

INDIANA LEGISLATURE.

[Omissions and corrections of this report from time to time in these columns will appear in an appendix to Volume XXII of the Review Legislative Reports.]

IN SENATE.

Monday, Feb. 23 1885.—10 a. m.

CONSTITUTIONAL LAWS.

Mr. FOLKE offered a concurrent resolution for an amendment to the State Constitution by striking therefrom Section 21 of Article 7. It was referred to the Committee on the Judiciary.

COUNTY OFFICERS TERMS.

The joint resolution (H. R. 1—See page 47) proposing an amendment to Section 2 of Article 5 of the State Constitution was read the third time and passed by yeas 32, nays 12.

Mr. CAMPBELL, of Hendricks, explained: It proposes to fix the terms of the office of Auditor, Clerk and Sheriff four years. No one to be eligible to more than one term in eight years, the terms to begin the first day of January after the election, and appointees to fill vacancies shall only hold until the succeeding election, the object being that the commencement of these terms shall become uniform, and continue to be uniform.

LABORER'S WAGES.

Mr. Zouche's bill (S. 99) for the security of laboring men in the payment of wages due, coming up it was read the second time and ordered engrossed.

Mr. ZOUCHÉ, explaining: Section 5, 200 of the R. S., is proposed to be amended by appropriately inserting the words: "Agricultural or other business or employment." It is to put all laborers on the same footing, as to preferred claims before assignees.

SOLDIERS' ORPHANS' HOME.

Mr. SMITH, of Jennings, introduced a resolution instructing a select committee to prepare a bill for reorganizing the Orphan's Home and Asylum for Feeble-Minded Children, and placing the appointments of new Trustees in the hands of the Governor, such committee to report to-morrow morning. Senators Smith, of Jennings, Veir, Winter, Overstreet and McIntyre were appointed such committee.

JUSTICES OF THE PEACE.

Mr. Bailey's bill (S. 81) to amend section 1 of the Justice act coming up on the second reading.

Mr. BAILEY explaining: It proposes to allow two Justices for each township and one additional one for each city.

Mr. OVERSTREET did not think all our legislation should be especially for Indiana. This bill would cut off incorporated towns. An additional Justice should be allowed in incorporated towns also.

Mr. WINTER explained the trouble among Justices in this city, where there are now six Justices, many more than are necessary; the bill suggests the necessity of some such movement as this.

Mr. SMITH moved to amend by providing one additional Justice for each incorporated town, not to exceed four in any city.

This latter amendment was agreed to. The bill was ordered engrossed. Then came recess for dinner.

AFTERNOON SESSION.

Mr. May's Second Judicial Circuit Court bill (S. 295) was read the second time, and under a suspension of the Constitutional restriction—yeas 37, nays 0—read the third time and passed the Senate by yeas 37, nays 0.

STATE MILITIA.

Mr. Hilligass' bill (S. 87) to organize the State militia coming up, several amendments were read.

Mr. HILLIGASS proposed that the Section 63 be so amended as to make it discretionary with County Commissioners whether an armory shall be built, and to strike out the section for an encampment.

Mr. FAULKNER objected to the discretionary clause. With that in the bill one part of the State will be taxed and another not.

Mr. SMITH, of Jennings: There is a provision that will cost the State \$100,000, and there are other dangerous provisions in the bill.

On motion by Mr. HILLIGASS the bill was recommitted with instructions to so amend.

Subsequently Mr. HOWARD, from the Committee on Military Affairs, returned the bill with a recommendation that the amendments be adopted.

CIRCUIT COURTS.

On motion by Mr. HARNEST the bill (S. R. 83) to fix court terms in the Fourteenth, Fifteenth and Forty-third Judicial Circuits was passed to the final reading under a reading of the constitutional rule, and passed the Senate by yeas 41, nays 0.

VOLUNTARY ASSIGNMENT TRUSTEES.

On motion by Mr. MAGEE the bill (H. R. 17) to legalize the appointment and acts of trustees in certain cases was read the second time by title, the third time by sections, and passed under a suspension of the constitutional rule by yeas 39, nays 0.

Mr. MAGEE stated this was to cover a case where two trustees were appointed while the law contemplates but one, and is a purely local matter. The bill proposes to legalize the appointment where more than one trustee has been appointed in cases of voluntary assignment.

