

INDIANA LEGISLATURE.

(Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XIII of the Brevier Legislative Reports.)

IN SENATE.

THURSDAY, APRIL 9, 1885. FENCING OF RAILROAD TRACKS. The Senate resumed the consideration of the bill [H. R. 71] pending at the adjournment yesterday.

Mr. MAGEE withdrew his motion to recommit. The question being on the amendment [Mr. Willard's] to strike out all that relates to attorney's fees, it was rejected by yeas 14, nays 22.

Mr. BAILEY, explaining his vote: The law in reference to mechanic's lien and in other cases provides for attorney's fees, and I see no reason why such a provision should not be included in these cases, so I vote "no."

Mr. MAGEE: I don't think we can make such a provision apply to involuntary contracts. I therefore vote "aye."

Mr. MCINTOSH: If this attorney fee is stricken out it will cost the farmer as much to hire a lawyer as the fence is worth, so I vote "no."

Mr. SMITH, of Jennings: I understand the friends of this bill put it on the ground of police regulation, and not on a contract basis. That uneducated professionals who may advise a suit for the sake of a fee may not profit by such legislation I vote "no."

So the amendment was rejected. Mr. WINTER moved to amend by inserting the word "receiver" after the word "assignee" wherever it occurred.

Mr. YOCHE questioned whether receivers already appointed could be affected by such a provision.

Mr. WINTER considered they could under police regulations.

The amendment was agreed to. Mr. YOCHE offered an amendment that the fences may be constructed in part of wire. All the new fences in my part of the State are built of barbed wire.

It was adopted by consent.

Mr. OVERSTREET moved to strike out the words "with gates and bars." This bill ought to be fair and equitable to the railroad company as well as to the land owners. It is reasonable that the railroad company have to use the gates, when they are broken down the company is to be held responsible? Then the bill does not state how frequent these gates shall be built. The roads may be required to build them at every field.

Mr. WINTER: I favor the amendment for the reason I don't believe the feature he proposes to strike is constitutional. The only right we have to pass a bill of this kind is to protect the public by police regulation from the liability of having trains thrown from the track by animals getting on it.

Mr. YOCHE moved as a substitute an additional section, requiring gates and bars at farm crossings to be built and kept in repair and kept closed by the farmer in the absence of a train.

Mr. OVERSTREET: Adopt my amendment and then the amendment of the Senator from Clark (Mr. Youche) and all cases will be covered.

Mr. CAMPBELL, of Hendricks: It occurs to me the position taken by the Senator from Johnson (Mr. Overstreet) is right. We have no right to require railroads to make gates at crossings; that is not for the protection of the public.

Mr. MAOY: I don't know why the interest of railroads should be regarded as so much more sacred in Indiana than in any of the adjoining States. In Illinois, Michigan, Massachusetts and a number of other States—in fact, every where railroad fencing is required—they are compelled to keep up fences and barriers the same as in this bill.

The substitute (Mr. Youche's) was rejected.

The amendment (Mr. Overstreet's) was agreed to.

Mr. YOCHE now re-offered his substitute as an additional section.

It was agreed to.

Mr. SELLERS moved to amend by striking out "cattle guards and barriers" where they occur in Section 2. There ought to be no provisions that will allow any person to go upon and occupy the track of a railroad. The loss of one life is of more importance than all the advantages to be gained from this bill. No one ought to be allowed to tear up a track except an experienced railroad man.

Mr. HUSTON: Would not the railroad company put in such barriers and cattle guards within the time prescribed for notice?

Mr. SMITH, of Jennings: This amendment would persons to go upon a railroad track and make it insecure—it is a most unreasonable thing.

Mr. WEIR: It seems to me this amendment is eminently proper and ought to be adopted.

Mr. MCINTOSH: If this amendment is adopted we might as well indefinitely postpone the bill. It is the knife that will slaughter it.

Mr. HILLGASS: I think the amendment ought to be adopted.

The amendment was rejected by yeas 21, nays 23.

