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# JOURNAL

OF THE

# INDIANA STATE SENATE,

DURING THE

*3rd*

# FORTY-FOURTH SESSION

OF THE

# GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 5, 1865.

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INDIANAPOLIS:

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1865.



# JOURNAL

OF THE

# SENATE OF INDIANA.

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*The Forty-Fourth Session of the General Assembly of the State of Indiana, begun and held at the Capitol, in the city of Indianapolis, on Thursday, January 5, 1865.*

The Senate was called to order by Hon. Paris C. Dunning, President of the last session, and the following Senators holding over, answered to their names :

- 1 From the County of Wayne—Othniel Beeson.
- 2 From the Counties of Adams, Jay and Wells—Geo. S. Brown.
- 3 From the County of Tippecanoe—Moses C. Culver.
- 4 From the Counties of Parke and Vermillion—Oliver P. Davis.
- 5 From the Counties of Monroe and Brown—Paris C. Dunning.
- 6 From the Counties of Posey and Vanderburg—Geo. W. Finch.
- 7 From the Counties of Perry, Spencer and Warrick—Ben. S. Fuller.
- 8 From the County of Dearborn—Jas. W. Gaff.
- 9 From the Counties of Carroll and Clinton—Leander McClurg.
- 10 From the Counties of Grant and Madison—John D. Marshall.
- 11 From the County of Floyd—Augustus Bradley.
- 12 From the Counties of Daviess and Knox—Jas. D. Williams.
- 13 From the County of Franklin—Thos. Gifford.
- 14 From the Counties of Huntington and Whitley—A. J. Douglas.
- 15 From the Counties of Greene and Owen—Geo. W. Moore.
- 16 From the Counties of Crawford and Orange—Henry Jenkins.
- 17 From the County of Bartholomew—Francis T. Hord.

- 18 From the Counties of Ohio and Switzerland—A. C. Downey.
- 19 From the Counties of St. Joseph and Marshall—Horace Corbin.
- 20 From the Counties of Lawrence and Martin—Thos. R. Cobb.
- 21 From the Counties of Lake, Porter, Jasper and Newton—Ezra Wright.

The following Senators elect appeared, presented their credentials, and took the oath of office, at the hands of the Hon. R. C. Gregory, one of the Judges of the Supreme Court:

- 1 From the Counties of Delaware and Blackford—William A. Bonham.
- 2 From the Counties of Fayette and Union—Thomas W. Bennett.
- 3 From the Counties of Hendricks and Boone—T. J. Cason.
- 4 From the County of Montgomery—Joseph Milligan.
- 5 From the County of Henry—Milton Peden.
- 6 From the Counties of Miami and Fulton—Samuel S. Terry.
- 7 From the Counties of Noble, DeKalb and Steuben—E. B. Noyes.
- 8 From the Counties of Clay and Putnam—Athel Staggs.
- 9 From the Counties of Gibson, Dubois and Pike—James Barker.
- 10 From the Counties of Jennings and Jackson—James H. Vawter.
- 11 From the Counties of Elkhart and Lagrange—Robert Dykes.
- 12 From the Counties of Laporte and Starke—John B. Niles.
- 13 From the Counties of Washington and Harrison—John A. Bowman.
- 14 From the Counties of Clark and Scott—Elisha G. English.
- 15 From the Counties of Hamilton and Tipton—D. R. Brown.
- 16 From the County of Jefferson—James Y. Allison.
- 17 From the Counties of Benton, Warren and White—Alfred Wood.
- 18 From the County of Marion—W. C. Thompson.
- 19 From the County of Randolph—Thomas Ward.
- 20 From the Counties of Cass, Howard and Pulaski—N. P. Richmond.
- 21 From the County of Ripley—William Hyatt.
- 22 From the County of Rush—W. A. Cullen.
- 23 From the County of Fountain—T. W. Newlin.
- 24 From the Counties of Johnson and Morgan—S. P. Oyler.
- 25 From the Counties of Shelby and Hancock—James L. Mason.
- 26 From the Counties of Vigo and Sullivan—Bayless W. Hanna.
- 27 From the County of Decatur—D. R. VanBuskirk.
- 28 From the Counties of Kosciusko and Wabash—Charles W. Chapman.
- 29 From the County of Allen—W. W. Carson.

Mr. Bennett offered the following:

*Resolved*, That as this Senate is equally divided as to political parties, and it is probable that no election of officers can be effected without an amicable arrangement between these parties, and as an

immediate organization is desired, that a committee of four Senators—two from each political party—be selected to choose persons to be voted for to fill the various offices of the Senate, said selections to be made from the nominees of the caucuses of the two parties, made on last evening.

Messrs. Cobb and Williams demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Stagg, Vawter and Williams.

So the resolution was rejected.

On motion by Mr. Cobb,  
The Senate proceeded to the election of a Principal Secretary.

Mr. Williams nominated A. T. Whittlesey, of Vanderburg County.

Mr. VanBuskirk nominated A. P. Newkirk, of Fayette County.

There being no other nominations, the Senate proceeded to ballot with the following results :

*Those who voted for Mr. Whittlesey were,*

Messrs. Parker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—26.

*Those who voted for Mr. Newkirk were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, VanBuskirk, Ward, Wood and Wright—24.

Mr. Whittlesey having received a majority of the votes cast, was declared duly elected.

The Senate then proceeded to the election of an Assistant Secretary.

Mr. Bennett nominated O. M. Wilson, of Marion.

Mr. Brown, of Wells, nominated Jacob S. Broadwell, of Monroe

There being no other nominations, the Senate proceeded to ballot, with the following results :

*Those who voted for Mr. Jacob S. Broadwell were,*

Messrs. Baker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—26.

*Those who voted for Mr. O. M. Wilson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, VanBuskirk, Ward, Wood and Wright—24.

Mr. Broadwell having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate, and sworn in as such.

The Senate then proceeded to the election of Principal Doorkeeper.

Mr. Cullen nominated John H. Johnson, of Owen County, for Principal Doorkeeper of the Senate.

Mr. Cobb nominated M. A. O. Packard, of Marshall County.

There being no other nominations, the Senate proceeded to ballot, with the following result :

*Those who voted for Mr. Packard were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

*Those who voted for Mr. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt,



Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—25.

There being no choice, the Senate proceeded to another ballot, with the following result:

*Those who voted for Mr. Packard were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

*Those who voted for Mr. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—25.

There being no choice, the Senate proceeded to a third ballot, with the following result:

*Those who voted for Mr. Packard were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

*Those who voted for Mr. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—25.

There being no choice, the Senate proceeded to the fourth ballot, with the following result:

*Those who voted for Mr. Packard were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

*Those who voted for Mr. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—25.

There being no choice, the Senate proceeded to a fifth ballot, with the following result :

*Those who voted for Mr. Packard were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

*Those who voted for Mr. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward Wood and Wright—25.

Mr. Bennett, offered the following, which was adopted :

*Resolved,* That the State Librarian be requested to place on the desk of each Senator, the Journals of the last Senate and House, a copy of the Revised Statutes, and a copy of the Standing Rules of the last session.

Mr. Williams, offered the following resolution, which was adopted :

*Resolved,* That a Committee of five be appointed to prepare rules to govern the Senate.

Mr. Whittlesey appeared and took the oath of office, as Principal Secretary of the Senate.

Mr. Downey, offered the following resolution :

*Resolved,* That the Doorkeeper of the Senate be directed to contract for, and place upon the desks of the members of this House, three copies of the Indianapolis Daily Journal and Daily Sentinel, provided they report and publish the proceedings of both branches of the Legislature, in full ; two of the aforesaid papers to be wrapped and stamped, ready for mailing.

On motion by Mr. Bennett, the resolution was amended by adding these words : “Provided they furnish them at the usual rates.”

Mr. Thompson, moved that the Indianapolis Gazette be added.

Mr. Cobb, moved to lay the amendment on the table.

The ayes and nays were demanded by Messrs. Brown of Wells, and Vawter.

Those who voted in the affirmative were,

Messrs. Barker, Bonham, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Vawter, and Williams—24.

Those who voted in the negative were,

Allison, Beeson, Bennett, Bowman, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Thompson, Van Buskirk, Ward, Wood and Wright—24.

So the motion was rejected.

Thompson moved to amend the resolution by inserting the words, "and two copies of the Evening Gazette."

Mr. Beeson, moved to strike out from the original resolution the words "three copies," and insert the words, "one of each paper."

The ayes and nays were demanded by Messrs. Beeson and Van Buskirk.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Brown of Hamilton, Cason, Chapman, Davis, Dykes, Gaff, Hyatt, Milligan, Moore, Niles, Noyes, Oyler, Pedan, Ferry and Van Buskirk—17.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Cullen, Culver, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna Hord, Jenkins, Marshall, Mason, McClurg, Newlin, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Wood, Wright and Mr. President—33.

