

In the afternoon, the House resumed the consideration of the orders of the day. The bill providing for the repeal of the city charter of Madison was read a second time, and the question of its passage for a third reading, it was determined in the affirmative.

Bills passed.—Of the Senate, a bill to amend an act to incorporate the town of Greensburg; for the relief of the heirs of C. A. Danzare, of Monroe county; to provide for the distribution of the laws of Congress to the several counties declaring a certain road in Montgomery county a State road; declaring a name a township in Clark county (Benjamin P. Butts instead of Benjamin T. Butts); to declare a county road in Randolph county a State road; repealing an act incorporating a seminary in the county of Gibson, approved Feb. 13, 1841.

Office House, a bill regarding the duties of clerks of the circuit courts and county auditors. The bill requiring members of the General Assembly to attend to the number of days they have served during each session, was read a third time; when Mr. Riteley moved to lay the bill upon the table, which motion did not prevail.

Mr. Hoobler moved the previous question, which was not seconded by a majority of the House; when Mr. Hannegan moved to commit to a committee of the whole for the present time. Mr. Hoobler remarked, that he had presented this bill in good faith, and he did not intend to do it in any underhand manner. He knew that five years ago, when last in the legislature, there was not a quorum for four or five days at the close of the session. He wished to prevent a similar scene during the present session. The bill provides, that members shall give an account, under oath, of the number of days they have actually served, during each session, and that no member shall be eligible for his next term. He favored the measure because his constituents had instructed him to prevent all unnecessary waste of time.

Mr. Garrison also favored the bill, and after some remarks in opposition to going into committee of the whole. Mr. Hannegan moved to amend his motion by instructing the committee of the whole to strike out the word auditor, and insert that the members shall account to their constituents. The motion to commit to the committee of the whole, with the foregoing instructions was decided in the affirmative.

The House accordingly resolved itself into a committee of the whole, and after some time spent thereon, but before any amendments had been adopted, rose, with leave to sit again; and on motion, the House adjourned.

SENATE.

FRIDAY, DEC. 31.
The President laid before the Senate a communication from the Board of Internal Improvement, in relation to contracts, &c., on the public works during the past year; 500 copies of which were ordered to be printed.

WABASH AND ERIC CANAL.
Mr. Baird moved to take from the table the bill providing for the continuation of the Wabash and Erie canal. The question, when the bill was last before the Senate, was decided in the affirmative—ayes 16, noes 12.

Mr. Carnan then offered the following amendment to the first section: strike it out and insert, "that the Wabash river, from Lafayette to the mouth, be adopted as the continuation of the Wabash and Erie canal; and that so much of the first section of the act of the 21st of March, 1837, as relates to the sale of the lands, lately donated by the General Government for the continuation of said canal, as may be necessary for the improvement of the navigation of said river, be hereby appropriated for that purpose, and that the balance of the proceeds of said lands be expended on such other public works as the Board of Internal Improvement deem most to the interest of the State."

Mr. Watts moved to amend the amendment as follows: "Provided such agreement can be made with the consent of the General Government." On motion, said amendment, with the amendment thereto, were laid upon the table; ayes 25, noes 13.

Mr. Chamberlain moved to amend the 12th section by striking out a part thereof and inserting, "and that so much of the first section of the act of the 21st of March, 1837, as relates to the sale of the lands, lately donated by the General Government for the continuation of said canal, as may be necessary for the improvement of the navigation of said river, be hereby appropriated for that purpose, and that the balance of the proceeds of said lands be expended on such other public works as the Board of Internal Improvement deem most to the interest of the State."

Mr. Blair moved to amend the amendment as follows: "Provided such agreement can be made with the consent of the General Government." On motion, said amendment, with the amendment thereto, were laid upon the table; ayes 25, noes 13.

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be sold for less than two-thirds of its value, &c., reported the same back with several amendments, which were adopted. There being some misunderstanding in relation to the amendments made on yesterday, some contending that said amendments were not cut off by the report of the committee, and the chairman stating that the understanding of the committee was, that said amendments were not to form a part of its provisions.