Mr. BAILEY, explaining his vote: It seems to me the adoption of this amendment would in fact nullify the bill. Senators exaggerate the idea of inexperienced men working upon the track. I vote "no."

Mr. McCULLOUGH: I regard the amendment as wholly immaterial. If you strike out this clause you still require the tracks to be fenced. If a fence is run on two sides and no cattle-guard is placed where a road crosses, the track is not fenced.

Mr. WINTER moved to insert in Section 2 a thirty days' notice to the railroad agent.

Mr. SMITH, of Jennings, moved to amend that such corporation shall not be required to build fences between the first day of December and the first day of May.

The amendment was rejected.

Mr. RAHM moved to amend so that fences may be dispensed with by consent. In several townships in my county stock are fenced in, and there is no need of the tracks being fenced.

The previous question was demanded, and being seconded by the Senate, under its operation—

The amendment was rejected.

On motion the amendments were ordered expressed.

On motion by Mr. HUSTON the bill was read the third time and passed by yeas 35, nays 9.

Mr. RAHM, explaining his vote: I favored the passage of this bill, but when it compels railroads to build fences of no use to anybody I can not vote for the bill. The fences cost a great deal of money; the farmers will have to pay the bill at last, and as corn and produce are too cheap already I vote "no."

Mr. SMITH, of Jennings: Every dollar required from railroads to pay for fencing will be gotten back by reducing the pay of laborers or increasing the charges for carrying freight, and with that view I vote "no."

SALES FOR DELINQUENT TAX. Mr. WEIR from a committee returned the bill [H. R. 48] with an amendment provided

that no land shall be sold unless the tax shall be delinquent for one year.

Mr. WILLARD: There are one million and a quarter delinquent taxes due and due to the State, and now why the collection should be extended six months longer is something I can't understand.

Mr. CAMPBELL, of Hendricks: The laws for the collection of delinquent taxes for many years have done more harm than good. The law making them payable in installments has probably worked a disadvantage.

The bill was rejected by yeas 15, nays 27.

Mr. BROWN explaining his vote, said: The effect of this bill will be to delay the collection of delinquent taxes for six months longer.

Mr. FOWLER: If there has been a bill before this Senate in which the principles of suffering humanity will apply to this one and I vote "aye" with all my might.

Mr. WEIR: I have never read nor had time to examine this bill. It may, and probably would, make some difference in the collection of taxes; but it is unreasonable to require a man's property for one installment of delinquency. I vote "aye."

Mr. WINTER: If a man fails to pay taxes, after delinquency he still has four months, and that is long enough.

SPECIFIC AND GENERAL APPROPRIATIONS. A message from the Senate announcing the refusal of the House to concur in the Senate amendments to the general Appropriation bill [H. R. 770].

On motion of Mr. WILLARD the Senate refused to recede from its amendments, and Messrs. McGee and Youche were appointed as a Committee of Free-Conference on the part of the Senate.

Mr. WILLARD moved that the specific appropriation bill be referred to a committee of the whole for 2 o'clock to-day.

Mr. MCINTOSH moved, ineffectually, that the bill be printed and made a special order for 7:30 o'clock this evening.

Mr. WINTER moved as an amendment that the bill be printed and made a special order for to-morrow morning at 9 o'clock.

The amendment was agreed to upon a division—affirmative, 22; negative not announced.

The motion was amended also agreed to.

AFTERNOON SESSION. DITCH AND GRAVEL ROAD LAWS.

On motion by Mr. HILLGASS the House concurrent resolution, for printing 1,000 copies of the ditch law and the gravel road law in pamphlet form for the use of the General Assembly, was concurred in.

On motion by Mr. MAGEE the vote passed a Senate resolution ordering 500 copies of the ditch law printed and reissued.

Mr. ADKINSON (the author) asked and obtained leave to withdraw the resolution.

D. R. MURSON'S LIGHTNING ROD CLAIM.

On motion by Mr. BAILEY the House amendment to the bill [S. 177] reducing the amount allowed from \$5,125.00 to \$2,500 was concurred in.

SPECIFIC APPROPRIATION BILL.

