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INDIANA STATE SENTINEL.

INDIANA LEGISLATURE.

SENATE.

Wednesday, Feb. 4, 1852.

Senate met.

Petitions &c., Presented.

By Mr. Walker, from citizens of Logansport, on the subject of a law relative to Canal boats, boat owners, and forwarders. Referred to the judiciary committee.

Reports from Committees.

By Mr. Eddy, from the committee on corporations, that it is inexpedient to legislate in relation to the Clinton Drawbridge Company, in Vermillion county. Concurred in.

By Mr. Winstandley, from the same committee, returning the bill to authorize plank, McAdamized, turnpike, and coal road companies to change their roads to railroads, with an amendment recommending its passage.

After considerable discussion on the merits of the bill,

On motion of Mr. Emerson, its further consideration was postponed until next Monday week.

By Mr. Defrees, from the same committee, returning the bill to provide for the payment of damages done to any private property taken by incorporated companies, recommending that it be laid on the table, as legislation on that subject is inexpedient. Concurred in.

By Mr. Dunn, from the committee of free conference on the disagreement of the two Houses in relation to the Senate amendments to House bill to provide for the appointment of a Reporter of the Supreme Court, recommending that the uniform price of the Reports shall be three dollars per volume, including the copies sold to the State. Concurred in.

The report of the committee on practice and pleading and criminal law, amending the grand jury bill, was taken up.

Mr. Hester replied to the speech of Mr. Dunn, made yesterday, in defence of the grand jury system.

The question being upon the amendment proposed by Mr. Emerson, to require the unanimous concurrence of the grand jurors to find a bill, it was decided in the negative—ayes 15, noes 26.

Mr. Cravens moved to amend so as to constitute the jury of twelve persons, and require eight to find a bill. Lost.

Mr. Reid moved to lay the amendments proposed by the committee on the table. (These amendments were in substance to re-establish the present grand jury system.)

Mr. Reid called for a division of the question; which was ordered.

The question being upon laying the first amendment upon the table, it was decided in the negative—ayes 20, noes 24.

Mr. Dunn moved the previous question; which was not seconded.

Mr. Reid then moved, *seriatim*, to lay all the other amendments of the committee on the table; all of which motions failed, the Senate refusing to lay any of the amendments on the table.

The question then being upon concurring in the first amendment of the committee, fixing the number of grand jurors at not less than 12, nor more than 15, instead of six, as proposed by the bill, it was decided in the negative—ayes 20, noes 21.

The second amendment, fixing the number of persons from whom the grand jury shall be selected at 60 instead of 30, was concurred in.

The third amendment, fixing the number of jurors as in the first amendment, was not concurred in—ayes 20, noes 23.

The fourth amendment, limiting the jurisdiction of the grand jury to crimes punishable with death or imprisonment in the State Prison, coming up,

Mr. Hanna moved to amend so that the grand jury should take cognizance of only such cases as should come before them on information filed by the Prosecuting Attorney, or by recognizances from magistrates or inferior courts.

Mr. Hanna advocated his amendment, and Messrs. Secrest and Marshall spoke in opposition to it.

Before any vote was taken,

The Senate adjourned until to-morrow morning.

HOUSE OF REPRESENTATIVES.

Wednesday, Feb. 4, 1852.

The House met.

Petitions were presented by Messrs. Helmer, Morris, Holliday of Blackford, Graham, Nelson and Stevens, and appropriately referred.

Reports from Committees.

By Mr. Holman from the Judiciary committe, to whom was referred House bill, with Senate amendments, authorizing railroad companies to borrow money and to mortgage their roads for the payment of the same, reporting the bill to be unconstitutional, and asking to be discharged from its further consideration.

A lengthy and animated debate ensued as to the constitutionality of the bill. Messrs. Holman and Stuart contending that the bill was special because it allows one class of artificial persons to borrow money at a rate of interest not granted to all other artificial persons in the State—and hence is unconstitutional. Also that the bill was merely an enlargement of the powers or an amendment to the corporations, and hence unconstitutional.

Messrs. Stanfield, Suit, King and Gookins, claimed that the provisions of the bill are general, as it permits all corporations of a similar character to borrow money on the same terms. They did not view the bill as an amendment to the charters of the different companies that might be benefitted by the provisions of the bill.

Pending the question,

The House adjourned.

AFTERNOON SESSION.

The House met.

The Speaker laid before the House a report from the Superintendent of the Indiana Hospital for the Insane, in reply to a resolution of the House. Laid on the table.

Also reports from the Superintendent and Trustees of the Deaf and Dumb and Blind Asylums. Laid on the table.

Mr. McDonald moved to postpone the further consideration of the swamp land bill, which was the special order, until Friday at 2 o'clock, which was agreed to.

The House resumed the consideration of the bill authorizing railroad and other companies to borrow money.

The question being to discharge the Judiciary committee from the further consideration of the subject; it was agreed to.

Mr. Smith of Spencer moved to attach another section extending the provisions of this bill to all incorporated companies in the State; lost.

Mr. Stuart moved to amend the bill so as to permit all roads to cross others, and also to extend the privileges of this bill to all other incorporations in this State

After debate on the merits of the bill,

Mr. Withers demanded the previous question, which was seconded, and the main question ordered.

The first question being on agreeing to the amendment submitted by Mr. Stuart, they were disagreed to—ayes 37, noes 47.

