

The Indiana Legislature.

Reported for the Indiana State Sentinel.

HOUSE OF REPRESENTATIVES.

Monday, Dec. 15, 1845.

Mr. Osborne of Indiana, from the committee on the subject, reported against the expediency of legislating on the subject of a uniform system of county business.

Mr. Chapman, from the committee on the judiciary, reported the bill for the relief of Francis Lafontaine, with amendments; which was read the third time and passed.

Also, the bill authorizing Francis Lafontaine and others to sell real estate; passed the second reading.

Also, the bill changing the time of holding probate courts in Allen county; which was passed.

Also, the bill prescribing the mode of electing United States Senators, and recommending its indefinite postponement; reported and concurred in.

Also, the bill in relation to the Bank tax fund; which passed.

Also, the bill amending the 4th section of the 47th chapter of the Revised Statutes of 1843, amended; the report was concurred in.

Mr. Logan, from the same committee, to whom was referred the subject of individual security in private contracts, reported it inexpedient to legislate thereon; concurred in.

Mr. Pomeroy, from the same committee, reported it inexpedient to legislate on certain subjects referred to the judiciary; concurred in.

Mr. Ellis, from the same committee, reported the bill for the relief of Victor Helton and Lambert Holder, and recommended its passage; bill passed.

Also, the bill amending the 5th chapter of the 5th article of the Revised Statutes, and recommending its passage; which passed.

Also, a bill to increase the pay of grand and petit jurors according to instructions; ordered to a second reading.

Mr. Winchell, from the same committee, reported it inexpedient to report a bill allowing district school trustees to address schools in certain cases; the report was not concurred in.

Mr. Winchell reported it inexpedient to legislate on the subject of electing a Prosecuting Attorney for each county; laid on the table.

Mr. Barber reported the bill amending the 20th section, of the 1st article of the 45th chapter, of the Revised Statutes of 1843, and recommending its indefinite postponement; the report was not concurred in.

Mr. Ellis moved to recommit the bill to the same committee, with instructions to confine its provisions to suits heretofore pending; concurred in.

Mr. Pomeroy, from the same committee, reported it inexpedient to legislate in relation to the several laws; concurred in.

Mr. Hall reported it inexpedient to legislate on the subject of extending the jurisdiction of justices of the peace in certain criminal cases; report not concurred in.

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The Speaker laid before the House a communication from the Auditor of State, enclosing an act relative to tax titles, containing a form of deed, to be used for lands sold for taxes; referred to the committee on the judiciary.

Petitions, &c. were presented by Messrs. Cookley and Tomlinson; which were referred.

Mr. Cruikebank reported against the expediency of electing supervisors in their respective road districts; which was concurred in.

The bill in relation to the tenure of county treasurers, heretofore to hold their offices for three years from and after the 1st of March, after their election, was reported back from the committee of ways and means, with a recommendation in favor of its passage.

Mr. Harvey moved to recommit to the same committee, with instructions; which motion prevailed.

Mr. Secrest also reported against the expediency of altering the method of publishing the delinquent lists; which was concurred in.

Mr. Thompson reported against the expediency of selling certain lands in Indiana, in consequence of the prospective rise of property in this city; and recommended its indefinite postponement of the bill on that subject.

Mr. Webber contended that there were improvements on these lots that were going into decay, and the State would lose more by procrastination, than in bringing the lots at once into market. He therefore moved to recommit the bill to the committee on the affairs of Indiana.

Mr. Secrest said that property is rapidly increasing in value at Indianapolis, and it would do no injury to delay a sale until the Railroad should be completed to this place.

Mr. Thompson took the same view of the question. He believed the advance on property, in this place, would be far greater than the interest on the money that might be realized from a sale of the lots at this time.

Mr. Webber again urged the commitment of the bill.

The question was taken on the indefinite postponement of the bill and decided in the affirmative.

Mr. Hazelrigg reported a bill giving original owners of lands mortgaged to the trust funds of the State the privilege of redemption, within twelve months after the date of said lands for the non-payment of interest; read three times and passed.

Mr. Hill of Gibson reported back a bill for the benefit of the inhabitants of the seminary lands in Gibson county—authorizing a suit in the Marion circuit court, in which the State of Indiana shall be a party, to determine the controversy between the owners of said lands and the Vincennes University. The bill was read three times and passed.

Mr. Hill of G. now entered into a history of this question, and referred to the early legislation of Congress, in reference to the township of land and the establishment of the Vincennes University, growing out of it.

Mr. Lowe took ground against the general principles of the bill, and wished a full investigation before the bill should be passed. He suggested another method of settling this question. Let the Legislature give its opinion on this subject. His opposition grew out of the question in which the State University stood in this question.

Mr. Hall replied, and again showed the hardships that would be incurred by his constituents, in consequence of the hundred suits hanging over them. They wished the question settled, and their titles quieted. If the trustees of the Vincennes University elected to sue the State they will look to the State alone for remuneration, should they gain the suit.

Mr. Lowe, with a view of giving time for reflection and investigation, moved that the bill be laid on the table; which motion prevailed.

Mr. Cox reported against the expediency of a revision of the road laws; which was concurred in.