SESSION HOURS.

Mr. FOLKE moved to change the hour of meeting in the forenoon from 10 to 9:30 o'clock.

Mr. McCULLOUGH moved to further amend by providing for night sessions to commence at 7:30 o'clock.

Mr. WILLARD made the point of order that the amendment to the amendment is not germane, and under the rules must lie over for one day.

The Presiding Officer (Mr. Fowler) in the chair overruled the point of order.

Mr. WILLARD made an ineffectual motion to lay the whole subject on the table—yeas 14, nays 26.

Mr. WILLARD demanded a division of the question. He was willing to meet at 8:30 o'clock in the morning.

Mr. HILLIGASS moved as a substitute for the whole proposition 9 o'clock instead of 8:30 o'clock.

This substitute was rejected upon a division—yeas 19, nays 20.

Mr. McCULLOUGH: It is true the Senate adjourns in the afternoon till some hour in the evening, but the business ought not to fall for want of time to mature legislation. If for the next two weeks we spend our time in some other place, it is just as well that the past forty days' work were not done. I hope the motion will prevail with the amendment.

The night session part of the amendment was agreed to by yeas 21, nays 39.

The other part of the amendment, declaring the Senate will meet at 9 1/2 o'clock every morning, was agreed to.

Ordered, That when the Senate adjourns it be till 9 1/2 o'clock to-morrow morning.

DRAINAGE LEGISLATION.

Mr. Magee's bill (S. 31) to amend Section 2 of an amended drainage act, coming up with committee amendments.

The report was concurred in.

Mr. ZOUCHÉ moved to amend the second section of the bill, so that in case of disagreement between the contractor and laborers the court shall finally determine such matter.

Mr. MAGEE accepted the amendment. The bill was ordered engrossed.

Mr. Drake's bill (S. 82) to amend Section 12 of the drainage act of April 8, 1881, coming up with committee amendments.

Mr. FOLKE did not believe one bill can amend two acts as is proposed in this.

Mr. DRAKE explained: The committee added the second section.

Mr. YOUNG: The first section proposes to amend an act of 1881, and the second section another section of the same act as it has been amended in 1883. The amendment, with the original act, compose the entire drainage law. So in amending the amendatory act of 1883 it is necessary to refer to that act.

Mr. WINTER still insisted every act must relate to one subject, which must be expressed in the title read. This bill is objectionable to the Constitution because it proposes to amend two different acts.

Mr. FOLKE: The two acts may be upon the same subject or upon two different subjects. It would make no difference. As it is now it is questionable.

Mr. DRAKE: As the committee have added to my bill what is not germane I move to strike out the amendment reported by the committee to the second section.

The bill was referred to the Committee on Phreology.

HIGH LIQUOR LICENSE.

Mr. ZOUCHÉ'S bill (S. 97, see page 49) to amend Section 5 of the liquor law, with a majority report recommending that the bill lie on the table, and a minority report recommending its passage, coming up.

Mr. CAMPBELL, of Hendricks, moved to substitute the minority for the majority report.

On motion by Mr. SELLERS this motion was laid on the table by yeas 23, nays 11.

Mr. MAGEE, when his name was called, said: I have great doubts whether I should vote for or against the motion to lay on the table. I have no confidence in the sincerity of Republicans on the temperance question.

Mr. DRAKE: They are in earnest upon this question. I have seen their shilly-shallying when a Republican Legislature defeated the fairest proposition ever offered on this question, and that was to send this report to the people for their decision.

Mr. MAGEE: The Republican party is entirely in favor of high license, for when it had the power it would not favor high license I vote "aye."

Mr. OVERSTREET: I would like an opportunity to briefly discuss this question. Whatever the Republican party believe in favor of, I stand as an individual conscientiously in favor of this increased license, inasmuch as it is the best I can get; I feel under obligation to support it, not because I want to make political capital one way or the other, when it is fair and open.

Mr. SMITH: I don't believe the Democrats are in favor of it. The Senator or Cass (Mr. Magee) says the Republicans had an opportunity to present this question to the people two years ago, when he knows there were but three Republicans voting against it.