Mr. Harris moved to recommit the bill to the same committee, that no misunderstanding might take place in its provisions. Mr. Gregory moved to refer the bill to the judiciary committee, contending that this committee being composed of legal gentlemen, would be better qualified than any others, to perfect its provisions.

Mr. Nave said, that the committee had not considered the amendments of the Senate made to the bill. This understanding was, that said amendments were to form a part of the bill; the amendments not being handed to the committee with the bill.

The question was taken on referring the bill to the judiciary committee; which motion did not prevail. The bill was then recommitted to the select committee; and the Senate adjourned.

AMENDMENT ON IMPROVEMENT OF THE DEBT.—In the afternoon, the Senate proceeded to the consideration, in committee of the whole, of the bill from the House of Representatives, providing for the abolition of imprisonment for debt. Several amendments were adopted, in which the concurrence of the Senate was requested.

The first amendment, providing that nothing herein contained, shall prevent the plaintiff, his agent or attorney from suing out a *ca. sa.*, upon filing an affidavit that he or she verily believes, that the defendant or defendants has or have money or effects, or any part thereof, in his or their possession, and above what is exempt from execution, secured or so covered, that it cannot be reached by *fi. fa.*; provided further, that should any plaintiff, himself, or herself, or by his or her agent or attorney, maliciously sue out a writ of *ca. sa.* against any defendant, such defendant may sue such plaintiff, his or her agent or attorney, for false imprisonment, which was adopted, by a vote of ayes 10, noes 10.

An amendment, exempting females and revolutionary soldiers from the operations of said proviso, was also adopted.

An amendment, providing that the commencement of suit shall be a lien on personal property was adopted.

Mr. Wright now proposed further to amend the bill, by providing, that in all cases, where any defendant is imprisoned, on affidavit, as aforesaid, the person so imprisoned shall have the right to prosecute a writ of *habeas corpus*, and on the trial of the same, may show that the suspicions of the plaintiff (or the person making said affidavit) are without foundation, and upon the proper officer trying such writ, being satisfied, that said defendant or defendants is not about to abscond or remove their property, he shall discharge said defendant; which was adopted.

Mr. Parker said, that the passage of this bill would let all the scoundrels of the country run, unwhipped of justice. He referred to the humanity of the present statute and the wise and humane provisions of the British Parliament, in which all honest insolvents could wipe out, at one fell swoop, their debts. He could only consent to vote for the bill, by the adoption of the following provision, to wit: "That in each county in this State, on the first Monday in August of each year, three persons shall be elected by the people, who shall be called a board of assessors; and no citizen shall be eligible to the office of assessor, unless upon the oral examination being by said board had, into the moral character of the citizen, he shall procure a certificate of his good morals from said board; which amendment was not adopted, ayes 6, noes 23.

Mr. Harris moved further to amend, so that any person imprisoned under the provisions of this act, who should be unable to support himself, his family, or if the plaintiff shall make the necessary provision, the defendant shall be set at liberty; which was adopted.

The question recurring on the passage of the bill, Mr. West said, he felt pained to witness the spectacle which gentlemen appeared to feel on this subject. He read a portion of a report from a celebrated statesman in the British Parliament, in which he says: "The objections to this system, (imprisonment for debt)—indeed the whole argument, is comprehended in three words; its injustice, its folly, its inhumanity."

The system is foolish, because in seven cases out of ten, it does not do good, but particularly in the class of honest debtors, rendering it impossible for the debtor to pay the debt, by reason of the aggravation of the costs, and thus further augments the loss upon the creditor.

It is inhuman, because, in so many cases, it aggravates the misery of the unhappy, and inflicts the same painful and oppressive punishment upon the class of honest debtors, rendering it impossible for the debtor to pay the debt, by reason of the aggravation of the costs, and thus further augments the loss upon the creditor.

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Allen county respecting the interest on canal lands, praying that the penalty for non-payment be reduced to ten per cent. Referred to the Committee of Ways and Means.