On motion by Mr. HILLGASS the Specific Appropriation bill [H. R. 487] as read the first time.

On motion by Mr. SCHLOSSER the bill [H. R. 343] to provide compensation to Treasurers for collecting delinquent taxes.

Mr. MAOY moved to amend by limiting the percent to those cases only where demand has been made.

The amendment was agreed to.

On motion of Mr. SCHLOSSER the amendments were considered engrossed.

Mr. MAOY: The bill should be amended so as to make it the duty of the Treasurer to demand delinquent tax from the November collector. I think this bill is a waste of money as it is unproductive. It requires of the Treasurer, before they are entitled to the percentage, to do certain things which he is not under the law as it now exists, authorized to do and which this bill will not refer to a committee of three with orders to report to-morrow at 10 o'clock.

The motion was agreed to, and the Lieutenant Governor appointed Messrs. Maoy, McIntosh and Schlosser said committees.

FILING TRANSCRIPTS.

On motion by Mr. BRYANT the bill [H. R. 210] to amend Section 223 of an act for settlement and distribution of decedents' estates was read three times under a suspension of the rules and passed by yeas 29, nays 0.

Mr. SELLERS explained it extends the time allowing for filing a transcript of record thirty days instead of ten, as the law now is.

PAY FOR STREET IMPROVEMENTS.

On motion by Mr. JOHNSTON, of Dearborn, the bill [H. R. 491] was read the second time.

Mr. HILLGASS: This bill provides the city shall have a lien upon the property improved instead of the contractor having the lien. The contractor gets the money and the city takes the chances of collecting the money. I don't think any improvement can be made upon the present law for street improvements. I hope the amendment will not be concurred in nor the bill passed.

Mr. SELLERS: I think the report ought to be concurred in. The property owner instead of owing a contractor, who he must pay at once, by this bill would be given four years in which to pay the assessment. It is a bill in favor of the poor man who has purchased a home, for which he is indebted. The bill provides the City Council may make liens upon property in this way, and the petition may be signed by a majority of property owners. The city is fully protected. Under the present law the property holder in straightened circumstances is at a disadvantage.

Mr. HILLGASS: The bill provides the money shall be taken out of the taxes of the poor man to improve the streets and alleys of the town. Then this bill repeals all for ner sets, and cripples the power of Common Council to improve streets and alleys, especially those already bonded to the full amount of the constitutional limit.

The Senate refused to concur in the report of the committee.

FEES AND SALARY COMMISSION.

On motion by Mr. ADKINSON his bill [S. 388] to authorize the Governor and Lieutenant Governor to appoint a commission which shall report a fee and salary bill to the next General Assembly, was read the third time and rejected by yeas 17, nays 23.

strict the office of Township Trustee to one term of four years in any period of eight.

Not having a right to a second term he would not be working for a reelection.

Mr. MCINTOSH: As a personal proposition I think Trustees as honest as any other class of officers, and I am opposed to the passage of the bill.

Mr. BEN: I oppose the bill. We sometimes may get in a Trustee that don't do very well and we would have to keep him four years; then if we get one who does well, we can't keep him longer than four years. I vote "no."

Mr. SMITH, of Jennings: This bill is not before the Senate in the ordinary parliamentary way, therefore I vote "no."

TELEPHONE RENTALS.

On motion by Mr. HILLGASS the telephone rental bill [H. R. 44] was read the second time with a favorable majority report and a minority report recommending that it lie on the table.

On motion by Mr. WINTER it was made the special order for 11 o'clock to-morrow morning.

THE TOWN OF CLINTON.

On motion by Mr. LINDLEY the bill [H. R. 350] to distribute undistributed money in the Treasury of Clinton, in the County of Vermillion, was passed through the three readings and passed by yeas 41, nays 0.

Mr. LINDLEY explained: It is entirely a local matter.

GRAVEL ROADS.

On motion by Mr. HUSTON the bill [H. R. 75] to allow extension of charters of turnpike or gravel road companies, was read the second and third times under a suspension of the constitutional rule, and passed by yeas 39, nays 0.

