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THE REVISED STATUTES OF THE STATE OF OHIO

OF A GENERAL NATURE, IN FORCE AUG. 1, 1860.

COLLATED BY

Hon. Joseph R. Swan,

WITH NOTES OF THE DECISIONS OF THE SUPREME COURT

(Contained in twenty-nine volumes of the Ohio and Ohio State Reports)

AND REFERENCES TO PRIOR LAWS.

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The Ohio Statesman

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GEO. W. MANYPENNY, Editor.

COLUMBUS, OHIO.

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

WEDNESDAY EVENING MARCH 13, 1861

☞ The Republican members of the General Assembly expect to nominate a candidate for the United States Senate at their caucus on to-morrow evening. There is great activity among the friends of the various candidates, and different opinions prevail as to who will be the successful man. It is needless for us to speculate upon the subject, since the fact will so soon transpire. We can afford to wait on the movement of the waters, and have only to say to each anxious individual, watch and pray.

☞ The Adjutant General of the Ohio Militia has decided that there is no intrinsic value to Fort Sumter and Fort Pickens, as strategic posts necessary to be held by the United States, and therefore he approves of the plan of their surrender to the Cotton Confederacy. With such military authority in favor of the abandonment of these forts, it is not surprising that Mr LINCOLN should determine to withdraw the troops now in possession of these military posts and turn them over to the seceders. The *Journal* endorses the opinion of Gen CARRINGTON, and the question may therefore be regarded as settled.

The City Election.

The annual expenses for the support of our city government have run up with great rapidity, until they have now reached the enormous sum of $50,000 per annum; a sum equal to the expenses of the State Government of Ohio some fifty years ago. There should be a reform in this matter, and a vigorous effort should be made to reduce the expenses of the city government. Let the Democracy select their candidates with reference to this matter. Let their nominations be from that class of men who are capable and willing to introduce economy into the public service, and who will do it if elected. The city taxes are enormous, and the people should be relieved from the burden as far as possible.

The "Normal Condition" of the New Territories.

It would perhaps be deemed rather impertinent at the present time to ask our Republican fellow citizens, what was the "normal condition" of the new Territories of Colorado, Nevada and Dacotah, recently organized by acts of Congress. According to the Chicago platform, it was one of freedom, which, we were told by the Republican politicians and journals, was to be preserved by the prohibition of slavery therein, whenever Republicans had the power in Congress. But the acts organizing these new Territories contain no clause for preserving that "normal condition"—not a syllable prohibiting slavery therein, or preventing slaveholders from emigrating thither with their "human chattels." Yet these acts were passed near the close of the last session of Congress, when the Republicans, by the withdrawal of the members from the seceded States, had a decided majority in the House.

It will not do to say that if the territorial bills had passed with the "normal condition" plank of the Chicago platform in them, they would have been vetoed by President BUCHANAN. President BUCHANAN was on his last legs, and a staunch believer in the "normal condition" doctrine was about to take his office. There was no pressing necessity for organizing these territories at the last session of Congress—it might have been done at an extra session, if one is called, or have been postponed to the next regular session, when the new Republican administration would have been in full blast, and no danger to be apprehended from A Presidential veto.

As the case stands, one is led to suspect that the passage of these territorial bills through the two Houses of Congress, in one of which the Republicans had a majority, was a preconcerted scheme on their part to have the new President from the responsibility of vetoing bills without the "normal condition" clause, or of approving bills with that clause inserted. They wanted to use the slender of Popular Sovereignty, and concluded to steal and appropriate it in this indirect and underhand way.

Well, be it so. The principle of the Kansas-Nebraska act, which the Republicans have condemned and denounced for so many long years, has, by a Congress in which their own party had control, been incorporated into acts for the organization of these new territories. The *Journal* of this city, and other Republican papers, as well as the letter writers and writings of the party, are now silent as to "The Great Principle," which they formerly ridiculed, and whose adherents they so grossly persecuted. We congratulate them on this evidence of a possible conversion to the true political faith, and trust that the time is not far distant when the "normal condition" notion, so far as it is understood to conflict with the Non-Intervention or Popular Sovereignty doctrine, will be regarded, even by the mass of the men who voted for LINCOLN, as "an obsolete idea."

Victor Emanuel's Speech at the Opening of the Italian Parliament.

The new Italian Chambers or Parliament was opened on the 18th of February by VICTOR EMANUEL in person. Below will be found his speech on that occasion:

Italy, almost entirely free and united, confides to your wisdom, and to is on you devolves the task of better assuring to her the benefits of non-intervention, has deemed it fitting to recall his envoy. This act has excited our deep regret, without, however, affecting our gratitude. At Marsala and Soff rino, France and Italy have riveted ties of amity which will be indissoluble. England, the ancient home of liberty, has recognized our right to dispose of ourselves. We shall preserve an imperishable remembrance of the support which her good offices have afforded us.