A resolution, relative to the amendments made on yesterday, some contending that said amendments were not cut off by the report of the committee, and the chairman stating that the understanding of the committee was, that said amendments were not to form a part of its provisions.

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Mr. Bradley presented a report from the committee of ways and means asking to be discharged from the consideration of certain matters. Agreed to.

Reports were made from select committees by Messrs. Cotton and O'Neal.

Resolutions.—By Mr. Norvell, that the judiciary committee inquire into the expediency of so amending the law of crime and punishment as far as relates to the vending of spirituous liquors, horse racing, card playing, and other species of similar crime, as to make the same come under the jurisdiction of justices of the peace.

By Mr. Hoobler, that the committee on agriculture inquire into the expediency of so amending the third section of an act to improve the breed of cattle and horses, approved Feb. 15, 1838, that it shall read the 20th of July instead of the 25th of August.

By Mr. Robinson R., that the judiciary committee inquire into the expediency of so amending the law regulating the duties of grand jurors, in admitting complaints, when there are suspicious, whether the State sustain the prosecution so as to make the person making complaint liable in case the State fails to sustain the prosecution.

By Mr. Norvell, that the judiciary committee be instructed to report a bill, allowing mechanics to peddle out their own articles of manufacture without giving a license.

By Mr. Robinson R., that the committee on the canal fund be directed to ascertain the number and amount of all State bonds sold or hypothecated, for which full consideration has not been received, or which may have been disposed of by the State agents without the authority of law; and to report to this House a joint resolution for the redemption of all such bonds.

By Mr. Riteley, that the committee of ways and means inquire into the expediency of requiring the county assessors to perform the duties required to be performed by the county appraisers, in an act to give the property of this State.

By Mr. Bradley, that the judiciary committee report a bill, relative to the act relative to crime and punishment, in which an offence is punished by fine and imprisonment for any director or board of directors of any bank or branch thereof in this State, in any respect, directly or indirectly, to violate the charter of said bank or branch, or to omit to perform any duty imposed on said director or board of directors.

By Mr. O'Brien, a resolution which was adopted, instructing the committee on education to inquire into the expediency of amending the school law so as to establish female schools, under certain circumstances.

Mr. Clements offered a resolution instructing the judiciary committee to inquire into the expediency of making county officers account semi-annually.

Mr. Saffler offered a joint resolution that copies of all the questions propounded by the investigating committees to our fund commissioners, and others, with all the answers, be carefully preserved and printed in a book, with all matters connected with the investigation, and that a copy be furnished to each member of the Senate, to be deposited in the office for public use; and that the book be called: "The first book of the Revelations of the State of Indiana."

Mr. Saylor presented a bill granting pre-emption rights to actual settlers on the Wabash and Erie canal lands—ordered to a second reading.

Mr. Chapman of L., presented a bill to amend the act relative to the clerk of the court of common pleas of the county of Michigan city. Ordered to a second reading.

Mr. Williams presented a bill authorizing a certain State road, read twice.

Mr. Yocum introduced a bill to regulate doctors, so as to allow them twenty-five cents per mile—making their medicine and services gratuitous and that they receive no more than this compensation, except one dollar for each visit in towns and villages.

[Here we have the bold assertion of an irresponsible Board of Bank Directors, issued from their Bank Palace at Michigan city, that the present independent Hoosiers are a set of consummate knaves and scoundrels, and that all honest Banks should withdraw from amongst such a set of villains. The people will say that these remarks come with a bad grace from a Board of men, if men they should be called, who for the last four years have absolutely refused to pay any of their obligations and promises. They run ahead of Nick Biddle for impudence, all hollow.]

Mr. Warriner presented a petition in relation to insane persons; which was referred to the judiciary committee.

Mr. Cooley presented a petition in relation to confining voters to the townships in which they reside. Bills were reported by Mr. Donbar, on the petition of E. Bradshaw; and by Mr. Norvell, relative to the bill of the House abolishing imprisonment for debt, with amendments.