So the amendment to the amendment was rejected.

On motion by Mr. Bennett, the amendment was amended by providing that one copy of the Evening Gazette be taken.

The amendment as amended was agreed to.

On motion, of Mr. Brown, of Wells,

The resolution was amended by including one copy each of the Frie Presse and Volksblatt.

The resolution, as amended, was then adopted.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to report to the Senate that the House has adopted the following resolution:

*Resolved*, That the Senate be informed that the House of Representatives have convened and organized by the election of Mr. John U. Pettit, of the county of Wabash, as Speaker; Cyrus F. Nixon, of the county of Clark, as Principal Clerk; T. W. O. Braffett, of the county of Wayne, as Assistant Clerk; John W. Dooley, of the county of Boone, as Doorkeeper, and that the House is now ready to proceed with the legislative business of the present session.

On motion by Mr. Cullen,  
The Senate adjourned till 2 o'clock, P. M.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Cullen demanded a call of the Senate.

The call was proceeded with, and the following members answered to their names:

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins,

Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wood, Wright and Mr. President—50.

Mr. Downey offered the following resolution :

*Resolved*, That, as the Senate is equally divided in its vote for Doorkeeper, and as it is desirable to complete the organization of the Senate without delay, that Senators, Williams, Wright, Bennett, and Cobb, be appointed a committee to settle, in some fair and honorable way, which of the nominees shall be Doorkeeper, and which the Assistant Doorkeeper, one of them being from each party ; that they report the names of the persons to the Senate immediately, and that they shall be elected by resolution.

*Resolved*, That said Committee apportion the appointees of the Doorkeepers in such way as may be right and just.

The ayes and noes were demanded by Messrs. Bennett and Cullen.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Benham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van-Buskirk, Ward, Wood and Wright—25.

So the resolution was rejected.

Mr. Downey offered the following resolution :

*Resolved*, That John H. Johnson be appointed Doorkeeper, and J. S. Morgan Assistant Doorkeeper of the Senate, with power to each to appoint one half of the assistants.

The ayes and nays were demanded by Messrs. Cullen and Chapman.

Those who voted in the affirmative were,

Messrs. Barker, Bradley, Downey, English, Fuller, Gaff, Gifford, Hord, Jenkins, Moore, Newlin and Williams—12.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Benham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dykes, Finch, Hanna, Hyatt, Marshall, Mason, Milligan, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, VanBuskirk, Vawter, Ward, Wood, Wright and Mr. President—38.

So the resolution was rejected.

By direction of the President *pro tem*, the Senate proceeded to the sixth ballot for Principal Doorkeeper, with the following result :

*Those who voted for Mr. Johnson were,*

Messrs. Allison, Beeson, Bennett, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Thompson, VanBuskirk, Ward, Wood and Wright—25.

*Those who voted for Mr. Packard were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Vawter and Williams—25.

Mr. Bennett offered the following resolution :

*Resolved,* That the House of Representatives be informed that the Senate has convened, with the Hon. Paris C. Dunning, Senator from the county of Monroe, as President *pro tem*; that the Senate has elected Azariah T. Whittlesey, of Vanderburg county, Principal Secretary, and Jacob S. Broadwell, of Monroe county, as Assistant Secretary; and that the Senate is now ready to proceed with the legislative business of the session.

Mr. Cason moved to amend by adding :

“That the Doorkeeper of the last Senate be authorized to act as Doorkeeper until another shall be elected.”

Mr. Hanna made an ineffectual motion to adjourn until 9 o'clock to-morrow morning.

Mr. Williams moved to amend the amendment by striking out the words, “until another shall be elected,” and inserting these words, “during the present session.”

Mr. Bennett moved to lay the amendment on the table.

The ayes and nays were demanded by Messrs. Corbin and Williams.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Benham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Hyatt, Milligan, Nyles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, VanBuskirk, Ward, Wood, Wright and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gaff, Hanna, Gifford, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Williams—24.

So the amendment to the amendment was laid on the table.

The question being on adopting the amendment,

The ayes and nays were demanded by Messrs. Cobb and Corbin.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Benham, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Downey, Dykes, Hord, Hyatt, Jenkins, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, VanBuskirk, Ward, Wood, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Culver, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Thompson, Vawter and Williams—25.

So the amendment was rejected.

Mr. Allison moved to reconsider the vote just taken.

The motion was rejected upon a division—ayes 24, nays 24.

The question recurring upon the adoption of the original resolution,

The ayes and noes were demanded by Messrs. Bowman and Corbin.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Benham, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Dykes, Hyatt, Milligan, Niles, Noyes, Oylar, Peden, Richmond, Terry, Thompson, VanBuskirk, Ward, Wood and Wright—23.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Culver, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—26.

So the resolution was rejected.

Mr. Cullen offered the following resolution :

*Resolved*, That the election of Principal Doorkeeper, Assistant Doorkeeper, and Sergeant-at-Arms, be postponed until Tuesday, January 10th, 1865, at 2 o'clock, P. M., and be made the special order for that day.

Which was agreed to.

On motion by Mr. Hord,  
The Senate adjourned until to-morrow morning at 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
January 6, 1865. }

The Senate met.

The President *pro tem.* announced the first thing in order was to proceed to the seventh ballot for Principal Doorkeeper of the Senate

Mr. Cobb withdrew the name of Mr. Packard.

Mr. Cullen withdrew his resolution, which was pending at the hour of adjournment last evening.

Mr. Williams nominated Archibald Johnson, of Putnam county, as a candidate for Principal Doorkeeper of the Senate.



The Senate then proceeded to the seventh ballot, with the following result :

*Those who voted for J. H. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Tompson, Van Buskirk, Ward, Woods and Wright—25.

*Those who voted in the negative were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

There being no choice, the Senate proceeded to the 8th ballot, with the following result :

*Those who voted for J. H. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

*Those who voted for Archibald Johnson were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

There being no election, the Senate proceeded to a ninth ballot :

*Those who voted for J. H. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

*Those who voted for Archibald Johnson were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

Mr. Williams withdrew the name of Archibald Johnson.

Mr. Vawter nominated John W. Ryan, of Hancock county.

The Senate then, by direction of the President *pro tem.*, proceeded to the tenth ballot, with the following result :

*Those who voted for Mr. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

*Those who voted for Mr. Ryan were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, French, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs and Williams—25.

There being no choice, the Senate proceeded to the eleventh ballot, with the following result :

*Those who voted for J. H. Johnson were,*

Messrs. Allison, Beeson, Bennet, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

*Those who voted for Archibald Johnson were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—25.

Mr. Downey offered the following resolution :

*Resolved,* That Percy Rous be appointed Doorkeeper, and J. I. Morgan Assistant Doorkeeper.

On motion of Mr. Williams,

(The pending order of business being suspended for that purpose,) the following resolution was adopted :

*Resolved*, That the Librarian be authorized to furnish stationery to the members of the Senate upon their orders.

The President *pro tem*, announced the following as the Committee on Rules under the resolution adopted yesterday :

Messrs. Williams, Bennett, Vawter, Niles and Oyler.

The question being on the adoption of Mr. Downey's resolution.

The yeas and nays being demanded by Mr. Brown, of Wells, and Cason,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, and Williams—24.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—26.

So the resolution was rejected.

Mr. Brown of Wells, offered the following :

*Resolved*, That a committee of four to consist of two Democrats and two Republicans, be appointed to select candidates for principal and assistant doorkeepers of the Senate, and that the candidates so selected be elected by resolution.

The yeas and noes were demanded by Messrs. Brown of Wells, and Bonham.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams,—25.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, S. J.—2

Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, VanBuskirk, Ward, Wood, and Mr. President—25.

So the resolution was rejected.

Mr. Bradley offered the following :

*Resolved*, That John H. Johnson be declared Principal, and Thomas D. Moore, Assistant Doorkeeper of the Senate.

Mr. Downey offered the following substitute :

*Resolved*, That the secretary inform the House that the Senate has convened, the Hon. Paris C. Dunning acting as President; has elected Azariah T. Whittlesey as principal, and Jacob S. Broadwell as assistant secretary, and recognized W. S. Montgomery, the doorkeeper of the last Senate, as having the right to act as such until a doorkeeper shall be elected, is now ready to proceed with the business of the session.

The ayes and noes were demanded by Messrs. Cullen and Beeson.

Those who voted in the affirmative were,

Messrs. Allison, Baker, Beeson, Bennett, Bonham, Bowman, Brown, of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, Finch, Fuller, Hord, Hyatt, Jenkins, Milligan, Moore, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, VanBuskirk, Vawter, Ward, Wood, and Wright—36.

Those who voted in the negative were,

Messrs. Bradley, Brown of Wells, Corbin, Douglas, English, Gaff, Gifford, Hanna, Marshall, Mason, Newlin, Staggs, and Williams—13.

So the substitute was adopted.