An illustrious prince having accepted the throne of Prussia, I sent my ambassador in order to testify to him our sympathy for his person and for the German nation.

You will assist my government in completing the armaments.

In the consciousness of its strength, the kingdom of Italy will be able to follow the counsels of prudence.

My voice was not raised with boldness, but it is as wise to wait at the right time as it is to dare at the right time.

Devoted to Italy, I have risked my crown for her sake; but no one has the right to risk the existence and the destinies of a nation.

The raising of a formidable battle has worthily crowned the exploits of the army and navy. Thus they, as well as the volunteers, have acquired a renown which has given the country a just confidence in itself, and it is with pleasure that I express to the first Parliament of Italy the joy which, as a King and soldier, I feel on this account.

Two or three points in the foregoing speech are worthy of special notice. While expressing regret that NAPOLEON has withdrawn his envoy from Turin, VICTOR EMANUEL rejoices that he is to have the promised benefit of non intervention on the part of France, as well as of England. The tone of the speech is evidently pacific, and indicates a design not to provoke war with Austria at present, for the purpose of wresting Venitia from her grasp. The sentiment that though one in power has a right to risk his own person and honors in what he may consider a great and good cause, he has no right to risk the existence and destinies of a nation, is a noble one, and might be profitably pondered upon by those in power in our own country.—Personally, and as King of Sardinia alone, VICTOR EMANUEL would be eager to join in a crusade to expel Austria from Venitia, but he sees that such an undertaking, at this time, would ruin his project of a United Italy, and he therefore wisely abandons it. He seems to regard the fall of Gaeta as a sufficient triumph for the present, and that he and his coadjutors, after this exploit, can afford to await awhile before engaging in any new enterprise.

The Lion Crouching.

The *New York Tribune*, in commenting upon the rumor that Fort Sumter was to be evacuated, says that "no doubt the humiliation will be great," but consoles itself with the idea "that this movement may be only as the crouch which is to precede the decisive leap."

Let the secessionists look out. "Old Abe" is only like a lion crouching in the underbrush for a "decisive leap" upon his prey. But perhaps they will remember with grim satisfaction his crouching at Harrisburg, and his "leap in the dark" from thence to Washington. One more leap like that would scare the secessionists terribly.

OHIO LEGISLATURE.

ADJOURNED SESSION.

IN SENATE.

TUESDAY, March 12, 1861.

AFTERNOON SESSION.

The President appointed Messrs. Parish, Stanley and Foster the Standing Committee to examine the Auditor's accounts—as per the amended rule 4 of the Senate.

BILLS INTRODUCED.

Mr. FERGUSON introduced S. B. No. 272—Relating to the powers and duties of the Commissioners of Hamilton county. It authorizes the levy of a half mill in Hamilton county in 1861 and 1862, in addition to the levy already authorized. Read twice and referred to the Hamilton county delegation.

REPORTS FROM JUDICIARY COMMITTEES.

Mr. HARRISON, from the Judiciary committee, reported an amendment to H. B No. 352, by Mr. Stubbs—To amend section 43 of an act entitled an act to provide for the settlement of estates of deceased persons, passed March 22, 1840 and recommendation that the bill pass—Agreed to, and the bill passed. The bill increases the quantity of household goods to which a widow of a descendent, or a minor child of the same, shall be entitled. The amount specified is of the value of $100, according to appraisement.

Also S. B No. 263—To regulate the presentation of certain claims against the State—with amendments, and recommendation that it pass.

Report agreed to, and the bill passed—yeas 20, nays 0.

Also recommending the indefinite postponement of

S B 264—To amend the first and third sections of "an act to provide for the lease of estates in tail in certain cases," passed April 4, 1859. Report agreed to.

Mr. POTTS presented a memorial from J. W. Wheeler, commissioner, and other citizens of Monroe county, asking the passage of the bill for power to borrow money to relieve the treasury of Monroe county. Laid on the table.

Mr. READY, from the committee on Municipal Corporations, reported back H. B. 398, by Mr. Stout—To authorize the Commissioners of Monroe county to borrow money ($10,000) to supply the deficiency occasioned by the defalcation of the county treasurer, with a recommendation that it pass. Agreed to, and the bill passed.

Those who voted in the affirmative were Messrs. Breck, Brewer, Bonar, Collins, Cummins, Cuppy, Eason, Ferguson, Fisher, Garfield, Holmes, Jones, McCall, Monroe, Morse, Parish, Potts, Ready and Sprague—19.

Those who voted in the negative were Messrs. Cox, Foster, Glass, Harrison, Hersh, Key, Laskey, Orr, Perrill, Smith and Stanley—11.