Mr. HUSTON explained its provisions.

ASSESSMENT OF LANDS.

On motion by Mr. BROWN the bill [H. R. 200] to amend Section 6, 383 of the Revised Statutes, was read the third time.

Mr. BROWN explained the point in the bill is to exempt land occupied by highways from taxation, and the only change from the present law is that they be exempt.

Mr. FOULKE: The present law is exactly right.

The bill failed to pass for want of a constitutional majority by yeas 21, nays 19.

CLAIMS AGAINST THE STATE.

Mr. CAMPBELL, of Hendricks, from the Judiciary Committee returned the bill [S. 378] to regulate the adjudication of claims against the State, other than an amount submitted to the Supreme Court of Marion County for the Appellate Court.

Mr. CAMPBELL: This bill is framed to avoid the objections in the vote message of the Governor. I move that the amendment be adopted.

The motion was agreed to.

Mr. CAMPBELL moved the constitutional rule be suspended, the bill read the second time by title, the third time by sections and put upon its passage.

The motion to suspend the constitutional rule was agreed to by yeas 36, nays 6.

The bill was accordingly read the second time by title, the third time by sections and passed by yeas 29, nays 14.

HOUSE OF REPRESENTATIVES.

THURSDAY, APRIL 9, 1885. The House met at 9 o'clock.

The session was opened with prayer by Rev. Thomas M. Smith, a Representative from the county of Warrick.

EX-GOVERNOR JENNINGS' MONUMENT.

Mr. BARNES, from the Committee on Claims, reported back his bill providing for an appropriation of \$1,000 for a monument for Ex-Governor Jennings, whose remains are interred near Charleston, Clark County, with a recommendation that it pass.

The report was concurred in.

ALLEN NOTARIES.

Mr. Taylor's bill, authorizing the recognition of acts of Notaries Public of other States in certain cases was read the third time and passed by yeas 64, nays 10.

RENTAL OF COUNTY ROOMS.

Mr. Manco's bill to prohibit the use or occupancy of buildings or rooms belonging to counties by persons other than legally constituted officers, failed to pass for want of a constitutional majority—yeas, 45; nays, 32.

THE GENERAL APPROPRIATION BILL.

A message from the Senate announcing the passage of the General Appropriation bill [H. R. 498] with sundry amendments.

Mr. SMITH, of Tippecanoe, moved to concur in the Senate amendments.

Mr. GORDON demanded a division of the question, which the Speaker ruled out of order, holding, however, that the House might order this division; but a motion to this effect failed—yeas, 32; nays, 46.

Mr. GORDON moved that the Senate amendments to the bill be laid upon the table and printed, and that they be made the special order for to-morrow morning at 10 o'clock.

This motion was rejected by yeas 34, nays 30.

failed to pass for want of a constitutional majority.

Mr. MOODY: I am in favor of this bill. Its author is an honorable and educated gentleman of that most honorable profession, and I am desirous on his account that the House shall give this bill a candid and impartial consideration.

This bill is not all his friends would like to have by way of medical legislation, but it is a step in the right direction, and I trust may in some degree aid in protecting the resident physicians and the people of our State against the marauding predatory attacks being made upon our States into ours, because of similar laws there enacted. I am satisfied this bill is so liberal in all of its provisions that it will not deprive any man from practicing medicine if he is a man fit to engage in so learned and honorable a calling. I have never been over anxious to legislate in the interest of any particular class of men, but in my humble judgment we should have a law that will, if possible, protect our people against that class of men who are trapping over the country claiming to be able to cure any kind of disease to which the human system is subject. I believe this bill will accomplish much good if enacted into a law.

The bill passed by yeas 65, nays 18.

CHILD LABOR.

The bill [S. —] providing that children under twelve years of age shall not be allowed to work in factories or mines was called up, and by the report of the Committee on Rights and Privileges of Inhabitants of the State recommending that children shall not be employed in establishments where the work was deleterious to their health, and that in no case should any such work exceed eight hours a day.