The resolution, as amended, was adopted by consent.

Mr. Downey offered the following resolution, which was adopted.

*Resolved*, That a committee of two on the part of the Senate, to act with similar committee on the part of the House, be appointed to wait on his excellency, the Governor, and inform him that the two Houses of the Legislature have organized, and are ready to receive any communication which he has to make, and to enquire of him when he will deliver his annual message.

*Resolved*, That said committee arrange so as to have the message delivered to the general assembly in joint session; and that in such joint session, immediately before the delivery of the message, the session be opened by prayer, by some clergyman, to be designated and invited by the committee.

The President *pro tem* subsequently appointed Messrs. Downey and Van Buskirk said committee.

Mr. Hord introduced

Senate bill No. 1, entitled "A bill appropriating two hundred thousand dollars for the expenses of the present session of the general assembly, and providing the manner of the payment of the members and officers, and their assistants and appointees of the Senate and House of Representatives;"

Which was read the first time.

Mr. Hord moved that the rules be suspended, and the bill be read a second time now.

The ayes and noes being required under a constitutional provision,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, Dunning, Finch, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Newlin, Richmond, Staggs and Williams—22.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cullen, Culver, Davis, Dykes, English, Fuller, Hyatt, Jenkins, Milligan, Moore, Niles Noyes, Oyler, Peden, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—28.

So the Senate refused to suspend the rules and the bill passed to the second reading.

Mr. Cobb introduced

Senate bill No. 2, entitled "An act regulating the practice in the Circuit and Common Pleas Courts of this State on appeals from judgments of Justices of the Peace,—

Which was read the first time, and passed to a second reading.

Mr. Bennett introduced

Senate bill No. 3, entitled "A bill to legalize the issuing of bonds and making of appropriations, and the levy and assessment for taxes in certain cases,"

Which was read the first time, and passed to a second reading.

Mr. Cobb introduced

Senate bill No. 4, entitled "A bill to provide for the making and authentication of transcripts from the Recorder's office in certain cases, and for the admissibility in evidence of the same, and certified copies of the deeds and mortgages contained therein,"

Which was read the first time, and passed to a second reading.

Mr. Cobb introduced

Senate bill No. 5, entitled "A bill to repeal sections six hundred and one, six hundred and two, six hundred and three, and six hundred and four of an act, entitled "An act to recover the possession of real property, and to determine conflicting claims thereto,"

Which was read the first time, and passed to a second reading.

Mr. Hord introduced

Senate bill No. 6, entitled "An act to amend an act, entitled 'An act to amend section seven of an act to fix the the times for holding the Common Pleas Courts in the several counties of the State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith;' approved March 5th, 1859, so as to change the times of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect;" approved March 9th, 1861, so as to change the times of holding said court in the county of Bartholomew, extending the time for holding said court therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect,

Which was read the first time, and passed to a second reading.

Mr. Bonham introduced

Senate bill No. 7, entitled "An act to amend section 2 of an act approved May 11th, 1861, entitled 'An act to fix the times of holding Court of Common Pleas in the several counties of the State, the du-

ration of the terms thereof, and making all process returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,"

Which was read the first time, and passed to a second reading.

The President *pro tem.* laid before the Senate the following communication from the Secretary of State :

OFFICE OF SECRETARY OF STATE, {  
Indianapolis, Jan'y 6, 1865. }

*To the President of the Senate of Indiana :*

SIR—I have the honor to lay before the body over which you preside, the accompanying papers in relation to the contested election for Senator from the counties of Jackson and Jennings, wherein Kennedy Brown contests the seat of James H. Vawter in said body.

Very respectfully,  
JAMES S. ATHON,  
Secretary of State.

On motion, by Mr. Brown, of Wells,

The communication was laid on the table.

Mr. Vawter offered the following resolution :

WHEREAS, An appraisement was made of all the railroads in the State during 1864, and

WHEREAS, said appraisement has been reduced some fifty, and some one hundred per cent., thus making the taxation of this State bear unequally upon citizens; therefore be it

*Resolved,* That a committee of five be appointed to investigate and report; 1st: by what provision of law such reduction was made; 2d: whether any improper means were used by any persons or corporations to procure such reduction; 3d: what legislation, if any, is necessary to correct this unequal reduction, and to prevent repetition in the future. That in order to enable said committee to perform their duties, they have power to send for persons and papers.

The resolution was adopted.

On motion of Mr. Brown, of Hamilton,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Cobb offered the following resolution, which was adopted.

*Resolved*, That the doorkeeper be directed to procure six dollars worth of postage stamps for the use of each member, and of the secretaries and their appointees, of the Senate.

On motion by Mr. Vawter,

Two additional members for the Committee on Railroad Appraisements were authorized to be appointed.

Mr. Downey, from the special committee, thereon submitted the following report:

MR. PRESIDENT—

The undersigned, committee on the part of the Senate to act with a similar committee on the part of the House, and inform his excellency, the Governor, of the organization of the two houses of the Legislature, have, in conjunction with the committee of the House, attended to the duties assigned them, and report that his excellency do deliver his annual message to the general assembly at half past two o'clock this afternoon. The senators will be provided with seats at the right of the Speaker's stand in the hall of the House. The session will be opened by prayer by Rev. Aaron Wood, D. D., of the Methodist Episcopal Church, after which the annual message will be delivered by his excellency, the Governor.

Mr. Douglas offered the following resolution :

*Resolved*, That Dickey Richards be, and is hereby, appointed Page to the President of the Senate during this session.  
Which was adopted.

Mr. Thompson introduced

Senate bill No. 8, entitled "an act to amend section fifty-eight of an act incorporating cities, to authorize them to borrow money for certain purposes."

Which was read the first time, and passed to a second reading.

Mr. Corbin introduced

Senate bill No. 9, entitled "a bill requiring the County Commissioners of the several counties of this State to make allowances, and



issue orders therefor, in certain cases therein specified.

Which was read the first time, and passed to a second reading.

Mr. Downey presented a petition from the county officers of Ohio county, praying for the immediate enactment of a law to increase their fees in proportion to other prices.

Which was laid on the table.

Mr. Bonham introduced

Senate Joint Resolution No. 1, entitled "a Joint Resolution, proposing an amendment to the second section of article second of the Constitution, so that the Legislature may more effectually guard against fraudulent voting, and to enable electors to vote when absent from the State, serving in the army or navy of the United States."

Which was read the first time, and passed to a second reading.

Mr. Corbin introduced

Senate bill No. 10, entitled "a bill to amend section 322 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleading and forms in civil cases in the counties of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Which was read the first time, and passed to a second reading.

Mr. Hord introduced

Senate bill No. 11, entitled "an act repealing section ten of an act entitled "an act to establish Courts of Conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11th, 1852, and declaring when the act shall take effect,"

Which was read the first time, and passed to a second reading.

Mr. Corbin offered the following resolution :

*Resolved*, That the Hon. Paris C. Dunning, acting presiding officer of this house, make an appointment of the usual Committees of the Senate, and report at an early day.

Which was adopted.

Mr. Hord offered the following resolution :

*Resolved*, That the rules of the last session of the Senate be adopted and used for the government of the Senate, until the report of the Committee for the revising of the rules.

A division being called for, 23 Senators voted in the affirmative and 23 in the negative.

So the resolution was rejected.

Message from the House, by Mr. Nixon, their Secretary.

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has passed the following resolution :

*Resolved*, That the Senate be invited to repair to the Hall of the House immediately, to hear the message of His Excellency, Governor Morton, and that seats be prepared on the right of the Speaker's Chair for the Senate.

On motion by Mr. Downey,

The Senate concurred in the resolution, and repaired to the Hall of the House of Representatives.

The Senate having returned to their chamber and being called to order by the President—

On motion by Mr. Moore,

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

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SATURDAY MORNING, 9 o'clock, }  
January 7th, 1865. }

The Senate met.

On motion by Mr. Mason,

The reading of the Journal was dispensed with.

Mr. Van Buskirk offered the following, which was adopted :

*Resolved*, That, when the Senate adjourn, it will adjourn to meet on Monday next at 2 o'clock.

Mr. Gifford offered the following:

*Resolved*, That Henry Burt be employed as one of the Pages of the Senate.

On motion by Mr. Oyler,

The resolution was laid on the table.

Mr. Cullen moved that the Senate proceed to ballot for Principal Doorkeeper.

The motion was agreed to.

Mr. Bennett demanded a call of the Senate.

The call was proceeded with, and the following Senators answered to their names:

Messrs. Allison, Baker, Beeson, Bennett Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wood, Wright.

Mr. Williams asked, and obtained, leave of absence for Mr. Downey.

On motion by Mr. Hord,

The Senate passed over, informally, the pending call of the Senate, and the following resolution was adopted:

*Resolved*, That a committee of five be appointed to devise and report some suitable mode of providing stationery for the members and officers of the Senate.