The question then recurred on agreeing to the amendments of the Senate; carried—ayes 60, noes 24.

Mr. Stuart, from the committee on the organization of courts, to whom was re-committed House bill for the organization of county boards, and defining their powers and duties, reported the same back, amended as instructed.

The bill passed—ayes 77, noes 10.

Mr. Owen, from a select committee, reported a rule allowing a member who votes for a bill that has been lost for want of a constitutional majority, the right to call it up.

Mr. McDonald moved to lay the rule on the table; lost—ayes 41, noes 44.

The rule was then adopted—ayes 49, noes 22.

House adjourned.

SENATE.

Thursday, Feb. 5, 1852.

Senate met.

Petitions Presented.

By Mr. Slack, a remonstrance of citizens of St. Omer in Decatur county, against the passage of the temperance bill, and requesting that the bill might be laid under the table. Laid on the table.

By Mr. Slack of citizens of Huntington, in Huntington county, asking a change in the road law. Referred to committee on roads.

The report of the committee on criminal law returning the grand jury bill with amendments was taken up.

The question was upon the amendment proposed by Mr. Hanna, to limit the action of the grand jury to such cases as should be brought before it by the Prosecuting Attorney or by recognizances from inferior courts.

Mr. Hanna replied to the remarks made by Mr. Marshall yesterday, and defended his amendment.

The amendment was not adopted. Ayes 13, noes 30.

The fourth amendment of the committee, to strike out the sections (limiting the jurisdiction of the grand jury to offences punishable with death or imprisonment in the State prison,) was adopted. Ayes 26, noes 22.

The question being on concurring in the fifth amendment (to require not less than twelve jurors to find a bill, instead of five as the bill proposed.)

Mr. Cravens moved to lay the amendment on the table. Lost—ayes 15, noes 26.

The question recurred on concurring in the amendment, and was decided in the affirmative. Ayes 31, noes 16.

The sixth amendment (repealing all laws on the subject) was concurred in.

Mr. Milliken moved to lay the bill and pending amendments on the table. Lost—ayes 10, noes 36.

Mr. Defrees moved to amend by adding a section to assess the costs of prosecuting in case of acquittal of a person accused, against the prosecutied witness, if such witness should voluntarily appear before the grand jury to testify, and it should appear to the court that such testimony was maliciously given.

Mr. Slack moved to amend by adding to the end of the amendment, a provision that said prosecuting witness might be heard by himself or attorney before the costs of said prosecution should be assessed against him.

Mr. Secrest moved to lay the amendment and the amendment to the amendment on the table. Lost—ayes 18, noes 27.

The question then being upon the adoption of Mr. Slack's amendment it was decided in the affirmative—ayes 31, noes 15.

Mr. Mickle moved to amend the amendment by providing that the court or jury may assess the costs against the prosecuting witness. Concurred in.

The question then being upon the adoption of the amendment proposed by Mr. Defrees, as amended, it was decided in the affirmative—ayes 28, noes 20.

Mr. Reid moved to amend by adding a section confining the inquest of the grand jury to cases brought before it by the prosecuting attorney in writing, by recognizance from a court of record, or by the personal knowledge of a grand juror, or other person presented in writing signed by said grand juror or other person.

Upon this motion considerable debate ensued, in which Messrs. Secrest, Saffer, Mickle, Marshall and McCarty opposed the amendment, and Messrs. Reid, Knowlton and Spann advocated it.

Mr. Secrest moved to lay the amendment on the table. Carried—ayes 24, noes 21.

Mr. Slack moved to add a section to have the sessions of the grand jury held in public, and that the accused person shall have the right to cross-examine the witness brought against him. Lost—ayes 22, noes 25.

Mr. Secrest, in order to give the Senate time to examine the bill in its present state, moved to lay the bill and amendment on the table. Lost.

Mr. Dunn moved to strike out the bill from the enacting clause with the exception of the section repealing the local laws on the subject of the grand jury. The effect of the amendment would be to continue in force in all the counties in the State the present grand jury system without modification. Lost.

Ayes.—Messrs. Athon, Crawford, Dawson, Dunn, Eddy, Henton, Holloway, James, Kendall, Logan, Marshall, McCarty, Milliken, Niblack, Odell, Saffer, Secrest, Teegarden, and Witherow—19.

Noes.—Messrs Alexander, Allen, Berry, Brugh, Cravens, Defrees, Delavan, Dougherty, Emerson, Goodman, Hanna, Hester, Hickman, Hicks, Kinnard, Knowlton, Longshore, Mickle, Miller, Reid, Slack, Sleeth, Spann, Turman, Walker and Washburn—26.

Mr. Hanna moved to amend by striking out from the enacting clause and inserting a substitute to abolish the grand jury entirely, and providing that crimes punishable with death or imprisonment in the State prison, shall be tried by presentment to the circuit court by the prosecuting attorney, and that magistrates and the circuit courts shall have concurrent jurisdiction in making preliminary examinations; and in crimes of a less magnitude punishable by fine, the justices of the peace shall have concurrent jurisdiction with the circuit courts [where the fine does not exceed twenty dollars; and when the justice is of opinion that the fine sould exceed $20, he shall recognize the offender to appear at court.

Before a vote was taken,

The Senate adjourned.