The report of the committee was concurred in, and the bill passed—yeas, 63; nays, 9.

COMPENSATION OF COUNTY CLERKS.

The bill [S. 107] to amend Section 7 of the Fee and Salary act of 1853 being read the third time.

Mr. ENGLE: This bill simply repeals that provision of the existing laws which allows County Clerks \$2 a day for attending court. That was enacted on the bill by the Legislature two years ago by false pretenses, and there is no reason for the Clerk getting this extra pay, when he already makes \$10 or more a day for what he does during court.

Mr. HARELL: I am opposed to the bill, because it would work a hardship on the Clerks of the smaller counties of the State, although it might increase the compensation of some Clerks who do not deserve it.

Mr. MOCK, of Wells: I favor the bill, because I believe the Clerks of the State make more money than they are rightfully entitled to now.

The bill failed to pass—yeas, 40; nays, 35.

TEACHERS' INSTITUTES.

The bill 120, authorizing a tax of fifty cents on each teacher for the expenses of County Institutes, was read a third time.

Mr. BROOKS did not think it fair or just to pass a bill entailing such a tax on school teachers.

Mr. GARRISON said that the bill was drawn up by the Superintendent of his county, and it had the approval of all the teachers there.

Mr. HARELL thought the bill would work a great hardship on a class of citizens who are already overworked and underpaid. The bill was defeated—yeas, 6; nays, 66.

PUBLIC FUNDS.

The bill [S. 125] to compel county officers to promptly pay over to the succession all public moneys in their hands was read a third time.

Mr. ENGLE said that the bill proposed to amend an act passed in 1853, making it felony for certain officers to fail to pay over public funds to their successors, so as to include all State and county officers.

The bill failed to pass for want of a constitutional majority by yeas 47, nays 25.

COURT-HOUSE LOCALS.

The Franklin Life Insurance Block to be Sold—Notes.

John Ladders has given \$12,000 bonds as guardian of Albenmarie Cady Touney and Hannah Ann Touney, minor heirs of W. O. G. Touney, deceased.

In the damage suit of Kate Koster, administratrix, vs. the city of Indianapolis yesterday instructed the jury to find for the defendant, it not appearing that the deceased, Joseph Koster, was entirely free from negligence on the occasion of his death.

Building Permits: Sarah J. Stern, \$2,000 frame, New Jersey street, between Seventh and Eighth streets; Mrs. David Gibson, \$1,500 frame, Delaware street, between Eighth and Ninth streets; W. O. Patterson, \$5,000 frame, Alabama street, between Eighth and Ninth streets; other permits, \$2,100.

Judge Frazier, as assignee of the Franklin Life Insurance Company, received a bid for the block on the corner of Kentucky avenue and Illinois street from John A. Raame, who offers \$45,500. The proposition will be considered to-day by the court and attorneys interested in the matter, and will probably be accepted.

A Losing Joke.

A prominent physician of Pittsburg said to a lady patient who was complaining of her continued ill health, and of his inability to cure her, jokingly said: "Try Hop Bitters!" The lady took it in earnest and used the Bitters, from which she obtained permanent benefit. She now laughs at the Doctor for his joke, but he is not so pleased with it, as it cost him a good patient.

Fees of Doctors.

The fee of doctors at \$3 a visit would tax a man for a doctor, and in need of a daily visit, over \$1,000 a year for medical attendance alone! And one single bottle of Hop Bitters taken in time would save the \$1,000 and all the year's sickness.

Given Up by the Doctors.

"Is it possible that Mr. Godfrey is up and at work, and cured by so simple a remedy?" "I assure you it is true that he is entirely cured, and with nothing but Hop Bitters, and only ten days ago his doctors gave him up and said he must die from kidney and liver trouble!"

"None got mine without a bunch of green goo on the white label. Shun all the vile, poisonous stuff with 'Hop' or 'Sops' in their names."

Silk handkerchiefs of bright colors are much used, not only for hat trimmings, but for making pretty afternoon aprons. The handkerchief is not out, but sewed to a ribbon matching it in color, or far in front as needed, with the ends turned over on revers at the sides. The ribbon is tied at the side in full loops and bows.