Mr. Williams, from the select committee thereon, made the following report:

MR. PRESIDENT:

The Select Committee to whom was referred the Standing Rules of the Senate, have had the same under consideration, and have directed me to make the following report:

[The report embodies, substantially, the rules of the last session.]

A message from the House announced the passage, by that body, of the following resolution :

*Resolved*, That the Senate be invited to attend in this Hall, on Monday, the 9th of January, at 2 o'clock, P. M., for the purpose of opening and publishing the returns of the election for Governor and Lieutenant Governor.

Subsequently,  
On motion of Mr. Downey,

The resolution was taken up and concurred in by the Senate.

Mr. Cason moved to recommit the Report of the Committee on Rules, with the following instruction :

To report amendment, so that the President shall take his seat and call the Senate to order at 2 o'clock, P. M., of each day, unless the Senate adjourn to another hour.

Mr. Downey offered the following substitute for the motion to recommit :

Strike out of Rule 1, these words "nine o'clock in the forenoon and."

Mr. Cason accepted the substitute for his motion.

Messrs. Dunning and Downey demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Carson, Cason, Chapman, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Peden, Terry, Van Buskirk, Ward, Woods, and Wright—23.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cobb, Corbin, Cullen, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Oyler, Richmond, Staggs, Thompson, Vawter, and Williams—26.

The report from the Committee on Rules was then concurred in by consent.

Mr. Thompson offered the following resolution, which was adopted by consent :

*Resolved*, That ten thousand copies of the Message of his Excellency, Governor Morton, be printed for the use of the Senate.

Mr. Van Buskirk presented a petition from three Township Assessors of Decatur county, asking that the present law in relation to Township Assessors be so amended as to allow them a reasonable compensation.

Which was laid on the table.

On motion by Mr. Bennett,  
Senate bill No. 3, entitled "A bill to enlarge the issuing of bonds and making of appropriations and the levy and assessment of taxes in certain cases."

Was read the second time and referred to a select committee of five, which the president made to consist of Messrs. Cobb, Bennett, Downey, Allison and Gaff.

Mr. Hord introduced

Senate bill No. 12, entitled "An act authorizing creditors in certain cases to bring action on their claims, before they are due, and have attachment against the property of the debtor to garnishee property, money credits and effects, prescribing the manner of proceeding therein, and declaring when this act shall take effect."

Which was read the first time, and passed to a second reading.

The President *pro tem* announced the committee, authorized by the Railroad appraisement resolution offered by Mr. Vawter and adopted just before the recess for dinner on yesterday, as follows:

Messrs. Vawter, Corbin, Culver, Peden, Hanna, Dykes and Beeson.

Mr. Brown of Wells, moved that the Senate proceed to the 12th ballot for Doorkeeper of the Senate.

The motion was agreed to.

Mr. Cobb nominated Frank Cunningham, of Marion county, as candidate for principal Doorkeeper.

The Senate proceeded with the 12th ballot for principal Doorkeeper with the following result:

*Those who voted for Mr. J. H. Johnson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

*Those who voted for Mr. F. Cunningham were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Newlin, Staggs, and Williams—23.

Mr. Johnson having received a majority of all the votes cast, was declared duly elected, and sworn into office by the President of the Senate.

Mr. Beeson moved that the Senate proceed to ballot for Assistant Doorkeeper of the Senate.

The motion was agreed to.

Mr. Beeson nominated S. G. Thompson, of Wabash.

Mr. Williams nominated James S. Morgan, of Daviess county.

The Senate then proceeded to the first ballot for Assistant Doorkeeper of the Senate, with the following result :

*Those who voted for Mr. Thompson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oylor, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

*Those who voted for Mr. Morgan were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs and Williams—

Mr. Cullen paired off with Mr. Vawter.

Mr. Bradley nominated John D. Moore, of Owen county, for Assistant Doorkeeper.

Mr. Williams withdrew the name of Mr. Morgan.

The Senate proceeded to the second ballot for Assistant Doorkeeper of the Senate with the following result :

*Those who voted for Mr. Thompson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Carson, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan,

Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—24.

*Those who voted for Mr. Moore were,*

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, and Williams—22.

*Those who voted for Mr. Morgan were,*

Messrs. Brown of Wells, and Corbin—2.

Mr. Vawter announced that he had paired off with Mr. Cullen.

Mr. Cobb offered the following, which was adopted :

*Resolved,* That William H. Montgomery, be and he is hereby allowed the sum of six dollars per day and mileage, for his services as Doorkeeper of the Senate during the present session.

Mr. Brown of Wells, nominated Frank Cunningham, of Marion, for Assistant Doorkeeper of the Senate.

Mr. Bradley withdrew the name of Mr. Moore as a candidate for the office.

The Senate proceeded with the third ballot for Assistant Doorkeeper, with the following result :

*Those who voted for Mr. Thompson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

*Those who voted for Mr. Cunningham were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs and Williams—24.

Mr. Culver made an ineffectual motion to adjourn.

Mr. Downey nominated Percy Rouse, of Ohio county, for Assistant Doorkeeper.

Mr. Brown of Wells, withdrew the name of Mr. Cunningham.

The fourth ballot for Assistant Doorkeeper resulted as follows :

*Those who voted for Mr. Thompson were,*

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood, and Wright—24.

*Those who voted for Mr. Rouse were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, and Williams—24.

Mr. Vawter paired off with Mr. Cullen.

Mr. Bennett offered the following resolution, which was adopted :

*Resolved,* That the Doorkeeper be instructed to properly furnish the office rooms adjoining the Senate chamber, for the use of the Senate.

On motion by Mr. Beeson,

The vote of yesterday adopting the resolution empowering Mr. Dunning to appoint the Standing Committees of the Senate, was reconsidered.

Mr. Corbin then withdrew the resolution.

Mr. Mason offered the following resolution :

*Resolved,* That each of the employees, except boys, employed by Mr. Montgomery, the acting Doorkeeper, be allowed the sum of six dollars per day for the number of days they have served as assistant Doorkeepers.

Mr. Moore moved to amend the resolution by allowing the Pages three dollars per day.

Mr. Cobb moved to amend by striking out three dollars and inserting five.

On motion by Mr. Bennett,

The resolution and amendment were committed to a select committee of five.

On motion by Mr. Oyler,  
The Senate adjourned.



MONDAY AFTERNOON, 2 o'clock, }  
 Jan. 9th, 1865. }

The Senate met at 2 o'clock P. M.

On motion by Mr. Vawter,

The regular order of business was suspended in order to allow him to introduce,

Senate bill No. 13, entitled, "a bill to amend the 17th section of an act, entitled an act, providing for the organization of County boards and prescribing some of their powers and duties," approved June 17th, 1852.

Which was read the first time.

Mr. Vawter, moved that the Constitutional provision be suspended in order that the bill may be read a second time now.

The ayes and noes were taken under the Constitutional provision.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Wells, Carson, Chapman, Cobb, Corbin, Cullen, Culver, Dunning, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Penden, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wood and Wright—39.

No Senator voting in the negative.

So the motion was agreed to and Senate bill No. 13, was read the second time and referred to the Select Committee, viz: Messrs. Cobb, Bennett, Downey, Allison and Gaff.

Mr. Mason, offered the following resolution:

WHEREAS, The jurisdiction of the Court of Common Pleas in the State of Indiana has been very much narrowed down on account of the Supreme Court decisions,

AND WHEREAS, Said Court does not answer the purposes for which it was created with that facility, and less expense than it should,

AND WHEREAS, Both the business in the said Court of Common Pleas and Circuit, has been very much lessened during the last few years,

AND WHEREAS, A much better system of doing Probate business can be established, therefore :

*Be it Resolved*, That the Judiciary Committee be requested to inquire into the expediency of abolishing said Court of Common Pleas, and establishing some other system of doing the Probate business of the State, in a more convenient manner and with less expense and to take into consideration the propriety of increasing the number of terms of the Circuit Court.

On motion by Mr. Mason,  
The Preamble and Resolution were referred to the Judiciary Committee.

Mr. Milligan introduced,  
Senate bill No. 14, entitled "an act to amend an act, in relation to County Treasurers," approved June 4th, 1852.

Which was read the first time, and passed to a second reading.

Mr. Beeson introduced,  
Senate Joint Resolution No. 2, entitled "a Joint Resolution proposing an amendment to Article 8th of the Constitution so as to enable cities, townships and towns, to levy taxes for the support of Common Schools."

Which was read a first time, and passed to a second reading.

Mr. Beeson introduced,  
Senate Joint Resolution No. 3, entitled "a Joint Resolution proposing an amendment to the 23d Section, Article 4, of the Constitution, so as to provide for laws enabling cities, townships and towns, to raise money for the support of Common Schools.

Which was read the first time, and passed to a second reading.