The bill to legalize an election in the county of Crawford was read a third time and passed.

Mr. Hall of Warren, reported a bill to relocate a part of the State road from Williamsport to Newtown; passed to a second reading.

By Mr. Cookley, a bill to divorce Nancy Casto from Jonathan Casto; read and passed to a second reading.

The bill to incorporate the Terre Haute Greys was read a third time and passed.

The resolution, providing for taking up the orders of the day, on each day at two o'clock, was adopted.

Mr. Swain offered a resolution, as to the expediency of making accounts against estates dead in probate, and in which no claim was filed; which was adopted.

Mr. Stanfield introduced a bill authorizing the county board of St. Joseph to employ a physician; passed to a second reading.

By Mr. McDonald, relative to the costs of transcripts; passed to a second reading.

By Mr. Lyman, for widening canal bridges in respect to the State; passed to a second reading.

By Mr. Ford, for the relief of purchasers of school lands in Randolph county; passed to a second reading.

By Mr. Kimberlin, to change the name of Aberdeen to Boxlytown; passed to a second reading.

By Mr. Linnus, in relation to the listing of Friends, and the annual association of Friends, and the annual meeting of Friends; passed to a second reading.

Orders of the Day.

The bill in relation to the Lawrenceburg and Napoleon turnpike company was read a third time and passed; also, a bill to amend the act in relation to boards of county commissioners acting as library trustees in Vanderburgh county.

The bill authorizing the fee of auditor in Jackson and other counties, in entry and transfer of lands was read a third time; when

Mr. Secrest moved to refer to a committee, with instructions to strike out the county of Putnam.

Mr. Secrest, after some general remarks said, that himself and colleague differed on this question. He took the ground, as a general principle, that where the representative of a county differed, and there was no expression of opinion on the part of the people, the measure proposed ought to fall. Mr. S. referred to the services of the present auditor of Putnam; there being scarcely a battle field in the west where he was not present to defend his country. That his office, however, belonged to the Democratic party, and this might be a sufficient reason, in the minds of some, for a reduction. Unless the principle he noticed should be entertained, he knew of no means of settling the difficulty.

Mr. Brumfield contended that the people of Putnam were in favor of reduction. That the auditor, last winter, had consented that his salary should be reduced to four hundred dollars, rather than the office should be abolished. The question was agitated at the two last elections.

Mr. Secrest said, he had no desire to invoke national politics on this floor. The question had been agitated in his county some years ago in relation to abolishing the office, but it had not been done. In the canvass last summer, when the present auditor was re-elected, contending against a most estimable Whig competitor, nothing was said about the reduction of fees.

the injustice of passing a measure where one of the representatives of a county is in favor and another opposed to it. He was opposed to making flesh of one and fish of the other—to use an old adage. He was in favor of sending this question back to Putnam county for the decision of the people.

Mr. Secrest hoped that the motion to amend his instructions would not prevail; but that a direct vote would be taken on the proposition.

The amendment to the instructions was not adopted. The question was about to be taken on the instructions providing for striking out Putnam; when

On motion of Mr. Pennington, the House adjourned.

Afternoon Session.

The House proceeded to the consideration of the bill pending at the last adjournment—the question being, on a reconsideration of the vote inserting Putnam county in a provision of the bill in relation to a transfer of lands by county auditors, so as to abolish the fees for such transfer, to the auditor of Putnam county; and the question being taken on the reconsideration of said vote, it was decided in the affirmative.

And the question recurring, Shall Putnam county be inserted? it was decided in the negative, yeas 29, noes 56.

The bill being now on its passage.

Mr. Osborne of Laporte said, that as the bill was originally introduced by the gentleman from Jackson, he could cheerfully vote for it; but there was an amendment placed upon it which did away with the necessity of transfer altogether. It altered the general policy of the State, with regard to transfers, which he considered wholesome and salutary, and as the bill now stood, he was bound to vote against it.

Messrs. Barber and Clayton took the same position. The question was taken on the passage of the bill and decided in the negative, yeas 47, noes 51.

The bill for the preservation of timber, &c. on the public lands was read a third time and passed; also, the bill for the relief of purchasers of canal lands; also.

The bill to amend the Revised Statutes, so far as relates to the fees and services of notaries public, &c. The bill to amend the Revised Statutes, relative to costs on appeals to the circuit courts; also.

The bill in relation to writs of error, in writs of habeas corpus; also.

The bill to amend the Revised Statutes in relation to assets, so that the term assets shall mean real and all personal estate, was read a third time and passed.

Mr. Ellis moved that one dollar shall be the compensation in Madison; not adopted.

Mr. Tomlinson moved to fix the compensation in Delaware at one dollar and twenty-five cents; which was adopted.

The question was then taken on Mr. Julian's amendment, fixing the compensation at \$1 25; which was adopted by a vote of 45 to 33.

The bill was then reported back to the House, with its amendments; and

On the question, will the House concur in said amendment—fixing the compensation at \$1 25, it was decided in the affirmative, yeas 57, noes 26.

Mr. Hazelrigg moved that Boone be exempted and the compensation fixed at one dollar; not adopted.

