claypool and Mr. Usrey now had leave of absence for the remainder of the session after to-morrow.

#### BROKEN BANK PAPER.

On the motion of Mr. HUNTER the House now resumed the preceding order which had been interrupted by the proceedings under the above resolution of the Senate—to-wit: the consideration of the bill (S. 109) to prevent the putting away or circulating of unauthorized bank paper, &c.

The Clerk pursued the reading of the bill, and it was passed the first reading.

On motion by Mr. HUNTER, the rules being now dispensed with, the bill was put upon the second reading.

Mr. KNOWLTON proposed to amend the bill by striking out the word "insolvent" wherever it occurs.

On motion by Mr. HUNTER, the bill and proposed amendment were referred to a select committee which the SPEAKER makes to consist of Messrs. Blythe, Stanfield, Mellett and Davis.

The House then adjourned.

#### IN SENATE.

THURSDAY, December 23, 1858.

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

#### EMPLOYEES OF THE SENATE.

Mr. WILLIAMS offered the following:

*Resolved*, That the Principal and Assistant Secretaries, the Principal and Assistant Door-keepers, the Chairman of each Standing Committee, be required to report to the Senate the number of Assistant Secretaries and Assistant Door-keepers and Clerks by them employed, and the names of the same.

A SENATOR suggested that a similar resolution was adopted yesterday.

Mr. WILLIAMS withdrew his resolution.



# THE LEGISLATIVE SENTINEL.

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No. 17.

## BONDS AND STATE STOCKS.

Mr. WAGNER, from the Committee on Education, to which was referred Mr. Bobb's bill (S. 25) providing for the redemption and purchase of bank bonds and State stocks, reported the same back; that they were favorably impressed with the principles of the bill, but recommended that further legislation thereon be postponed till the regular session.

The report was concurred in.

## JUSTICES OF THE PEACE.

The Senate then decided to take up bills on their third reading.

The bill (H. R. 18) to amend section 18 of an act prescribing the powers and duties of Justices of the Peace in State prosecutions, approved March 29, 1852, coming up—after a short debate by Messrs. Murray, March, Stevens, Gooding and Bennett—

The bill was rejected by yeas 16, nays 28.

## SCHOOL LANDS.

The bill (H. R. 22) providing for the reapportionment of unsold lands in this State, coming up on the third reading—

The bill was finally passed the Senate by yeas 43, nays 0.

## ADJOURNMENT SINE DIE.

A message was received from the House of Representatives announcing the concurrence of that body in the following resolution of the Senate:

*Resolved*, That the Senate will, (the House concurring,) adjourn *sine die* on Saturday, the 25th inst., at 10 o'clock A. M.

## CIRCUIT COURTS.

The bill (H. R. 36) to amend section 1 of an act providing for extending the terms of Circuit Courts by adjournment, &c., approved February 13, 1855, to authorize the Judge to hold special terms, and providing compensation to the Judge and Attorneys in attendance on the same, coming up on the third reading—

The bill was finally passed the Senate—yeas 40, nays 5.

On motion by Mr. MARCH, so much of the title of the bill as refers to compensation was stricken out.

## ELECTION BOARDS.

The bill (H. R. 62) for the punishment of officers of elections for refusing or neglecting to receive legal votes, coming up on the third reading—after debate indulged in by Senators Bobbs, Mars', Wallace, Conner, Slack, Bennett, Johnston and Rice—

On motion by Mr. MARCH, the bill was re-committed with instructions to insert the words "knowingly and," so that it will read "knowingly and willfully or corruptly" refuse to receive votes, &c.

## MESSAGES FROM THE GOVERNOR.

A message from the Governor was received, announcing that he has approved and signed the following bills:

The bill (H. R. 79) supplemental to An Act providing for the relocation of county seats where two-thirds of the voters so desire.

Mr. Anthony's bill (S. 59) to amend An Act regulating the licensing of pilots at the Falls of the Ohio, approved June 15, 1852.

Mr. Miller's bill (S. 5) to amend the 32d section of An Act to provide for the valuation of real estate, &c., approved June 21, 1852, for the taxing of Railroad lands.

## AUDITOR OF STATE

The PRESIDENT laid before the Senate a communication from the Auditor of State, in reply to a resolution of the Senate adopted yesterday, asking by what authority he received fees from persons examining the public books in his office, stating that no person was ever so charged, and consequently no money was ever received by him on that account.

## NATHAN RAWLEY.

The bill (H. R. 40) for the relief of Nathan Rawley from a judgment in the Vanderburgh Court, coming up on the third reading—

It was finally passed the Senate by yeas 49, nays 0.

## ELECTION BOARDS.

On the motion of Mr. MARCH, by unanimous consent, the bill (H. R. 62) providing punishment for officers of election for refusing or neglecting to receive legal votes, was referred to a select committee of three, which the PRESIDENT makes to consist of Messrs. March, Slack and Blair.

## SINKING FUND COMMISSIONERS.

On motion by Mr. WAGNER messages from the House of Representatives were taken from the table.

The bill (H. R. 98) providing for the election of a Board of Sinking Fund Commissioners, coming up, it was read the first time and passed to the second reading.

## ELECTION BOARDS.

Mr. SLACK, by unanimous consent, presented a report from the select committee to which was referred the bill (H. R. 62) returning the same with Mr. March's amendment, as instructed by the Senate, above set forth.

The report was concurred in, and the bill finally passed by yeas 44, nays 3.

## COUNTY BOARDS.

The bill (H. R. 60) to amend sections of an act for the organization of County Boards, coming up, it was passed the first reading.



## SINKING FUND.

The bill (H. R. 101) to secure the Sinking Fund debt, coming up, it was read the first time.

Mr. WAGNER moved a suspension of rules and that the bill be read by title a second time now.

The motion was agreed to by yeas 43, nays 1.

Mr. WAGNER explained the provisions of the bill.

Mr. STUDABAKER moved a suspension of rules, and that the bill be read the third time now.

Mr. TARKINGTON objected.

Mr. MURRAY was in favor of the proposition to suspend the rules.

Mr. CRAVENS knew this bill was well guarded. It simply proposes that the interest on money borrowed from the Sinking Fund by the State in 1842, be put into a bond and surrendered to the Commissioners.

Mr. TARKINGTON moved to add the \$165,000 borrowed last July.

Mr. WAGNER opposed the amendment, and submitted his reasons therefor.

Mr. BOBBS was in favor of taking care of this fund, and consequently as of the opinion that the bill should pass.

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

The motion was agreed to by yeas 33, nays 7.

The motion to suspend the rules and read the bill the third time was agreed to—yeas 38, nays 1.

The bill was then finally passed the Senate by yeas 43, nays 0.

## EXEMPTION OF PROPERTY FROM SALE.

Mr. McLEAN'S bill (S. 46) to amend section 9 of an act exempting property from sale in certain cases, approved February 17, 1852, coming up on the third reading—

Mr. MARCH objected to the passage of the bill.

Mr. McLEAN advocated the passage of his bill, and defended it from the objections named against it. The object of the bill is to aid the law now on our statute books.

Mr. ANTHONY thought the law too stringent.

Mr. GREEN coincided in the views expressed by the Senator from Floyd [Mr. Anthony.]

The bill was then rejected by yeas 15, nays 25.

## LEAVE OF ABSENCE.

Mr. LINE asked and obtained leave of absence for the Senator from Ripley [Mr. Fisk,] who was detained from his seat by sickness.

## OLD STATE BANK.

Mr. WAGNER obtained unanimous consent to introduce a bill (S. 110) vesting in the assignees of the Branches of the State Bank of Indiana, the right to enforce the possession and enjoyment of the assets so assigned, which was read the first time.

And then the Senate took a recess till two o'clock.

## AFTERNOON SESSION.

A message from the House of Representatives announced the passage by that body of the bill (H. R. 104) making specific appropriations for the year 1858.

On motion by Mr. SLACK the previous order of the day was dispensed with, and the message taken from the table.

The bill (H. R. 104) was then read through.

On the motion of Mr. RICE the rules were suspended—yeas 41, nays 0—and the bill as read by title the second time.

On motion by Mr. WALLACE, the bill was referred to the Committee on Finance.

## FROM THE GOVERNOR.

A message from the Governor announced that he had approved and signed Mr. Steele's bill (S. 15) to authorize County Commissioners to take possession of abandoned highways in their counties; also, Mr. Blair's bill (S. 86) to enable holders of unauthorized paper currency to collect the same from any person or corporation aiding in the circulation thereof.

## FROM THE HOUSE.

A message from the House of Representatives announced the concurrence of that body in the Senate amendment to the bill (H. R. 22) providing for the re-appraisal of unsold school lands.

## OLD STATE BANK.

On motion by Mr. WAGNER the rules were suspended—yeas 42, nays 2—and the bill (S. 110) authorizing assignees of the old State Bank to make assignments, was read the second time.

Mr. WAGNER moved that the bill be considered as engrossed, and read the third time now.

The motion was agreed to, and the PRESIDENT having ordered the bill to be read—

[On motion by Mr. RICE the Finance Committee had leave to retire for a sitting.]

Mr. MURRAY submitted the following appeal, which was read by the Secretary.

The Chair having decided that Senate bill No 110, which has been read once to-day, under the suspension of the constitutional rule, should be read again for the third time, to put it upon its passage, without a vote of yeas and nays suspending the rules of the constitution, the Senator from Howard appeals from the decision of the Chair to the judgment of the Senate.

The PRESIDENT stated that to save time for this once, he would order the yeas and nays upon the motion, that the bill be considered as engrossed and read the third time now.

Mr. MURRAY withdrew his appeal.

The motion was agreed to by yeas 37, nays 1.

And then the bill finally passed the Senate by yeas 35, nays 5.

## BRIGHT AND FITCH.

Mr. GOODING made an ineffectual motion to take up joint resolution (No. 6) disapproving of the course of Messrs. Bright and Fitch on the Lecompton question.

## CERTIFICATES OF MEMBERS.

Mr. CRAVENS, from the Committee on Elections, reported that, having examined the credentials of the newly elected members, and finding them correct, the committee ask that they be preserved among the archives of the State.

The report was concurred in.

## HEATING THE SENATE CHAMBER.

Mr. WALLACE, from the special committee on the arrangement for heating the Senate Cham-



ber, &c., reported that it was best to heat the chamber from the basement, and submitted a resolution in favor of the same—the cost being about \$846.

The yeas and nays were demanded upon the adoption of the resolution of the committee, and being ordered and taken, resulted, yeas 28, nays 11.

So the resolution was adopted.

#### FROM THE HOUSE.

A message from the House of Representatives was read, announcing that the House had refused to concur in the Senate amendment to the bill (H. R. 36) to amend Section 1 of An Act providing for extending the terms of Circuit Courts by adjournments, &c., approved February 12, 1855, to authorize Judges to hold special terms, and for the compensation of Judges and Attorneys holding the same.

#### SCHOOL FUNDS.

Mr. CULVER (by consent) from the committee to which was referred a bill providing for the disposition, investment and safe keeping of school funds, reported the same back and recommended that it lie on the table.

The report was concurred in.

#### LEAVE OF ABSENCE.

On motion by Mr. WALLACE, the Senator from Franklin [Mr. Line] was granted leave of absence, on account of sickness in his family.

#### FROM THE HOUSE.

A message from the House of Representatives announced the passage by that body of the bill (S. 102) with amendments to continue the present Board of Sinking Fund Commissioners, till the first Monday in April, 1859; also, the bill (S. 6) to cure defects in execution deeds in certain cases and doing away with a seal or ink scroll.

#### CIRCUIT COURTS.

On motion by Mr. Wallace, the bill (H. R. 36) was taken up; the Senate insisted upon their amendments thereto, and asked for a committee of free conference.