Mr. FERGUSON, from the same committee, reported back H. B. 182—Concerning fire companies, with amendments and recommendation that it be referred to the committee of the Whole. Agreed to.

Mr PERRILL, from the committee on Roads and Highways, reported sundry amendments to H. B. 290—For opening and regulating roads and highways, with a recommendation that the bill pass. Agreed to—yeas 29, nays 0.

Mr. McCALL, from the same committee, recommended the passage of H. B. 337—Supplementary to an act entitled "an act for opening and regulating roads and highways," passed January 27, 1853.

It simply authorizes the appointment of road viewers to fill vacancies. The bill passed—ayes 28, nays 2.

PUBLIC DEBT.

Mr JONES, from the Finance committee, reported back H. B. 371—Making appropriations of the Sinking Fund for 1861, with recommendation that it pass. Agreed to, and the bill passed—yeas 30, nays 0.

The bill appropriates the following:

Interest on the foreign and domestic funded debt, in addition to former appropriations	$650,000
Do. do irredeemable do do	170,000
Principal of do do stock, and any further sum that may be applicable thereto	250,000
Expenses of R. F. agents and salary of agent	3,500
do of commissioners of sinking fund, &c	1,500
Expenses of fund commissioners in paying interest of foreign debt in New York	1,500
Contingent fund of fund commissioners	500
Total	$1,077,000

FIRST READING.

H. B. No. 336—Supplementary to the acts of 1852, 1853 and 1854, concerning the incorporation of cities and villages.

COMMITTEE OF THE WHOLE.

On motion of Mr. CURRY, the Senate resolved itself into committee of the Whole, on the orders of the day, Mr Cox in the chair, and after some time spent therein, rose and reported back H. B 182—Concerning fire companies, as amended by the committee on Municipal Corporations, when it was ordered to be read a third time to-morrow.

Mr. GARFIELD offered the following, which was adopted:

Resolved, That the Clerk of the Senate be requested to report to the Senate whether any of his assistant clerkships have been vacated; if so, what additional additional clerical service, if any, will be needed. Adopted.

On motion of Mr. PARISH, his joint resolutions requesting the United States Government to recognize the independence of Hayti and Liberia was taken from the table.

Mr. PARISH remarked the commercial importance of the recognition of Hayti. He said our annual trade with it amounts to two and a quarter million dollars. Proper treatment of the Republic would increase that trade. The State of Ohio would be benefited by it. A portion of her flour would find a market in Hayti; so with her pork—the United States pork trade with that country amounting to nearly four hundred thousand dollars, of which a large proportion is packed at Cincinnati. During the year ending June 1st, 1859, we exported $66,700 in coin to purchase merchandize in Hayti, which we should pay for in produce. That country is second in importance to all others as a fish market; it takes a quarter of a million worth of soap; and about $125,000 worth of tobacco; $130,000 worth of rice; $181,000 worth of cotton manufactures; $31,000 worth of miscellaneous manufactured articles; a large quantity of lard, beef, etc—the whole amount of our trade, in short, amounting during the year ending 15th of June, 1859, to $2,255,655, chiefly carried in American vessels, thus giving commerce to our shipping. * * *

Mr. PARISH here remarked the progressive character of the people of Hayti, and held that their civilization and commerce entitled them to recognition by the United States. In relation to Liberia, he remarked that it had grown out of a beginning planted by the American Colonization Society. It had subsequently organized a government of its own, based upon the Constitution of this country. It had prospered, and, like Hayti, should be recognized. A similar resolution, relating to Liberia, had been adopted by the Legislature in 1856, and had not been acted upon by the Government. If the matter should now be presented to the Federal Government, it might meet with some respectful treatment. He saw no reason why the representatives of these Republics should not be received by our government. They are received by England and France, and those countries are granted better facilities of trade than ours. The passage of the resolutions was asked by him, not to cross the prejudices of citizens, but to foster the interests of this country.

Mr. JONES moved to strike out Hayti where it occurs in the resolution.

Mr. COX said, in a commercial point of view Hayti was by far the the most important. From motives of common business comity, he could not see any reason for not passing the resolution.

The amendment of Mr JONES was lost—yeas 16, nays 16—the President giving the casting vote in the negative.

The question recurring upon the resolution were agreed to.

Those who voted in the affirmative were Messrs Breck, Brewer, Bonar, Collins, Cox, Garfield, Glass, Hersh, Jones, Laskey, McCall, Monroe, Morse, Parish, Potts, Powin, Smith, Sprague, Stanley and White—19.

Those who voted in the negative were Messrs Cummins, Eason, Ferguson, Foster, Harrison, Holmes, Key, Moore, Newman, Orr, Perrill, Ready, Schleich—13.