Mr. MAGEE: Was the Republican party not pledged to carry it out, and didn't it fail because the Republican party did not stand together?

Mr. OVERSTREET: In that same canvass the Democratic party pledged in favor of that question.

Mr. MAGEE: Oh, no; our platform was on both sides of that question. [Laughter.] Mr. OVERSTREET: Your speakers pronounced themselves in favor of that proposition as if they had no opportunity to be heard on this question. I vote "no."

Mr. SMITH, of Jay: In explanation of my vote, I am not an advocate of prohibition, but have serious doubts whether on this question the State of Indiana is right or wrong. I don't believe the present license fee is enough. I vote "no."

Mr. THOMPSON, when his name was called, said: There was certainly no issue made in this city upon the question. I pledged myself that I would not vote to disturb the old law. I should hesitate before I would say that the people ought to come up to this point when the matter was not joined in issue in this canvass. Therefore I vote "aye."

Mr. WINTER: I desire to say a word in explanation of my vote. I was not here two years ago when the question of calling a Constitutional Convention was under consideration, and I don't know how many Republicans voted against it. I always understood that the submission of a constitutional amendment to the people was a Republican cause, whatever some individual Republican Senators have done. There is no question but that the Republican party has declared itself in favor of the people of the State having the right to express themselves upon the subject of regulating the liquor traffic, and it was the position of the Democratic party, as a party, that the people should not have the right to declare themselves on that subject. And it was the Democratic party, as a party, that defeated a submission of that question to the people of this State.

Mr. MAGEE: Didn't a Republican clerk of this Senate by bungling, either purposely or accidentally, report back the constitutional amendments so they were defeated?

Mr. WINTER: It was the fault of your party, as it had charge of the Legislature, and your party should have seen that it was properly done.

Mr. WINTER: I do know that the Republican party in 1881 was, as it is to-day, pledged to a proposition to give the people of this State the opportunity to express their views on any proposed amendments to the Constitution.

Mr. MAGEE: Why did it sit down on Mr. Umbach in the last State convention?

Mr. WINTER: In its last State convention the Republican party in this State did embody in its platform a proposition upon the subject of temperance—the only proposition feasible at that time. The other proposition had been acted upon by the people at a preceding election, and it was defeated by the Democratic party as a party.

Mr. WINTER: The only other message from the Constitutional Convention—the Republican party on the floor of this Senate have upheld.

Mr. SMITH, of Jennings: I rise to a point of order; the gentleman from Marion is not explaining his vote.

Mr. WINTER: I am only following the Senator from Cass.

Mr. MAGEE: Was there not presented in this Senate in 1881 a proposition for a Constitutional Convention and your party voted it down?

Mr. WINTER: Republicans as a party never voted down any such proposition. The Senator has attempted to assume that the Democratic party is the friend of temperance in Indiana. If there is any fact established as a matter of history, it is that the Democratic party has never been the friend of temperance.

Mr. FAULKNER: I rise to a point of order. Let him explain his vote but not make a stump speech. [Laughter.]

Mr. WINTER: It comes with poor grace for any member of the majority on this floor to object to a rather liberal latitude in

the explanation of my vote, in view of the fact that debate has been cut off by a motion to lay on the table. It would do for any Democratic member on this floor to claim that the Democratic party has ever been or is now in favor of temperance in any way shape or form. That party has been convicted by State declarations, by acts of its Senators on this floor, and by the letter of acceptance of its Presidential candidate, of opposition in every shape and form to temperance legislation, and the Democratic party is committed by its past history, and its declarations in conventions to prohibit the people from having any opportunity of declaring what their opinions on this subject are.

Mr. MAGEE: Didn't the Democratic party pass the present temperance law?

Mr. WINTER: It ought to be called an intemperance law. If there is anywhere a law that does less to regulate, less to mitigate or less to put a stop to the evils of this traffic, it is the law upon our statute books, for which the Democratic party is entitled to full credit.

Mr. THOMPSON: Would you have been elected to this Senate if you had made the speech you made just now in the canvass?

Mr. WINTER: I would not have been elected in Marion County who voted for me upon the idea that I was friendly to the sale of liquor, or that I don't think it is an accursed traffic, that man could have been very easily deceived if he had come to me. I have never considered as being a slave to the rum-selling power.

