The Ohio Statesman

MANYPENNY & MILLER, Publishers.

GEO. W. MANYPENNY, Editor.

COLUMBUS, OHIO.

☞ADVERTISEMENTS, TO INSURE INSERTION, should be handed in by TWELVE O'CLOCK on the day of publication.

FRIDAY EVENING JAN. 25, 1861

The Proceedings of the Democratic State Convention

The *Ohio State Journal* cannot conceal its alarm. The proceedings of our Convention of Wednesday annoy it very much. The bold and outspoken tone of the resolutions, the unanimity of the Convention, and the demand it made on the North for a prompt compliance with constitutional duty and for justice to the South, alarm the central Abolition organ very much.

In the *Journal* of this morning, a broadside is opened upon the Convention and its doings. With hypocritical professions of love for the Union, loyalty to the Constitution, and obedience to the laws, that paper denounces the Convention of the 23d, as false to all these, and charges it with giving "encouragement" to treason, and absolving the Democratic party of the State from all participation in efforts to put down revolt against the Federal Government.

The people of Ohio cannot be misled by the false statements and baseless assumptions of the *Journal*. The Democracy of Ohio are now, as they have always been, true to the Union, faithful to the Constitution and in favor of the enforcement of the laws of the land. In this respect they stand in direct opposition to the Republican organization, which had its origin as a party, in opposition to the laws of Congress; in violations of the Constitution of the United States; and in direct and open revolt, by legislative statutes, judicial decisions and mob violence, against the federal authority. *These are its sins of commission, against which the Democratic Party has been contending in the past, and against which, with renewed energy, it will contend in the future.* The people understand the true state of the case, and it is not in the power of the *Journal*, or its party, longer to mislead or deceive them.

It is the infidelity of the Republican party to the Union, the Constitution and the federal laws, that has precipitated the country into its present condition, and brought us to the very brink of civil war, and that fact is now well understood by the people.

The Convention of the 23d declared that while the Democracy of Ohio always had been, and now are, faithful to the Constitution and the Union, and in favor of the enforcement of the laws, yet that they were unwilling to entertain the discussion of the question of coercion, until the North purged itself of its Abolition heresies, and treasonable doctrines and practices. The Democratic masses and all other conservative Union men in the State, will respond heartily to the sentiment, and if the *Journal*'s party, now dominant in the General Assembly, does not give heed, does not speedily retrace its steps, and do all that can be done to repair past errors, and to promote conciliation and compromise, the people's indignation will visit and overwhelm it.

As to the spiteful allusions to Judge TAUMAN, Judge RANNEY, Mr. JENKTT, and others, made by the *Journal*, they are unworthy of notice.

Proposed National Convention at Louisville, Ky.

The following communication from Z. CASEY, Esq., Chairman of the Democratic State Convention of Illinois, lately assembled at Springfield, was received by the editor of the *Statesman* yesterday. We regret that it did not come to hand before the meeting of our State Convention, to the end that definite action might then have been taken upon it.

We think that good might result from the holding of such a Convention, and if held, Ohio should be represented. It will be competent for the Congressional Districts to move in the matter, and select their own delegates, and this done, no doubt a satisfactory mode could be adopted for the designation of two delegates from the State at large, without calling together a State Convention for that purpose.

SENATE CHAMBER,
SPRINGFIELD, Ill., Jan. 17, 1860.

SIR: There was held in this city, on the 16th instant, a large convention of the Democratic Party of the State of Illinois.

In one of the resolutions of said convention they "recommend that a National Convention be held at Louisville, Ky., on the 22d of February next, to take into consideration the present perilous state of our Country, and recommend to the people such just corrections and amendments to the federal Constitution, as will be likely to produce peace, harmony and fraternal feeling throughout the whole Union. That said convention do consist of one delegate from each congressional district, and two at large, from each of the Thirty-Three States in the Union. And in another resolution it is provided "that the President of the said Illinois Democratic State Convention be constituted a committee to correspond with our friends in the other States of the Union on the subject of the Louisville Convention, with authority to change the time and place of holding said Convention."

In discharge of the duties required of me, allow me to say the union of these States is of priceless value. I can safely say that a large majority of the people of Illinois are desirous to see the federal Constitution so amended as to secure the rights of all the States of the Confederacy.

Hoping that your State may take some action on the subject, I have the honor to be, with great respect, Your obedient servant,

Z. CASEY,
President Ills. Dem. State Convention.

Republican Doctrine.

Mr. SHERMAN, member of Congress from this State, declares that he "never will, whatever may be the consequences, vote for a proposition to establish, protect and uphold slavery anywhere on God's earth."

This, the New York *Tribune* alleges, is the Republican doctrine in regard to slavery. Then, the Republicans are, and the LINCOLN administration will be, if controlled by Republican leaders, inflexibly opposed to the existence of slavery in any territory already organized, or that may be hereafter acquired, and to the admission of any more slave States. If these views are adhered to by the Republicans in Congress, and by the incoming administration, a permanent dissolution of the Union is inevitable. They may attempt coercion, but they will find it an up-hill business. The mass of the people in the Northwest will never sanction coercive measures, unless a compromise is first offered, which will be acceptable to the Union men of the South.