AFTERNOON SESSION.

Senate met.

The question was upon the amendment to the grand jury bill proposed by Mr. Hanna, and pending at adjournment.

Mr. Sleeth moved to suspend the order of business and take up the bill to district the State; which was agreed to.

A call of the Senate was ordered and the absentees sent for.

Mr. Slack moved to re-commit the bill to a select committee, with instructions to detach Wabash county from the eleventh and attach it to the tenth district.

Mr. Emerson moved to amend the instructions by detaching Switzerland county from the third and adding it to the fourth district.

After a long and animated debate, in which the whole merits of the bill were reviewed, the question was taken on referring the bill and decided in the negative—ayes 21, noes 27.

The bill then passed.

Ayes—Messrs. Allen, Brugh, Cravens, Crawford, Davis, Dawson, Delavan, Dougherty, Eddy, Goodman, Henton, Hickman, Hicks, Holloway, Hunt, James, Kinnard, Knowlton, Logan, Milliken, Odell, Reid, Secrest Sleeth, Teegarden, Turman, Walker, Washburn, and Winstandley—29.

Noes—Messrs. Alexander, Athon, Berry, Defrees, Dunn, Emerson, Hanna, Hester, Kendall, Longshore, Marshall, McCarty, Mickle, Miller, Niblack, Saffer, Slack, Spann, and Witherow—19.

The bill passed as it came from the House, without amendment. It constitutes the districts as follows:

1. Posey, Vanderburgh, Warrick, Spencer, Dubois, Pike, Gibson, Knox, Daviess, and Martin.
2. Perry, Crawford, Orange, Washington, Harrison, Floyd, Clark, and Scott.
3. Lawrence, Monroe, Brown, Bartholomew, Jackson, Jennings, Jefferson, and Switzerland.
4. Ohio, Dearborn, Ripley, Franklin, Decatur, and Rush.
5. Union, Fayette, Wayne, Randolph, Delaware, and Henry.
6. Shelby, Johnson, Morgan, Hancock, Hendricks, and Marion.
7. Sullivan, Green, Owen, Clay, Vigo, Vermillion, Parke, and Putnam.
8. Montgomery, Boone, Clinton, Tippecanoe, Fountain, Warren, and Carroll.
9. Miami, Cass, Fulton, Marshall, St. Joseph, Laporte. Starke, Pulaski, Jasper, Porter, Lake, Benton, and White.
10. Elkhart, Kosciusko, Whitley, Noble, Lagrange, Steuben, DeKalb, and Allen.
11. Wabash, Huntington, Wells, Adams, Jay, Blackford, Grant, Madison, Hamilton, Tipton, and Howard.

Mr. Mickle moved to amend the title by calling it "A bill to gerrymander the State into Congressional Districts."

At the suggestion of Mr. Dunn, Mr. Mickle added "and to disfranchise a portion of the people of the State."

On motion of Mr. Secrest, the amendment was laid on the table—ayes 40, noes 8.

Mr. Miller presented a protest against the passage of the bill, which was ordered to be spread upon the Journals.

On motion of Mr. Milliken, the bill of the House to change the time of holding the February term of the Circuit Court in Dearborn county was taken up and read three times, (the rules being suspended,) and passed—ayes 41, noes 3.

Mr. Slack offered a resolution that the Senate will, the House concurring, on Saturday next at ten o'clock, go into the election of a Reporter of the Supreme Court; adopted.

Senate adjourned.

HOUSE OF REPRESENTATIVES.

Thursday Morning, Feb. 5, 1852.

The House met pursuant to adjournment.

Petitions were presented by Messrs. Sumner, and Davis of Franklin, and appropriately referred.

Reports from Committees.

By Mr. Holman, from the judiciary committee, reporting back general road law, and recommending its reference to the committee on roads; which was agreed to.

By Mr. Wells, from the committee on agriculture, a bill for the recovery of property removed by high water. Read the first time.

Resolutions Offered.

By Mr. Spencer, tendering the use of the Hall for holding a colonization meeting on this evening; adopted.

By Mr. Cowgill, that the judiciary committee be instructed to inquire into the propriety of enacting a law making it a penal offence for any person who holds property in trust for another to dispose of such property without accounting for the proceeds thereof; adopted.

By Mr. Hay of Clark, that the committee on benevolent and scientific institutions be requested to inquire into and report the cause of the fire, and the amount of damages, at the Insane Hospital; carried.

By Mr. Watson, in reference to fixing the number of pounds of coal that shall constitute a bushel; adopted.

By Mr. Kent, that, the Senate concurring, we will proceed to lay off the State into four Supreme Judicial Districts; lost.

By Mr. Withers, to allow constables of one county to pursue persons into another county, and serve the writ there without obtaining an endorsement on the same by a justice of the peace of the county to which such person has fled.

Mr. Stuart said that such is now the law.

The resolution was lost.

By Mr. Struble, that after next Saturday this House shall meet at 8¼ o'clock; lost.

Joint Resolutions Introduced.

By Mr. Davis, to authorize the election of United States Senators by the people.

By Mr. English, relative to the Swamp lands granted to the State of Indiana.

By Mr. Torbet, to obtain a grant of land to assist in the construction of railroads.

Bills Introduced.

By Mr. Behm, a bill to amend an act, entitled an act to incorporate the Lafayette Bridge Company.