The resolutions are as follows:

WHEREAS, The Republic of Hayti, for more than a half century, and the Republic of Liberia for over twelve years past, have existed as independent nations, without any official acknowledgment by the United States of America; and

WHEREAS, It is the dictate alike of sound principle and enlightened and comprehensive national policy to cultivate friendly relations and to secure enlarged and profitable commerce with all nations; and more especially should Republics promptly exchange tokens of sympathy and friendly recognition; and

WHEREAS, By reason of this neglect on the part of our National Government to extend to these Republics ordinary governmental civilities, other civilized nations, by a prompt acknowledgment of their independence, have secured to themselves special favors and privileges in trade, while at the same time the commercial interests of our own people have suffered serious and constantly accumulating injury; therefore,

Resolved, By the General Assembly of the State of Ohio, That the Congress of the United States is hereby earnestly requested to institute such measures as will at an early day secure to the aforesaid Republics official acknowledgment of their independent sovereignty by the Federal Government.

Resolved, That our Senators and Representatives in Congress be requested to bring this subject before their respective bodies, without unnecessary delay, and use their influence to attain the object herein commended.

Resolved, That the clerks of the respective branches of the General Assembly be directed to furnish the Governor with the requisite number of copies of the foregoing preamble and resolutions, and also a copy to each of our Senators and Representatives in Congress, and the Governor be respectfully requested to forward copies to the President of the Senate and the Speaker of the House of Representatives of the United States.

Mr. COX, from the committee on Judiciary, reported back S B. No. 229—To amend section 312 of the civil code, with an amendment which was adopted, and the bill was ordered for third reading to-morrow.

Mr. MOORE, from the committee on Corporations other than Municipal, recommended the passage of S. B. No. 226, by Mr. Jones—To amend the charter of the Covington and Cincinnati Bridge Company. Agreed to, and the bill was engrossed for third reading to-morrow.

Mr. POTTS, from the committee on Printing, recommended the adoption of the House amendment to S. J R concerning the printing of the report of the Commissioner of Statistics—which provides for 3,000 copies in German, to be bound in cloth.

The Senate disagreed to the amendment. Adjourned.

HOUSE OF REPRESENTATIVES.

AFTERNOON SESSION.

H. B. No. 316, by Mr. VINCENT—Fixing the rate of interest and repealing a certain act therein named, was read a third time, when

Mr. FLAGG made some general remarks upon the bill, and read the report of the committee to whom this bill had been referred, tending to show the advantage of an increased rate of interest.

Mr. SCOTT, of Warren, was in favor of ten per cent. interest. He knew of no person, in his part of the State, who could borrow money at less. It was true, the banks and brokers received money on deposit at a less interest, but there was no advantage to the borrower, and, as this was a question solely between the lender and borrower, he would treat it in that way. Does the borrower obtain money at any less rate of interest under the present law, asked Mr. Scott, than he did under the old ten per cent. law? Every one must answer no. The law is evaded—not by the honest money holder—but through the instrumentality of bankers, brokers and sharpers. In his part of the State, farmers, who are generally the monied men, and who, under the ten per cent. law, loaned their money at that rate of interest directly to the borrowers, now deposite with the banks at six and eight per cent., and these banks loan to the borrowers at ten, fifteen and twenty per cent, on what is called the principle of honor. It will be seen by this statement that it is not the borrower that is benefited by the stringent interest law, but the broker and the sharper, who place themselves between the honest and law abiding capitalists and the needy borrower. The six per cent. law was engineered through the Legislature by bank operators, and at this moment they stand opposed to any change in the law.

Mr. SCOTT desired a law by which the honest farmer and mechanic who had accumulated a little money could loan it at the current interest of the land, without the intervention of land sharks, or evasion of statutes. It would not only be to the interest of those having money to loan, but of those who are compelled to borrow money.

Mr. WINNER offered an amendment, providing that any rate of interest agreed upon shall be valid in law.

Mr. HERRICK was opposed to the free trade amendments of the gentleman from Darke, for it was contrary to the experience of all civilized nations; for they had ever found it necessary to have some restriction, some limitation regulating the rate of interest. Experience had shown that the wellbeing of society, its prosperity, and growth and happiness, were affected in a very great degree by the law which regulated the connection between the borrower and lender, or debtor and creditor.