Resignation of Naval Officers.

The Navy Department has received the resignations of the following Naval Officers attached to the Pensacola Navy Yard, which have been accepted: Commander FARRAND, who was among those who, in the name of Florida, demanded its surrender, and Lieutenant RENSHAW, who gave orders to haul down the flag of the Union, and also Lieutenant EGGLESTON, who was attached to the United States Steamer *Wayandot*, which is in that vicinity.

Late Foreign News.

The North Britain arrived at New-York, on Wednesday evening, with Liverpool dates to the 10th inst. The following are the most important items of the latest foreign news:

The Paris *Constitutionel* says, in the event of the French fleet leaving Gaeta, it is believed that it will cruise for a time on the Adriatic.

Advices from Gaeta, prior to the present armistice, state that the Piedmontese were constructing new batteries only 500 yards from the fortress.

It was said the Cabinet at Turin had resolved to tolerate the intervention of no other power than France, and to resist by force any event of the kind.

The Wirtemberg Monitor says that Sardinia will shortly give notice to the German Diet of the different annexations to and formation of the Italian Kingdom, and that thereupon the Diet will refuse to recognize any representation of that Kingdom. The same journal boasts of the readiness of the Prussian and German army to meet any enemy.

A Paris telegram says the Austrian Government is resolved to adopt a provisional electoral law for Hungary, on the basis of the 5th article of the law of 1848. The Hungarian Diet will assemble on the 2d of April.

Lord Palmerston, in a speech at Southampton, had referred to the situation of affairs in America. He said there was too much reason to fear that the Union which has conduced so much to prosperity and happiness was in danger of disruption. He expressed the fervant hope that whether the Union was maintained or dissolved, it would be accomplished by amicable means, so that the world might be spared the affecting spectacle of a hostile conflict between brothers.

The king of Prussia had issued a proclamation in which, after paying a warm tribute to the late king, he declared himself faithful to the traditions of his house, 'and desirous of protecting the Constitution, elevating and strengthening his people, and advancing their position among the German States. He says confidence in peace is shaken, but he will endeavor to preserve it, and concludes by asking for the courage and confidence of his people.

All the Chinese ports are now open and foreign steamers are permitted to trade on the inland waters. A Chinese Ambassador is to reside in England.

Le Monde says on the 20th of November, the Russian Ambassador at Peking ratified a Convention with China, confirming privileges on Russia to the Amoor river, and extending to her commercial advantages.

Position of the Old Soldiers in Kentucky.

At a meeting of the soldiers of the War of of 1812, held at Independence, Ky., on the 8th inst, the following resolutions were unanimously adopted:

1. *Resolved*, That the rights of the South, like any other part of our common country, are more likely to be observed and respected in the Union than by the unlawful mode of secession recommended by some of our sister States; and we therefore trust our Congressmen turn not a deaf ear to the voice of patriotism, but exert their every influence to secure proper redress and protection of our rights within the brotherhood of States.

2. That secession is no remedy for any evil, but must of itself lead to untold misfortunes and a devastation of life and country, that we, as old soldiers, must forever turn from with heartfelt pain and anguish.

3. That, for the services we have rendered our country in time of war, we feel it would not be asking too much of Congress for ourselves, to grant a small pittance for our support and comfort. But if not granted to us, let it at least be done for the benefit of the widows and orphans now with us, of those soldiers in arms who have "fallen asleep."

4. But, whether this, our petition, be granted or not, we desire the world to know that our hearts are with our *whole country*, and nothing less can satisfy us than *Union forever*.

☞A correspondent reminds us that the special message of President BUCHANAN, of January 8th, to Congress, has not heretofore appeared in the *Statesman*. A pretty full abstract of it appeared in our telegraphic report immediately after it was transmitted to Congress, and in the world of matter crowding upon us daily, the full message was neglected, when it came to hand. We publish it to day, and thank our friend for calling our attention to it. The document derives additional importance from the fact that it has received the endorsement of every Republican member of the legislature, who voted on Mr. HARRISON's resolutions.

☞The New York *Tribune* says that Mr. WASHBURNE, of Wisconsin, in his speech in the House, on Tuesday, spoke the sentiment of the unterrified North-west, which spurns all concessions to *rebellious* slaveholders. This a libel on the people of the north-western States. The mass of them are in favor of all reasonable concessions that shall more effectually secure the rights of the South, expressed or implied in the original compact of Union, and preserve the Union.

☞A dispatch the other day from Raleigh, North Carolina, said that the people of the "old North State" will prove conservative, but not submissive. Such is the position and feeling of the great mass of the people in the slave States. Will the men in the North of all parties profit by the hint.

☞The President dispatched a special messenger to Pensacola, on Tuesday evening, with instructions to the Federal officers there, not to allow a collision under any circumstances, unless actually attacked. A telegram to the same effect was also sent.