By Mr. Mayfield, a bill granting to all incorporated companies which possess by their charters the power to build steamboats, authority to construct marine railroads, &c.

By Mr. Torbet, a bill to postpone the day of the beginning of the Dearborn Circuit Court in February, 1852.

Mr. Torbet moved that the rules be suspended and the bill read the second time now; which was agreed to.

Mr. Torbet said it was asking much of the House, yet the same motive that induced him to ask for a suspension of the rules in the first instance, required of him to make the request that the rules be suspeneded again, and the bill be passed. It was absolutely necessary that the bill should pass immediately, to be of any benefit to the people of Dearborn county.

The rules were suspended, and the bill passed—ayes 82, noes 1.

By Mr. Stuart, a bill to divide the State into five Supreme Court Districts.

By Mr. Spencer, a bill providing for the establishment of Circuit Probate Courts.

The Speaker laid before the House a communication from the President of the Madison and Indianapolis Railroad. Laid on the table.

Mr. English moved to postpone the special order, being a bill to dispose of the State's interest in the Madison and Indianapolis Railroad; lost.

The question then recurred on ordering the bill to be engrossed.

Mr. Gunn moved to commit the bill to a select committee of five; lost.

Mr. English moved to recommit the bill to the committee on corporations, with the following instructions:

To amend the bill so that the interest of the State shall be offered for sale at public auction, under the direction of the Governor, Auditor, Treasurer, and Agent of State, who shall fix upon such time and place for said sale, and shall give such notice thereof as in their judgment will be most conducive to the interest of the State; also to insert a provision that no first bid shall be received at any such public sale of the State's interest in said road for less than $325,000 in money; or, if in bonds of the State, the sum of $600,000, which shall be stocks chargeable in whole upon the revenues of the State. Said committee, if they deem it expedient, shall provide for the payment of the purchase money by instalments; but at least one-sixth shall be paid down, and the balance to draw interest to the State until paid, to be wholly paid by 1857, and to be secured by mortgage on the State's interest sold.

The instructions were lost by the following vote:

Ayes—Messrs. Barker, Beane, Brady, Bulla, Cowgill, Crawford, Dice, Dobson, Donthit, Eccles, English, Gibson, Goudy, Gunn, Hanna, Hay of Clark, Hays of White, Helmer, Henry, Hicks, Holman, Huffstetter, Hunt, Lawrence. Lewis, Litchfield, Manson, McAllister, McConnell, Miller, Nelson, Porter, Smith of Marion, Smith of Spencer, Staton, Sweet, Torbet, Walker, Watson, Wells, Williams, and Mr. Speaker—42.

Noes—Messrs. Beach, Beeson, Behm, Bryant, Buskirk, Carpenter, Cockrum, Cromwell, Davis, Donaldson, Donham, Doughty, Foster, Geddes, Gookins, Graham, Holladay of Parke, Holliday of Blackford, Hostetter, Huey, Hudson, Humphreys, Kent, King, Laverty Leviston, Lindsay of Howard, Major, Mayfield, McDonald, McDowell, Morris, Mudget, Owen, Ray, Reynolds, Schoonover, Shanklin, Spencer, Stanfield, Stevens, Stover, Struble, Stuart, Suit, Sumner, Taggart, Thompson, Wilson, and Withers—50.

The question then recurred on the engrossment of the bill, and the House refused to engross it.

Orders of the day.

A number of bills and joint resolutions were read the second time and appropriately disposed of.

A joint resolution asking a more liberal construction of the act of Congress of May 9th, 1848; passed—ayes 59, noes 27.

Mr. English called up Senate bill for dividing the State into Congressional Districts.

The question being on its passage,

Mr. Hudson moved to commit the bill with instructions to detach Martin county from the 2d and attach it to the 3d district, and detach Monroe from the 7th and attach it to the 2d district.

Mr. English moved a call of the House, which was ordered, and ninety-two members answered to their names.

Mr. Davis moved that further proceedings under the call be dispensed with; which was agreed to.

Mr. Spencer moved to amend the instructions by detaching Switzerland county from the 3d and attaching it to the 4th district.

Mr. Manson moved to amend the instructions.

Mr. McDonald moved to lay the whole subject on the table; carried—ayes 53, noes 38.

Mr. Brady moved to reconsider the vote by which the House refused to engross the bill to sell the State's interest in the Madison and Indianapolis Railroad; carried—ayes 81, noes 6.

The question then recurred on the engrossment of the bill.

Pending the question,

House adjourned.

AFTERNOON SESSION.

The House met.

The House resumed the consideration of the bill relative to selling the State's interest in the Madison and Indianapolis railroad.

Mr. Stanfield said it seems to be the universal opinion to disengage the State from all participation in works of internal improvements, and he thought the sooner it was done the better, as the value of the work will be continually depreciating. Two years ago this company offered $700,000 in bonds of the State, but now it was impossible to obtain these bonds. We provide now in this bill to sell the work for $600,000 in bonds chargeable on the State Treasury. Mr. S. stated that other works of a similar nature are growing up on all sides, and hence the business of this road must decrease. He thought that the State would be unable to obtain one cent for this work if the sale is postponed until after the other public improvements are finished.

Mr. Smith of Marion moved to add the following as an additional section; which was agreed to.