The President announced the following Committee authorized by the resolution concerning the pay of Doorkeepers, offered just before the adjournment on Saturday, viz :

Messrs. Bennett, Cobb, Carson, Brown of Wells and Davis.

The President announced the following Committee authorized by the resolution concerning stationery, adopted on Saturday morning, viz :

Messrs. Hord, Noyes, Vawter, Richmond, Peden, Corbin and Woods.

A message from the House announced the passage, by that body, of the following resolution :

*Resolved*, That the Senate be instructed to meet in the Hall of the House, instanter, to witness the counting of votes for Governor and Lieutenant Governor, and that seats be provided for them on the right of the Speaker's chair.

By common consent, Senators left their seats and repaired to the Hall of the House of Representatives.

The Joint Convention was called to order by the President of the Senate.

The President then said :

GENTLEMEN: We have assembled in Joint Convention, under the provisions of Sec. 4, Art. 5, of the Constitution of the State of Indiana, which reads as follows :

“In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom they vote as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.”

The Speaker of the House of Representatives will now proceed to open and publish the returns for the election of Governor and Lieutenant Governor of the State of Indiana.

The Speaker of the House of Representatives then, in presence of both Houses of the General Assembly, proceeded to open the returns of the votes cast for Governor and Lieutenant Governor of the State of Indiana, on the 11th day of October, 1864, and counting all the votes, it appeared therefrom that for the office of Governor, Oliver P. Morton had received 152,084 votes.

Joseph E. McDonald had received 131,201 votes.

Oliver P. Morton having received a majority of all the votes cast, was, by the President of the Senate, in the presence of both Houses of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of four years from and after the second Monday in January, A. D. 1865.

On motion of Mr. Buskirk,

*Resolved*, That a committee of five—three upon the part of the House and two upon the part of the Senate—be appointed to wait upon His Excellency, Oliver P. Morton, Governor elect of the State

of Indiana, and upon Conrad Baker, Lieutenant Governor elect, and inform them of their election to said offices respectively.

The President of the Senate then appointed Messrs. Beeson and Williams on the part of the Senate, and Buskirk, Newcomb and Kilgore on the part of the House, as said Committee.

For the office of Lieutenant Governor, it appeared from the returns aforesaid, Conrad Baker had received 147,795 votes.

Mahlon D. Manson had received 131,656 votes.

Conrad Baker having received a majority of all the votes cast, was, by the Speaker of the House of Representatives, in the presence of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana for the term of four years from and after the second Monday of January, A. D. 1865.

Conrad Baker was then sworn into office by the Hon. R. C. Gregory, one of the Judges of the Supreme Court.

The President of the Joint Session then declared said Convention adjourned.

The Senators then retired to their Chamber.

Governor Oliver P. Morton appeared in the Hall of the House of Representatives, and, being sworn into office by Hon. R. C. Gregory, one of the Judges of the Supreme Court, delivered the following inaugural address :

*Gentlemen of the Senate and House of Representatives :*

In entering upon the duties of another term it is not improper to express the gratitude I feel for the generous confidence manifested toward me by the people at the late State election. They have dealt kindly with such official errors as I may have committed, and have given me full credit for an earnest desire to faithfully perform my duties toward the State and Nation. The circumstances by which we are surrounded have converted the Executive position from one of comparative ease and leisure to one of great labor and responsibility, and the return of peace will not bring back to it the rest and freedom from care enjoyed by its incumbents in other times.

The history of the last four years is fraught with immense interest to us and to the world. A civil war burst upon the country, deluging it with blood, costing many thousands of precious lives, squandering almost incalculable treasure, and bringing in its train such sufferings and horrors as the human mind can scarcely comprehend. The crime of this dreadful conflict does not rest with us, nor with the Govern-

ment of the United States; but attaches itself wholly to the mad ambition and criminal hopes of Southern politicians and leaders, who were animated by the evil spirit of slavery, and the insane pride and self-confidence of an insolent aristocracy.

Our State, an integral part of one mighty people, has stood fast by her allegiance, and has sealed with her best blood her devotion to the national unity. But while we are called to shed bitter tears over the graves of many of our fellow citizens who have died that their country might live, we have still many causes for thankfulness and rejoicing. Good health has generally prevailed within our limits, labor has met a liberal reward, bounteous harvests have repaid the farmer's toil, manufacturers have increased and prospered, and commerce has brought to us its richest returns. Being thus blessed with an abundance of all the necessaries, and even luxuries of life, we are enabled to discharge in part the sacred obligations we owe the defenders of our country, by providing for their families and dependent ones, placing them beyond the reach of want, and surrounding them with the comforts of life, thus testifying the gratitude of an earnest and intelligent people. And while we have mourning at many hearthstones, and the dark cloud of war rests upon the southern horizon, Indiana has signs of prosperity and power she never knew before.

The patriotism and courage of her people have placed her in the very front rank, and command the respect of the world; their fidelity to obligations of whatever kind is recognized at home and abroad; their military, political and commercial importance is more conspicuous than ever before, and, by consequence, the current of emigration and wealth is setting towards us with a rapidly increasing volume. There is ample evidence for the statement that Indiana is increasing in population more rapidly than at any previous period in her history. From every part of the State comes the intelligence that our towns are rapidly filling up, new lands being brought into cultivation, and new enterprises of manufactures and commerce set on foot. It is indeed a strange anomaly, and one which no human foresight could have perceived, that in the midst of a desolating civil war, our State should have unusual prospects spread out before her, of prosperity and power. Let us endeavor by wise and fostering legislation, to realize them all, and consolidate them into a healthy and permanent growth.

Trusting that your deliberations will be conducted with harmony, and your conclusions dictated by wisdom, I beg leave to assure you that I shall gladly co-operate with you in all measures of legislation calculated to promote the interests of the State, or to aid the General Government in suppressing the rebellion and preserving the unity of the nation; and that I shall bring to the performance of my duties an earnest purpose to execute the laws, protect the rights of all, and maintain inviolate the honor of the State.

When the Senators resumed their seats in the Senate Chamber.

The President *pro tem.* conducted the Lieutenant Governor elect to the chair, and introduced him—the Hon. Conrad Baker—as the future presiding officer of the Senate.

The Lieutenant Governor announced that bills and resolutions would be in order.

Mr. Cobb offered the following, which was adopted by unanimous consent:

*Resolved*, That the thanks of the Senate be, and they are hereby unanimously tendered Hon. Paris C. Dunning for the able and impartial manner in which he has discharged his duties as President of the Senate.

Mr. Vawter introduced,

Senate bill, No. 15, entitled, “A bill appointing Commissioners to adjust the claims of citizens for damages and losses sustained by reason of the raid of the rebel forces under the command of Gen. John Morgan, in July, 1863, and occasioned by any other or future raid, prescribing some of their powers and duties, and providing for the payment of the claims adjusted by said Commission, and matters properly connected therewith.”

Which was read the first time.

Mr. Brown of Wells introduced,

Senate bill, No. 16, entitled, “A bill to amend section three hundred and forty-nine of an act entitled ‘an act to review, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, approved June 18, 1852.’”

Which was read the first time, and passed to the second reading.

On motion by Mr. Bennett,  
The reading of the Journal of Saturday was dispensed with.

Mr. Bennett moved that the Senate proceed to the election of Assistant Doorkeeper.

The motion was agreed to.

Mr. Bennett demanded a call of the Senate.

The call was proceeded with, and revealed the fact that Mr. Bradley, only, was absent without leave of the Senate.

Mr. Brown of Wells, nominated James S. Morgan, of Davies county, for Assistant Doorkeeper of the Senate.

Mr. Bennett nominated James S. Thompson, of Wabash county.

The fifth ballot for Assistant Doorkeeper, resulted as follows :

*Those who voted for Mr. Thompson were,*

Messrs. Allison, Beeson, Bennett, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood, and Wright—24.

*Those who voted for Mr. Morgan were,*

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Ward and Williams—23.

Mr. Bonham announced that he had paired off with Mr. Downey.

S. G. Thompson, having received a majority of all the votes cast, was declared duly elected, and sworn into office by the Lieutenant Governor.

Mr. Cason moved that the Senate proceed to the election of Sergeant-at-arms.

The ayes and noes were demanded by Messrs. Brown of Wells, and Williams.

*Those who voted in the affirmative were,*

Messrs. Bennett, Cason, Chapman, Cullen, Culver, Dunning, Dykes, Noyes, Peden, Thompson, Van Buskirk, and Wright—12.

*Those who voted in the negative were,*

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Davis, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Oyler, Richmond, Staggs, Terry, Vawter, Ward, Williams, and Woods—36.

So the motion was rejected.

On motion by Mr. Beeson,

The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
January 10th, 1865.

The Senate met at 9 o'clock, A. M.,

Lieutenant Governor Baker in the Chair.

The Journal of yesterday was read, and approved.

Mr. Bradley presented a petition from sundry county officers of Floyd county, praying for additional compensation,  
Which was read, and laid on the table.