☞It is stated in a Washington dispatch that the propositions of Mr. DOUGLAS are gaining friends from both sections of the country, and are likely to be finally agreed upon as the plan of adjustment.

☞Sixty Republican members of the House of Representatives at Washington, have signed a recommendation in behalf of Mr. COLFAX, as Postmaster General, which has been transmitted to Mr. LINCOLN.

☞It is stated that the President elect intends to take up his residence in Washington city next week.

A Public Benefactor.

This appellation can be applied to Donald Kennedy, the discover of Kennedy's Medical Discovery, for who can lay higher claim to the title than he who rescues his fellow man from disease, and restores him to health? The Discovery has been justly celebrated for its cure of humors, and the proprietor is daily receiving communications from individuals, stating that they have been cured of diseases that he does not mention as curable in his circular. This is owing to the fact that many diseases are brought on by humors, such as Consumption, Blindness, &c We hope that the afflicted will be wise and timely in their use of so desirable an article.

Holloway's Pills and Ointment.

ASTHMA.—Though this disease has baffled the skill, and been pronounced by eminent medical men as irremediable, the numerous certificates daily received by Dr. Holloway, add a direct refutation to such ill-founded and fallacious conclusions. Coughs, colds, and asthma in all their ramifications of bronchial affections, diseases of the chest, throat, &c, have been cured in their worst stages by these expectorant and laxative remedies. Sold by all Druggists, at 25c., 62c., and $1 per box or pot.

No Opium or Calomel.

Most of the popular Cough Remedies contain more or less *Opium*, which prevents their general use. *Dr. Hall's* BALSAM, being entirely free from this narcotic poison, will be found not only *safe*, but highly efficacious in subduing every form of *Lung Disease*.

OHIO LEGISLATURE,

ADJOURNED SESSION.

IN SENATE.

THURSDAY, January 24, 1861.

AFTERNOON SESSION.

Mr. FISHER replied to objections to the (Militia) bill. He denied that the bill proposes to pay for military services. On the contrary militia pay the State for the privilege of serving it. Every man who unites with a military company equips himself at heavy personal expense, and they place themselves in positions where they are the first to be called upon to protect and defend society. It was the original design of the fathers that our free institutions should depend, not upon standing armies, but upon a well organized militia. Our constution was projected upon this theory, and the duty of maintaining a good militia system is imposed upon us by our constitution The militia is necessary to protect the peace in emergencies, and it is wise not only to have arms but organized men to use them. The argument of fear is fallacious. There is not the slight st danger to be apprehendeed from the small organizations contemplated in this bill. He made a strong appeal in behalf of the militia of the State, insisting that some encouragement from the State is due to them, and denouncing the refusal of the appropriation of the pitiful sum called for in the bill, as shamefully penurious.

The argument to the crisis interposed to defeat the bill, is untenable. It is not our province to inquire whether other States will be pleased with our constitutional acts When Kentucky, Virginia, and other states proposed to arm themselves, did it scare us? And suppose we do alarm other States. What have we to do with the fears of those states who have established batteries on the banks of the Mississippi, and threaten a disunion. Let *them* answer for the consequences but let us not sit here like cowards and be terrified from the discharge of our duty. The times demand we should consider them. The people expect us to prepare for trouble. No man knows what present troubles may bring forth, and we should be prepared. This people do not want to fight, but if they are compelled to fight, they wish to be prepared. If Senators do not give heed to the warning, the people will fill their places with men who will do their duty. It was urged by Mr. Key that this bill looks toward the evil of a standing army. There is it not an element of standing army in it. But 6000 honest, industrious men, enrolled as malitia, are not half so dangerous to the country, as a hundred wire-working polititions in conventions. While the former could not affect legislation, no man can deny that a resolution of instructions directed by a political convention, to vote for a malitia bill or any other bill, would command the vote of every man of the party so instructed. Mr. Fisher declared his intention to vote for the bill.

Mr. WHITE quoted the Constitution, and Bill of Rights to show its position upon the subject, and argued that this bill contemplated something in the nature of a standing army.—He objected to the bill, that the existing militia is ample to discharge all constitutional obligations The bill will introduce the germ of an evil which will corrupt our liberties. The organization will become a political elements which finally will extort its demands from the legislature. Let the tocsin of war sound, and you will see thousands of soldiers from hill and valley, rushing to arms for the common defence. The object of the Constitution in relation to the militia, is simply to organize them for police, and this bill is foreign to this object. The exegencies of the times do not demand this fruitless expenditure. We are not asked for $30,000 for one year, or two, but for an indefinite series of years. Introduce this evil and it will indefinitely expand. Mr. White at considerable length showed the evils to grow out of such a system, and held that in time of real danger the freemen of the country would be found sufficient for the common defense. Let the alarm of war be sounded and 200,000 men in Ohio would fly to arms. One week's time would discipline them in every movement required by any system of tactics. But this is a new leak sprung in the public treasury, and the Lord knows where it will end. Let us hope that it may not be written in the history of this State that it required thirty, fifty or one hundred thousand to execute a civil writ, or a simple law of the State or Nation.