"Sec. —. This act shall not be so construed as to give to the Madison and Indianapolis Railroad Company the right to construct a new track to avoid the inclined plane, unless said company purchase the State's interest in said railroad, and comply with all the terms of this act."

Mr. Stover moved to amend as follows:

"Strike out from the word 'Company,' in the third line of the fifth section, also the sixth, seventh, and eighth sections, and insert the following:

"For the sum of $600,000, to be paid in original bonds of the State of Indiana, or $400,000 in five per cent. State stock of the State of Indiana, or $800,000 in two and a half per cent. State stock of the State of Indiana, or the sum of $350,000 in cash, as said company may elect; that said payments be divided into four equal annual instalments, one-fourth to be paid over to the Treasurer of State, on or before the 1st of January, 1854; one-fourth in twelve months thereafter; one-fourth in two years, and the remaining one-fourth in three years from said first payment: *Provided*, That nothing in this act shall be so construed as to affect, in any way, the stock which the State owns in said road, accruing on account of the earnings of the same.

Mr. Stover at some length explained the amendment submitted by him. He thought that the past contracts entered into by the State with companies, should induce members to look well to the manner in which these agreements are made. All he desired was, that when we do sell our interest in this road, we shall know exactly what amount the State is to receive—what kind of stocks we are to be paid in—and that the amount will be forthcoming when due. Unless we state in the bill exactly what is to be received, the State will have no certainty that it will obtain anything.

Mr. King advocated the bill as reported by the committee, at considerable length, and opposed the amendment of Mr. Stover.

Mr. Buskirk said that he would confine his remarks to the manner of the payment. He was opposed to selling this work and taking the original bonds of the State in payment. The State would make a bad bargain. The State is bound for the payment of only one half of the original bonds, as by an arrangement with the bondholders, we threw one-half of these bonds on the canal, and now by accepting original bonds, they would come from those who have heretofore refused to accede to this arrangement. He was in favor of selling the State's interest in this road, and taking in payment the two and a half per cent. bonds.

Mr. Sumner moved to lay the amendments of Mr. Stover on the table; agreed to.

Mr. Sumner moved to amend so as to require the company to pay $600,000 in cash, or its equivalent in the original bonds of the State

Mr. Owen thought that the company would not accept the proposition, if the amendment of Mr. Sumner is adopted. He was favorable to the proposition to dispose of the State's interest in this road, provided we can get the value of it. He said he could not vote for the bill as it now stands. Any proposition he would vote for, must have out of it the original stock, the five per cent. stock, and the bonds of the company, at a rate of interest less than 7 per cent. If the amendment of Mr. Sumner was not concurred in, he would introduce an amendment, which, if adopted, he would vote for the bill.

Mr. Sumner's amendment was then disagreed to.

Mr. Owen submitted an amendment requiring the company to pay in 2½ per cent. stocks or bonds of the company bearing 7 per cent. interest.

Mr. Stover moved to amend the amendment so as to change the time of estimating the value of the 2½ per cent. stocks. He stated that if the House require the company to estimate the value of the 2½ State stock on the first of January, 1852, it was evident to his mind that the company would never pay one dime in such stock, but would evidently issue their own bonds, from the fact that the 2½ per cent. stock would by that time be enhanced in value. For it is known to the House that the present value is only 45 cents, and by 1854, making a reasonable calculation, they will be worth 60 cents on the dollar.

Pending the question,

House adjourned.

SENATE.

Friday, Feb. 6, 1852.

Senate met.

Mr. Mickle moved to amend the journal by striking from it that part of the protest submitted by Mr. Miller on yesterday, against the passage of the districting bill, which charges the Senate districting committee with neglecting and refusing to report a bill to district the State until it was too late to perfect such a bill.

This motion brought on an exciting debate which occupied the whole fore noon, in which Messrs. Dunn, Secrest, Mickle, Logan, Miller, Emerson, Marshall, and Reid participated.

Before coming to a vote,

Senate adjourned.

AFTERNOON SESSION.

Senate met.

The question was upon the motion of Mr. Mickle to amend the journal, pending at adjournment.

The discussion was continued by Messrs. Miller, Dunn, Logan and Secrest.

The question to strike out prevailed. Ayes 25, noes 16.

Petitions, &c., Presented.

By Mr. Knowlton from citizens of Ripley county on the subject of education. Referred to committee on education.

By Mr. Milliken, a remonstrance of citizens of Lawrenceburg township against permitting the town of Lawrenceburg to extend its corporate limits. Referred to judiciary committee.

Reports from Committees.

By Mr. Hanna from the judiciary committee returning bill of the House to authorize recorders to make a general index, &c., with an amendment recommending its passage. Amendment concurred in, and the bill ordered to be engrossed.

By Mr. Hanna from same committee returning bill of the Senate to authorize county boards to appropriate dividends derived from county railroad stocks to common schools in their respective counties, with an amendment striking out the bill from the enacting clause, and inserting a substitute. Amendment concurred in and bill ordered to be engrossed.

By Mr. Hanna from same committee, that the levy of a specific tax is in violation of the spirit of the constitution. Concurred in.

By Mr. Reid from same committee, that the acts in relation to the election prosecuting attorneys in the fourth and eighth judicial circuits are not repealed. Concurred in.

By Mr. Reid from same committee, a bill to amend Article 2. of chapter 42, of the Revised Statute of 1843, in relation to the liens upon boats.