He argued that it was the duty of the Legislature to give protection to the weak; that the debtor was ever the weaker party, therefore they should have protection, and that government was recreant to its high duty if it failed to thus give it. He desired the House to ever remember that it was the capitalists, the money borrowers, the shavers, sharpers and shylocks of society, that were ever demanding free trade, and that the great making, producing class of the State have never asked for any such change, and if they had he would not give it, unless they gave better reasons than they have ever yet been able to give. He argued that the State presented a clear illustration of the principle of interest, by the ease of the canals. Estimating their cost at fourteen millions of dollars, the State had to pay eight hundred and forty thousand dollars a year, and in twenty years would pay sixteen millions eight hundred thousand dollars; at eight per cent. she would have to pay one million one hundred and twenty thousand dollars per annum, and in twenty years would pay twenty two millions four hundred thousand dollars. But this was not enough, and some wish ten per cent. Well, the State would pay one million four hundred thousand dollars a year at this rate, and in twenty years would pay twenty-eight millions. In reply to these figures he was willing to let the tax payers answer. He declared that bankruptcies always fell upon the borrower, and that it was almost an unheard of thing to hear of the lender ever becoming bankrupt; therefore it was for the poor that he demanded low rates of interest; and that capital was all powerful, a great golden god, that was ever asking and demanding privileges, and rights, and immunities, that it might rule the world, making the rich richer, and the poor poorer.

Mr. HILLS also opposed the bill, or any increase of interest whatever. Six per cent. was enough in all conscience. He went on to illustrate the principle of increased rates of interest, and its effect upon the business of the country.

Mr. JONAS took up the subject of interest, giving a history of the development of money and interest among the Hebrews, showing that they were only forbidden to take usury of their brethren. Of other nations they were at liberty to take interest; for they were blest with the ability to lend. He traced the course of monetary trade on down through the early ages of Christendom, when the rates of interest underwent very great fluctuations, always more or less affected by the supply and demand. Just before the discovery of America, the standard rate was as high as 20 per cent. From this it went down as low as three per cent. From this it rose again, till it reached ten; while "on the streets" there is scarcely any limit. He contended that the rate of interest prescribed by this bill, or any higher rate than six per cent, would draw to this State a supply of money from the Eastern capitalists, so as to meet our demand in a legitimate way and divert the course of our money trade from its present channels among the brokers and street shavers. He was not for the prosperity of brokers. He would draw them from the field; and have such a state of things as would enable the mechanic and tradesman to obtain such capital as his business demands.

Mr. HILLS read, in illustration, an extract, picturing the effect of paying interest, concluding that a farmer had better make his bed on Canada thistles than pay interest.

Mr HUGHES favored the amendment of Mr Winner, making the rate of interest to be what ever is agreed upon.

Mr. VINCENT said he did not introduce this bill with a view to improve the business of the money lenders, but for the benefit of those who want to borrow and to use money. The business of the country both demands and justifies an increased rate of interest, that the supply of capital may be made to meet the demand.

Mr TANNEYHILL said he was in favor of the bill and opposed to the amendment. He thought that eight per cent. was as high as ought to be paid, or any body could afford to pay, and only land sharks would want more.

Mr DAVIS opposed the amendment. He thought that as money was the standard of value, it is not subject to the same rules of trade as other property, and can not therefore be governed by the same laws of trade as the usual forms of wealth.

Mr. COX said we were often misled on this subject. It is not the borrower who is always the sufferer in money transactions. To borrow is a matter of choice, as well as to lend. He thought there was not a demand with the people for a repeal of the old per cent. After a bill had been introduced to repeal it, petitions were received for it; but they were the result of the clamor raised in this House upon the subject.

Mr. SEARS said he had been alluded to as a borrower of money, to conduct trade. As a borrower, he said his experience justified him in going for this bill, and fixing the rate at 8 per cent. He was opposed to the amendment, but hoped the bill would pass, as it would afford better facilities for obtaining capital in trade.

The vote was then taken on the amendment of Mr. Winner; which was disagreed to—yeas 25, nays 73.

Mr. DEVORE moved to amend the bill by adding—Provided that any person taking a greater rate of interest than that allowed by this bill shall forfeit the whole amount of interest charged.

He said that without some such amendment, there would be no penalty for the violation of its provisions. A law without a penalty would be a nullity.

Mr. FLAGG opposed this amendment, as it would put all high rates of interest into such a shape that no man would lend at "street rates," without insuring to himself by adding to the rates of interest. He would much prefer not to have the bill pass. If we would have a uniformly exorbitant rate of interest on all loans, the way to do it is to make a low rate of interest by law, and fix severe penalties for higher.

Mr. DEVORE said he could not see how this law can have any useful effect unless it had a penalty connected with it, to secure its observance.

The amendment was disagreed to—yeas 43, nays 51.

The question then turned upon the amendment, striking out eight, and inserting ten per cent. as the maximum rate.

Mr. CONVERSE moved to amend this by striking out ten per cent. and inserting six—on which the yeas and nays were called and resulted—yeas 32, nays 65.

Mr NOBLE moved to amend by affixing as a penalty for violation the forfeiture of principal and interest.

Mr. BALDWIN demanded a division of the question, when the vote was taken on striking out eight per cent., which resulted—yeas 26, nays 67.

The amendment relating to the penalty was lost.