Mr. McCALL had been disposed to view this bill as a rather modest militia organization, but it seems, according to the views of gentlemen, to be a phanthom starting up, full of dangers and fears. He was rather disposed to think it right to maintain a little organization of this kind. If, as some say, we have no arms, it is time we are collecting some. He didn't know there was any reason why we should sit here trembling in the presence of this little bill, because it perhaps may displease somebody. It is rather our duty that we should dispose of all our duties like men. He would vote for the bill.

Mr. ORR had voted for the bill last winter, but the times have changed, and the bill has changed with the times. The change in the times has caused a change of views. Excitement is abroad, and it is best we should not inflame it. It excites a feeling of hostility on the part of other States, and therefore we had better let it alone. If there were necessity for such a law at this time, he would vote for it, but for the foregoing reasons, and because it entails expense upon an impoverished treasury. If you provide for six thousand troops in this bill, hereafter you will have to equip them thoroughly, and there is no telling when the leak will stop. But Ohio is in no danger of invasion; no enemy to fight. Shall we arm to fight our brethren? No! May the time never come; but let us not hasten it, but meet this question with discretion.

The question renurring upon the bill, it passed by the following vote, viz:

Those who voted in the affirmative were Messrs. Breck, Bonar, Collins, Cuppy, Cummins, Fisher, Garfield, Glass, Harsh, Laskey, McCall, Monroe, Morse, Parish, Potts, Potwin, Schleich, Smith, Sprague, Stanley—20.

Those who voted in the negative, were Messrs Eason, Foster, Harrison, Holmes, Jones, Key, Moore, Newman, Orr, Perrill, White—11.

Absent—Brewer, Cox, Ferguson, Ready—4

REPORTS OF COMMITTEES.

Mr. STANLEY, from the Finance Committee, reported in favor of the indefinite postponement of H.B. No 166, by Mr Jessup, to prevent an overcharge of land tax. Agreed to. The same Committee was discharged from further consideration of certain petitions, asking the extension of the terms of County Auditors.

The President presented joint resolutions of the Tennessee Legislature, passed January 18, 1861, concerning the New York crisis resolutions. Laid on the table to be printed.

The President also presented a resolution passed yesterday by the Ohio Democratic Convention, asking the Legislature to apply to Congress for a National Convention to amend the Constitution, Referred to the Committee on Federal Relations.

S. B. 96—To amend the act of March 12th, 1831, "prescribing the duties of county treasurers,"—with an amendment by the House, was referred to the Judiciary committee.

Mr. PARISH, from the Penitentiary committee, reported back the bill for a New Penitentiary, and upon his recommendation it was made the special order for Tuesday next

FLAG.

The Senate agreed to the House amendments to S. J. R. No. 34—Concerning flags for the Capitol—one to be located over each Chamber.

The Senate went into committee of the whole, Mr. Fisher in the Chair. After some time the committee reported back the following:

H. B 267—to amend the road act of January 27, 1857. The object of the bill is to authorize the county commissioners to direct an order to open a road, either to supervisors or township trustees. Referred to the committee on Roads.

H. B. 46—The anti amalgamation bill. Judiciary.

H. B. 281—Amending section 1, of the act of March 4, 1858, concerning incorporated companies.

S. B. 197—Supplementary to the act of March 29, 1859. Laid on the table.

S. B. 194—Supplementary to the act of May 3, 1852, concerning cities and incorporated villages. Judiciary.

RESOLUTION.

Mr. STANLEY offered the following, which was adopted:

Resolved, That the committee on the Penitentiary be instructed to inquire whether vinuous, spirituous or fermented liquors, tobacco, snuff or cigars, have been introduced, given, bartered or sold to any of the convicts within the Penitentiary, during the past year, in violation of law; and that they report the result of such inquiry to the Senate.

Mr. CUMMINS, on leave, introduced S. B. 204—Defining the jurisdiction of the Probate Court of Shelby county in criminal cases.

The Senate adjourned.

CORRECTION.—In the report of Mr Key's remarks on the Militia Bill yesterday, there was a gross typographical blunder which completely confused the sense of a material sentence. Mr. Key said that "in the southern part of the State there is no necessity for military power." The published report made him say directly the contrary.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 24th, 1861.

AFTERNOON SESSION

A call of the House was had, when seventy-six members answered to their names.

The following bills were introduced, and read the first time.

H. B. 305, by Mr. DEVORE—To prohibit brokers and private bankers from receiving and paying out the notes of specie paying banks at less than par value.

H. B. 306, by Mr. MUSSON—Defining the jurisdiction of the probate court of Champaign county.

H. B. 307, by Mr. MUSSON—To enable the Medical College of Ohio, to pay its indebtedness by renewing its bonds.

The Speaker laid before the House the following communication from the legislature of the State of Tennessee.