By Mr. Holloway, from the select committee on temperance, returning the temperance bill with amendments, to imprison the vender of liquor violating the law until his fine and costs shall be paid or replevied.

Mr. Emerson moved to recommit the bill with instructions to inquire into the constitutionality of imprisoning men for the non-payment of costs.

After some discussion, the motion to refer with instructions was lost—ayes 22, noes 22. The President gave the casting vote in the negative.

Mr. Eddy moved to postpone the consideration of the bill until Tuesday next at two o'clock; lost.

Mr. Emerson moved to postpone it until Friday next; lost.

Mr. Holloway moved to postpone it until Monday next.

Mr. Hanna moved to adjourn; carried.

Senate adjourned.

HOUSE OF REPRESENTATIVES.

Friday, Feb. 6, 1852.

The House met,

And resumed the consideration of the special order, being the bill to sell the State's interest in the Madison and Indianapolis Railroad.

The question recurred on the adoption of Mr. Stover's amendment to the amendment of Mr. Owen.

Mr. Owen accepted the amendment.

Mr. Stover offered the following as an additional section to the bill:

"That in case the said Railroad Company shall not, within ninety days, accept the propositions of sale, it shall be lawful for any person, corporation, or company, to accept the same within six months after the expiration of the said ninety days, in manner above provided; and such person, corporation, or company shall thereby have and possess all the rights, privileges, and benefits that the said Railroad Company would possess by accepting said propositions, and complying with the conditions of the same.

"*Provided*, That nothing in this act shall be so construed as to in any way authorize the said Madison and Indianapolis Railroad Company so to reconstruct said road as to avoid the inclined plain at the city of Madison, or any other part of said road now owned by the State, unless the said Madison and Indianapolis Railroad Company shall itself accept the propositions, and fully carry out the conditions of this act."

Mr. Stover said that he was emphatically in favor of selling the State's interest; yet he would again assert that he would rather sell that interest for $300,000 than to dispose of it in such a manner that the Company may eventually evade the intended terms of the contract. He thought that this additional section would not act injuriously towards the Company. Under the proposition of Mr. Owen, the Company could purchase $600,000 of the 2½ per cent. stock, on the first day of January last for $264,000. He thought the stocks would advance by 1854 20 per cent. on the dollar, and hence the Company would not pay off the debt with 2½ per cent. stock, but in their own bonds; for the 2½ State stock will be worth in 1854 $384,000, and every one must see that the Company will pay $264,000 in their own bonds.

Mr. Owen said that the par value of the 2½ stock was only 41½ cents, and he thought Mr. Stover overestimates the value of these bonds in 1854. He stated that his amendment to the bill would increase the purchase money $33,000. He greatly preferred 2½ stock in payment to 5's, for the reason that eventually the State will be compelled to redeem the 2½'s as well as the 5's. By compelling the Company to pay in 2½'s, we will have extinguished $600,000 indebtedness, whilst if we receive 5's we shall have only extinguished $300,000. He wished to give the Company some alternative, provided the bondholders of the 2½'s should increase the value of the stock.

The question then recurred on the amendment of Mr. Stover.

Mr. Owen accepted the amendment.

Mr. Gookins offered an amendment increasing the time to 90 days in which the Company must accept the proposition.

Mr. Owen accepted the amendment.

Mr. English offered an amendment to the effect that if the Company decided to pay in money, the amount should be at least $350,000; and if $600,000 of the 2½ per cent. bonds should be worth more than $350,000 in the New York market on the 1st of January, 1854, then the amount to be the latter sum.

Mr. English said the object of his amendment was to prevent the State from being imposed upon by combinations to put down the price of bonds on the 1st January, 1854. Under the bill the Company may elect either to pay $600,000 of bonds, or the value of that amount of bonds in the New York market on the 1st Jan. 1854. Now how are we to ascertain that value, who is to do it, and what is to be the evidence? Are we not at the mercy of bankers and brokers? This Railroad Company is composed of eastern capitalists, who could easily purchase all the outstanding 2½ per cent. bonds. It would not require $800,000 to do it. The Company could then put a small amount on the market and have it sold for a mere nominal amount—it might be 10 cents on the dollar. These fictitious sales are of frequent occurrence. It would be an easy matter for this Company to control the rate for that particular day, and we would then have to receive what the $600,000 would come to at that rate. In this way the State would comparatively get nothing for this great work. Let us name a sum below which the price cannot fall. In no other way can we save the State from combinations of the stock-jobbers. He was sorry his health would not admit his saying all on this subject he desired. Hoped other members would look to it.

The amendment, after some opposition from Mr. McDonald, who contended that the natural tendency of these stocks would be upwards, and though the State would repudiate them, they would always command their true value, was lost.

The amendment of Mr. Owen was then concurred in.

The question then recurred on the engrossment of the bill, which was agreed to, as follows:

Ayes—Messrs. Barker, Beach, Beane, Beeson, Behm, Brady, Bryant, Bulla, Buskirk, Carpenter, Cockrum, Crawford, Cromwell, Donaldson, Donham, Doughty, Eccles, Foster, Geddes, Gookins, Goudy, Hanna, Hays of White, Henry, Holladay of Parke, Holliday of Blackford, Hostetter, Hudson, Huey, Humphreys, Hunt, King, Kent, Laverty, Lawrence, Lewis, Leviston, Lindsay of Howard, Litchfield, Major, Manson, Mayfield, McAllister, McDonald, McDowell, Mudget, Owen, Reynolds, Schoonover, Shanklin, Smith of Marion, Spencer, Stanfield, Staton, Stevens, Stover, Stuart, Suit, Sweet, Thompson, Watson, and Wilson—60.