Mr. THOMPSON: Would you have been elected if you had made that speech before election?

Mr. WINTER: I think I would have been elected by a larger majority than I was in this issue had been made in the canvass.

Mr. MCINTOSH: Has not the Prohibition party denounced the Republican party?

Mr. WINTER: It may be there are some Prohibitionists not pleased with the Republican party, but the Democratic party is not. While I say the record of the Democratic party has been consistently in favor of the free and unlimited selling of liquor, with the least possible restriction, I say the Republican party has placed itself upon the other side of that issue.

Mr. HILLIGASS: What did your candidate for Governor state upon this question with reference to the temperance people of Iowa?

Mr. WINTER: I don't know what he stated. I don't know the sentiment of the Republican party is in favor of such legislation upon the subject of temperance as will have some tendency to restrain and restrict the evils of the liquor traffic. This bill is an attempt in that direction. Therefore, as I believe the Republican party is entirely in favor of it, I vote "no" upon this question.

Mr. HILLIGASS: Is the Republican party in favor of prohibition or license?

Mr. FAULKNER: Don't invite him up any more.

Mr. WINTER: I never understood the Republican party to commit itself to prohibition. I do believe the doctrine of high license and strict legislation on the subject of this traffic is practicable and right, and the only way to deal with it.

Mr. HILLIGASS asked that his name be called, and said: Upon this question I think I shall vote "aye." I am a native of Indiana, born in Rush County, and I have been conversant for twenty-five years with the legislation on the different political parties upon the liquor traffic, and I have made up my mind the Democratic party is the only real temperance party in the State.

McCULLOUGH made a point of order. If it is to be the rule that Senators may step out in the cloak-room and have their names passed, and then come in and ask that their names be called in order to make long speeches after all the other Senators have had their names called, I am opposed to it.

Mr. HILLIGASS: I would not have occupied one fourth the time the Senator has. I vote "aye."

The vote was amended as above. So the motion was laid on the table.

Mr. ROSEN moved to concur in the majority report.

Mr. OVERSTREET: The question is whether we will require those vending liquor under licenses granted by County Boards to contribute a reasonable portion to the expenses of the State. A man may set up the business of selling liquor for \$50 or \$100, and the income in proportion to the amount invested is four-fold the income in any other business.

Mr. MCINTOSH: Have you any evidence that a \$500 license will produce more than a \$100 license?

Mr. OVERSTREET: I know that in the little town of Franklin, four or five years ago, before the present law was passed, we enacted, by an ordinance of the corporation, \$500 license, and in one week seven men took up their licenses and paid in \$3,000. We had a law under which we could charge \$500 license, but that law was stricken down by the present license law. We are now asking to restore it. The bill ought to be passed on the ground that it will tend to curtail the evils of the liquor traffic. It would cut off a number of the saloons which over the State at county cross roads and in the smaller towns and in the suburbs of cities and those are the little dens where the great mischief is done by men engaged in this business. There is no doubt if it were one-half the present rate it would completely pay a \$500 license that the revenue would be largely increased and the evils of the sale of intoxicating liquors would be largely diminished. Then our officers would have fewer men to watch. Reduce the number of saloons and the amount of law would be more readily detected and punished.

Mr. ROSEN: I think if the Senator from Johnson (Mr. Overstreet) and his party want to make an issue of this they can have a chance in two years from now. There is no evidence that the people will not pass a \$500 license law. I thought two years ago they had enough of that dose. Men who want to drink will drink under a \$500 license just as much as under a \$100 license. To save further time I move the previous question.

The Senate concurred in the demand and under its operation the majority report was concurred in by yeas 27, nays 14.

The Senate adjourned till 9 o'clock to-morrow.

HOUSE OF REPRESENTATIVES.

Monday, Feb. 23, 1885.—10 a. m.

The session was opened with prayer by Mr. Browning, a Representative from the counties of Monroe and Brown.

The SPEAKER ordered a call of the House, which being taken discovered sixty-eight members present and answering to their names.

The reading of the Clerk's journal of Saturday's proceedings was dispensed with.

PROPOSED LIMIT TO DEBATE.

Mr. DITTMORE offered the following: Resolved, That all debate during the remainder of the session shall be limited to five minutes each.