#### SECRETARIES AND DOOR-KEEPERS.

Mr. SLACK offered a resolution stating that the favorable consideration of the Senate is due to the Secretaries and Door-keepers for the manner in which they have discharged their duties.

The resolution was adopted by consent.

#### THE PRESIDENT.

Mr. MURRAY offered the following:

*Resolved*, That the thanks of this Senate are hereby tendered to the Hon. A. A. Hammond for the firm and impartial manner in which he has discharged the duties of the chair.

The resolution was adopted by consent.

#### SINKING FUND COMMISSIONERS.

On motion by WAGNER, Mr. Steele's bill, (S. 102) to continue the present Board of Sinking Fund Commissioners till the first Monday in April, 1859, with the House amendment, was taken from the table.

On motion of Mr. WAGNER it was referred to a committee of three, which the PRESIDENT

[Mr. Cravens in the chair] makes to consist of Messrs. Wagner, Wallace and Anthony.

#### FROM THE HOUSE.

A message from the House of Representatives was received, announcing the passage, by that body, of Mr. Wagner's bill (S. 110) to vest in the assignees of the Branches of the State Bank of Indiana, power to make assignments, &c.

#### NIGHT SESSION.

Mr. BROWN offered a resolution that when the Senate adjourn, it meet at 7 o'clock to-night.

The resolution was adopted.

#### FROM THE HOUSE.

A message from the House of Representatives announced that Messrs. Davis, Blythe, and Harrison were appointed as a Committee of free conference, on the part of the House, on the bill (H. R. 36.)

The PRESIDENT (Mr. Cravens in the Chair) appointed Senators Wallace, Conner, and March as a Committee of free conference, on the part of the Senate.

#### SINKING FUND COMMISSIONERS.

Mr. WAGNER, from the Special Committee, to whom was referred Mr. Steel's bill (S. 102) to continue the present Board of Sinking Fund Commissioners till the first Monday of April, reported the same back, and recommended that the Senate insist upon the bill as originally passed.

The report was concurred in.

The PRESIDENT (Mr. Cravens in the Chair) appointed Messrs. Hamilton, Anthony, and Wagner the Committee of free conference, on the part of the Senate, on this Sinking Fund bill (S. 102.)

On motion by Mr. WAGNER, the bill (H. R. 98) providing for the election of Sinking Fund Commissioners was taken from the table.

Mr. WAGNER moved a suspension of the rules, and that the bills be read the second time by its title.

A constitutional provision demanding the yeas and nays, they were ordered, and being taken, resulted, yeas 29, nays 10.

So the motion was rejected—no quorum voting.

#### SPECIFIC APPROPRIATIONS.

Mr. RICE, from the Finance Committee, to which was referred the bill (H. R. 104) making specific appropriations for the year 1858, reported the same back with sundry amendments.

(A message from the House of Representatives announced that the House refused to concur with amendments to the bill (S. 102) to continue the Sinking Fund Commissioners till the first Monday of April, and had appointed Messrs. Davis, Hunter, and Branham a committee of free conference on the part of the House.)

The Senate then proceeded to the consideration of the bill, adopting and rejecting many propositions to amend, and then the report, as amended, was concurred in.

Mr. WAGNER, from the Committee on Free Conference on Mr. Steel's bill (S. 102) reported recommending that the Senate insists upon the bill as originally passed.

[A message from the House of Representatives announced that the House had receded from its



amendments to Mr. Steele's bill (S. 102,) to continue the Board of Sinking Fund Commissioners till the first monday in April.]

On motion of Mr. HEFFREN—

The rules were suspended—yeas 49, nays 2, and the bill read the third time.

The bill was then finally passed by yeas 28, nays 12.

The Senate then took a recess till seven o'clock, P. M.

#### NIGHT SESSION.

Mr. BENNETT offered a resolution that the journal of the session shall not be printed until after the regular session, in order that the two journals may be printed together.

Mr. WAGNER moved to amend so as to include the acts in book form.

Mr. HEFFREN demanded a call of the Senate.

Mr. BENNETT withdrew his resolution.

Mr. HEFFREN withdrew his demand for a call of the Senate.

#### SENATE BILLS.

Mr. HEFFREN, by consent, introduced a resolution requiring the Secretary to keep all bills remaining on the files of the Senate, and deliver them to the authors thereof, at the opening of the regular session, upon their demand therefor.

The resolution was adopted by consent.

#### BRIGHT AND FITCH.

On motion by Mr. WAGNER, the joint resolution (No. 6) disapproving of the course of Messrs. Bright and Fitch on the Lecompton question, was taken from the table.

The joint resolution (No. 6) was then read.

Mr. STEVENS spoke to the resolution.

Mr. GOODING demanded a call of the Senate.

The call was proceeded with, and thirty-six Senators were reported as present.

Mr. GOODING moved that further proceedings in the call be dispensed with.

The motion was agreed to.

The yeas and nays were demanded on the passage of the resolution, and being ordered and taken, resulted—yeas 23, nays 11.

A quorum not voting—

Mr. GOODING demanded a call of the Senate.

The call was proceeded with, and thirty-three Senators reported as present.

Mr. WAGNER moved that further proceedings in the call be dispensed with.

The resolution was agreed to.

#### WOOD.

Mr. BOBBS offered a resolution that the door-keeper be directed to lay in a supply of wood for the regular session.

Mr. HEFFREN moved to amend the resolution by directing Mr. A. S. Shortridge to perform this service.

Mr. BOBBS accepted of the amendment.

And then the resolution as amended was adopted.

#### SENATE CHAMBER.

Mr. BOBBS offered a resolution tendering the

use of the Senate chamber to the Indiana Association for the promotion of Science, at its next session.

The resolution was adopted by consent.

#### TEMPERANCE.

By unanimous consent, Mr. GOODING, from the Committee on Temperance, to which was referred Mr. Hill's bill (S. 8) to regulate and restrain the sale of spirituous and intoxicating liquors, &c., reported the same back, and submitted a bill (S. 11) in the stead thereof.

The report was concurred in, the bill (S. 11) was read the first time and passed to the second reading.

On motion by Mr. JENNINGS the bill was laid on the table, and five hundred copies ordered to be printed for the use of the Senate.

#### FROM THE HOUSE.

A message from the House of Representatives announced the passage by that body of a concurrent resolution, that the laws of this session, as well as the journals thereof, be not published till the next session.

#### CALL OF THE SENATE.

Mr. WAGNER demanded a call of the Senate, with a view to take up the message of the House.

The call was proceeded with, and twenty-five Senators reported present.

Mr. HEFFREN made an ineffectual motion to suspend further proceedings in the call.

#### FROM THE GOVERNOR.

A message from the Governor announced that he had approved and signed the following bills:

The bill (H. R. 12) for the punishment of officers of election for refusing or neglecting to receive legal votes.

Mr. Wagner's bill (S. 110) to vest power in the Assignee of the State Bank of Indiana, to enforce the possession of their assets.

Mr. Green's bill (S. 6) to cure defects in executions, deeds, &c., and doing away with a seal and ink scroll.

#### CALL OF THE SENATE.

Mr. WAGNER moved to dispense with further proceedings in the call.

[A message from the House of Representatives announced that the House had consented to all but two amendments proposed by the Senate to the bill (H. R. 104) to make special appropriations for the year 1858.]

The yeas and nays were demanded on the motion to dispense with further proceedings in the call, and being ordered and taken, resulted—yeas 19, nays 17.

So further proceedings in the call were dispensed with.

Mr. HEFFREN moved to lay on the table the motion to take up the House message.

The motion was rejected by yeas 14, nays 22.

Mr. STUDABAKER moved to amend the motion by taking up the Specific Appropriation bill as just reported from the House.

Mr. MARSH moved to lay this motion to amend on the table.

Mr. Studabaker's motion was laid on the table by yeas 20, nays 16.



Mr. Wagner's motion to take up the message of the House announcing the passage of a resolution proposing not to print the acts and journals until the close of the regular session, was then agreed to by yeas 19, nays 17.

[A message from the House of Representatives was received as follows: The House sends greeting to the Senate that oysters are waiting, and other things to match, to which the Senate is invited instanter—at Hugg's.]

The resolution from the House was then read.

Mr. HEFFREN was of opinion that there was a law on the Statute books which foreclosed the effect of this resolution.

The PRESIDENT, entertaining the opinion of the Senator from Washington, [Mr. Heffren,] decided the resolution out of order.

Mr. WAGNER appealed from the decision of the Chair.

The PRESIDENT. The Senator will state his appeal in writing.

Mr. WAGNER then submitted his appeal in writing, which was read by the Secretary.

Mr. STUDABAKER moved to lay the appeal on the table.

The motion was rejected by yeas 18, nays 22.

The PRESIDENT stated his reasons for his decision.

The question being, "Shall the decision of the Chair remain as the judgment of the Senate?"

The yeas and nays were demanded, and being ordered and taken, resulted—yeas 18, nays 22.

So the decision of the Chair does not stand as the judgment of the Senate.

The question recurring on the adoption of the concurrent resolution—

The resolution was adopted by yeas 22, nays 18.

#### APPROPRIATION BILL.

On motion of Mr. MURRAY, the specific appropriation bill (H. R. 104) for the year 1858, was taken from the table by consent.

Mr. MURRAY moved that the Senate recede from its amendments thereto.

The motion was agreed to.

#### ADJOURN.

Mr. SLACK moved to adjourn.

Mr. WALLACE demanded the yeas and nays on the question.

There being a second—

The yeas and nays were demanded, and being taken, resulted—yeas 11, nays 24.

So the motion was rejected.

#### BRIGHT AND FITCH.

A recount on the passage of Mr. Gooding's joint resolution (S. 6) was ordered by the Senate with the following result—yeas 26, nays 1.

There being no quorum voting—

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, December 23, 1858.

Mr. Murray moved to dispense for the present with the reading of the Journal, and to take up the concurrent resolution of the Senate to adjourn without day, next Saturday, just now reported by their Secretary.

The motion was agreed to, and the resolution was read as follows:

*Resolved*, That the Senate will, the House concurring therein, adjourn *sine die* on Saturday, the 25th instant, at 10 o'clock, A. M.

The resolution was concurred in by consent.

#### ELECTION OF UNITED STATES SENATORS.

Mr. HARNEY rose to make a motion to strike out from the journal of yesterday all that part of the journal which relates to the election of United States Senators. He said:

It occurs to me that there is an amendment needed to the journal of yesterday. We do not think that the record of a pleasant little episode we perpetrated yesterday should be continued upon the journal as a lasting memorial against us. Many members here have fondly hoped to figure somewhat in the future politics of the country, and do not wish this final record of the folly of this Legislature to exist against them.

I recollect, sir, yesterday, the House got excited probably from the fact that some had lately been attending theatrical performances in this city, and concluded (probably on the score of economy) that we would get up a little performance of our own, in which members could play a part, and pursuant to the programme, and under the impulses of the moment, we pretended to elect two United States Senators. And so "fast and furious ran the fun," that in the language of the gentleman from Elkhart, "we conservatives had to hold back like a Connestoga team before a loaded vehicle going down hill," to prevent the House in its imaginary plenitude of power from electing a President of Mexico—a Generalissimo of the army in Abyssinia, and also passing some wholesome laws for the safe keeping and management of the waters of the Atlantic ocean.

It often occurs, sir, in human affairs, that persons hitherto obscure, become the exponents of the age in which they live, and trifling events give the times historic fame, or make them look vulgar and ridiculous; and we fear it may be so that the future chronicler in looking out for the salient points in our history as characteristics of the age, may seize upon the events of yesterday and the record of our theatrical performances, as indicating the recklessness, the inconsistency and folly of the men and times in which we live.