Mr. Davis, of Floyd, moved to concur with amendments. Mr. Saylor moved that the bill and amendments be laid upon the table; which motion prevailed.

Mr. Gorman then presented another bill on the same subject, which was read, and after some proceedings had thereon, was, on motion, laid upon the table. And the House adjourned.

PROCEEDINGS EXTRAORDINARY.
[The balance of the day was consumed, in committee of the whole, the Senate having joined the House in considering the bill, proposed by Messrs. Reid and Cogswell, in the chair, on the bill establishing a Commonwealth Bank of Indiana, with a capital of five millions of dollars, and providing for an issue of Treasury notes to that amount, based on the Tadpole and Alligator swamps of Florida, the water-lots at Jersey City, the Soap and Candle Factory at Franklin, the coal mines, taken as security by Gen. Stuart, &c. &c. &c. and after some time spent thereon, the Convention rose and reported its proceedings to the respective Branches of the Legislature, the amendments were concurred in, and the bill, it is said, only requires the signature of the Governor to become a law.]

MONDAY, JAN. 3, 1842.
A message was received from the House, announcing the passage of an act to amend an act providing for the payment of contractors on the Wabash and Erie canal; and several bills were brought by the Clerk for the signature of the President of the Senate; and, among them, the bill providing for the construction of the Wabash and Erie canal from Tippecanoe river to Terre Haute, the House having concurred in the amendments of the Senate to the same.

The resolution of the House providing for an adjournment of the Legislature on the 31st day of January, having been taken up, Mr. Parker moved that the Senate concur in the same.

The message was supported by Messrs. Parker a 4th Nave, and opposed by Messrs. Dobson, Eggleston, West, Chamberlain and Reid, principally for the reason that the business of the investigation committee would probably not be finished at the time stated. The resolution was finally laid on the table—ayes 23, noes 20.

Resolutions were reported by Mr. Watts, by Mr. Sands on the subject of school districts; by Mr. Aker on the subject of a road; by Mr. Berry from owners of certain seminary lands in Monroe county; by Mr. Chamberlain on the subject of the county seat of Kosciusko—which were severally referred to the judiciary committee.

Mr. Wright from the judiciary committee, reported that it was inexpedient to legalize the official acts of Isaac P. Sharpe, as a justice of the peace; also against granting a divorce to Samuel L. Everts—concurring in that.

Also, a bill providing for printing that part of the Constitution of the State, which relates to the State, and so much of the existing laws of the State, as relates to the qualification of voters and general elections, &c., and for their distribution among inspectors of election; ordered to a second reading.

Mr. Gregory from the same committee, reported that legislation upon the subject of allowing appeals from the decisions of county auditors, was inexpedient; which was concurred in.

Mr. Bright from the same committee, reported a bill changing the time of doing certain business by the county courts, which was ordered to a second reading.

Mr. Gregory, from the same committee, reported a bill supplemental to an act entitled an act regulating the practice in suits at law; which was ordered to a second reading.

Mr. Baird, from the committee on roads and canals, to whom was referred the communication of S. W. Leavenworth on the subject of the Leavenworth railroad, made a report, returning thanks to that gentleman, as President of the company, for his very lucid and satisfactory exposition of the affairs of said road. Concurred in.

moved a call of the Senate, when it appeared that several Senators were absent.

Mr. Read moved to suspend a further call of the Senate, which was adopted by consent.

The question again occurred on adopting Mr. Wright's amendment, (which was not having been a quorum before,) which was lost—ayes 9, noes 20.

Mr. Everts moved an amendment to the bill, "that every person be allowed to sell liquor in Marion county without license;" which was laid on the table.

Mr. Pletcher moved to strike out from the enacting clause, and inserting the following: "That all laws and parts of laws authorizing the licensing of grocers in this State, and all laws imposing fines for bartering or selling spirituous liquors in less quantities than one quart at a time, be and the same are hereby repealed."