Mr. Cobb, from the Select Committee thereon, submitted the following report:

MR. PRESIDENT:

The Select Committee, to whom was referred Senate bill, No. 3, "A bill to legalize the issuing of bonds and making appropriations, and the levy and assessment for taxes in certain cases," have had the same under consideration, and have instructed me to report the same back, with the following amendments:

In line 7, after the word "cities," insert the word *township*.

In line 10, after the word "volunteers," insert *drafted men*; and

In line 11, after the word "army," insert the words *and navy*;

And, with said amendments, recommend its passage.

The report was concurred in.

On motion by Mr. Vawter,

The bill was considered as engrossed, and read the third time.

The question being, shall the Bill pass,

Those who voted in the affirmative were,



Messrs. Allison, Baker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hord, Hyatt, Jenkins, Mason, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—43.

Those who voted in the negative were,

Messrs. Corbin, Moore, Hanna and Newlin—4.

So the Bill passed.

Mr. Cobb, from the Select Committee thereon, submitted the following report :

MR. PRESIDENT :

The Special Committee, to whom was referred Senate bill No. 13, "A bill to amend section 17 of an act entitled an act providing for the organization of County Boards, and prescribing some of their duties," have had the same under consideration, and have instructed me to report the same back, with the following amendments, to-wit :

In line 3, after the word "volunteers," insert *drafted men and substitutes in the service of the United States, or the State of Indiana*; and, in the same line, after the word "in," insert the word "*such*."

In line 7, after the word "in," strike out the words "the field of."

In line 8, after the word "for," strike out the words "county purposes," and insert the words *the purposes aforesaid*.

In line 11, after the word "proper," insert the words *for such purposes*; and with said amendments recommend its passage.

The report was concurred in by consent.

On motion, by Mr. Cobb,

The bill was considered as engrossed, and read the third time.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Mason, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—44.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, and Corbin—3.

So the bill passed.

Mr. Hord introduced,

Senate bill No. 17, entitled "An act authorizing County Auditors, with the consent of the Board of County Commissioners, to invest the Common School Fund on hand and unloaned, in County Bonds of the county thus owning such School Fund, and providing for the enforcement of the payment of the same, and declaring when this act shall take effect;"

Which was read the first time, and passed to a second reading.

Mr. Hord moved that the rules be suspended and the bill read the second time now.

A constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Niles, Noyes, Richmond, Staggs, Thompson, Ward, Williams and Wood—34.

Those who voted in the negative were,

Messrs. Allison, Chapman, Cullen, Culver, Davis, Hyatt, Milligan, Oyler, Peden, Terry, Van Buskirk and Wright—12.

So the motion was agreed to, and the bill read the second time, and referred to a select committee of five, which was subsequently made to consist of

Messrs. Hord, Oyler, Van Buskirk, Richmond and Hanna.

Mr. Bennett, submitted the following :

Notice is given that on to-morrow I will offer an amendment to the first Standing Rule of the Senate, so that the same, when amended, shall provide that the Senate shall convene each day at 2 o'clock, P. M., unless by resolution the Senate shall adjourn to some other hour.

Mr. Hord introduced,

Senate bill No. 18, entitled "An act to authorize the County Commissioners to appoint Commissioners to lay out and establish free turnpike roads, and authorizing the creation and appropriation of taxes for the construction and repair of the same, and making the said Commissioners a corporation by a name to be designated by the County Board ;"

Which was read the first time, and passed to a second reading.

The Lieutenant Governor laid before the Senate the following communication :

INDIANA HOSPITAL FOR THE INSANE, }  
Indianapolis, Jan. 10th, 1865. }

SIR :

Herewith, I submit the Sixteenth Annual Report of the "Indiana Hospital for the Insane," and request that same be brought before the Senate at the earliest practicable opportunity.

Very respectfully,  
JAMES WOODBURN,  
*Superintendent.*

On motion, by Mr. Dunning,

The communication was referred to the Committee on Benevolent Institutions.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Select Committee, to whom was referred the Joint Standing Rules of the Senate, and House of Representatives, have had the same under consideration, and have directed me to make the following report :

[The report embodies the same Joint Rules for conducting business in the two Houses of the General Assembly, as were in force during the last session of the General Assembly of Indiana.]

On motion, by Mr. Williams,

Two hundred copies of the Rules and Joint Rules, and the Constitution of the State, were ordered to printed.

Mr. Cobb offered the following, which was adopted by consent :

*Resolved*, That the room communicating with the Hall of the Senate

on the right of the President's chair, be immediately prepared by the Doorkeeper with tables and other necessary furniture for the use of the Engrossing and Enrolling Clerks of the Senate.

*Resolved*, That the Secretary of the Senate, be and he is hereby authorized to procure from the Secretary of State or the State Librarian, all stationery necessary for the use of the officers of the Senate until such time as the Committee on Stationery, already appointed, shall be prepared to report.

Mr. Hargrove offered the following, which was adopted:

WHEREAS, The Senate has ordered to be printed Ten thousand copies of the Governor's Message, therefore,

*Resolved*, That Two thousand of the above copies be printed in German.

The Lieutenant Governor submitted the following Standing Committees:

*On Elections.*

Messrs. <sup>h</sup>Dunning, Allison, Oyl<sup>h</sup>er, Dykes, Bradley, Williams and Corbin.

*On Finance.*

Messrs. Chapman, Beeson, Bonham, Woods, Williams, Carson and Bradley.

*On the Judiciary.*

Messrs. Niles, Bennett, Dunning, Cason, Downey, Cobb and Hord.

*On Education.*

Messrs. Van Buskirk, Allison, Dunning, Cason, Downey, Carson and Douglas.

*On Corporations.*

Messrs. Ward, Culver, Peden, Hyatt, Hanna, Bowman and English.

*On Roads.*

Messrs. Wright, Ward, Oyl<sup>h</sup>er, Finch, Jenkins and Marshall.

*On the Benevolent Institutions of the State.*

Messrs. Thompson, Niles, Brown of Hamilton, Terry, Corbin, Brown of Wells, and Gifford.

*On Agriculture.*

Messrs. Beeson, Culver, Davis, Richmond, Bowman, Fuller and Staggs.

*On Banks.*

Messrs. Bonham, Davis, Chapman, Cullen, English, Gaff and Mason.

*On Manufactures.*

Messrs. Culver, Wood, Ward, Cason, Barker, Carson and Moore.

*On Public Printing.*

Messrs. Brown of Hamilton, Thompson, Cullen, Noyes, Newlin, Marshall and Mason.

*On Public Buildings.*

Messrs. Davis, Thompson, Hyatt, Noyes, Carson, Douglas and McClurg.

*On the State Prisons.*

Messrs. Allison, Peden, Brown of Hamilton, Thompson, Brown of Wells, Corbin and Gifford.

*On Canals and Internal Improvements.*

Messrs. Cullen, Beeson, Culver, Chapman, Carson, Finch and Gaff.

*On State Library.*

Messrs. Cobb, Milligan, Bennett, Van Buskirk, Gaff, Vawter and Bradley.

*On the Town of Indianapolis.*

Messrs. Hyatt, Noyes, Brown of Hamilton, Bonham, Mason, Moore and Newlin.

*On Claims.*

Messrs. Noyes, Richmond, Peden, Bowman, Cobb, Moore and Gaff.

*On Military Affairs.*

Messrs. Bennett, Chapman, Dykes, Woods, Vawter, Corbin and Downey.

*On Phraseology, arrangement of Bills and Enrolled Bills.*

Messrs. Downey, Niles, Milligan, Oyler, Van Buskirk, Gifford and McClurg.

*On Unfinished Business.*

Dykes, Beeson, Bonham, Richmond, Cobb, English and Fuller.

*On Organization of Courts.*

Messrs. Oyler, Cullen, Richmond, Wright, Cobb, Douglas and Downey.

*On Federal Relations.*

Messrs. Cason, Allison, Dunning, Bennett, Hanna, Brown of Wells, and Williams.

*On Expenditures.*

Messrs. Peden, Davis, Dykes, Hyatt, Bradley, Baker and Bowman.

*On Swamp Lands.*

Messrs. Terry, Wright, Bennett, Milligan, Barker, McClurg and Finch.

*On Temperance.*

Messrs. Wood, Wright, Van Buskirk, Terry, Jenkins, Hord and Hanna.

*On County and Township Business.*

Messrs. Richmond, Noyes, Ward, Cullen, Williams, Vawter and Staggs.

*On the Rights and Privileges of the Inhabitants of this State.*

Messrs. Milligan, Oyler, Dunning, Niles, Hord, McClurg, and Brown of Wells.

On motion, by Mr. Bennett,  
Two hundred copies of the Standing Committees were ordered to be printed with the Standing Rules.