I move, therefore, that the journal be so corrected as to afford no evidence that this House ever enacted the folly of electing men to fill an office where there was no vacancy.

The SPEAKER. The Chair is constrained to decide the motion out of order.

Mr. HARNEY would appeal to the House from that decision.

The SPEAKER. The gentleman will reduce his appeal to writing.

#### ABSENCE.

On motion by Mr. DAVIS, Mr. Stanfield, Mr. Cavins, Mr. Dobbins and Mr. Hunter had leave of absence after this day.

On motion by Mr. DOUGHERTY, Mr. Collier had leave of absence.

On motion by Mr. PARRETT, Mr. McLain had leave of absence after this day.

Mr. Colgrove, by unanimous consent, was permitted to record on the journal of yesterday, his vote for Lane and McCarty.

Mr. Stinson had leave to appear on the journal as present and not voting.



Mr. DOUGHERTY asked if it were true that upon going into the Senatorial election yesterday the doors were locked to keep old-liners from bolting, and if so, by what authority?

The SPEAKER. The Chair is not informed of any such fact.

Mr. DOBBINS. He was informed by the Door-keeper, that the doors were shut, and by the order of the Speaker.

The SPEAKER. The Chair gave no such direction.

#### SPECIFIC APPROPRIATION BILL.

Mr. BRANHAM (by unanimous consent) introduced a bill (No. 104, making specific appropriations for the year 1858, and it was passed to the engrossment under a suspension of the rules.

On motion by Mr. BRANHAM, the Assistant Clerks of the House were allowed \$4 per day, the same as the allowance to the principal.

Mr. DAVIS proposed the same compensation for the Door-keeper and his assistants.

Mr. MURRAY and Mr. SCOTT voted to raise the pay of the Assistant Clerks to four dollars a day, because this House employed a smaller number than ever before. The labor of the Door-keepers had not been more onerous than usual, and their service was not worth more than that of a member of the House.

Mr. DAVIS denied that there was any diminution in the number of clerks, and alleged that there had been additional duties devolved on the Door-keepers, and that their service was not so pleasant as that of the clerks, and required an equal amount of talent. From these considerations he had offered this amendment.

[A Senate message now announced the concurrence of that body in the House amendments to the Senate bills 15 and 86.]

Mr. POWER supported the amendment from the same considerations.

The amendment was rejected by yeas 29, nays 63.

Mr. DAVIS now moved to reconsider the vote allowing the Assistant Clerks \$4 a day.

Mr. KEEFER demanding the yeas and nays, the motion was rejected by yeas 41, nays 49.

On motion by Mr. LAWHEAD, the pages and wood sawyers were allowed \$2 a day.

Mr. DOBBINS proposed to strike out \$319 and insert \$480, as compensation for the proprietors of the *Daily Sentinel* and *Daily Journal* for their newspapers furnished this House. He understood that \$480 was their charge. We desire to have our proceedings reported, and should expect to pay for that service, and pay liberally, so that the proprietors of these papers can afford to hire competent reporters. It was certainly evident to every man on that floor, when he looks at the expense attending the publication of these papers—setting the type, employing the reporters, &c., that \$319 was entirely insufficient. He understood that the committee had reduced the charges of these papers from \$480 to \$319. How they came to make that reduction he could not say. But for his part he was willing to allow their charge—to pay them liberally so as to justify them in continuing their full reports of proceedings of the Legislature, which were of so

much advantage to members as well as to the whole people.

Mr. HUNTER. At the commencement of this session he went to the *Journal* office and inquired what their paper would cost, and was told by the editor that he could afford to furnish the *Journal* at three cents per copy, and the committee had made that allowance—three cents for each paper, and one cent for the stamp. This would be \$9 a year, and he believed the papers were furnished to subscribers at \$6. He had since been told by these proprietors that this was not enough. But a printer in his room last night had said it was ample.

Mr. DOUGHERTY. The resolution under which the House had taken these papers provided that the Door-keeper should contract for a certain number of copies. He supposed the Door-keeper had made a contract; if so, the contract should govern our action.

Mr. HAMILTON, of Boone, supposed the committee had investigated the matter, and was unwilling to interfere with their conclusions. His own impression was that we were paying as much as would be right. He was unwilling for these editors to make this a matter of speculation.

Mr. DAVIS. The Door-keeper had just informed him that he had contracted for these papers at the usual subscription price.

Mr. HUNTER. If the Door-keeper had made any agreement, it did not come to the committee. The Legislature ought certainly to stand by its agreement.

Mr. DAVIS understood that four cents was the price of these papers to the Legislature heretofore, and that was his understanding of the contract for the paper without the stamps.

Mr. SCOTT. If the Door-keeper, by our authority, had entered into a contract, he would be unwilling to back out. The printer should be paid, but he should not be permitted to speculate out of the House.

Mr. BRANHAM. The committee knew nothing about any contract. He had been told of the publishers that they had incurred extra expense, and he was for a fair compensation. If there had been a contract, he was for standing to it.

Mr. MELLETT understood from the Door-keeper that he had contracted to pay the usual subscription price.

Mr. BRANHAM. But the publishers had incurred additional expense.

Mr. SCOTT. It was the Legislative subscription price.

Mr. MELLETT did not know by what rule they charged the Legislature more than ordinary subscribers.

Mr. BRANHAM. I understand the Door-keeper agreed to give what had been given heretofore.

Mr. MELLETT. Then there was no contract. The Door-keeper understanding the price to be one thing and the printers another. He thought the report proposed a sufficient compensation, and this subscription was an accommodation to the editors of newspapers, because whether we take them or not, they would report our proceedings. Other daily papers maintain reporters here without the consideration of extra copies.



Mr. DOUGHERTY said the usual subscription was twelve-and-a-half cents per week. Four cents per copy would be twenty-four cents per week—double the ordinary price. I think three cents a copy would be about right, as the committee have reported.

Mr. MILLER had just seen one of the clerks of the *Sentinel* office, and he declared that the price allowed by the Committee on Ways and Means is too small for several reasons—as having to print extra matter, hire reporters, hire a special messenger to bring down the papers, &c. Now these publishers furnish their subscribers at \$6 a year, wrapping and mailing each paper singly—and that was more trouble than the bringing their papers into this House. He thought the allowance was ample. In fact if he were to amend it, instead of \$319, he would have it \$289. The fact of the Legislature being in session, inducing an extra amount of matter for the paper had nothing to do with price. We were taking the papers at club rates, and therefore we should have a reduction instead of an overcharge. He should vote for the allowance, but if any gentleman would move to reduce it he would vote that way more cheerfully.

Mr. FORDYCE considered it out of the question to increase this allowance, so long as the editor of the *Journal* had stated that three cents was sufficient.

The amendment was rejected.

[A Senate message now announced the passage in that body of the House bill No. 36, without amendment.]

On motion by Mr. USREY, John Bledsoe was allowed \$16 for door-keeper service in the organization of the House of Representatives.

On motion by Mr. HUNTER, James R. Bracken, a clerk of the former House of Representatives, was allowed \$8 for services in the organization.

On motion by Mr. KNOWLTON, \$10 was allowed for the next week's *Weekly American*, and \$8 for postage to mail the same to members.

Mr. MILLER proposed to amend sect on 4, by substituting words to the following effect:

SECTION 4. The clerks of committees shall be allowed \$3 per day except the Clerk of the Committee on Ways and Means, and the Clerk of the Special Committee on Printing, who shall be allowed each \$4 per day.

[A Senate Message announced the passage, in that body of the House bill No. 40, with amendments.]

On motion by Mr. CLEMENTS, Robert Boston was allowed \$12 for door-keeper service in the organization.

The bill was then ordered to be engrossed.

#### BOARD OF SINKING FUND COMMISSIONERS.

On motion by Mr. HUNTER, (the order of business being suspended for the purpose,) the bill (S. 102) to continue the present Board of Sinking Fund Commissioners till the first Monday in April, 1859, and until their successors be elected and qualified, was taken up and passed the first reading.

Mr. HUNTER now moved to suspend the rule and read the second time.

Mr. DAVIS was opposed to this legislating men into office—creating an interest on the part

of this Board against any action the Legislature may take in reference to the Sinking Fund. Although doubtful of its propriety, he would vote for it if they would strike out the clause providing for their continuance in office after the first Monday in April.

Mr. HUNTER rehearsed and defended the provisions of the bill. He would vote to continue the present Board. They were honest men.

Mr. DAVIS. These elections should be *viva voce*. He was not prepared to do indirectly what we have no power to do directly. The House should not place men in opposition to their future action.

The vote on suspending the rules, resulted—yeas 57, nays 28—so two thirds of eighty-five, the whole number voting, the rules were suspended.

[A message from the Senate announced the passage in that body of the bill (H. R. 101) without amendment.]

The bill was then considered on the second reading.

Mr. DOUGHERTY expressed his surprise at this opposition, moved that the rules and constitutional provision be further suspended, and the bill be read the third time now—and deprecated amendment. We would have no custodian for the Sinking Fund if the bill failed.

Mr. TURPIE. Had the gentleman forgot that provision of the Constitution which provides the appointing power?

Mr. DOUGHERTY. He understood that the Commissioners office expires by limitation in January.

Mr. TURPIE. The Constitution prescribed a *viva voce* vote.

Mr. DOUGHERTY. Do we not vote *viva voce* for the bill?

Mr. TURPIE. But there was no alternative as to the men. He showed that the general executive powers were sufficient to supply these Commissioners, if necessary. No emergency could be so great as to justify a violation of the Constitution. The friends and fosterers of this fund had brought forward no measure for its custody.

Mr. MELLETT. The gentleman from Floyd would support the bill if they were limited to April.

Mr. DAVIS. He would not oppose it.

Mr. MELLETT proceeded to criticise the opposition to the bill. The gentleman from White insisted that the Governor had the power to appoint, &c. Had not the Legislature the power to continue these officers? The gentleman objected that we were electing. We were only extending their term. Gentlemen wanted to give the control of this immense fund into the hands of the Governor. He would retain a little power in our own hands.

Mr. HAMILTON, of Boone, moved the previous question against this kind of opposition, and there being a second, under its operation, the vote on suspending the rule, resulted—yeas 56, nays 23—so two thirds of the whole number voting in the affirmative, the rules were suspended, and the bill was considered on the third reading.



Mr. BLYTHE proposed to commit the bill to a select committee of five, with instructions to the following effect—alleging that we had no power to legislate men into office, but we may continue the term, and the Constitution will continue the incumbent:

Strike out the first section and insert a section simply providing for the continuance of the office of Sinking Fund Commissioners till the first Monday in April, 1859.

The motion was agreed to, and the SPEAKER makes the committee to consist of Messrs. Blythe, Branham, Smith, of Perry, Hunter and Mellett.

#### ELECTION OF UNITED STATES SENATORS.

Mr. TURPIE asked and obtained leave to present the following protests, and they were read and ordered to be spread upon the journal:

HALL OF THE HOUSE OF REPRESENTATIVES,  
December 23, 1858. }

The undersigned members of the House of Representatives, hereby earnestly and solemnly protest against the action of the majority of said House, had upon the 22d day of December, 1858; relative to the alleged election of United States Senators for the State of Indiana. In our opinion the action of the United States Senate upon that subject, at the last session thereof, was a finality. We therefore, refused to participate in said proceedings, believing the same to be irregular, unconstitutional and void. For a justification of our action, we confidently appeal to the history of the facts in the case, and to our constituency—the people of Indiana.