Joint resolutions adopted by the Legislature of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That this general assembly has heard with profound regret of the resolutions recently adopted by the State of New-York, tendering men and money to the President of the United States, to be used in coercing certain sovereign States of the South into obedience to the federal government.

Resolved, That this general assembly receives the action of the legislature of New York as an indication of a purpose upon the part of the people of the State to further complicate existing difficulties, by forcing the people of the South to the extremity of submission or resistance, and so regarding it, the governor of the State of Tennessee is hereby requested to inform the executive of the State of New York, that it is the opinion of this general assembly that whenever the authorities of that State shall send armed forces to the South for the purpose indicated in said resolutions, the people of Tennessee, uniting with their brethren of the south, will, as one man, resist such invasion of the soil of the South at all hazards and to the last extremity.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ W. NEWMAN,
Speaker of the Senate.

Adopted, Jan. 18, 1861.

Mr. KRUM from the committee on Agriculture reported adversely upon the petition of D S. Austin and others, for a law to encourage the killing of crows.

Mr. SCOTT, of Warren, offered a resolution, asking the Board of Public Works if in their opinion the Public Works can be made self sustaining—which was adopted.

The SPEAKER laid before the House the resolutions of the Democratic State Convention of Wednesday January 23, which were referred to the committee on Federal Relations.

Mr. JONES, of Hamilton, offered the following resolution, which was referred to the committee on Federal Relations.

WHEREAS, Considerations of paramount importance, to the whole country require that the impending difficulties, discords, and controversies, between the North and South, should be arrested without delay, upon some basis equally just and conciliatory to both sections of our common country.

And, WHEREAS, It is vain to atempt a settlement of these dissensions, unhappily existing between the different sections of the Union upon any other basis than that of mutual concession for the sake of the Union,

And, WHEREAS, The attempt thus far exerted by our National Legislature, seems to have proved abortive, or inadequate to the great emergency now upon us,

And, WHEREAS, The border slave States have shown a degree of forbearance, moderation and wisdom, calculated to inspire us with confidence that they are not deaf to the voice of reason and conciliation, but are willing, and desirous to be reconciled upon any fair and honorable terms, that will secure to them all their Constitutional rights, and equalities with their Northern sister States, and upon this basis are willing to continue devotion and adherence to the Union, therefore, be it

Resolved, by the General Assembly of the State of Ohio, That the Executive of the State of Ohio, be, and is hereby authorized, and requested forthwith to ask the co operation of the Executives and Legislatures of the border free States, viz: Pennsylvania, Indiana, Illinois and Iowa, in sending a delegation of Joint Commissioners to each of the legislatures of the border Slave States, whose legislatures are now in session, instructed to solicit their co operation in adopting some basis of amity and mutual friendship between said sister States, in order to avert, if possible, the impending calamities which now so fearfully menace the integrity of the Union.

Resolved, That as soon as the co operation of the Governors of said border Free States shall be obtained, Gov Denison, on the part of Ohio, shall appoint three Commissioners to represent the people of this State, as aforesaid, in conjunction with a like number of Commissioners on the part of each free State, before the legislatures, or a like number of Commissioners on the part of each border Slave State.

On motion of Mr. MYERS the resolution offered by him recommending the districting of the State for the choice of Presidential electors, was taken from the table, and referred to the committee on the Judiciary.

Mr. BALDWIN moved that his resolution in relation to daily adjournments be taken from the table, which was agreed to.

This resolution provides that the House shall meet at nine o'clock A. M., with a view to holding but one session each day, for the two weeks following.

The yeas and nays were demanded on the passage of this resolution, which resulted—yeas 39, nays 61.

Mr. FLAGG offered a resolution that the members of the several Standing Committees be excused each day at two o'clock P. M., for the next two weeks.

Mr. FLAGG said the object of this resolution was to give the committees time to bring up their work.

Mr. ROBINSON said, with a view to meeting the call, he would move that the House do now adjourn.

The yeas and nays were demanded and resulted—yeas 50, nays 40.

So the House stood adjourned.

NOTE.—In the report of Tuesday, the House Bill—To prevent amalgamation of colors—was said to have passed by a vote of yeas 60, nays none. It should be yeas 60, nays 23.

IN SENATE.

FRIDAY, January 25th, 1861—10 A. M.

PETITIONS AND MEMORIALS.

By Mr. KEY—Petition from officers and others of Hamilton county, for legislation for the safe keeping and protection of colored lunatics. The memorial sets forth that such paupers are now confined in the county jail.—Referred to the Hamilton county Delegation.

By Mr. MOORE—of J. J. Mills and 400 others, for legislation to promote Temperance. Committees on Temperance. Also petition of John Smith and others of Hamilton, Butler county, for municipal legislation concerning the Marshall of that city. Municipal Corporations.

By Mr EASON—of Barbara Bailey and 11 others of Wayne county, concerning personal and property rights of women.

By Mr. GARFIELD—of Sophia Allen and 120 others of Geauga county, on the same subject. Committee on Woman's Rights.