It lies over under the rules for one day.

The House resumed the consideration of Mr. Boyd's bill (H. R. 222), to abolish the office of ditch commissioner, etc., the question being on the amendment of Mr. Engles. It was rejected.

The bill providing for the appointment of a ditch commissioner by the County Board,

instead of the County Court Judge, and that a petition for a ditch shall be signed by a majority of property owners whose lands will be affected by it.

Mr. GOODING moved to amend Section 4 by striking out the words "without a" and inserting in lieu thereof the words "or a jury, as in the civil cases of law."

It was agreed to by yeas 63, nays 5.

On motion of Mr. ADAMS, Section 5 was amended by adding after the word "property" the words "or real estate other than that assessed or benefited."

On motion by Mr. DUNN Section 10 was amended by striking out the words "as in his judgment they may be benefited," and inserting in lieu thereof the words "in like proportion as the assessed value of said lands for the construction of said work."

On motion by Mr. GOODING Section 4 was amended by adding after the word "petition" these words: "in all cases of appeal tried in the Circuit Court, and in all final trials in that court provided for in this act, either party shall have the right to demand and have a jury trial as in other civil cases."

On motion by Mr. KELLISON Section 6 was amended by adding thereto the following: "Whenever the assessment against any tract of land shall have been paid in money, or satisfied by the construction of a portion of said work, as is provided for in Section 5 of this act, it shall be the duty of the Commissioner or person charged with the construction of such work, within thirty days from the time of such payment or satisfaction to the satisfaction of such lien upon the margin of the piece where such assessments are recorded; or, if this be impracticable for want of room, then on some other page of the same or other record, references being made thereto by marginal notes on the page where such assessment is recorded."

On motion by Mr. ADAMS "ten" was substituted for "twenty" in Section 4.

On motion by Mr. WILLIAMS "ten" was substituted for "three" wherever it occurs in the bill as fixing the time for reconstructions.

On motion by Mr. McHENRY the words "so as to answer its purpose" were stricken from Section 10, and the following words inserted therefor: "to the full dimensions" as in the depth and slopes, as required by the original specifications.

On motion by Mr. KELLISON the following was added to Section 5: "Provided that in all sales of real estate made under the provisions of this act the owner thereof shall be allowed an interest in the time of sale shall have the right to redeem the same at any time within three years from the date of sale by paying into the County Treasury for the benefit of the purchaser at such sale the amount for which such land was sold, together with a penalty of 8 per cent. per annum for such time as may have elapsed from the date of sale until the time of such redemption."

On motion by Mr. ENGLE Section 10 was amended by inserting after the word "load" in Section 10 the words: "or if the same is directed by the act of the cattle, horse, dogs or other stock of such land owner."

The motion by Mr. Taylor of the Committee on Amendments as amended by the House were ordered engrossed and the bill made a special order for 3 o'clock to-morrow.

HIGH LICENSE.

There were two reports on Mr. McHenry's high license bill, which provides for a \$300 license for bars and saloons and \$200 for those selling all kinds of liquors, the majority recommending its indefinite postponement and the minority that it pass. The latter was laid on the table by a vote of 41 to 29, and the bill was indefinitely postponed.

HOUSE TOOK A RECESS FOR DINNER.

AFTERNOON SESSION.

NEW INSANE ASYLUM.

Mr. GOODING, from the minority of the Committee on Ways and Means, submitted a report on the New Insane Asylum bill (S. 65), recommending its amendment so that the contract with Vanderburgh County shall be completed and equipped, appropriating \$100,000 therefor in addition to the unexpended balance under the act of March 7, 1883, one-half of said money to be paid in fiscal year ending October 1, 1885; also appropriate \$20,000 for maintenance on or March 1, 1885, and prohibiting any further contracts or expenditures or payments of money for the erection or completion of a Hospital for the insane located in either the counties of Cass or Wayne, but good care and protection shall be given to the property pertaining thereto. The report concludes as follows:

The undersigned begs leave to briefly submit for the consideration of the House of Representatives some of the reasons why the said bill, without the amendments proposed by him, should not be enacted into law, and why, if amended as proposed in his minority report, the bill amended should pass.