William F. Parrett,  
S. Wheeler,  
N. McLain,  
H. C. Stanley,  
B. Lawhead,  
C. S. Dobbins,  
Nathaniel Black,  
James B. Newton,  
T. M. Sullivan,  
D. Usrey,  
N. C. Durham,  
Wm. T. Hartley,  
Miles Waterman,  
W. Hancock,  
W. Major,  
Thomas Claton,  
Wm. A. Thompson,  
James F. Harney,  
John B. Firestone,  
H. R. Claypool,  
D. Turpie.

J. H. Woods,  
Hassel Nelson,  
D. S. Lewis,  
J. N. Eastham,  
D. Snyder,  
C. B. Knowlton,  
Thomas Gifford,  
W. T. Shull,  
Hamilton Smith,  
Henry Jordan,  
Andrew J. Carr,  
Samuel Shockley,  
John A. Bowman,  
R. A. Clements, Jr.,  
A. Kiefer,  
O. R. Dougherty,  
S. S. Early,  
Lewis Prosser,  
Warren Tebbis,  
Jonathan Kelly,  
George W. Massey.

The undersigned respectfully protest against the action of this House in relation to the pretended election of United States Senators on yesterday, inasmuch as we believe there was no vacancy at the time in the Senate of the United States from the State of Indiana, believing as we do that the action of the United States Senate upon the Senatorial question from this State in the cases of Messrs. Bright and Fitch was final.

JOHN S. DAVIS,  
JAMES E. BLYTHE,  
BEN. STINSON.

#### SCHOOL LANDS.

On motion by Mr. BOYD, (the orders being suspended for the purpose,) the Senate amendments to the bill (H. R. 22) were considered and concurred in.

#### SPECIFIC APPROPRIATIONS FOR 1858.

On motion by Mr. HUNTER, (the rule being suspended by yeas 71, nays 0,) the special appropriation bill was considered on the third reading, and finally passed the House of Representatives.

On motion, Messrs. Shull, Wood and Nelson, Nebeker of Vermillion, Prosser, and others, had leave of absence for the remainder of the session.

The House then took a recess till 2 o'clock.

#### AFTERNOON SESSION.

On motion by Mr. DOUGHERTY, (the orders being suspended for the purpose,) the bill (H. R. 62) was taken up and the Senate amendments thereto were considered and concurred in.

[This bill is to punish election officers for refusing legal votes.]

#### SPECIAL TERMS.

On motion by Mr. DAVIS, (the orders being suspended,) the Senate amendments to his bill (H. R. 26) authorizing special terms, &c.—(The Senate strike out the Judge's compensation, for special terms, &c.,) were taken up.

Mr. DAVIS moved that the House refuse to concur.

The motion was agreed to.

#### REPORTS FROM COMMITTEES.

Mr. COLGROVE, from the Committee on the Judiciary, returned the bill (H. R. 61) to continue business into the regular session, and recommended that the same be laid on the table.

The report was concurred in.

Mr. STILES, from the Committee on the Judiciary, returned the petition for amendment of the law in relation to landlords' lien, with the expression of opinion that legislation on the subject is unnecessary.

The report was concurred in.

#### GERMAN BOOKS.

Mr. BOYD, from a majority of the Committee on Education, to whom was referred the resolution to supply township libraries with German books, reported the expression of opinion that it is inexpedient for various reasons submitted.

Mr. DOUGHERTY submitted a minority report, dissenting from the reasoning and conclusions of the majority of the committee, and recommending that the committee be instructed to report a bill for the object designated in the resolution referred.

On motion by Mr. SCOTT, the reports were laid on the table—the minority by yeas 40, nays 35; and the majority by consent.

#### DEEDS AND SEAS.

On motion by Mr. CLEMENTS, (the orders being suspended) the Senate bill No. 6, to cure defects in deeds, &c., was considered as engrossed and passed the final reading in the House of Representatives—yeas 75, nays 2.

#### ELECTION OF UNITED STATES SENATORS.

Mr. HARNEY now submitted his appeal from the decision of the Chair, taken at the opening of this afternoon Session, in the following words in writing:

WHEREAS, it appears by the journals that an election for United States Senators took place in the House of Representatives, upon the 22d day of December, 1858; and, whereas, many members of this House believe this Legislature have no right or power to elect such United States Senators, inasmuch as there is now no vacancy existing, they, therefore, believe that the whole proceeding in reference to said election was irrelevant, out of order, and void; and, whereas, a motion being made to strike out from the journals all that part that relates to the election of United States Senators, which motion was decided, by the Speaker, to be out of order; therefore, I, James F. Harney, and William F. Parrett, do appeal from the said decision of the Chair to the House.

Mr. BOYD, because he regarded the language of this appeal as discourteous toward the House, moved that it be rejected.



Mr. PARRETT, as far as he was connected with the appeal, intended nothing disrespectful, nor did he think its language liable to that construction. We do not think it a contempt of Court, if we ask to have an order erased from the record. We conceive that so much of the Journal as relates to that matter is void, and ought not to be there, and we therefore made our motion to strike it out. There was nothing in this disrespectful to any member of the House.

Mr. BOYD. If we vote against the decision we vote indirectly that there was no election. They can accomplish everything they desire in a protest, and then there would be no disrespect.

[A Senate message announced the passage of a bill of the House, No. 62, and also No. 22, with amendments.]

Mr. HARNEY disclaimed any intention to cast any dishonorable reflection on the House or member of the House.

Mr. EDWARDS could not under any circumstances vote to reject the appeal. He would vote to lay on the table or to indefinitely postpone.

Mr. BOYD withdrew the motion.

Mr. SCOTT moved the indefinite postponement of the appeal.

The motion was agreed to—yeas 48, nays 34—as follows:

YEAS.—Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Süles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—48.

NAYS.—Messrs. Black, Bowman, Carr, Clayton, Clements, Dobbins, Earley, Eastham, Firestone, Gifford, Harney, Jordan, Keefer, Kelley, Knowlton, Lawhead, Lewis, McLain, Massey, Nelson, Newton, Parrett, Shockley, Shull, Snyder, Stanley, Sullivan, Tebbis, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—34.

Mr. SCOTT moved that the vote be now reconsidered, and then—

On motion by Mr. BRANIAM this motion was laid on the table.

#### SWAMP LANDS.

On motion by Mr. GRIFFIN, (the orders being suspended,) the bill (S. 68) to amend 20, 28, 32 and 51st sections, to regulate the sale of the Swamp Lands, and providing for their draining, &c., approved May 20, 1852, was taken up, and passed the first reading.

Mr. GRIFFIN moved to suspend the rule and read the second time—it was a very important bill.

Mr. TURPIE. For that reason he should oppose a suspension of the rule. The House was thin—doubtful whether there was a quorum, and he committed himself now against all motions to suspend the rules.

Mr. SCOTT hoped the rules would be suspended—stating the object of this bill to be simply to enable the County Commissioners to appoint the Swamp Land Commissioners and to look after him and see that he does not join with others to cheat the State out of the proceeds of these lands.

The vote on the motion to suspend resulted—

yeas 47, nays 46—so the rule was not suspended.

#### SINKING FUND COMMISSIONERS.

Mr. BLYTHE, (the orders being suspended for the purpose,) from the select committee to which was referred the Senate bill No. 102 to continue the present Board of Sinking Fund Commissioners, returned the same with an amendment, proposing to continue said Board and Clerk no longer than till the first Monday in April, 1859, striking out the words "until their successors shall be elected and qualified."

The amendment was concurred in.

Mr. TURPIE and Mr. DAVIS now signified their readiness to support this bill—as liable to much less objection than any shape in which it had appeared before.

The bill passed the final reading in the House of Representatives by yeas 79, nays 3, with an amendment of title.

#### PERSONAL EXPLANATION.

Mr. COLGROVE rose to a personal explanation, and desired the Clerk to read from the Cincinnati *Commercial* of December 23d, an extract from a letter written by a correspondent of that paper (Mr. Villard) reflecting upon him for his absence at the time of the election of United States Senators, and designating him a bogus Cato in the case, &c.

This extract having been read, Mr. C. continued.

I desire to say but a word or two. I hardly feel competent to do justice to the subject. [Laughter.] My absence yesterday—stated by the Reporter, as being a matter of revenge on my party because they had not adopted my views on a certain financial bill. It is true that I opposed that bill and fought it every inch of ground it gained from its inception to its final passage, and with the exception of two, I stood here alone amongst the members of my party in opposing that bill. That opposition was prompted by an earnest conviction of my mind, and I would oppose it again under the same circumstances. Probably every man on this floor knows that, night before last, about eight o'clock, I received a telegraphic dispatch, informing me that my brother-in-law had deceased, and I considered it my imperative duty to go and pay the last tribute of respect to a departed relative. Then, as for this charge uttered in the Cincinnati *Commercial*, by a reporter who occupied a seat on this floor, conferred upon him with the aid of my own vote, I am constrained to say it is base and false, and cowardly, and that the perpetrator of it is unworthy of a place on this floor, or amongst gentlemen anywhere. And, to conclude, (I ask the Reporters to take notice of this,) I hold myself responsible for these remarks, not only here, but elsewhere and always. [Applause.]

(A message from the Governor now announced that his Excellency had approved and signed bills of the Senate, numbered 15 and 86.)

#### ASSETS OF THE STATE BANK OF INDIANA.

On motion by Mr. Nebeker, of Warren, (the orders being suspended,) the bill S. 110) vesting in the assignees of the Branches of the State Bank of Indiana the right to enforce, in their own name, the possession and enjoyment of the



assets so assigned, to have legal process, to give acquittances in their own name, &c., was taken up and passed the first reading.

On his further motion (the rules being suspended—yeas 76, nays 1) the bill was read the second time by title.

Mr. BOYD desired a commitment.

Mr. DAVIS. The sole object of the bill was to enable them to go on and wind up—to make transfers of securities, and enable the party to whom they are transferred to go on to judgment and collection.

Mr. NEBEKER, of Warren, moved to suspend the rules and read the bill the third time now, the vote resulting—yeas 60, nays 20.

So the bill was read again, and passed the final reading, by yeas 65, nays 12.

#### WARMING THE HALL.

Mr. COLLIER, from the Committee on ventilation of the Hall, reported in favor of hot air brought from furnaces in the basement, with ventilating registers, at \$475 to \$500, and recommended that Mr. Cox put up the furnaces, &c.

The report was concurred in.

#### MR. VILLARD.

Mr. JEFFRIES, (by unanimous consent,) submitted the following:

*Resolved*, That the Reporter for the Cincinnati *Commercial* be expelled from his seat as a Reporter on this floor, for having prepared and caused to be published a libel on the honorable Mr. Colgrove, a member of this House.

Mr. STILES. Notice had not been served on this Reporter, and he was not in court.

Mr. JEFFRIES. He characterized the act in mildness, when he called it base and cowardly.

Mr. GREGORY made a statement, to the effect, that Mr. Villard knew the circumstances under which Mr. Colgrove went away.

Mr. MELLETT had no knowledge of any resolution admitting this Reporter to the floor.

Mr. BRANHAM. It might be yet that the Reporter's mind was fairly impressed that Mr. Colgrove went away offended, &c.

After further debate—

Mr. MILLER proposed to amend by substituting these words after "resolved:"

"That the Reporter for the Cincinnati *Commercial* be hanged—the first day this House has leisure to do it."

The SPEAKER ruled the amendment out of order.

Mr. RITTER demanded the previous question, and under its force the resolution was adopted on a division—affirmative 29, negative 23.

A Senate message announced the Senate's adherence to their amendments to the House bill No. 36, and had appointed a committee of conference thereon.

Mr. DAVIS moved for a committee thereon, on the part of the House, and the SPEAKER appointed Messrs. Davis, Blythe and Harrison.

#### REPORTS FROM COMMITTEES.

Mr. BLYTHE, from the committee on that subject, returned the Senate bill No. 9, recommending that it be laid on the table.

