

INDIANA LEGISLATURE.

[Omissions and certain parts of this report for want of space in these columns will appear in an appendix to Volume XXII of the Brevier Legislative Reports.]

IN SENATE.

MONDAY, March 9, 1885. The Lieutenant Governor directed the Clerk to open the session by the reading of the hymn "Rock of Ages Cleft for Me."—Sensors standing.

TO WAIT ON THE GOVERNOR. Mr. WILLARD moved the appointment of a committee of three (of which he should not be one) to wait upon the Governor of the State and ascertain whether he has any further communication to make to the Senate.

The motion was agreed to, and the Lieutenant Governor appointed as such committee Messrs. McCullough, Magee and Moor. NIGHT-TOWN INVESTIGATION.

On motion by Mr. MAGEE the House concurrent resolution for the payment of expenses of the Knightstown Investigating Committee was taken up. Mr. MACY moved to reduce the Doorkeeper's bill from \$450 to \$184, and increase the witnesses' allowance from \$375 to \$395, and reduce the stenographers' bill from \$235 to \$214.

As Secretary of the committee he had kept an account of these expenses and believed his proposed amendment to represent a just statement. Mr. McCULLOUGH: The Doorkeeper should not be allowed more than his expenses, as he receives a per diem as an officer of the House. He moved to refer the resolution to a special committee, to consist of Messrs. Macy and Johnson.

The motion was agreed to. WAITING ON THE GOVERNOR. On motion by Mr. MAGEE the Senate took a recess till the committee appointed to wait on the Governor shall be ready to report.

At 10:55 o'clock the Lieutenant Governor called the Senate to order. Mr. MAGEE, from the Committee appointed to wait on the Governor, reported that his Excellency informed the committee he had no further communication to make to this session of the Senate.

And then the Senate took a recess till 2 o'clock p. m. AFTERNOON SESSION. A VETO MESSAGE. The Lieutenant Governor laid before the Senate the Governor's veto of the bill (S. 325) to authorize the dissolution of the Eastern Agricultural, Mechanical and Frotting Park Association.

It is as follows: "The bill passes the objections of the Governor to the contrary notwithstanding?" Mr. OVERSTREET said: I can't say so much about the Governor's first objection until I hear the bill read. I am by no means satisfied, but the second objection, which might respectfully differ with the Governor; that it would be unconstitutional to pass a law dissolving a corporation by a majority. I can't see what provision of the Constitution that would violate.

Mr. CAMPBELL of Hendricks: Unless some Senator is prepared to antagonize the opinions of the Governor, and show he is in error in deciding the bill unconstitutional, I shall vote to sustain the veto. It strikes me his objections are plausible at least, and probably sound. The bill proposes to dissolve a particular corporation by name, which looks to me just about as much as special legislation as a bill to create a particular corporation by name, and that is just one of the things a provision in the Constitution was intended to prohibit. In my present state of mind I shall vote to sustain the veto.

Mr. MAGEE: This bill was not discussed, but passed under a suspension of the constitutional rules. There is but one way to wind up the affairs of a corporation under the laws of Indiana, and that is by the appointment of a Receiver. The courts have decided that there must be some reason for the appointment of a Receiver, and at this association has ceased to exist there was no apparent reason for the appointment of a Receiver. This bill was introduced to authorize it to wind up its affairs, as some persons interested desired to have a Receiver, whatever interest they may have in it. Where the Legislature has passed a law creating a liability it can afterward pass a law limiting that liability or controlling it in any way. I think the objections of the Governor are well taken. The title of the bill shows it to be special legislation.

The Governor's veto was sustained by yeas 7, nays 28. Mr. WINTER (explaining his vote): In my opinion this bill is not unconstitutional. Therefore, I vote "aye."

Subsequently Mr. CAMPBELL of Hendricks said: I was one of the majority voting on the bill (S. 325) which failed to pass over the Governor's veto a few minutes ago. Since that vote has been taken I have learned that the bill was fairly considered by the House Judiciary Committee, and that eminent lawyers appeared before it on both sides. If I had known that I should have voted differently, I therefore enter a motion to reconsider the vote.

Mr. MAGEE: I rise to a point of order. The veto was sustained, and that is the end of it. Mr. CAMPBELL: I understand any vote may be reconsidered if the Senate choose, and the motion is made by one voting with the majority. I propose to enter the motion and let it stand over.

CONVICT LABOR. On motion of Mr. JOHNSON, of Tippecanoe, his joint resolution (S. 8—see page 135) for a constitutional amendment to prohibit the hiring of the labor of convicts was read the third time. He said: For the last eight or ten years objection has been raised against the present way of hiring convicts out to contractors. The manufacturers of our State say their interests are jeopardized and endangered by this system. And they have protested against it until, finally, both parties thought themselves compelled to put in their State platforms that this system of convict labor should be done away with. And now it remains for this Assembly to say—both Democrats and Republicans—whether these solemn declarations in their State platforms shall be carried out in good faith. State platforms should embody the opinions of a majority of the party, and if that party is in power afterwards it should carry out the spirit of the State platform by its votes in the General Assembly. The two parties have gone on record on this question; also Governor Carter in his message to the Legislature recommended speedy action in this very matter. The question whether the present system is injurious to free labor and to the manufacturing interests need not be discussed; it is admitted to be so. The States around Indiana have enacted laws prohibiting this system, and I ask the Senate of Indiana to give its endorsement to my resolution proposing to abolish the system.

Mr. CAMPBELL, of St. Joseph: I am in favor of doing all that can be done to remedy the evil effects of convict labor upon the labor of the State, and to do all that can be done for our laborers, but there is no call and no need of a constitutional amendment.