Mr. McClure moved that Owen be exempted; which was not adopted.

Mr. Hinchman moved to amend, by including jurors before Probate Courts; which was not agreed to.

Mr. Ford moved to amend by giving jurors four cents per mile; not adopted.

Mr. Cookley moved to amend, so as to allow Probate jurors in Franklin county a not more than one dollar per day; which was not adopted.

Mr. Thompson moved to amend, so that jurors in Perry be allowed one dollar; not adopted.

Mr. Vandever moved the previous question, which being sustained, was put, to pass, to which yeas 57, noes 26.

Mr. Ellis moved to strike out from the enacting clause and insert a bill heretofore reported to the House, fixing the compensation of jurors at seventy-five cents to those residing at the county seats; one dollar to those residing eight miles, and one dollar and twenty-five cents to those residing over eight miles.

Mr. Vandever moved to strike out the first section of the amendment, embracing the above provisions.

Mr. Caran said, he believed there was great consistency in the proposition now before the House. The man who resides more than eight miles from the county seat would have to stay over night and pay for the expenses of himself and horse. The man within eight miles and under could go at home and under no extra expenses.

Mr. Vandever was opposed to such invidious distinctions. He believed the people would not be satisfied with a law of this character.

The question was taken on striking out the first section of the amendment, and decided in the affirmative.

Before further proceeding was had thereon, with a view of allowing the joint committee to which the communication of Mr. Butler was referred, time to organize.

On motion of Mr. Secrest, the House adjourned.

SENATE.

Wednesday, Dec. 17.

The Senate assembled.

By Mr. Beaman, a bill on a table without reading.

By Mr. Murphy, from the annual association of Friends, praying for the abolition of slavery; referred to the committee previously appointed to consider the subject.

Reports from Committees.

Mr. Akin, from the committee on finance, reported back the bill allowing additional compensation to the Auditor of the bill, and recommended its passage; passed to a third reading.

Mr. Hardy, from the same committee, reported back the bill fixing a delinquent tax, which was concurred in; ordered to a third reading.

Mr. Pomeroy, from the same committee, reported that legislation was unnecessary in respect to exempting foreign bills of lading in certain cases; concurred in.

Mr. Akin, from the same committee, reported it inexpedient to legislate on the bill (referred to that committee) in relation to the affairs of Indiana, and recommended its indefinite postponement.

Mr. Chapman of D. proposed a concurrence in the report; which was concurred in.

Mr. Hinton, from the same committee, asked that the committee on finance be discharged from the consideration of such portion of the Governor's message as relates to the State debt, and that it be referred to the select committee on the subject to consider the subject; concurred in.

Mr. Conner, from the same committee, reported it inexpedient to legislate on the subject of regulating the law of equity, in relation to the subject of holding elections in each township, for the purpose of collecting taxes; concurred in.

Mr. Davis, from the committee on the judiciary, reported a bill for the relief of Henry Shiner; laid on the table.

Mr. Murphy, from the same committee, reported a bill regulating the duties of executors, administrators, and guardians; ordered to a second reading.

Also, a bill for the relief of the poor, in accordance with a resolution referred to that committee; laid on the table.

Also, the bill of the House in relation to Probate Courts in the counties of Jackson and Green.

Mr. Todd, from the committee on education, reported it inexpedient to legislate on several subjects referred to the select committee.

Mr. English, from the committee on the State Bank, reported it inexpedient to grant relief in accordance with the memorial of Horace B. Smith; which motion prevailed.

Mr. Secrest said he hoped the report would not be concurred in, and called for the reading of the memorial referred to.

Mr. Jones made a statement of the facts relative to the memorial.

Messrs English and Ellis opposed the light of the memorial to be read.

Mr. Jones called for the yeas and noes; the report was concurred in.

Mr. Todd, from the committee on education, to whom was referred the memorial of Dr. White, on behalf of the Trustees of the Wabash college, reported it expedient to legislate thereon at the present.

Considerable discussion was had on concerning in the report, which will be given hereafter.

Mr. Heiler, from the committee on the pendency of the question, reported that the resolution was not adopted.

After some further discussion, the report was concurred in—yeas 22, noes 17.

Mr. Heiler, from the committee on education, reported a bill reducing the rate of interest on surplus revenue lands to six per cent.

Mr. D. moved to reject the bill; failed.

The bill passed to a second reading.

Mr. Logan, from the committee on claims, reported a bill for the relief of Thomas Murphy; passed to a second reading.

Mr. Buell, from the committee on the State Bank, reported back the bill extending the time of payment to mortgagees of the sinking fund; passed to a second reading.

Mr. Edmundson, from the committee on corporations, reported back the bill incorporating a state lodge for the Independent Order of Elks; passed to a second reading.

The bill passed to a second reading.

Resolutions.

By Mr. Morgan of D., that the superintendent of the Wabash and Erie canal, be removed immediately, and inserted as convenient; not adopted.

A bill regulating the jurisdiction of justices of the peace in Marion; also.

For the relief of Francis Lafontaine, a Miami; also.

The bill to attach the territory of the 11th circuit, and fixing the times of holding courts in said circuit.

On motion, the House adjourned.

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