The report was concurred in.

Mr. MILLER, from the special committee on this subject, returned the bill for the relief of James O'Brien, with a recommendation that it be laid on the table.

The report was concurred in.

Mr. PARKS, from the Committee on Rights and Privileges, returned sundry petitions for a conventional interest, with the expression of opinion that legislation on this subject is inexpedient.

The report was concurred in.

Mr. EDWARDS, from the Committee on Benevolent Institutions, returned the memorial of Charles T. Noble, with the expression of opinion, that the petitioner's complaint is imaginary.

The report was concurred in.

Mr. HARRISON, from the committee on county and township business, returned the bill (17) for the creation of township trustees, &c., recommending that it be laid on the table.

The report was concurred in.

Mr. RITTER (the orders being suspended) presented the petition of John P. Dunn and Jeremiah Stein, which was referred to the Committee on the Penitentiary.

Mr. BROTHERTON, from the Committee on Rights and Privileges, made a report returning a substitute with sundry bills, and they were laid on the table.

#### PRINTING OF THE JOURNAL OF THE EXTRA SESSION.

Mr. BRANHAM submitted the following, which was adopted:

*Resolved*, That the Journal of this called session shall not be printed until after the expiration of the regular session, when the Journals of the two sessions shall be printed and bound together.

#### THE SPEAKER.

Mr. AUSTIN submitted the following:

*Resolved*, That the members of this House, without regard to political differences, return their thanks to the honorable Johnathan W. Gordon, Speaker, for the impartial and dignified manner in which he has discharged the arduous duties of the chair, and for his untiring efforts to discharge business.

Mr. BRANHAM proposed to strike out the words "without regard to political differences," which was accepted.

And so the resolution was adopted by unanimous consent.

#### COMMON PLEAS COURT.

Mr. Hunter's bill (H. R. 42) for the reorganization of the Courts of Common Pleas, coming up with the committee amendments—

On motion by Mr. SCOTT, the subject was laid on the table.

#### SMALL BILLS.

Mr. JONES, (by unanimous consent,) gave notice, that at some early day of the next regular session of the General Assembly, he would introduce a bill to prevent the circulation in this State of bank notes of a less denomination than five dollars.

#### THE SPEAKER'S OYSTERS.

The SPEAKER gave notice to members of this House and the officers thereof, of his special personal invitation to attend at the saloon of the "Capital House," to eat oysters with him to-night at ten o'clock.

#### LIST OF MEMBERS.

Mr. KNOWLTON submitted the following:



*Resolved*, That Joseph J. Bingham be directed to print a "broad-side," embracing the names, residence and profession of members of the House of Representatives, similar to that printed by order of the Senate.

The resolution was rejected without a division.

Mr. DAVIS submitted that the Speaker be respectfully requested to invite the pages of the House to his oyster supper to-night.

The SPEAKER — have invited all the boys. (Laughter.)

Mr. MILLER submitted the following:

*Resolved*. That all candidates before this body have leave of absence till the regular session. (Applause.)

The SPEAKER decided the resolution out of order.

#### SINKING FUND COMMISSIONERS.

Mr. BRANHAM, from the Committee on free conference with reference to the disagreeing votes of the two Houses upon the select committee's amendment to the bill (S. 102) continuing the Board of Sinking Fund Commissioners till the first Monday in April, 1859, reported a recommendation that the House recede from their amendment.

Mr. DAVIS stated that he had not concurred in the report of the conference committee. He still regarded the bill as a violation of the State constitution.

Mr. HUNTER. A majority of the conference committee were satisfied that the bill is not unconstitutional, and some of the best lawyers in the State concurred with them.

Mr. BLYTHE was well satisfied that the bill, as it came from the Senate, was unconstitutional, and for that reason he could not vote for it.

Mr. TURPIE demanded the yeas and nays on the question of concurrence in the report, which were ordered, and the vote resulted—yeas 43, nays 32.

Mr. DAVIS made the point, whether less than a majority of the whole House could concur.

The SPEAKER decided that a majority of the members voting could concur. It was not as in the case of the passage of a bill.

Mr. TURPIE, believing from the vote just taken that the bill could not receive the constitutional vote, and desiring to make the test, moved to reconsider the vote by which the bill (S. 102) was passed the third reading in the House of Representatives.

The SPEAKER ruled the motion out of order, the bill having passed from the possession of the House.

#### THE REPORTERS.

Mr. DOBBINS submitted the following, which was adopted by unanimous consent:

*Resolved*, That the members of the House of Representatives return thanks to the Reporters for the *Indiana State Sentinel* and the *Indiana State Journal* for the faithful manner in which they have discharged their duties as Reporters on this floor.

The House then took a recess till seven o'clock P. M.

#### NIGHT SESSION.

A message from the Senate by Mr. Vawter, their Secretary, announced that that body had passed the bill (H. R. 104) making specific appropriations, with sundry amendments.

#### PRINTING THE LAWS AND JOURNALS.

Mr HUNTER submitted the following:

*Resolved*, by the House of Representatives, (the Senate concurring,) That the laws of this session, as well as the journals thereof, be not published till the next regular session, and that they then be published with the laws and journals of the regular session.

Mr. DOUGHERTY suggested that we have no control over this matter. It is governed by a law now in force. He moved to lay the resolution on the table, but withdrew for—

Mr. HARNEY, who would like to have the reasons why the journals of these two sessions should be bound together.

Mr. HUNTER. The next session would probably be short one, and every gentleman understood that the binding would be material, and there would be a saving in the index, &c.

Mr. CLEMENTS. We had passed laws of importance to the people of the State, without emergency clauses, and if they were not to go to the people till next year, what was the use of this special session? The extra expense of binding and distribution ought not to weigh against the publication of the laws. He knew where this proposition came from. There was a Democratic State Printer in office now, and the presumption with some is, that at the next session there will be a Republican State Printer, and that he will get this job. ("Consent?"—"is that why you object to the resolution?") No sir; I object because, if these laws we have passed are worth anything they ought to be put in force.

Mr. COLGROVE was in favor of the resolution as a matter of economy in the items mentioned by Mr. Hunter. These items would amount to about \$3,000. Then he frankly acknowledged that he did not want the present State Printer to have the job.

Mr. DOBBINS replied to this reasoning.

Mr. HUNTER had proposed the resolution with a single regard to economy.

Mr. NEBEKER, of Warren, moved the previous question, which, after a call of the House, demanded by Mr. KEEFER, forced the question on the adoption of the resolution. resulting—yeas 44, nays 31—as follows:

YEAS—Messrs. Austin, Baird, Boxley, Branham, Brotherton, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Duval, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker—44.

NAYS—Messrs. Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis, McLain, Massey, Shockley, Shull, Snyder, Stanley, Sullivan, Thompson of Madison, Turpie, Waterman and Wheeler—31.

So the resolution was adopted, and it was ordered that the Clerk acquaint the Senate therewith.

#### SPECIFIC APPROPRIATIONS.

On motion by Mr. BOYD, (the order of business being suspended for the purpose,) the Senate amendments to the bill (H. R. 104) making specific appropriations for the year 1858, were severally considered and concurred in, with the exception of two or three items of compensation to



employees about the Capitol, under a regular salary.

Mr. BOYD gave notice that he would ask leave to record his protest against the items of compensation to parties connected with the Bank Fraud Report, authorised by the last session of the General Assembly.

[Mr. Osborne, Executive Messenger, now announced that his Excellency, the Governor, had approved and signed the bills of the House numbered 32 and 62, and the bills of the Senate numbered 6 and 110.]

A message from the Senate, by Mr. Vawter, their Secretary, now announced that that body had receded from the non concurrence of the House of Representatives in certain of their amendments to the bill (H. R. 104) making specific appropriations.

The House then at 10:10 o'clock adjourned.

## IN SENATE.

FRIDAY, December 24, 1858.

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

Mr. RICE, from the Committee on Finance, to which was referred Senate bills Nos. 38, 72, 79 and 35, together with sundry resolutions, memorials, &c., not having time to consider said bills, resolutions, &c., reported the same back to the Senate, and recommended that they lie on the table.

The report was concurred in.

### SWAMP LANDS.

Mr. GREEN, from the Committee on Swamp Lands, submitted the following report:

Mr. PRESIDENT: The Committee on Swamp Lands would respectfully submit the following report:

That they have been investigating the alleged frauds in the management of the swamp lands, and owing to the want of time have not made as full an examination as they would had time permitted.

They feel satisfied that a full investigation will show many frauds and mismanagements of the matter.

They ask time, until the next session, to complete the investigation which they have commenced.

The report was concurred in by consent.

### MISDEMEANORS.

Mr. GOODING, from the Judiciary Committee, to which was referred Mr. Green's bill (S. 14) to amend the 22d section of an act defining misdemeanors and providing punishment therefor, approved June 14, 1852, reported the same back, and recommended that it lie on the table for want of time to act thereon.

The report was concurred in by consent.

### TIPPLING HOUSES.

Mr. GOODING, from the Temperance Committee, to which was referred Mr. Bennett's bill (S. 75) for the suppression of tippling houses, reported the same back, and recommended that it lie on the table, for want of time to act thereon.

The report was concurred in by consent.

### JUSTICES OF THE PEACE.

Mr. MARCH, from the Judiciary Committee, to which was referred Mr. Wagner's bill (S. 32) to amend an Act providing for the election and qualifications of Justices of the Peace, approved June 9, 1852, reported the same back and recommended that it lie upon the table.

The report was concurred in.

## FROM THE GOVERNOR.

A message from the Governor announced that he had approved and signed the bill (H. R. 36) to amend section 1 of an Act providing for the extending of the terms of District Courts, by adjournments, when the pending business shall be unfinished, approved February 12, 1858, authorizing Judges to hold private terms thereof, and for the compensation of Judges, and Attorneys holding the same; also, the bill (H. R. 104) making specific appropriations for the year 1858.

## BENEVOLENT INSTITUTIONS.

Mr. CRAVENS, from the Committee on Benevolent Institutions, reported that for want of time they had been unable to get through with the business before them, and asked that the papers and other matters now in the hands of the committee, may so remain to be returned at the regular session of the Legislature.

The report was concurred in by consent.

## LIST OF ACTS PASSED.

Mr. MURRAY offered the following:

*Resolved*, That the Secretary of the Senate prepare and cause to be published in the city papers of this city, a statement of all the Acts and joint resolutions passed at this session of the General Assembly, designating those that are to be in force from passage and publication. The statement to embrace the Acts and title of the Acts and joint resolutions.

The resolution was adopted by consent.

## RE-ARRANGEMENT OF THE SENATE.

Mr. SLACK offered the following:

*Resolved*, That Joseph Conzan, Architect, employed to superintend the heating of the Senate Chamber, be requested to examine this chamber, with the view of removing the columns and fancy works thereon, on each side of the chamber, in order that each member may have a separate seat, and report the cost thereof instantly.

The resolution was read by the Secretary and immediately withdrawn.

## CHANGE OF VENUE.

Mr. MARCH, from the Judiciary Committee, to which was referred Mr. Wallace's bill (S. 10) providing for an assignment for the benefit of creditors, reported the same back, recommending that it be laid on the table, with leave for the mover to withdraw the same if he desire.

The report was concurred in by consent.

And then the Senate took a recess till two o'clock P. M.

## AFTERNOON SESSION.

Mr. STEVENS, from the Committee on Printing, to which was referred Mr. Heffren's bill (S. 37) providing for the letting out of State printing to the lowest responsible bidder, reported that the committee had not time to consider the subject, and recommended that the bill lie on the table.

The report was concurred in by consent.