Mr. Pletcher said the argument of the gentleman from Marion county, had convinced him that all restraints were injurious to the cause of temperance; and he was for liberating the drunkard and allowing him the glorious privilege of getting drunk or sober, and expending his soul in the full measure of uncommenced and unauthorized liberty. He wished the experiment tried at any rate. It had very happy effects in Boston and in good old New England, according to the personal observation of his friend from Carroll; and why not operate equally beneficial here?

Mr. Everts concurred in this view of the matter. Mr. Harris called for a division of the question; and the proposition to strike out was lost—ayes 11, noes 27.

The bill was then ordered to a third reading. On motion, the Senate adjourned.

AFTERNOON.—Senate bills 12 and 13 were read and passed. Bill No. 12, is an act to amend an act entitled "an act to regulate the taking up of animals going astray and other articles of value going astray." The amendment simply inserts the word "cattle" in one of the sections of the law.

Bill No. 13, revives the 4th and 5th sections of the act concerning the amalgamation of whites and blacks.

Bill No. 23, introduced by Mr. Read, is an act concerning proceedings in ejectment and for the relief of occupying claimants. [This bill enacts that in all cases where any occupying claimant being in possession of any land for which he can show any plan and connected title in law or equity, derived from public records, or holding the same by deed, devise or in any other manner, shall not be turned out of possession by ejectment or otherwise, until he or she shall be fully paid or satisfied, the taxes and all lasting improvements, including street improvements, made on such land by the occupying claimant. The bill provides for the ascertaining of the value of such improvements by a verdict, in the manner provided by the act to which this is an amendment; and so much of said act as requires, in such cases, an assessment of the value of the improvements and allows the successful claimant an election, either to demand of the owner the value of the land without improvement or else pay such occupier the value of his improvements is repealed. The bill provides that whenever the successful claimant declines paying the value of the improvements the occupier shall be liable to pay the successful claimant the value of the ground rent of such land—to be ascertained by a jury on the application of either party to the Circuit Court; or at the instance of either party, by the Jury impelled to determine the rents and profits and the value of the other improvements. This rent to be paid annually under the same rules by which other rents are payable and to be computed from the day of vendition of the judgment in ejectment; and either party may have a review of the finding of such jury as to the value of such rents at any time, by application to the Circuit Court on payment of the costs of such application; provided that the successful claimant may at any time thereafter extinguish the right of the occupier by paying him the amount ascertained as aforesaid with legal interest thereon; or the successful claimant may have the value of the improvements reviewed, by a jury, a petition to the Circuit Court, on payment of the costs of such application.] This bill was passed.

Bill No. 56 of the Senate, regulating the selections of grand and petit Jurors in Hendricks county was then, on motion of Mr. Nave, taken up and passed.

Bill No. 44, extending the privileges of the State Library to certain persons, which was lost on its final passage, was again taken up, on motion of Mr. Elliott, who had voted against its passage.

Mr. Nave advocated the passage of the bill. He thought in every thing calculated to advance and improve the human mind, we should exercise the widest liberality, compatible with necessary regulations. In Paris and other cities in France the doors of all the public libraries, and even the lectures of the literary and scientific men were thrown open and paid for by the government. This liberality certainly deserved emulation at the hands of a republic, whose existence depends upon the virtue and intelligence of the people. He hoped that when *anarchies* settle example, that free institutions would follow.

Mr. Dobson agreed with the Senator from Hendricks. The books were purchased to be read and the wider their dissemination, under proper regulations, the more fully would the ends of the institution of the Library be subserved.

The bill was then passed. It extends the privileges of the Library to Editors and Clergymen. An act relating to Congressional Townships, was read a third time and passed. A bill to repeal an act to provide for the payment of suspended labor on the public works was, after some opposition, passed. A bill providing for the reorganization of the State Board of Equalization was taken up, when Mr. Chamberlain moved a call of the House. Several Senators were absent. Mr. Chamberlain moved that the bill be laid on the table. Laid upon the table by consent.