Mr. HILLS moved to amend by striking out 8, and inserting 7 per cent; which was disagreed to.

Mr. CARTER renewed this motion, when it was again disagreed to.

The previous question was then demanded and sustained, when the vote was called on the passage of the bill, which resulted—yeas 63, nays 36.

H. B 377, by Mr. HUGHES—To further provide for the election of supervisors of roads and highways, was read a third time, when

Mr. HILLS explained that it was intended to limit the vote for supervisor of roads to the district where the voter and the candidate reside.

Mr. WRIGHT, of Hamilton, said that he regarded the office of supervisor as one of the most important in a township. That the evil intended to be removed by this bill was indeed a serious one. But he was of opinion that the bill would utterly fail in the accomplishment of its purpose; that its provisions were impracticable, as must be apparent to any one who had any experience in the canvassing of township elections. In order to the attainment of the end provided in this bill, he would move that the bill be recommitted to the standing committee on Roads and Highways, with instructions to so amend as to provide for the election of supervisors by electors.

Mr. JESSUP opposed the reference, as he thought the bill had better pass in its present shape.

Mr. HILLS objected to this reference.

Mr. SCOTT, of Warren, also opposed it, as it did not appear practicable.

The motion to refer was disagreed to.

The vote was then called on the bill, when it was passed—yeas 73, nays 17.

H. B 395, by Mr. PARR—Supplementary to an act to more effectually protect wool growers against loss by dogs, passed March 24, 1860—was read a third time, when

Mr. SCOTT, of Jefferson, moved to amend by changing the highest penalty from $50 to $10, which was disagreed to.

Mr. TANNEYHILL hoped that the whole subject would be indefinitely postponed. He thought it was not worthy of the House.

The vote was then called on the passage of the bill, when it resulted—yeas 34, nays 54.

H. B 388—To amend section 24 of an act entitled an act "providing for the appointment and more thorough system of accountability of officers of the Ohio Penitentiary," passed March 24, 1860—was read a third time.

Mr McCUNE explained that the bill was intended to discourage the employment of penitentiary labor so as not to come in competition with certain labor of the people in the neighborhood of the prison, and especially the business of coopering.

Mr. SCOTT, of Warren, opposed the bill, on the ground that there should be no discrimination in favor of coopering or any particular trade.

Mr. McCUNE replied and defended the bill at some length, on the principle of protecting labor from injurious competition.

Mr SCOTT, of Jefferson, did not like to adopt any course injurious to the interest of labor; but he thought the interest of the State might suffer by the policy proposed.

Pending this subject, the House took a recess till 10 A. M. to morrow.

IN SENATE.

WEDNESDAY, March 13, 1861—10 A. M.

PETITIONS AND MEMORIALS.

By Mr. BERRILL—Remonstrance of John Cochran and 47 others, of Pickaway county, against the sale or lease of the Public Works.

By Mr. SCHLEICH. Remonstrance from A. L. Simmons and 341 others, leading business men of Fairfield county, on the same subject.

By Mr. NEWMAN: Remonstrance of Chas. Chandler and 119 others, of Pike county, on the same subject.

By Mr. COLLINS; Remonstrances on the same subject, from J. V. Robinson, and 275 other leading business men of Scioto, Ross, Franklin and Pike counties. All the foregoing were referred to the committee on Public Works.

By Mr. MORSE: from A. Doolittle, and 32 others, of Lake county, for relief of the bill holders of the Canal Bank of Cleveland and Seneca County Bank. Select committee.

By Mr. HOLMES: Claim of Ex-Judge Flinn, of Hamilton county, for compensation as Judge of the Criminal Court of Cincinnati; and a memorial of 137 members of the bar of Cincinnati, bedsie, County officers, endorsing it. Referred to committee on Claims.

SECOND READINGS.

S. B. 267—Making appropriations for 1861.

S. B. 268—Making partial appropriations for 1862.

S B. 269—Supplementary to the tax law of 1859.

H. B No. 336—Relative to assessments for sewerage purposes.

The above were referred to the committee of the whole.

THIRD READINGS.

S B. No 229, by Mr. READY—Amending sections 313 and 344 of the code of civil procedure. The bill passed—yeas 27, nays 1. The bill does not affect the conditions of the sections it amends, but makes them intelligible.

H B No. 182, by Mr. BLAKESLEE—A bill authorizing the incorporation of Firemen's Benevolent Associations in all cities in the State excepting Ohio. The bill passed.

S B No. 266, By Mr. JONES—Amending the Charter of the Covington and Cincinnati Bridge Co. It authorizes expansion of the capital to $1,000,000, and arranges for preferred stock.

Mr. KEY said he believed this an act to confer special corporate powers, and therefore unconstitutional. Although the Bridge is a matter of importance to Cincinnati, he could not vote for the act for the above reason.