## SECRETARY OF STATE.

Mr. STEVENS, from the same committee, to which was referred a communication from the Secretary of State, in reply to a resolution of the Senate, that he be requested to communicate to the Senate by what authority his predecessor in office had printed in his last report certain statis-



tical matter, and the cost of printing thereof, reported the same back, and recommended that it lie on the table.

The report was concurred in by consent.

#### QUALIFICATION OF VOTERS.

Mr. MARCH, from the Judiciary Committee, to which was referred Mr. Cooper's bill (S. 17) prescribing the qualifications of voters, reported the same back, and recommended that it lie on the table, with leave to withdraw the same if he should desire.

The report was concurred in by consent.

#### CIRCUIT COURTS.

Mr. MARCH offered a resolution to the effect that:

WHEREAS, It appears from the Journal of the Senate, and the Journal of the House of Representatives that the bill (H. R. 36) to amend section 1 of an act providing for extending the terms of Circuit Courts by adjournment, &c., approved February 12, 1855, to authorize the Court or Judge to hold special terms, and providing compensation to the Judge and Prosecuting Attorneys in attendance upon the same, never finally passed the Senate, therefore—

*Be it resolved*, That in the opinion of the Senate said act entitled as above, is null and void, and has no binding force as a law of the land.

Mr. MARCH said that by some mistake this bill had been reported from the Governor as a law of the land; but that in his opinion it had no force. It seems to me, continued Mr. M., there can be no question but that the courts would have the right upon proper issue to inspect the journals of both Houses. I have inspected them, and it is a fact the journal of the Senate shows that the bill has never finally passed this body, and yet by some mistake, though not a mistake on the part of anybody in this part of the Capitol, in good faith on the part of the Governor, the bill has been signed by him, by the Speaker and Clerk of the House of Representatives, and as your honor [the President,] and the Secretary of the Senate had a right to do, it was signed by you and him and sent to the Governor, where it received his signature as I have before said.

The history of the matter is simply this: This bill passed the House of Representatives, was reported to the Senate, referred to the Committee on the Judiciary, and by the Judiciary Committee reported back to the Senate with three amendments. The report of the committee was concurred in by the Senate—that is probably within the knowledge of every Senator present. It was then sent to the House, the House refused to confer in the Senate amendments, and it was so reported here. The Senate refused to recede, and there was a committee of conference then appointed. That committee met and they agreed upon a modification of the bill. They agreed that the judge should try criminal cases at these special terms, and be allowed \$5 per day, to be paid out of the county treasury on the order of the Board of County Commissioners; and appointed Mr. Davis, who was chairman of the committee on the part of the House, to draw up a report which should be presented to both Houses. That report has never been presented to the committee of free conference on the part of the Senate, and consequently the Senate has never taken any further action thereon. It is evident to every one that the House could take

no action without concurrent action on the part of the Senate.

The object of my resolution is not to intercept, but considering that this act possesses no force as a law, and yet going forth into the world in the form of a law, parties may be deceived by it, for if the law is a nullity any trial taking place under it would be a nullity; so I propose this resolution as a notice to the world, that no parties may attempt to take any legal action under it, and not supposing that we can intercept the validity of this act as a law if it has any.

Mr. CRAVENS would like to know if the report of the committee on free conference was agreed to on the part of the House of Representatives.

Mr. MARCH. Whether it was agreed to or not, we would have to concur before the bill could become a law.

The resolution was adopted by consent.

And then the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, December 24, 1858.

Mr. BLYTHE moved that the reading of the Journal be dispensed with.

The motion was agreed to.

#### FROM THE GOVERNOR.

A message from the Governor announced that he had approved and signed Mr. Davis' bill (H. R. 36) to amend section 1 of an act providing for extending the terms of Circuit Courts by adjournment, when the pending business shall be unfinished, approved February 12, 1855, to authorize the Judge to call special terms and to fix the compensation of Judge and Prosecuting Attorneys in attendance upon the same.

Also, the bill (H. R. 104) making specific appropriations for the year 1858.

#### FROM THE SENATE.

A message from the Senate announced the concurrence of that body in the resolution of the House providing that the laws and acts of this session shall not be published until after the next regular session of the Legislature.

#### PROTEST.

Mr. BOYD submitted the following:

MR. SPEAKER OF THE HOUSE OF REPRESENTATIVES:—We, the undersigned, members of this House not having an opportunity to investigate the matters generally contained in the Specific Appropriation Bill, just passed by this House and having sufficient reason for believing, as we do, that that part of said bill relating to the "Bank Fraud Investigation" contains accounts, if not unjust, they are at least excessive in amount, and should not have been sanctioned and legalized by the action of this House, without an opportunity afforded its members to give it the requisite investigation. For such reason, we do hereby enter our protest to the recent action of this House, in reference to the passage of that bill.

Robert Boyd,  
O. S. Hamilton,  
Jas. O. Parks,  
A. Keefer,

Cyrus Whetzel,  
O. J. Harrison,  
Silas Colgrove,  
W. H. Gregory.

Other reasons exist also for the above protest.

W. K. EDWARDS.

Mr. EDWARDS moved that the House adjourn.

The motion was agreed to.

And then the House took a recess till 2 o'clock.



## AFTERNOON SESSION.

The House was called to order by the Speaker.

Ten or fifteen minutes thereafter, no motion having been made, and no business coming up for consideration—there being many and repeated calls for a “farewell address” from the Speaker.

Mr. Speaker GORDON indulged in a few humorous remarks for the especial benefit of gratification of those around him; and when he had concluded—

On motion, by Mr. RITTER, the House, at 2:20 o'clock, adjourned till to-morrow morning 9 o'clock.

## IN SENATE.

SATURDAY, December 25, 1858.

The Journal of yesterday was read and approved.

## FROM THE HOUSE.

A message was received from the House of Representatives, announcing the passage by that body of the following resolution:

*Resolved*, That a committee of three be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait upon His Excellency the Governor, and inform him that the General Assembly has agreed to adjourn *sine die*, unless he has some further communication to make; that the Senate be informed of the adoption of this resolution, and that Messrs. Austin, Turpie and Boxley, have been appointed said committee.

## EXPLANATION.

Mr. GOODING called the attention of the Senate to a paragraph copied into this morning's *Sentinel* from the New Albany *Ledger*, headed “Douglas Deserted.” He read the article, and insisted that there was no truth in the statement therein that a resolution was introduced by him indorsing the course of Senator Douglas. The resolution referred to in the article as approving of the course of Senator Douglas, was, in truth, that one which simply disapproved of the course of Messrs. Bright and Fitch on the question of removing Mr. Douglas from the Chairmanship of the Committee on Territories. The Senator [Mr. Gooding] then indulged in extended remarks, defending himself from the attacks of newspapers generally, and dealing rather severely with several editors and United States Senators in particular. Before he was half through, he was interrupted by—

The PRESIDENT, who said: Will the Senator give way long enough to allow the Senate to take from the table and dispose of the message from the House of Representatives?

Mr. GOODING. Certainly, sir.

## COMMITTEE TO WAIT UPON THE GOVERNOR.

The Secretary then read the resolution from the House, as printed above.

The Senate concurred in the resolution by unanimous consent, and the President makes the committee on the part of the Senate to consist of Messrs. March, Cravens and McClure.

By unanimous consent this committee had leave of absence to perform the duty thus devolved upon them.

Mr. GOODING continued, in explanation. He would show by his votes and acts in the Senate that no man on this floor will dare go farther than he in the advocacy and support of Mr. Douglas

on every question that involves pure Democratic principles. When he had concluded—

Mr. MARCH, from the committee appointed to wait upon the Governor, and inform him that the Senate was ready to adjourn unless he had some further communication to make, reported that the committee have discharged that duty, and the Governor has no further communication for this Legislature, but to wish us all a merry Christmas.

## ADJOURNMENT SINE DIE.

Mr. CRAVENS moved that the Secretary be directed to inform the House of Representatives that this body is now ready to adjourn.

The motion was agreed to by consent.

## LEGISLATIVE SENTINEL.

Mr. MARCH offered the following:

*Resolved*, That the Secretary of the Senate be authorized to have one hundred and fifty copies of the *Legislative Sentinel* bound in a cheap binding for the use of the Senate, the price to be agreed upon in advance.

## FROM THE HOUSE.

A message was received from the House of Representatives, announcing the passage by the House of the following resolution:

*Resolved*, That the House is now ready, the Senate concurring, to adjourn until the next regular session.

On motion by Mr. CRAVENS, the message was taken from the table, the resolution concurred in, and the Secretary instructed to inform the House of the concurrence of the Senate in the same.

## VALEDICTORY.

The PRESIDENT. The time has now arrived in which it is made my duty to adjourn the present session of the Legislature. Before I perform that duty I do not propose to make an address, but simply to say that for the kind aid which I have received upon the part of all Senators in the way of assisting me in the discharge of the duties of the Chair, I return you individually and collectively my sincere thanks. I have endeavored since occupying this Chair, as far as my acts have been connected with the Senate is concerned, to act impartially toward all Senators. I have not, to my knowledge, known any difference between any Senator upon this floor. It is true some questions of a party character have arisen upon which I have acted with the political party to which I belong, but as far as the rights of Senators are concerned I have known no distinctions, I have made none in reference to them, and I have given no preference to my political friends over those in the opposition. Saying this much I shall not trouble you by taxing your patience any longer. I now pronounce this special session adjourned without date.

And thus the Senate adjourned *sine die*.

## HOUSE OF REPRESENTATIVES.

SATURDAY, December 25, 1858.

By unanimous consent, the reading of the Journal of yesterday was dispensed with.

## COMMITTEE TO WAIT UPON THE GOVERNOR.

Mr. AUSTIN offered the following:

*Resolved*, That a committee of three be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait upon His Excellency, the



Governor, and inform him that the General Assembly have agreed to adjourn *sine die* unless he has some further communication to make; and that the Senate be informed of the adoption of this resolution.

The resolution was adopted by consent, and the SPEAKER makes the committee to consist of Messrs. Austin, Turpie and Boxley.

#### POSTAGE STAMPS.

Mr. AUSTIN offered the following:

*Resolved*, That the Door-keeper be authorized to procure stamps, and directed to mail all bills printed during vacation, to the members of the House.

Mr. EDWARDS moved to amend by striking out the word "Door-keeper," and inserting in lieu, the words "Assistant Clerk."

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

#### A MESSAGE FROM THE SENATE.

A message from the Senate announced the concurrence of that body in the resolution of the House in regard to the appointment of a committee to wait upon the Governor, and that Messrs. March, Cravens and McClure were appointed such committee on the part of the Senate.

By unanimous consent the committee on the part of the House had leave to retire for the performance of the duty thus devolved upon them.

#### A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Vawter, the Principal Secretary thereof, announced that the Senate, having finished all its business, was now ready to adjourn, and desired to know if the House had any further communication to make.

#### ADJOURNMENT SINE DIE.

Mr. EDWARDS offered the following:

*Resolved*, That the House is now ready, the Senate concurring, to adjourn until the next regular session.

The resolution was adopted.

#### LEGISLATIVE SENTINEL.

Mr. TURPIE offered the following:

*Resolved*, That the Assistant Clerk of this House be authorized to have one hundred copies of the *Legislative Sentinel* bound in cheap binding, to be contracted for in advance.

The resolution was adopted.

#### A MESSAGE FROM THE SENATE.

A message from the Senate, by James H. Vawter, principal Secretary thereof, announced that the Senate had concurred in the following resolution of the House:

*Resolved*, That the House is now ready, the Senate concurring, to adjourn until the next regular session.