The Legislature has full power now to do anything that it will do on this subject. It can regulate or it can abolish, and a constitutional amendment merely proposes to put off for at least three years what we have power now to do. Why not do it at once? Why put it off? What excuse for not now meeting the question? I introduced a bill two years ago, which passed the Senate but failed to pass for want of time in the House. I have a bill before the Senate now to regulate this matter, but it has not yet come up for want of time. The special session will give us an opportunity to discuss and pass it. I am in favor of doing now all that can be done, not dodge for three years and leave it for some one else to do.

Mr. MAGEE: I don't agree with the Senator from St. Joseph. I believe a party having once expressed an opinion in a platform should be held to it. This question of convict labor has had the serious consideration of governments. In some of the old countries and in New York advanced steps have been taken on this question, and steps should be taken so that in two or three years hence Indiana should be prepared to advance in this matter. It would be a great deal better to keep those men by taxation than that 1,000 or 2,000 men should be out of work because of competition with convict labor. I believe if one of the punishments was solitary confinement it would be a deterrent. Is there any Senator who desires to defend the present system of convict labor? The prisoner's labor can not be let on a sliding scale. There is a ring in the Northern Prison that makes the lowest possible contracts, and the result has been to drive out of the cooperative business large numbers of honest and free laborers. Legislation should be so wise as to protect all classes of citizens. I am for the regulation and against a statutory enactment because contractors would be here until they could not get any more business.

Mr. WOODRUFF: I will favor a law that would abolish the contract system, believing it wrong for prison labor to come in conflict with honest labor outside, but will oppose a constitutional amendment on that subject because I believe we should pass a law now that will bring about the very thing we desire, and it is not necessary to put it off four years in order to get a constitutional amendment on the subject. A proposition that is demanded by all parties in their platforms it is well to scrutinize carefully. This question has agitated the minds of the people for many years. I don't believe in adopting a measure on this subject by Constitutional amendment. Let experiments come first, and after the best system is found it will be time enough to graft it in the organic law. As this matter is untied, wouldn't it be better to pass a law embodying the principles of the resolution, and try the system before fixing it in the Constitution? Otherwise, if put in the Constitution we would have cast-iron rules from which we could not depart without great difficulty. The mass of the people have a little knowledge of the workings of the several systems of convict labor as members of the Legislature. It is wrong to have free labor interfered with by convict labor, but we should not rush headlong into a system of which we know little of.

Mr. THOMPSON: That there is something wrong in the present system of our State Prisons I presume but few, if any, will deny. Hence the mass of the people say in the two party platforms "this thing is wrong." The prisoners are worked for the benefit of the State. If these men knew this Legislature were contemplating a change they would be here in numbers, and I would almost as soon see demons from Hades, for I have no respect for nine-tenths of them. I am far from believing because a man transgresses he is lost forever. The great point is to restrain men from crime, and if that can't be done, to help to reform them. The man who never falls is not to be praised, but rather the man who falls and rises again. I trust the people will have an opportunity to vote upon this question.

Mr. OVERSTREET: The question as to whether this resolution should be submitted to the people has never been agitated. The legislation hinted at in the party platforms could be enacted without a constitutional amendment. Whenever any respectable portion of the people desire any question submitted to them for a constitutional amendment I will vote for it. There is no demand from any quarter that there shall be an amendment to that instrument on this question. This resolution is put proposing to dodge the question.

Mr. OVERSTREET: The question is: Is it in order to compel the Legislature to take action that I desire a constitutional amendment. Mr. OVERSTREET: Introduce a bill and see if your party will stand up to the plank in its platform. The plank does not imply a prohibition of convict labor, but such restrictions as the Legislature might think practicable. We have all the power we need. Let the Democrats introduce a proper bill and the Republicans will help it. Mr. JOHNSON, of Tippecanoe: It is in order to compel the Legislature to take action that I desire a constitutional amendment.

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Mr. ZIMMERMAN: I find both propositions highly impracticable and unprofitable. Our present system of employing convict labor in our State prisons is satisfactory to my consistency. I shall oppose agitation on that question. I vote "no." The vote was announced as above. So the joint resolution failed to pass.

NO EXTRA PAY. Mr. ZIMMERMAN offered the following, which was adopted: Whereas, It has been the custom of the Senate of Indiana at the closing day of the session of the General Assembly to allow by resolution additional amounts to the salaries of its officers and employees, as provided for by statute, and Whereas, This practice of wasting the people's money is highly detrimental and inconsistent with the paramount principles of reform, economy and honesty in public affairs, be it Resolved by this Senate that it will not vote any amount to any of the officers or employees of the Senate for services rendered during this session of the General Assembly in addition to the salaries provided for by statute except for such extra services as are indispensable hereafter to properly complete the journal of the Senate and the necessary clerical work upon its final adjournment.

CLOSING COURTESIES. Mr. WINTER offered a resolution of thanks to the Lieutenant Governor, which was adopted in non-con.

Mr. BROWN moved that the Senate adjourn sine die. The Lieutenant Governor: Before I put the motion to adjourn, I will say that I feel I am under great obligations to the Senate for the passage of this resolution by a unanimous vote. I feel highly complimented that I have been able to satisfy you all so far as your desire for a resolution of that kind. And I wish to say that I part with every one of you with the kindest of feelings, and I wish to return you my sincere thanks for the courtesy you have shown me on all occasions. And I say further that I believe this Senate will compare with any Senate that ever assembled in the State of Indiana, as far as intelligence and as far as labor is concerned. Although in some of the newspapers over the State it is said that the Legislature has done but little work, I feel that it has done a vast amount of labor. I know all so far as your desire for a resolution of that kind. 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