SECOND READINGS.

H. B. No 257—Amending section 1 of the act of March 13, 1850, amending the School act for cities, &c, of February 21, 1849—Whole.

S. B. No. 202—Amending the Criminal act of March 7, 1835—Whole.

S. B. No. 203—Amending the University acts of April 9, 1852, and March 11, 1853—Whole.

S. B No. 200—To amend section 392 of the Civil Code—Judiciary.

S. B. No 201—Authorizing incorporated companies to change their names and location of their principal office—Judiciary.

INTRODUCTION OF BILLS.

By Mr. GARFIELD, S. B. No. 205. To amend the act, concerning incorporated companies, passed May 1st, 1852. Read first time.

By Mr. READY, S. B. No. 206: To repeal the act of February 10, 1860, supplementary to the act of April 30th 1852, providing for compensation to the owners of property appropriated to the use of the corporations.

By. Mr. POTTS, S. B. 207: To fix the times of holding the Courts of Common Pleas in Noble and Tuscarawas counties.

UNCONSTITUTIONAL LAWS.

Mr. HARRISON, from the Judiciary committee, which was directed to examine the statutes of Ohio, and to report whether there were any acts on the Statute Books in contravention of the Constitution of the United States, &c., reported that but one section of a single act of such character was found, and reported a bill for its repeal, as follows:

S. B. No. 208—To repeal the second section of "an act to prevent kidnapping," passed April 17, 1857. The act to go into effect upon its passage. The rules were suspended, and the bill was read a second time, and referred to the committee of the Whole.

Mr. SCHLEICH from the same Committee reported in favor of the passage of S. B. No. 144—To repeal an act passed April 12th, 1858, which gives Probates Courts concurrent criminal jurisdiction in certain criminal cases, with Courts of Common Pleas in Erie, Lucas, Richland Holmes, Montgomery, Deleware, Franklin, Scioto and Jefferson. The law is on page 1221 of the 2d vol. of the Statutes. Laid on the table.

Mr. READY, from the same committee, reported back House Bill No. 46, by Dr. Stout—"To prevent the amalgamation of the white and colored races," with a recommendation that it pass.

A motion to engross for third reading was declared lost.

Division was called, when, on motion of Mr. Harrison, there was a call of the Senate. Thirty-one Senators present, Messrs. Cox and Brewer being absent on leave. Further proceedings under the call were dispensed with, and the bill came up on its passage.

Mr. PARISH regarded this a novel measure. We had got along 58 years without such a measure. He would like to know what particular thing had occurred to make such a law necessary. There had been disposition upon one side of the Senate not to press its extreme measure at this particular crisis. But while we withhold such measures, the other side seem disposed to force their extreme measures upon us—requiring us to take a step down hill. He (Mr. P.) was desirous to remain quiet, but if such thing were done he would open his mouth. He had no fear of the charge of ultraism or Abolitionism. He stood upon the broad plane of humanity, as recognized by all civilized nations. But what is this bill. It seems a violation of the natural rights of man. The divine and all intelligent human law recognizes the right of man to consider such things as a matter of taste, and to be governed by such considerations. He had no fears for false charges of amalgamation principles. He would consider amalgamation as inexpedient, and would not advise it. But the people of Ohio with whom he is acquanted have no such disposition. If any class of whites have such tastes it is only those who are reduced to the lowest depths of moral degradation. There are countries where laws to prevent elicit intercourse between the races are loudly called for, but they are not called for in Ohio—thank God! If you should strike out the intermarriage clause he might ultimately vote for it, but not as it is. He objected to the law again, because it implies an evil which does not exist. There might be such an evil as illicit intercourse between the races, and it is well to prevent it as much as possible, but that there is intermarriage between the two races in Ohio, is an imputation upon the fair fame of Ohio which he would resent. There is not one marriage of this kind in 50,000 in Ohio. But this bill is a mere Buncombe. It is designed to see how far the Republicans will go back. It is intended to charge, if the bill is defeated, that we are amalgamationists. He did not wish to say anything against Democrats on this subject, though he could do so, and he could say something in their favor. But against the Republicans no charges implied in this bill could be laid Discoursing upon the subject of amalgamation, Mr. Parish reminded the Senate that a distinguished citizen of Kentucky, who had been guilty of the thing specified in this bill, was absolutely elected Vice President of the United States. Mr. Parish closed by denouncing the bill as an imputation upon the fair fame of Ohio, and defending the negroes from persecution in this country, not being responsible for their own misfortunes.

Mr. HARRISON wholly dissented from the feelings, sentiments and principles of the Senator from Erie, so far as they relate to the merits of this bill; and he wholly dissented from his views upon current national questions. The Senator had intimated threats that in certain events certain portions of the Republican party would withdraw from it. He was not to be deterred from discharging his whole duty regardless of any intimidations. Where his country and his party were brought into contact, he would let his party slide.

Mr. PARISH—So will I.