#### VALEDICTORY.

Mr. Speaker GORDON

GENTLEMEN:—These vacant seats inform the few of us who still remain, that the hour of separation for us also has arrived. They are prophetic, likewise, of another separation, when not only our seats here, but the pleasant places we have filled in life, will be seen as time passes, by the few, and ever fewer, survivors of the hundred who convened in this Hall at the commencement of this session, vacant as now are the places of our departed brethren upon this floor. In this admonition, profounder and more interesting by far than the lesson of sense which suggests it, let us all learn to be charitable in

our construction of each others motives, purposes and actions. No; I will not say that; it does not become me; for I have lived upon your charitable forbearance and indulgence ever since I have occupied this Chair. Charity and forgiveness are to you habitual and easy, as light to the sun. Had it been otherwise, I should have failed even tolerably to have performed the duties devolved upon me by your choice of me as the presiding officer of the House. With your support and confidence, however, always extended to me, and for which my gratitude is the only return I can offer, I do not feel that I have altogether failed. I know I have committed many errors—some of haste, and others of inexperience—none, I am sure, of intention; but all, whether of haste, or inexperience, have been attributed by you to the right quarter, and kindly overlooked and generously forgiven.

I find in my heart no cause of hard feeling toward any gentleman of the House for any word spoken or action done toward me during the session. Hard feelings, if any have arisen, existed but for a moment, and were consigned to forgetfulness in the same place and instant in which they originated. As I have forgiven, I ask to be forgiven by you all for whatever I have done amiss, or you have so regarded.

The special session is now a matter of history. Its results—whether for good or evil—can not be canceled. Our record is made up—complete. I do not desire to amend it. By it, the candid and fair of all parties will judge us candidly and fairly. We ought to be willing to abide that judgment; and we can brook the judgment of all others, no matter what that judgment may be. One thing I am sure must be accorded to this session by all, namely—it has not been a failure. No session of the General Assembly in my recollection, and I have attended many in some capacity—during the same number of days has accomplished more, by way of investigation, initiation and completion. The only regret which I entertain, in reference to our labors is, that they could not have been protracted for a few days longer. Twenty-five days added to this session, and the people could have dispensed with the regular session, for all necessary legislation would have been done.

A bill introduced by the gentleman from Decatur, to continue the business of this, to the next regular session; and providing for taking it up where we now leave it, would have affected that desirable object as well. Clearly constitutional and proper, it is a matter of profound regret to every economical man, that it failed by reason of the constitutional scruples of some of the members. Its passage would have saved the people much money, and as much labor. It is not possible now to remedy the results that its failure to pass will entail upon this body at its next session, except by returning at its commencement, with the same spirit and energy, and patriotic devotion to the interests of the State and country at large, which you have so signally manifested during that which now closes. May you all then return,—and—but I need not add—so return, to this theater of your labors, and honors.



It now only remains for me to discharge the last duty devolved upon me by your election and the Constitution—to pronounce the word FAREWELL!

—“a word that hath been and must be,  
A sound that makes us linger—  
Yet farewell!”

And thus the House adjourned.

### List of Laws Passed by the Indiana Legislature during the Special Session of 1858.

I, James H. Vawter, Secretary of the Senate, hereby certify that the following bills originating in the Senate were enacted by the General Assembly, at the Extra Session commencing November 20, and ending December 5, 1858.

No. 3. An Act to provide for the appraisement of a estate, and prescribing the duties of officers in relation thereto.

No. 6. An Act to cure defects in the execution of deeds, or in the certificates of acknowledgment of conveyances of real estate, or any interest therein in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws.

No. 5. An Act to amend the 32d section of an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, and appraisers of real property, county treasurers and auditor of State, approved June 21, 1859.

No. 11. An Act in relation to ventilating, repairing and warming county prisons.

No. 15. An Act to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties which may have been abandoned by the corporations.

No. 20. An Act to authorize the incorporation of associations formed for building towns within this State; and for the transfer to such corporation of real estate, the titles to which have been taken in the name of trustees.

No. 28. An Act to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify said election.

No. 31. An Act to fix the time of holding the Courts of Common Pleas in the County of Bartholomew.

No. 59. An Act to amend the 31 section of an act entitled “An Act regulating the licensing of pilots at the Falls of the Ohio.”

No. 60. An Act to amend an act entitled, “An Act authorizing County Agricultural Societies to purchase and hold real estate,” approved February 7, 1855.

No. 86. An Act to enable the holders of unauthorized paper currency to collect the amount thereof from any person, company or corporation heretofore or hereafter issuing or aiding in the issue or circulation thereof.

No. 102. An Act to continue the present Board of Sinking Fund Commissioners, consisting of a President and four Commissioners and one Clerk, from the 1st of January, A. D. 1859, to the first Monday of April, 1859, and until their successors are elected and qualified.

No. 110. A bill to vest in the assignees of the Branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said Bank, the possession, collection and enjoyment of the assets so assigned, and to have legal process, and to acquaintances in their own names, and to secure to them their rights.

### HOUSE BILLS PASSED.

No. 19. An Act to secure the service of process in actions against corporations, created by the General Assembly

of this State, which have no officers or persons doing business in the county where they have been located and have exercised corporate powers.

No. 22. An Act providing for the reappraisal of the unsold school lands in this State.

No. 23. An Act to repeal an act entitled “an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance.”

Approved February 16, 1855.

No. 32. An Act to repeal an act authorizing the State of Illinois to maintain the feeder dam, and securing the use of the waters of the Calumet river; and providing the manner of the assessment of damages sustained by the citizens of Indiana, by the erection thereof; and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana.

No. 35. An act to amend the first section of an act entitled “an act providing for extending the terms of Circuit Courts by adjournment when the business shall be unfinished,” approved February 12, 1855; to authorize the Court or Judge to call and hold special terms, and to fix the compensation of the Judges for such adjourned and special terms, and of Prosecuting Attorneys while in attendance upon the same.

*This bill never passed, though approved by the Governor. Owing to a disagreement between the Houses, the bill never was finally enacted, but though the hurry of business was enrolled by the Clerks of the House, and the enrolling being finished at a late hour of night was not discovered until after its approval.*

No. 38. An Act legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the Clerk of the Circuit and Common Pleas Courts of this State, after the reception of the Revised Statutes of 1852, in their respective counties.

No. 39. An Act to regulate the collection of judgments and the sale of property on execution against any Sheriff, constable, or other public officer, administrator, guardian, executor, or any other person or corporation, receiving or holding money in a fiduciary capacity, or the surties of either of them.

No. 43. An Act to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyance of lands and donation of personal property.

No. 62. An Act for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters.

No. 73. An Act to raise a revenue for State purposes for the years 1859 and 1860.

No. 79. An Act to provide for the relocation of county seats, and for county buildings, when two-thirds of the voters of any county have petitioned for relocation, designating the site and a house to be used as a court-house, and where a deed has been executed and to provide for the limitation of actions growing out of such relocation, and for the donation of the former county property.

No. 101. An Act to secure to the Sinking Fund a debt which the State owes to the said fund, to provide for the payment of interest on said debt.

No. 104. An Act to make specific appropriations for the year 1858.

### JOINT RESOLUTION.

*House Joint Resolution No. 4.* A Joint Resolution directing the Treasurer of State to appropriate all the public money in his hands as therein provided, and directing the Governor, Treasurer and Auditor to borrow money of the Commissioners of the Sinking Fund, or elsewhere, giving the preference to said fund.

I also certify that 111 bills were introduced in the Senate, all of which were read a second time; many of which were referred and reported upon, but not passed for want of time.

JAMES H. VAWTER,  
Principal Secretary of Senate.



# APPENDIX.

## THE PUBLIC FINANCES.

### Remarks of Mr. Smith of Perry,

*Delivered in the House of Representatives of the Indiana Legislature, December 21, 1858. The question being on the reconsideration of the vote of Saturday, by which his bill (H. R. 98) was recommitted to the Committee on Ways and Means.*

Mr. SMITH said :

MR. SPEAKER—The House is, at this hour, impatient to adjourn; there is an urgent necessity that definite action should be had on this bill prior to adjournment; and there is barely time for me to state a few of the many facts which have not, thus far, been brought fully to your notice in this debate, and which should be considered before a final decision is made on the measures proposed by the Committee of Ways and Means. Yet, as I was the first to suggest the outlines of what is termed, by the gentleman from Floyd, the Omnibus Bill; as the cries of office, bank, plunder have been raised here and elsewhere, and as my motives and objects have been brought in question, I must crave a few moments while I state why I came here, and what I most desire should be accomplished by this Legislature.

Ten years ago, and when residing in another State, I came here and asked the legal rights to associate labor and capital, in mining and manufacturing in the county of Perry. As the objects in view were evidently for the public, as for individual benefit, my requests were complied with. With the most liberal charters that the Legislature could grant, I endeavored, by pen and speech, at home and abroad, to bring energy, skill, and capital into the mineral district of this State. These efforts have, directly and indirectly, already resulted in adding some two millions of capital, and probably six thousand people to the wealth of Indiana. This capital is not only fixed, but is eminently reproductive, and these people are most industriously and profitably employed.

These enterprises were beginning to attract large attention, and many more millions of capital, and many more thousands of emigrants were in prospect, when defalcations among public officers seemed to become epidemical and taxation in city and country was brought prominently into notice. In answer to the invitations we gave to foreign money and labor, we were questioned as to the condition of our treasury; of our indebtedness and of the per centage we paid for the protection of government, and of the guards that surrounded our credit. Investigation soon made it clear to us that we were paying twice as much tax as there was any necessity for; that our neighbor Kentucky, with a peculiar institution not regarded as favorable to progress and manu-

facturing industry, with less population and less real wealth, with about the same nominal assets and liabilities, paid an average of only about forty cents on the \$100, while we paid over ninety cents, and were, perhaps, not as much benefitted by the tax-gatherer as were our neighbors across the river. In the comparison of the official financial reports of the two States, one set appeared clear and the other confused. The one could be understood by any person of common education, while the other was almost unintelligible to an expert. The credit of the one State was hedged in by so many barriers that a fraudulent use of it seemed impracticable; while, in the other, a single agent—nay, even a clerk selected by an agent, had the power of involving the State to an amount only limited by its credit and the capital seeking investment in public stocks.

No tax-payer in the State could venture to affirm that the actual liabilities of Indiana were not seventy or any number of millions of dollars, instead of the seven and a half millions, as reported by the Auditor. In such a condition of things, how could we ask capital or labor? We might bear the ills we have, in respect to taxation, but could we expect our friends abroad to trust themselves and their means within the unguarded power of irresponsible and distant agents, and agent's clerks? Banking capital can be transferred, almost by a check, from a point of danger to one of safety; but a capital invested in mines and mills is fixed and immovable.

To effect, if possible, a reduction of taxes; the introduction of more simplicity and system into the methods of keeping and reporting our public accounts; and more than all, to throw efficient safeguards around our State credit, now wholly in trust of a stranger clerk in New York, was the motive, and the only motive, which brought me here. The gentleman from Floyd sees the State Bank behind my financial proposition. He might have known that, in my section of the State, there has ever been a decided opposition to banks. We have never received favors or advantages of any kind, either from the old or the new State Bank. We required more or less bank accommodations, and we had to seek them in Kentucky and Massachusetts. We prefer a sub-treasury, and gold and silver to bank notes. As to office, and the influence that the hope of office might have had in moulding the features of this bill, I have this to say—that Indiana has no office within its gift that I would now accept.