Mr. Williams introduced,

Senate bill No. 19, entitled "An act to authorize the Boards of Commissioners of the several counties of the State of Indiana, and the authorities of any incorporated town or city in said State, to make appropriations to persons drafted and persons furnishing substitutes in the army of the United States;"

Which was read the first time, and passed to a second reading.

Mr. Williams moved to suspend the rules, and read the bill a second time now.

A constitutional provision requiring the ayes and nays,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wood and Wright—47.

No Senator voting in the negative

So the rules were suspended, the bill read a second time, and referred to the Committee on the Judiciary.

Mr. Bonham introduced

Senate bill No. 20, entitled "an act to amend an act to fix the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers,"

Which was read the first time, and passed to a second reading.

The rules were suspended, and Senate bill No. 8, entitled "an act to amend section 58 of an act incorporating cities; to authorize towns to borrow money for certain purposes,"

Was read the second time, and referred to the Judiciary Committee.

Senate bill No. 1, entitled "an act appropriating two hundred thousand dollars for the expenses of the present session of the General Assembly, and providing the manner of payment of the members, and officers, and their assistants, and appointees of the Senate and House of Representatives,"

Was read a second time, and referred to the Committee on Finance.

Senate bill No. 2, entitled "an act regulating the practice in the Circuit and Common Pleas Courts of this State, in appeals from judgments of Justices of the Peace,"

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 4, entitled "a bill to provide for the making and authentication of transcripts from the records of the Recorder's office, in certain cases, and for the admissibility in evidence of the same, and certified copies of the deeds and mortgages contained therein,"

Which was read a second time, and referred to the Judiciary Committee.

Senate bill No. 5. An act to repeal sections 601, 602, 603, and 604, of an act entitled "an act to recover the possession of real property, and to determine conflicting claims thereto."

Which was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 6, entitled "a bill to amend an act entitled an act to amend section seven of an act entitled "an act to fix the times for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms; and declaring when this act shall take effect."

Which was read a second time, and referred to a Select Committee of three, viz: Messrs. Hord, Vawter and Cobb.

Senate bill No. 7, entitled "an act to amend section two of an act approved May 11th, 1861, entitled an act to amend the 14th and 18th sections of an act entitled an act fixing the time of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof; and making all process from the present Common Pleas Courts returnable to such terms; and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

Which was read a second time, and ordered to be engrossed.

Senate bill No. 9, entitled "an act requiring the County Commissioners of the several counties of this State to make allowances, and issue orders therefor, in certain cases therein specified."



Which was read a second time, and ordered to be engrossed.

Senate bill No. 10, entitled "a bill to amend section 322 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the counties of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Was read a second time, and referred to the Judiciary Committee.

Senate bill No. 11, entitled "an act repealing section ten of an act entitled an act to establish Courts of Conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11th, 1852, and declaring when the same shall take effect."

Which was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 12, entitled "An act authorizing creditors in certain cases to bring action on their claims before they are due, and have attachment against the property of the debtor, to garnishee property, money, credits and effects, prescribing the manner of proceeding therein, and declaring when this act shall take effect."

Was read the second time, and referred to the Committee on the Judiciary.

Senate bill No. 14, entitled "An act to amend an act in relation to County Treasurers," approved June 4th, 1852."

Was read the second time, and referred to the Judiciary Committee.

Senate bill No. 15, entitled "A bill appointing Commissioners to adjust the claims of Citizens for damages and losses sustained by reason of the raid of the rebel forces under the command of Gen. John Morgan in July, 1863, and occasioned by any other or future raid, prescribing some of their powers and duties, and providing for the payment of the claims adjusted by said commission, and matters properly connected therewith."

Was read the second time, and referred to a select committee of five, viz:

Messrs. Vawter, Niles, Bennett, Chapman and Culver.

Senate bill No. 16, entitled "A bill to amend section 349 of the Practice Act."

Was read the second time, and referred to the Judiciary Committee.

Senate Joint Resolution No. 1, entitled "A Joint Resolution proposing an amendment to the second section of article second of the Constitution, so that the Legislature may more effectually guard

against fraudulent voting, and to enable electors to vote when absent from the State, serving in the army or navy of the United States.

Which was read the second time.

Mr. Brown of Wells, moved to amend as follows :

Amend section 13 of article 2 of the Constitution, so that it shall read as follows :

“ All elections by the people shall be *viva voce*, under such provisions by law, as the General Assembly may from time to time enact; and all elections by the General Assembly or by either branch thereof shall be *viva voce*.

On motion, of Mr. Brown of Wells,

The amendment and Joint Resolution were referred to the Judiciary Committee.

Senate Joint Resolution, No. 2, “ proposing an amendment to article eight of the Constitution, so as to enable cities, townships and towns to levy taxes for the support of Common Schools.”

Was read the second time, and referred to the Judiciary Committee.

Senate Joint Resolusion No. 3, “ proposing an amendment to the 23d section, article 4, of the Constitution, so as to provide for laws enabling cities, townships and towns to raise money for the support of Common Schools.”

Was read the second time, and referred to the Judiciary Committee.

Mr. Vawter introduced,

Senate bill No. 21, entitled “ An act to amend sections nine, ten and thirty-three of an act, entitled “ An act to incorporate the Town of Vernon, Jennings County, Indiana,” approved January 22d, 1851.

Which was read the first time, and passed to a second reading.

Mr. Oyler asked and obtained leave of absence for Mr. Hyatt.

On motion, by Mr. Bonham,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Beeson offered the following resolution, which was adopted:

*Resolved* by the Senate, the House of Representatives concurring therein, that a Joint Committee, consisting of three members of the Senate and five members of the House of Representatives, be appointed to examine into the receipts and expenditures by the Governor, and said Committee shall have power to send for persons and papers, and with authority to report by bill or otherwise.

Mr. Oyler introduced,

Senate bill No. 22, entitled "An act to amend section 10 of an act, entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852.

Which was read the first time, and passed to a second reading.

Mr. Corbin offered the following, which was adopted :

*Resolved*, That the Doorkeeper be authorized to place upon the desk of each of the members of the Senate, fifty copies each of the Governor's Message, of the Reports of the Benevolent Institutions of the State and State Prisons, all wrapped and stamped for mailing.

Senate bill No 23, entitled "An act to amend section seventy-six of an act entitled an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.

Which was read the first time, and passed to a second reading.

Mr. Mason introduced,

Senate bill No. 24, entitled "An act amending section 1 of an act providing for the allowance of compensation to Clerks of the Circuit and Common Pleas Courts, and Sheriffs, for extra services, and to repeal all laws inconsistent therewith."

Which was read the first time, and passed to a second reading.

Mr. Bonham introduced,

Senate bill No. 25, entitled "An act to amend section 1 of an act, entitled an act prescribing certain misdemeanors punishable only by Justices of the Peace."

Which was read the first time, and passed to a second reading.

Mr. Hord introduced,

Senate bill No. 26, entitled "An act to provide for the execution of real contracts, authorizing actions therefor; prescribing the proceedings therein and authorizing the survivors in joint contracts, in certain cases to make conveyance under the order of the Court, and pass a good and sufficient title thereby.

Which was read the first time, and passed to a second reading.

A message from the House of Representatives, announced the passage by that body, of House bill No. 3, entitled "An act to legalize the proceedings of the Court of Common Pleas of the County of Jackson, had at the October term, 1864.

On motion, by Mr. Hord,

The regular order of business was suspended, and the bill read the first time.

Mr. Hord moved that the rules be suspended, and the bill read a second time now.

The constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Van Buskirk, Ward, Williams, Wood and Wright—42.

Noes—none.

So the rules were suspended, and the bill was read the second time, and ordered to be engrossed.

Mr. Van Buskirk moved that the rules be suspended, and the bill read the third time now.

A constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles,

Noyes, Oyler, Peden, Richmond, Staggs, Terry, Van Buskirk, Ward, Williams and Woods—41.

No Senator voted in the negative.

So the motion was agreed to, and the bill was read the third time.

The question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Van Buskirk, Ward, Williams, Woods and Wright—43.

Noes—none.

So the bill passed.

Mr. Douglas introduced,

Senate bill No. 27, entitled "An act to amend section 4 of an act entitled an act prescribing certain misdemeanors punishable only by a Justice of the Peace."

Which was read the first time, and passed to a second reading.

Mr. Noyes introduced,

Senate bill No. 28, entitled "An act to amend the 25th section of an act entitled an act defining felonies, and prescribing punishment therefor," approved June 10th, 1852.

Which was read the first time and passed to a second reading.

On motion, by Mr. Williams,  
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
 January 11th, 1865. }

The Senate met.

The Journal of yesterday was read, and approved.

Mr. Hord presented a petition from certain County Officers of Bartholomew County praying for an increase of salary."

Which was read, and referred to the Committee on Finance.

Mr. English offered a similar petition,

Which was referred to the Finance Committee, without reading.