Noes—Messrs. Cowgill, Davis, Dice, Dobson, Douthit, English, Gunn, Helmer, Hicks, Holman, Huffstetter, McConnell, Miller, Morris, Nelson, Porter, Ray, Smith of Spencer, Struble, Sumner, Taggart, Torbet, Walker, Wells, Williams, Withers, and Mr. Speaker—28.

A message was received from the Senate announcing the passage of a joint resolution to go into the election of a Reporter for the Supreme Court on Saturday next; which was reciprocated by the House.

The House then proceeded to the consideration of the Swamp Land bill, (being the special order,) and the question pending being on the amendment of Mr. Stanfield, to the instructions, to allow persons who have made deposits of money to receive a deed.

The amendment was accepted.

Mr. Carpenter moved to amend the instructions so as to authorize the appointment of an engineer to survey these lands and report to the next Legislature.

Mr. Sumner moved to lay the instructions on the table; which was agreed to.

Mr. Hudson moved to amend so as to allow the county boards to appoint the commissioners in the different counties, instead of the Governor.

After a lengthy debate as to the propriety of the amendment, it was lost.

Mr. Beach offered an amendment authorizing the Governor to appoint a person in case the auditor and treasurer neglect to perform their duties.

Mr. Nelson accepted this as a portion of his instruction.

Mr. Beach offered an amendment requiring one-half of the purchase money in hand, and the balance in one year. He said that his object was to dispose of these lands to the poorer classes, and give them time to pay for them.

Messrs. Gookins and McDonald thought if this amendment was adopted, the Legislature would never get rid of petitions for relief.

Mr. Reynolds moved to lay the amendment on the table; which was agreed to.

Mr. Goudy moved to give twenty years to pay for the land, provided the interest is paid; lost.

Mr. Stuart moved to amend by striking out the penalty in the 51st section; which was accepted.

Mr. Miller moved to amend by authorizing county treasurers to receive, in payment of lands, certificates issued by the Swamp Land Commissioners, and said certificate shall be receivable by the Treasurer of State and receipted for as cash; lost.

Mr. Douthit moved to amend so as to require eight hours' employment a day's work; lost.

Mr. McDonald moved to lay the bill and pending instructions on the table; carried.

The House adjourned.

AFTERNOON SESSION.

The House met.

Mr. McDonald moved to take from the table the bill in relation to the Swamp Lands; agreed to.

The question then recurred on the motion of Mr. Nelson to re-commit the bill with instructions to graduate the price of the Swamp Lands—to provide for the draining of the lands before the sale of them, &c.

Mr. McDonald, after opposing the instructions, called for a division of the question.

Mr. Nelson favored the instructions, and contended that there should be a graduation of the price of these lands, and disposed of as soon as possible.

The question then recurred on referring the bill, which was agreed to.

The House refused to refer the instructions.

Reports from Committees.

By Mr. Holman, from the judiciary committee, reporting back a bill for the relief of the poor, and recommending its reference to the committee on benevolent and scientific institutions; which was agreed to.

By Mr. Lewis, from the committee on benevolent and scientific institutions, reporting the cause of the fire, and the amount of damages sustained, in the Insane Hospital. Laid on the table.

By Mr. Buskirk, from a select committee, reporting a bill relative to the mileage to be allowed sheriff's conveying prisoners to the Penitentiary, and treasurers going to and returning from Indianapolis.

After several amendments were offered, the bill was re-committed with instructions to so amend it as to compute the mileage by the most direct route; to include also mileage of members of the Legislature.

House adjourned.

Washington Correspondence.

Washington City, Jan. 28, 1852.

For five days the House of Representatives, in the committee of the whole on the State of the Union, has had under consideration and discussion, the Bill making an appropriation, to discharge the last instalment, of the Mexican indemnity. By the provisions of the treaty with Mexico, this money is payable in the city of Mexico. The Bill makes the appropriation and leaves to the Executive to arrange the mode of making the payment. Last year the Secretary of State caused the instalment then due, to be paid through English and American Bankers, with whom he contracted for that purpose. It is charged that in the arrangement with these Bankers, favortism was shown, and that the terms were not as favorable to our Government, as could have been obtained, if competition had been invited, and that the arrangement was prejudicial to Mexico. A similar contract, in advance of the appropriation, was made by the Secretary of State with the same Bankers, to make this payment. To defeat any such arrangement, it was proposed to amend the Bill, by providing that the money shall be paid as Mexico may desire. Out of this question in the committee of the whole on the state of the Union, (where any thing is in order) the debate sprung up, into which was brought every thing that the speakers desired to discuss, "things new and old." The rights of Mexico, and the interests of the United States, arties, and party men, their consistencies, and inconsistencies; Bankers and "money mongers," and their frauds; Daniel Webster, his greatness, and his littleness; all formed subjects of debate.