Mr. HARRISON said he would faithfully carry out every clearly defined principle of the party, and there was nothing in its principles which make it inconsistant to exercise every possible honorable effort at adjustment of our national differences. He would go all lengths to settle the distractions of the country. The Senator from Erie had intimated that there is design to persecute a class of inhabitants. He, Mr. Harrison, had no prejudice against any class, but he was in favor of making Ohio, the home of the white man. He would do everything he could constitutionally do, to discourage further immigration into Ohio of the African, and to carry out his policy of keeping Ohio for the white man, he would support this bill. He would do nought to persecute the African. He deprecated as much as any man could do, the first act of importation which brought them into this country. He believed God had intended Africa for the black man, and America for the white man, and the bringing of the African into this country, had been attended by all the sad consequences which we should expect to follow the violation of natural laws. It was a part of his policy in keeping Ohio for white men to discourage amalgamation, and therefore he advocated this bill. It is not intended to persecute the African, neither is it intended for buncombe so far as he was involved. If he desired buncombe, he probably would vote for the bill, but he desired to do right. He supposed some of his constituents would be displeased with it but he hoped not. It was his opinion that all efforts to amalgamate the two races would work to the destruction of both, and he would do everything regardless of threats or opposition to discourage it.

Mr. CUPPY got the floor and the Senate took a recess.

HOUSE OF REPRESENTATIVES.

FRIDAY, JAN 25.

Prayer by Rev. M Allen.

The following memorials were presented and referred.

By Mr. BALDWIN—The memorial of the Treasurer and Commissioners of Mahoning county, asking a change in the official term of County Auditors

By Mr. ROSS—from the County officials of Carroll county for the same object.

By Mr. GAMBLE—from the County officers of Coshocton county for the same object.

By Mr. CARLISLE—from the officers of Fairfield county for the same object.

By Mr. KRUM, from William Nelson and 96 others of Ashtabula, for a law restricting the sale of intoxicating liquors.

By Mr. COX, from C. P. Abby and 18 others of Knox, for the same object.

By Mr. ROSS, from F. McGvaw and 101 others of Carroll, for the same object.

By Mr. PLANTS, from Joseph Giles and 54 others of Meigs county, for the sale of the Public Works.

By Mr. THOMPSON, of Summit, from Joseph Aukeny of Summit, for an amendment of the divorce laws of Ohio.

By. Mr. JONES, of Seneca, from Isaac Tanner and 68 others of Seneca, against domestic animals running at large.

By Mr. BROWNE, of Miami, from William Linn and 67 others of Miami, against the use of the canals on the Sabbath.

By Mr. BLEECKER—from G. W Sweigart and 229 others of Richland, for a change in the Constitution so as to reduce the the number of members of the General Assembly.—Also from G. W. Sweigart and 330 others of Richland, for a law to require litigants to pay the court and jury for the benefit of the county.

The following bills were read a second time and referred.

H. B. 297—To exempt county and district agricultural fair grounds from taxation.

H. B 301—To amend "an act supplementary to an act for the inspection of certain articles therein enumerated," passed March 9, 1831, passed February 17, 1857.

H. B. 302—Supplementary to an act entitled "an act to require mortgages or bills of sale of personal property to be deposited with the township clerks," passed Feb. 24, 1846

H. B. 303—To extend the time of payment of section sixteen, township seven, range seven, school lands in Monroe county.

Notice of the introduction of bills was given:

By Mr. KERR—To amend the laws regulating the election of County Clerks.

By Mr. HITCKCOCK—To provide for the clearing of obstructions in rivers in certain cases.

By Mr. HADDOW—To provide for the disposition of unclaimed costs.

Mr. ROSS, from the Committee on Fees and Salaries, reported back House Bill 168—supplementary to the act defining the duties of Coroners, with some verbal amendments, which were agreed to, when the bill was ordered to be read a third time on Tuesday next.

Mr. KRUM, from the Committee on Agriculture, reported back the House resolution relative to the protection of Agricultural Societies, with the opinion the no further legislation on the subject is necessary, which was agreed to.

The Committee on Municipal Corporations reported back H. B. 248, and recommended its indefinite postponement, when the bill was referred to Mr. Kerr as a select committee.

Mr. BROWNE, of Miami, from the Committee on Finance, reported back H. B 268—To reduce to one all acts providing for the levy of Taxes,—and recommended its indefinite postponement, when the bill was referred to Mr. Scott of Jefferson, as a select Committee.

Mr. WOODS from the Judiciary Committee, reported back H. B. 280—To amend the Act to preserve the purity of elections, with amendments, providing that the heads of families removing from one township or ward, to another within the same county or city may vote immediately, except for municipal offices, which amendments were agreed to; when the Bill was ordered to be read a third time on Tuesday next.

Mr, VINCENT from the Finance Committee reported back H. B. 71—Amending the sub treasury law without recommendation.

This bill alters the provision so as not to require specie payments in so large a proportion as at present.