The bill passed—yeas 25, nays 9.

FIRST READINGS.

H. B. No. 377; To further provide for the election of supervisors of roads and highways.

H. B. No. 316—Fixing the rate of interest, and repealing an act therein named.

REPORTS OF COMMITTEES.

Mr. SPRAGUE, from the committee on Enrollment, reported the enrollment of sundry bills.

Mr. KEY, from the committee on the Judiciary, made a long report in favor of the passage of H. B 176—For the payment of the claim of John W. Allen.

The report was laid on the table to be printed.

Mr. KEY reported a new bill, S. B. No. 273; For the settlement of the claim of J. W Allen, which was read a first time. The claim amounts to $25,000.

Mr SMITH, from the committee on Currency, reported back S. B 234; To incorporate Savings Associations, with a recommendation that it be referred to the Judiciary committee.

SPECIAL ORDER.

Mr. MONROE called up the special order, being Mr. Key's resolution for a National Convention, and the question recurred upon its adoption; when Mr Key demanded a call of the Senate; 33 Senators answered to their names, when the call was suspended, and the question turned upon the adoption of the resolutions, which are as follows, viz:

Resolved, by the General Assembly of the State of Ohio, That the General Assembly does here by make application to Congress to call a convention for proposing amendments to the Constitution of the United States, pursuant to the fifth article thereof.

Resolved, That the Governor of this State be requested to communicate the above resolution to the President of the United States, with the request that he lay the same before Congress.

Mr. COX said he should support the resolutions for several reasons. He thought that by the time a convention could assemble under any call of Congress in accordance with this resolution, the fate of the Union would be so far evident that we should be able to tell whether permanent dissolution is inevitable. If it is, the convention would be needed to determine the mode in which the Constitution shall be adapted to that result. If it is not, the Convention would have the good effect of setting the mind of the coun try in regard to the advantages of the present Constitution, and probably prove that no section needs a change in it, which would materially affect any interest of the several States.

Again, he said, he had been one of those who opposed the meeting of the late Peace Convention, but in so doing had promised that after the peaceful inauguration of Mr. Lincoln and the launching of the new administration, any demand for full and candid consideration of propositions to amend the Constitution or to consider the complaints of the South, should be met in a friendly manner. The inauguration had taken place, the demand for the Convention to consider our relations has come, and he was ready to meet his pledges.

Besides, he was satisfied, that either in the form of Congressional amendments or a popular Convention, the Constitutional question must be met, and he believed, with Mr. Lincoln, that the popular Convention is the truer and more satisfactory way.

Mr. PARISH did not know what could have happened within the past six months to make such a movement necessary. No man thought of amendments to the Constitution prior to Nov 6th, 1860. Nothing caused it but the election of Abraham Lincoln, and the people, forsooth, must make atonement for that crime. Is it not at the call of the slave power that this movement is made? Do the laboring people, or the poor whites of the South, want amendments? No; it is only the three or four hundred thousand slaveholders of the South who demand it. They threaten if the people of the North do not express in that Constitution the idea that man can be property, we will leave your Union. The Virginia resolutions asked us to meet in Convention in the spirit in which the Constitution was framed—What was that spirit? That property in man was wrong. It was the prevalent feeling, and it caused them to be very careful in their language, so that slavery should not be recognized in the Constitution. Slavery is not used in that instrument. The word "servitude" was inserted by GOV. Randolph, but was stricken out again on his own motion, and the word "service" was inserted, because, he said, "servitude" implied slavery. It was the only word incorporated in the Constitution comprehending slavery, and it was stricken out for that reason. Such was the spirit of the framers of the Constitution. * * Even those two compromises of the Constitution, said to have been made to satisfy South Carolina and Georgia, were opposed by Virginia, and sustained by Connecticut, New Hampshire, Massachusetts, North and South Carolina, and Georgia, while the larger slave States opposed them.

Is it proposed now to consider whether we shall incorporate something into the Constitution in favor of freedom, free institutions, and free labor. No Senator supposes that any proposition of that kind will be suggested. Now, the framers contemplated the enlargement of the borders of freedom, but the demand for the convention does not contemplate this object.—Mr. Parish would amend the constitution to benefit freedom, and he would also propose that after a certain period every human being born in this country shall be free. What is the drift of this movement? It is not to carry out the institutions of our forefathers, but to perpetuate an institution which they proposed should be extinguished. This is not the purpose of the Republican party. It is to circumscribe slavery, and allow each State to manage it for themselves. * * Here Mr. Parish referred to the tyranny and wrongs of the South in relation to anti-slavery men and their principles. It was, he said, in obedience to such men that Republicans are asked to amend the Constitution to promote slavery and not freedom. Republicans desire the Constitution to remain as it is. We have so declared by resolution. Now we are asked to depart from this and insert a clause expressly helping slavery. * * Senators should remember that all or one prominent statesman have admitted that slavery is an element of national weakness, and that it should be extinguished at the earliest period possible; and Mr. Parish proceeded to show wherein it was an element of weakness, declaring his unwillingness to perpetuate it by constitutional amendment.