It seems now to be very generally conceded that the act of March 7, 1883, authorizing the erection of a hospital for the insane, and the completion and furnishing of the Hospital for the insane, located at or near Evansville, together with the hospital near Indianapolis, and now in use will afford the accommodations for the insane of the State who should be inmates of such an institution. That all such should be carefully and judiciously provided for with suitable accommodations in a Hospital for the insane is not controverted or questioned, nor is there intent or purpose to reduce any necessary or proper appropriations therefor, but it is not believed that it is at this time, or that there will be for many years to come, any necessity or requirement for the contemplated Insane Hospital in Cass and Wayne Counties.

If the foregoing is correct, then it would seem to be a wise and judicious policy to make further appropriations for the completion and furnishing of the hospitals at Logansport and Richmond. It is now apparent that the erection, completion and furnishing of these two hospitals, with necessary attendants, will cost the State about one million dollars before they are ready for use, and annually thereafter the necessary appropriations for the two hospitals, if inmates can be found by searching the States with a lighted candle, including the actual costs of the State of the salaries of the officers and employes, about the sum of \$200,000. It is now evident that this Legislature will make appropriations in excess of the revenue of the State in a sum of one million dollars or more.

A bill has already been passed by this House providing for the sale of State lands in the sum of \$500,000. It is considered that it is inexpedient to increase the rate of taxation, leaving from four to six per cent. on the assessed value of the property provided for in the adjustment of this Legislature, thereby greatly impairing the State's credit, and increasing the burden of taxation on the people already suffering under the weight of taxation. The adoption of the same means would increase the amount of the bill as amended will in the course of a few years save millions of dollars to the taxpayers, and be no loss or detriment to the unfortunate insane, who have the sympathy and good will of all.

None will be damaged but the contractors, whose actual damages will be very small when compared to the actual costs of the State of continuing the work. The people of the State can well afford to pay all the actual damages in preference to paying the annual drain on the Treasury. The land purchased and the material furnished can be sold for other uses at no very great loss to the State, and the actual cost of the completion and equipping of the two hospitals will be approximately \$1,000,000, exclusive of the cost

of running the same after the completion and equipping. The bill is respectfully submitted, and the proposed amendments are recommended for adoption.

METROPOLITAN POLICE.

Mr. Bentz's bill (S. 209) to provide a Metropolitan Police in the cities of 25,000 or more, coming up, with a majority report recommending its passage, and a minority report recommending its indefinite postponement.

On motion by Mr. WILLIAMS the minority report was laid on the table by yeas 65, nays 31.

The majority report was concurred in. The bill was read the second time.

Mr. ROBINSON moved to amend the bill so that no two of said commissioners shall be of the same political party.

On motion by Mr. DEBS the amendment was laid on the table by yeas 43, nays 40.

Mr. WILLIAMS moved that the bill be ordered engrossed.

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

Mr. MITCH, of Tippecanoe, moved to amend by providing that the Commissioners should be elected by popular municipal vote, and shall represent the parties as provided in the bill.

On motion by Mr. PATTEN the further consideration of the bill was postponed until Thursday at 2 o'clock p. m.

PLANTING WILLOWS.

Mr. Hanlon's bill (H. R. 289) for the planting of willows along the banks of streams, was read the second time and ordered engrossed for the third reading.

DOG TAX.

Mr. Brownlee's bill (H. R. 295) in relation to the taxation of dogs, was read the second time.

On motion by Mr. Gordon the following proviso was added to Section 2: "Provided, That all moneys remaining in the County Treasury on the first of May of each year, arising from the tax on dogs, shall be paid to each of the several townships of the county, to be set apart as a part of the common school fund of the county and be apportioned to the several townships of the county as their tuition funds are apportioned."

Mr. BEST moved to amend Section 2 by inserting after the word "time" the words "the original specifications."

On motion by Mr. SMITH, of Tippecanoe, the bill and pending amendments was recommitted to the Committee on Agriculture.

On motion of Mr. Gordon it was ordered that the daily sessions of this House shall commence at 9 o'clock a. m.

The Baltimore and Ohio, the only direct line from the West to Washington, is pre-eminently the route of all for the trip to the National Capital at the time of the inauguration. It is the only line running limited express trains on fast time without extra charge, and the only