One entire day was given to the Ohio delegation. The performance was altogether as amusing to the wits in the lobby as it ,was edifying to the House. The scene commenced by Mr. Giddings making a settlement of some old accounts, which grew out of the Kossuth discussion, with his colleague, Mr. Taylor. When he was through it was generally understood that Mr. Taylor had no further claims upon him, growing out of that matter. The attack was a determined one, and was carried through with much power. Amid shouts of laughter, for a half hour he examined his colleague's conduct and position. A good joke grew out of Mr. Taylor's reply. In defending himself in his opposition to receiving Kossuth into the Hall, he, said that "if Gen. Jackson was to arise from the dead, we would not so honor him as we were honoring Kossuth." Mr. Olds of Ohio, then asked him if he were not a Whig, and if he had not joined in the "coffin hand bill" opposition to Gen. Jackson. Mr. Taylor replied that he had opposed Gen. Jackson, and that the gentleman who asked the question, (Mr. Olds) was then with the Whig party in that opposition. When this was admitted by Mr. Olds' silence, the House became convulsed with laughter. Taylor was out of the scrape, and Olds in. Very soon several others of the Ohio delegation became connected with the debate, and the fight of the day went off with a rapid firing of small arms.

On yesterday, Mr. Allen of Massachusetts, made a thoroughly prepared attack upon Mr. Webster, charging favortism, if not corruption upon him, in the payment of the fourth instalment of the Mexican indemnity. This brought up Mr. Davis of Massachusetts, who after pronouncing a studied eulogy upon Mr. Webster, then made an attack upon the democratic and free soil parties of Massachusetts, charging upon them a corrupt coalition. The speech was marked by point elegance and wit, but it was a very unfortunate effort for its author. Rantoul's reply was made this morning. It was the most complete victory achieved during this session. He commenced by a most eloquent vindication of the Massachusetts democracy-maintaining that the men of that party had stood up for the truth, against a large majority, and against the wealth of New England. That they had been true to their party, when every personal inducement had been, to abandon it. Mr. Rantoul then turned upon the gentleman who charged corruption upon the democracy of Massachusetts, and by the documents, showed that for the last seventeen years, he had been connected with Garrison, and others, in the most ultra abolition movements of Massachusetts. That he had been Secretary, Treasurer, and President of societies and meetings that had passed resolutions of the rankest abolitionism, that had denounced Webster for his adherence to, and support of the compromise, and had made it a matter of rejoicing, that he was not a native of Massachusetts. Mr. Rantoul was going on to show, that the Whig convention which had nominated Mr. Davis, had endorsed the doctrines of the free soil party, when the hour arrived, at which debate on the question, had to stop under an order of the House. During the delivery of this speech, members gathered around the speaker, and stood in the area and in his front so as to hear distinctly. All were interested and many delighted with the speech. The chairman of the committee of ways and means, being entitled to the floor under the rule (his committee having reported the bill) closed the debate, with a speech of an hour, which was not listened to by many.

A few days since, Gen. Cass introduced a resolution expressing our sympathy with all nations who are struggling for freedom, and declaring that it is a priciple of the law of nations, that every nation has a right to establish and maintain such government as it may desire, and to manage its own affairs in its own way; and that any interference with the exercise of this right by any other power is a violation of the law of nations, and that we cannot view without concern, any violation of this priciple of the law of nations. The passage of this or a similar resolution, will be the action of our government upon the Kossuth question. X.

Washington Correspondence.

Washington City, Jan. 28, 1852.

Sir: The result of two days rest and inquiry about the prospects of the several aspirants for the Presidency, has opened new developments, more and more interesting. Cass men are getting more and more sanguine of his prospects every day; indeed, it is not to be denied that the old veteran is growing in the affections of all for his distinguished ability and integrity.

Gen. Lane and Douglas start off with Indiana and Illinois for a basement; on this they are to build. If the different elements cannot reconcile their partialities to the support of Cass, then comes the tug for a new man. Lane has the elements of great popular strength; his character, his firmness, integrity, and gallantry, all combine to strike the question of availability with great force.

If the Whig chieftain should be the candidate of that party, and this made manifest before the Democratic National Convention meets, Lane's chances will be increased; should Fillmore be most prominent, it may augur against Lane to some extent. But now what can Douglas expect in this doubtful struggle? You may hear nearly every one say—"We can succeed with Douglas." This gives strength and a prestige to his name and chances. I hope Indiana will present an unbroken front for Lane, and to express any second choice either for Cass, Douglas or Butler, would be weakening Lane's chances, and would be calculated to overslaugh Lane, as some desire to do under the guise of pretended friendship. I say "pretended" friendship, for if all "is not gold that shines," as is said,there is pretended friendship walking under the guise of "gold." Marcy's friends are pricking up their ears, with a show of confidence in *his* strength. You may expect to hear some new developments in less than twenty days. Buchanan has written a political letter to Mississippi. It bids strong on the Resolutions of '98. VINDEX.

Louisiana Senator.

We learn by a telegraphic despatch from New Orleans that I. P. Benjamin, a distinguished lawyer and politician of that city, and a decided whig, has been elected to the United States Senate for six years from the 4th March, 1853, to supply the place made vacant by the expiration of the term of Gen. S. W. Downs, by a majority of 12 votes. Gen. Downs received the entire vote of his party, and three whig votes also. Three democrats were absent on account of indisposition.—*Union.*