Editors are proverbially cautious in lending the endorsement of their names and influence, but Mr. John Hearn, of the Valley Sentinel, at Sidney, O., sends a voluntary testimonial to the merits of Atholpore. He writes: "The medicine you sent me has given my wife relief from rheumatism and neuralgia than anything she has ever tried, and she has tried everything, having been a sufferer for fifteen years. I have let other sufferers here have the medicine, with much benefit."

RAILWAY NEWS.

Improvements on the Vandavia—The Quigley Committee's Latest Circular—Other Items of the Rail.

Herman Sandford, well known as the builder of the Paris and Danville Road, in which he sunk a large fortune, is very sick.

Two new parlor cars will be turned out of the Vandavia shops next week. They have been in for a general overhauling. When completed they will present a very fine appearance, and it is said that they very much resemble Pullman parlor cars.

Some time ago the Sentinel, on the authority of a local railroad man who knows considerable about the affairs of the T. C. and St. L., published the statement that President Corbin, of the I. B. and W., had practically secured control of the bonds of that road, and that the St. Louis division would be in possession of the Indiana, Bloomington and Western before the end of the summer. Now comes that famous Quigley Committee with a circular denouncing the statement as false. In this circular they make the statement that of the \$2,930,000 bonds of the St. Louis division outstanding, the holders of \$2,044,000 have assented to the bondholders' trust agreement and deposited their bonds, while the holders of \$826,000 more have signed but not yet deposited. And of the \$1,250,000 bonds of the Toledo division the holders of \$1,024,000 have assented and deposited, and the holders of \$144,000 more have signed but not deposited.

Passengers on the Vandavia can look from the window of a car and see a platform quite a distance below the track near Cloverland, which is about midway between Brazil and Terre Haute. The telegraph poles are also below the track, and from an official of the road it is learned that several years ago trains were accustomed to stop on a level with the platform, now thirty or forty feet below, and receive and let off passengers.

This was only a few years ago, but a sudden change has been made in the road bed at this point. It was one of the heaviest grades on the Vandavia, or more properly speaking, a pocket, as trains both ways encountered a heavy grade which occasioned great annoyance. Within a very short time the pocket has been filled up until now the track is about thirty-five or forty feet higher than formerly and there is comparatively little grade left.

The track at Brazil has also been cut down. The Vandavia pays special attention to improving its road bed, and so steadily have the improvements been going on that they have placed the line in the foremost rank in this particular. Curves are constantly being straightened and grades reduced. The Vandavia is evidently of the opinion that such liberal expenditures of money, pay as it is enabled to make better time and haul heavier trains. The same vigorous policy is being enforced on the T. H. and L. Division.

Local Courts. SUPERIOR COURT.

Room No. 1—Hon. N. E. Taylor, Judge. Kate Koster, administratrix, vs. The City of Indianapolis. Damages. Verdict for defendant.

The Connecticut Mutual Life Insurance Company vs. Edward K. Tidd et al. Foreclosure of mortgage. Dismissed.

William J. Holliday et al. vs. Smith Craft. Notes. Judgment on verdict for \$362.30.

Charles F. Schrader et al. vs. Eagle Machine Works. Contract. On trial by jury.

Room No. 2—Hon. D. W. Howe, Judge. Henry Mass vs. George Weghorn et al. Mechanic's Lien. On trial by the Court.

First National Bank of Shelbyville, vs. Rudolph P. Theicke. Dismissed.

John E. Sullivan vs. Arthur Jordan. Judgment for plaintiff.

Room 3—Hon. Lewis C. Walker, Judge. Elias Black vs. Frank Ahrens. Attachment. Under advisement.

Thousands Hastened to Their Graves. By relying on testimonials written in vivid glowing language of some miraculous cures made by some largely puffed up doctor or patent medicine has hastened thousands to their graves, the readers having almost insane faith that the same miracle will be performed on them; these testimonials mention, while the so-called medicine is all the time hastening them to their graves. Although we have