Mr. ANDREWS moved that it be indefinitely postponed; as it was, he said, calculated to lay a vandal hand upon the sub treasury system.

Mr. BROWNE, of Miami, opposed this motion, as he thought the present system would soon require all taxes to be paid in gold and silver.

Mr. FLAGG regretted the discussion of this bill now, as it brought up the whole subject of the sub treasury system adopted as the result of the dear-bought experience of the State in its recent loss of over $400,000 He contended that specie was abundantly plenty to pay the taxes of the country.

Mr STEADMAN, moved that the bill be referred to the Committee of the whole.

Mr. WOODS opposed the reference, or at least the provisions of the bill. The Bill was then referred to Committee of the whole.

Mr. FLAGG, from the Committee on Finance, reported back sundry memorials asking for a change in the official term of County Auditors, recommending, as the unanimous opinion of the Committee, that the change ought not to be made—which report was agreed to

Mr. MONAHAN—from the Militia Committee, reported back H. B 216—To amend the laws for the regulation of the Volunteer Militia—with sundry amendments, when the bill and pending amendments were ordered to be printed.

Mr. DAVIS, from the committee on municipal corporations, reported back House Bill 258—Relating to the publication of the By-Laws of villages, and recommended that it be indefinitely postponed.

Mr. DAVIS explained that as this bill dispensed with the newspaper publication of village ordinances, it might lead to confusion and trouble, from want of knowledge of the municipal laws of a village.

Mr. MYERS, the author of the bill, said it had been introduced as a matter of economy; and he had hoped to see it supported by Mr. D. who was an economist in legislation.

Mr. ANDREWS regretted that he could not vote for his friend's bill; but he thought the present system of publication the economical one.

Mr. CARLISLE moved that the Bill be referred to the author as a select committee.

Mr. DEVORE opposed the bill because it was important that the ordinances of villages should be read and known by people out of the villege as well as in it.

The Bill was then referred to Mr Myers.

Mr. HILLS, from the Committee on Roads and Highways, reported back.

S. B 182—Relating to the relinquishment of corporate roads, bridges, &c., with a recommendation that the bill be passed.

Mr CARLISLE explained the objects of the bill, when it was read a third time and passed—yeas 82, nays 11.

Mr. VINCENT moved that the vote by which the bill passed be reconsidered, and that the motion to reconsider be laid on the table, which agreed to, when

The House took a recess.

Supreme Court of Ohio

TUESDAY, Jan. 22, 1861.

Hon. Jacob Brinkerhoff, Chief Justice; Hon. Josiah Scott, Hon. Milton Sutliff, Hon. W. V. Peck and Hon. Wm Y. Gholson, Judges.

L. J. CRITCHFIELD, Reporter.

GENERAL DOCKET.

No. 142. The State of Ohio ex rel. John Drake vs. James M. Roos et al.

Information in the nature of a *quo warranto*.

PECK, J.—

A special act passed prior to the adoption of the Constitution of 1851, authorized commissioners therein named to open books, receive subscriptions to capital stock and thereupon to organize a corporation under it. No steps were taken by the commissioners toward such subscription and organization until after the Constitution took effect, but such subscriptions were made and organization effected, within the period limited by said special act for that purpose—Held

1st. That the special act was not abrogated or repealed by the second section of Article 13, of the Constitution of 1851, nor by the act "to create and regulate rail road companies" passed May 1st, 1854.

2. That said second section is prospective and not retrospective in its intent and application, conferring merely an authority to legislate, and does not repeal unaccepted acts of incorporation enacted under the constitution of 1802. Citizens Bank of Steubenville v. Wright, Auditor, 6 Ohio State Reports, 318, followed and approved. Demurrer overruled.

No. 53. Solomon Sturges & Co. v. The Bank of Circleville.

Reserved in the District Court of Pickway county.

Sutliff J.

L. as cashier of defendants, proposed, by letter, to sell plaintiffs a bill of exchange drawn by B. & Co for $5,000, at the price of principal, interest, and current rate of exchange of the same. S. & Co. by letter accepted the proposition, and forwarded the money in payment. L. received the money, and gave credit as expressed by letter, to plaintiffs enclosing a bill by F. & Co., strangers to plaintiffs, (and endorsed without recourse by M. a stranger, and not endorsed by defendants,) for $5,000, charging therefor the same price, informing them the B. & Co. bill was gone, and adding—"but this bill is perfectly safe. To which the plaintiffs replied by letter—"Your favor with stated inclosure is received, and is very satisfactory." S. & Co. were unable by the use of due diligence to collect the bill. Held.

1st. The cashier L. is to be regarded as the agent of the defendants, in the transaction.

2nd. That the affirmation of the cashier, accompanying the bill sent to the plaintiffs, that the "bill is perfectly safe," amounted to a warranty, or a representation in the nature of a guaranty on the part of defendants that the bill was collectable.

Judgment for plaintiffs.

Gholson and Peck, J. J., dissented.

No. 29. Samuel Blanchard Treasurer of Lucas county, et al. vs. F