He regarded the embodiment of such a principle in the Constitution as criminal and polluting; and that retribution would be visited upon the people if they acceded to it. But suppose the proposed amendments keep the Border States in the Union? Will they not hereafter, when they become excited, demand further guarantees, and require further protection for their institutions. This has been the fact in our history—the legislation in the Congress of 1850 being a prominent illustration.

Mr. PARISH enlarged upon the dangers of yielding to Southern demands, and professed his attachment to the Constitution as it is; but he hoped, in conclusion, that his Republican brethren would state what amendments to that instrument they propose.

Mr. MONROE gave his reasons why he should vote for the resolutions—which will be prepared for to-morrow's report.

Pending discussion, the Senate took a recess.

HOUSE OF REPRESENTATIVES.

[The following abstract of Mr. Flagg's remarks on the bill which passed the House Tuesday, raising the conventional rate of interest from six to eight per cent, was omitted from the report on yesterday.]

It is said that government may regulate interest at its pleasure, because government coins money and makes it a legal tender. But I deny this, and for these reasons 1st. Stamping and giving currency to gold and silver do not emancipate them from the law of demand and supply, any more than inspecting and branding provisions and tobacco absolves them from that law; and gives no more right, nor creates any more necessity for regulating its rate of hire, than such inspection and branding renders it right and needful to regulate the price of provisions and tobacco.

2 The precious metals, being the natural, providential, customary and universal material for money, the adoption of them as such, by any Government, amounts to little or nothing. Money is *not* the creature of government, any more than pork.

3 But interest is *not* the hire of money. *It is the hire of capital.* He who knows not this has not studied or reflected upon the question.

It is argued that no one can afford to pay eight per cent interest. On all sales of store goods, on credit, we have always paid, in the shape of extra profit, fully twelve per cent—and yet we live. For eight years the legal rate was ten per cent., and in those years we lived and prospered more than ever before. A high rate of interest goes always with great prosperity, high wages, and good profits, and *is the measure of those profits.*

In countries where wages and profits are not half so high as here, men live and prosper under six per cent. interest laws; then why cannot we of Ohio endure a legal rate only two per cent. highest. The truth is that, in every civilized nation but one, the legal rate is, actually *above* the actual market rate, and has been so for centuries, with but slight exception. In Holland there has never been any interest law whatever; neither has there been in Hamburg, where for centuries the exchange of the globe was regulated—and yet in Holland the actual rate has always been lower than anywhere else in the world, while in Hamburg it stands at only three to four per cent. In England, since 1839, *all* restrictions on interest upon commercial paper have been abandoned; and yet her great commercial empire prospers abundantly.

Whenever, as has once or twice happened, the legal rate has been attempted to be fixed at a point *below* the market rate, the effect of the attempt was just like that we are now experiencing here—the actual market rate rose higher than before, because when an act is made unlawful, an extra premium must be paid to induce men to break the law. This happened once in France, and happened, too, in Livonia under the Empress Catharine. America is an exception to all the world, in her mad attempt to rebel against the salutary and inevitable laws of trade!

In two ways only can government reduce the actual rate of interest; one is to enact good collection laws, and the other is to permit interest to rise high enough to tempt in outside capital and draw out domestic capital.

A margin should be allowed between the highest rate, which hazardous security or a scant supply of loanable capital may require, and the lowest rate which good security or a glut of capital may induce lenders to accept; between which rates freedom should be allowed for the market to rise and fall. The rise and fall of the interest market, with the rise and fall of the exchange market, constitute the great regulator of trade; and the beneficent effect of the action of the Bank of England in sometimes raising its demands as high as eight per cent., and sometimes reducing them to as low as two and a half per cent., extends even to the banks of the Ohio and Mississippi rivers, checking over-trading and relieving money-pressures.

The repeal of the ten per cent law has utterly failed of its object. It has actually made capital more scarce and interest dearer than before, as all concede. We are now but repeating the experience of England years ago, with *her* ten per cent. law, which she first established under Henry the Eighth, then repealed under Edward the Sixth—and subsequently restored under Elizabeth, with this "whereas" to the act, "*That the prohibiting act had not done so much good as was hoped for, but that rather the vice of usury had much more exceedingly abounded.*" Our opponents demand that we should ignore the experience of the past, and copy only its history and its errors.

The influx of gold is raising prices at the rate of two per cent. a year, and steadily depreciating capital on loan two per cent. a year.