You, Mr. Speaker, had the kindness to place me on the Committee of Ways and Means. I found in its Chairman, a gentleman of as clear a head and of a purpose as straight forward in the line of duty as any one with whom I have ever been associated. He had the same objects in view, and the other gentlemen on the committee were ready to



discharge their duty to the State irrespective of party. With one consent we agreed to throw party spirit to the winds in all our deliberations in reference to the financial measures to be proposed. Although a Democrat and perhaps an ultra Democrat and in the minority, yet, as I had been engaged in business many years and was somewhat familiar with extensive money transactions, it was suggested that I should examine the condition of our finances and elaborate some plan of relief from present embarrassments. This onerous task was accepted with full knowledge of the difficulties attending its accomplishment. The first thing to be done was to search for available assets in the Treasury. A further examination there developed the fact that \$84,500 of "unavailable cash" had swelled to \$113,000, and that we should have to guess at the amount which was really available. It was clear, however, that \$100,000 would be wanted to pay the January interest and beyond what the Treasurer could furnish. That sum could have been had at one or more of our banks, yet to the inconvenience of the people; besides, it was not deemed desirable to put the State under any obligation to any bank or set of banks, that were subject to our State supervision. A new issue of bonds to pay the interest on those already issued and for current expenses seemed not only disgraceful, but also attended with some cost and infinite danger. The great debt which now weighs down our energies and which was reduced to seven and a half millions of dollars by a compromise of equivocal honesty, was contracted when our State borrowed because it could borrow with so much ease. The money borrowed begat extravagance, supported political prostitutes, and resulted in scarcely any permanent good to the State. The history of every funded debt we have created admonishes us to beware how we create another. From an examination of a Treasury where everything was in confusion; where acceptances of the Treasurer were charged, and bills receivable were credited as cash; of an Auditor's office where the books were closed every official year without even the form of a "trial balance"—of the office of the "State Debt Sinking Fund" which had been six years in operation without giving a single report as directed by the law, and where from \$25,000 to \$40,000 had been allowed to accumulate, apparently for the sole use of its custodian, recourse was had to the office of the Commissioners of the Sinking Fund—there every paper and account and balance called for was simple, full and intelligible. The cash there was evidently cash, and available cash—of this there was quite enough to supply the present wants of the State. This was in readiness for the purchase of the securities of Indiana, the "Bank Bonds," now amounting to over \$900,000 and payable in 1864-5-6, having the preference. Such was the credit of the securities in this fund, and of its management that, although these bonds bore only 5 per cent. interest, their holders would not part with them under par. The line of policy very properly pursued by those Commissioners was to invest in the 5 per cent. certificates of the State debt at a discount from the face of even 20 or 15 per cent.; but as every person familiar with financial affairs well under-

stands, the present is not the time to buy public securities to advantage. The supply is less than the demand. Within the next two years, when business shall have become more active and speculations become rife, money will be again in demand—will command a higher rate of interest, and these securities will then fall, and can be bought to advantage by our Commissioners. In the meantime they will act wisely in making short investments even at a low rate of interest. Here was a sum ample for our present wants, and, by its use for a short time, the State would escape the disgrace of borrowing abroad to pay interest on a foreign debt, and would be enlarging a fund in which we all feel so great an interest. The money wanted being here, the economical method of opening an account with its holders and paying interest on its use only while we needed it, was obviously expedient. Here, then, seemed to be a safe point at which to commence. We could use every dollar of our own money that we could get hold of, and borrow the deficiency until our floating assets could be realized and new taxes could be collected. The first bill was drawn up in reference chiefly to these two objects. It met the unanimous approval of the committee, and was satisfactory to the officers of the Sinking Fund. The leading members of this House, irrespective of party, were then advised of the leading features of the plan, which met, as we supposed, with great favor. The gentleman from Floyd, however, and other eminent civilians in the House, expressed the opinion that, as a condition precedent, the Board of Sinking Fund Commissioners, whose official term expired on the first of January next, must be reorganized. In deference to their opinion, the first twelve sections of our bill were added—then, to meet the views of those especially interested in the School Fund, the Swamp Land Fund, and in the respectable support of the Treasurer, other sections were added. The penal section was, in the opinion of all, absolutely necessary to satisfy the public mind.

Well, we are now complained of that our system is too complicated, and by the very gentlemen whose advice we followed. Still more strange—other gentlemen oppose us because we have not embraced in our bill whatever could pertain to the proper management of our treasury. Many of my Democratic friends cannot now support the bill, because it does not include a sub-treasury, as though a sub-treasury was a matter of instant necessity, when not a dollar can be had to put into one if we had it, and as though there was a talisman in the very name that would open some cave of treasure from which we could pay our January creditors.

But, Mr. Speaker, it is said that we have designs on the school fund, and the children, present and prospective, of the gentlemen from Floyd and Elkhart have been marshaled before us with most touching remonstrances. Let the gentlemen point to a solitary proposition made before this, in either branch of the Legislature, for the return to this fund of the money taken from it by the State, during the last seventeen years. The gentlemen from Floyd and Randolph have occupied seats here in times past, and when the treasury was not bankrupt. What law have they pro-



posed for the benefit of the children of the State? Our bill assigns the revenue; or, in other terms, pledges the real and personal property of every taxpayer in the State, for the repayment of these sums borrowed and to be borrowed. We have used the strongest and most explicit words within our knowledge to effect this purpose, and we have said to the member from Randolph, that if he was not content with words, he might make up the account current, principal and interest, and we would insert the sum total in figures.

But, it is said that the bill proposes to increase the number of officers—that it makes five Treasurers instead of one. It does no such thing. It does not create the necessity for a single clerk or hireling beyond what are now employed. If anything, it lessens the labor of managing the public funds, for the Treasurer would have but one place of deposit, (and that a safe one,) instead of ten or twenty, and those more or less unsafe—unknown to the law, and suspected by the people.

At this late hour, Sir, I can not do more than give the briefest remarks on the general features of this bill, or rather on the first bill, of which this before us is a constituent part; yet I can not take my seat without doing justice to the officers of the Sinking Fund, who have, it seems, been exposed to undeserved censure by the measures I have proposed. It has been intimated here, and said more openly outside our bar, and not only in speech but in print, that these officers are anything but immaculate; that they, as well as other public officers, have used the public money for their own purposes, or have pocketed the premiums and interest on loans and deposits, and that they are at the bottom of this financial scheme. Now, Sir, I have before stated that, at first, these officers were opposed to the plan under consideration, and did not approve it until it was evident that no other safe plan could be devised to meet the present emergency. I have also stated that I had scarcely a passing acquaintance with any member of this Board, or any of the employees, except the Clerk; that, as a member of the committee, I applied to this, as to the other public officers, for such facts as were needed in our investigations, and that this was the only office where we could obtain connected and intelligible facts and statements. As soon as the charges referred to were noticed, I proceeded at once to investigate their truth or falsity. On application for the premium and interest account in this office, ledger, journal and vouchers were instantly produced, and in ten minutes were verified. I have here copies and abstracts of documents to disprove the charges alluded to. Here is a copy of the account showing what the fund has made out of premiums and interest for the last year. \$13,811 80 is the net product of the interest on the floating balances on money deposited and ready for a more permanent investment. Here are other copies showing a carefulness of these officers almost approaching timidity. Here is a contract with the Indianapolis Branch of the State Bank, who were the depositaries, at one time, of about \$60,000 of this fund, which was to draw interest at 4 per cent., (although subject to call,) and to be compounded. This contract was guaranteed by four private citizens of undoubted wealth. More than this, during the money panic these officers who are

charged with looking specially after their individual interests, not satisfied with the responsibility of this Branch Bank, of the corresponding liability of all its associate Branches, and of the individual security taken, required and obtained collateral security in the shape of business paper that had been discounted by the Bank. Here is another copy showing the transactions of this Board with its New York Agents, Winslow, Lanier & Co., in whose responsibility and honesty the business men of Indiana have never felt a doubt. They were employed to purchase, if practicable, the Bank bonds of the State, and, failing in this, to buy our 5 per cent. certificates. The funds were put in their hands for this purpose, and to bear 4 per cent. interest while there remaining. During the suspension of these Agents, and although the bonds and certificates could not be had in the market at the price limited, an interest of 7 per cent. was charged and collected; and during the entire period of the deposit the most unquestionable collaterals, and of an ample amount, were here in the vault of the Sinking Fund. At the same, or about the same dates, the State Treasurer, with singular credulity, deposited the money of the State with a Wall street speculator, John Thompson; with the tottering Bank of the Capitol, and with the wild-cat concern at Gosport, without taking any security, direct or collateral. Now, I have said here and elsewhere, and again repeat, that I have seen nothing in reference to the Treasurer which should even raise a doubt as to his honesty; yet, while I commend his goodness of heart, I am unwilling to trust the depositing and loaning of public money to his discretion, and I desire to draw in, as soon as practicable, whatever has been deposited and loaned by him and his predecessors, that we may take an account of stock; that we may pass whatever is necessary to the account of profit and loss; and that we may ascertain precisely where we do stand; and then, that we may open a new set of books and start fair into the future. What method of accomplishing all this as well as by the plan we propose? If the Treasurer may deposit with twenty bankers or individuals, whose responsibility we do not know, do we detract either from his usefulness, or even his dignity, by designating a place of deposit that we do know to be safe? Is he beyond our direction? Is the public money to be under the control of the Legislature or of the Treasurer?

Again, it has been urged that there is no necessity of our immediate action—that the law has wisely given to the Governor, Auditor and Treasurer the power of making and negotiating the bonds of the State, not only for the purpose of meeting the interest on the foreign debt, but for paying our current expenses; or what amounts to the same thing, of effecting repeated loans to meet the interest, and keeping 'home receipts and funds to pay expenses. This power, whatever it is, was granted by section 5th of the "Act prescribing duties of Governor," approved May 27, 1852. It is in these words: "The Governor, Auditor and Treasurer of State, are hereby authorized (not directed) to procure a temporary loan of money (not to create a funded debt) sufficient in amount to meet the deficiency in the treasury, should any such occur, to pay the semi-



annual dividends of interest on the State debt." Now, saying nothing of the unconstitutionality of the law where the title does not correspond with the subject; making no argument on the evident meaning of the words "sufficient" and "temporary," or on the legal maxim, that in the presence of the principal the agents cannot act, I say that if the word "deficiency" means any thing, these public officers cannot borrow a dollar beyond the difference between the money in the treasury and the amount of the interest. The accountant employed by our committee has been able to post up the books and memoranda in the Treasurer's office, so as to show that at least over \$500,000 ought to have been in the treasury, and with the Auditor, on the 22d day of last June, when \$165,000 was borrowed of the Sinking Fund to pay interest. It is presumed that neither of the State officers had any accurate knowledge of the fact; and I, for one, have no disposition to question the motives of either. I state the facts merely to show the imperious necessity of improving the system under which honest officers may be ruined, and the State suffer immense loss. But, there being "*no deficiency*" in the treasury on the 22d of June last, was there even the color of law for the borrowing of the \$165,000, and the subjecting the State to the payment of additional interest? And, now, when this Legislature is in session, when the Treasurer admits that there

are in his hands \$111,000—less the sum paid out since the 13th of this month—over and above the deposits with broken banks and bankers, and the investments in unavailable bills of exchange; when he says he can spare at least \$50,000 and pay the current expenses up to the 25th of January; when we can find, here at home, the "deficiency" on a loan for two or twenty months, I say that there is no law which authorizes one or any number of the officers of State to create another funded debt, or to issue coupon bonds at this time, for \$165,000; and these, as we understand, have already been manufactured and are now ready for negotiation. And, finally, I remark that the bill we have brought forward is sufficient to effect the purposes in view, and that no efficient substitute has been offered, or even suggested. If faulty in principle or defective in detail, let it be repealed or modified at our regular session.

To bring this discussion to a close in time to adopt, if this is rejected, some other plan for preserving the credit and honor of the State, I now move the previous question.

There being a second to the demand for the previous question, the vote of Saturday, referring the bill again to the committee, was reconsidered, by yeas 48, nays 43; and then the question recurred on the engrossment of the bill.