On motion, by Mr Richmond,

All such petitions were ordered to be referred to the Committee on Finance, without reading.

On motion, by Mr. Bradley,

It was ordered that, all similar petitions, now on the table of the Senate be referred to the same Committee,

Mr. Hood submitted the following report :

MR. PRESIDENT :

The Select Committee appointed under a resolution of the Senate to devise and report a suitable mode of providing stationery for the members and officers thereof, have instructed me to report that, believing in the exercise of a rigid economy, and the use of a frugal and sparing hand in our dealings with the public money, we have used some effort to find the amount of expenditures heretofore required for the purposes of stationery, that a convenient and just system might be devised for an equal and conscionable distribution of the same. The Committee have inquired of the Secretary of State, who distributed a portion of the stationery to the members of the preceding session of the Legislature, as to the cost of the stationery thus provided, and he reports that he has no data upon which to estimate the cost of the same, inasmuch as such stationery as was dispensed by him was purchased prior to his entry into office; but he is satisfied that the stationery furnished would exceed, upon an average, one hundred dollars to each member, at the low rate at which

stationery was then purchased, and since that time stationery has increased almost three-fold in value, and it would economize the finances of the State to pay to each member one hundred dollars, and require the members to furnish their own stationery. Such a measure would avoid the necessity of a Stationery Clerk and a Stationery Doorkeeper, at a cost of \$12.00 per day, thereby saving the State the sum of \$732.00 in those items alone; and it will secure an equal and just distribution of stationery among the members. The Committee therefore recommend to the Senate, that each member of the Senate shall be paid the sum of one hundred dollars, and the President of the Senate one hundred and fifty dollars, for stationery purposes, to be paid by the Treasurer of State to the members, on the certificate of the President, and to the President upon his own order; and that the State Librarian shall furnish to the Principal and Assistant Secretaries of the Senate all stationery required by them upon their own order, and to the Chairmen of Committees upon their order, on a vote of their respective Committees. The Committee believing that this arrangement would shut off the sluices of a wasteful extravagance, recommend it to the consideration of the Senate.

The question being on concurring in the report of the Select Committee, Mr. Van Buskirk demanded the previous question, and, there being a second, the yeas and nays were demanded by Mr. Vawter and Mr. Brown of Wells, and, being taken, resulted as follows:

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Dunning, Gaff, Gifford, Hord, Hyatt, Milligan, McClurg, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, VanBuskirk, Ward, Woods and Wright—30.

Those who voted in the negative were,

Messrs. Beeson, Bowman, Bradley, Brown of Wells, Carson, Culver, Dykes, English, Finch, Fuller, Hanna, Jenkins, Marshall, Mason, Moore, Newlin, Oyler, Vawter and Williams—19.

So the report was concurred in.

Mr. Hord submitted the following report:

MR. PRESIDENT:

The Select Committee, to whom was referred Senate bill No. 17, "an act authorizing County Auditors, with the consent of the Board of County Commissioners, to invest the common school funds on

hand and unloaned, in county bonds of the county thus owning such school fund, and providing for the enforcement of the payment of the same," have instructed me to report the same back to the Senate, and recommend its passage, with the following amendment:

To insert after the word "*same*," on page 3 and line 3, the following, to-wit: "and if the interest shall not be promptly paid annually, on said bonds, it shall be the duty of said County Auditor to bring suit to enforce the payment of said interest; and if the bonds are due, to bring an action to compel the payment of the bonds, with such interest as may remain unpaid."

The report was concurred in.

Mr. Hord moved that the rules be suspended, and the bill read the third time.

The ayes and noes were demanded by Messrs. Cason and Bennett.

Those who voted in the affirmative were,

Messrs. Dunning, Gifford, Hanna, Hord, McClurg, Newlin, Noyes, Richmond and Williams—9.

Those who voted in the negative were,

Messrs. Allison, Baker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dykes, English, Finch, Fuller, Gaff, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Niles, Oyler, Peden, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—40.

So the motion was rejected.

So the Senate refused to suspend the rules.

On motion, by Mr. Bennett,

The bill and report were ordered to be referred to the Committee on Education.

Mr. VanBuskirk offered the following resolution, which was adopted:

*Resolved*, That the Doorkeeper be authorized to procure one room for each of the following standing committees, viz: Committee on Finance, Committee on the Judiciary, Committee on Elections, and Committee on Education.



Mr. Thompson offered the following, which was adopted :

*Resolved*, That the Doorkeeper is hereby directed to prepare rooms in the house now made vacant by the Governor, known as the Governor's Residence, for the use of the committees of the Senate.

Mr. Bennett offered the following, which was adopted :

*Resolved*, That the Senate will (the House concurring), go into the election of the following named officers, this day at 2½ o'clock P. M., viz: One Agent of State, one State Printer, one State Librarian, one Trustee of the Wabash and Erie Canal, one Director for the State Prison North, and three Directors for the State Prison South.

Mr. Beeson offered the following, which was adopted :

*Resolved*, That the Committee on Finance be instructed to allow no claim unless the same be presented at least ten days before the final adjournment of the Legislature, unless the same may have accrued within the last ten days of the session.

Mr. Vawter submitted the following, which was adopted :

*Resolved*, That the Committee heretofore appointed on Railroad Appraisalment be directed to investigate and report :

1st. Whether any railroad has been delinquent as to the payment of its tax ?

2d. The amount of such delinquency.

3d. Why the same has not been paid ?

4th. Any necessary legislation to correct this abuse ; and that they have power to send for persons and papers.

Mr. Bennett offered the following :

*Resolved*, That the first standing rule of the Senate be so amended as to read as follows :

The President shall take the chair every day precisely at 2 o'clock in the afternoon, unless the Senate shall, by resolution, have adjourned to another hour.

The yeas and nays were demanded by Messrs. Bradley and Williams.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Dunning, Dykes, Finch, Gifford, Mason, Milligan, McClurg, Niles, Noyes, Peden, Terry, Thompson, VanBuskirk, Ward, Woods and Wright—28.

Those who voted in the negative were,

Messrs. Barker, Bonham, Bowman, Bradley, Cullen, Douglas, English, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Moore, Newlin, Oyler, Richmond, Staggs, Vawter and Williams—21.

And so the resolution was adopted.

The President laid before the Senate the following :

OFFICE OF SECRETARY OF STATE, }  
Indianapolis, Jan. 11th, 1865. }

*Hon. Conrad Baker, President of the Senate :*

I have the honor to lay before the Senate the accompanying testimony relating to the contest for Senators from the counties of Jackson and Jennings.

Very respectfully,  
JAMES S. ATHON,  
*Secretary of State.*

On motion by Mr. Buskirk,

The communication and accompanying documents were referred to the Committee on Elections.

The President laid before the Senate the following :

BANK OF THE STATE OF INDIANA, }  
Indianapolis, Jan. 9, 1865. }

*Hon. Conrad Baker, President of the Senate :*

*Sir :* I have the honor to submit herewith, the annual reports of the bank and each of the branches of the Bank of the State of Indiana, to be laid before the Senate.

I am very respectfully,  
Your obedient servant,  
G. W. RATHBONE,  
*President.*

On motion by Mr. Van Buskirk,

The communication and accompanying reports, were referred to the Committee on Banks.

Mr. Brown, of Wells, asked and obtained leave to change his vote on Senate bill No. 13, passed early in the session of yesterday. He desired to vote "no."

On motion by Mr. Oyler,

The papers in the case of the contested election from the counties of Jennings and Jackson, were taken from the table, and referred to the Committee on Elections.

Mr. Dunning introduced,

Senate bill No. 29, to authorize the Bank of the State of Indiana to reduce the capital stock of a branch, or close up the business of a branch or branches of said banks, under certain regulations, and amendatory of section 62 and 74, of an act entitled "an act to establish a bank with branches," passed March 3, 1855.

Which was read the first time.

Mr. Dunning moved to suspend the rules, and to read the bill a second time now.

A Constitutional provision requiring the ayes and nays,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter Ward, Williams, Woods and Wright—45.

Those who voted in the negative were,

Messrs. Bowman, Cobb and English—3.

So the rules were suspended, and the bill read a second time, by its title only.

A message from the House of Representatives was received, announcing the passage, by that body, of the following resolution :

*Resolved, by the House of Representatives, (the Senate concurring,)* That the two Houses meet in Joint Convention in this Hall at 2½

o'clock, P. M. to-day, and to proceed to the election of State Agent, State Printer, State Librarian, Trustee of the Wabash and Erie Canal, Director of Southern Prison and Directors of Northern Prison.

Mr. Bennett moved to concur.

Mr. Williams, moved to amend by striking out "Directors of the Northern State Prison."

Mr. Cason, moved to lay the amendment on the table.

The ayes and nays being demanded by Messrs. Bonham and Williams,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—24.

Mr. Branham paired off with Mr. Downey.

So the amendment was laid on the table.

The question being on concurring in the resolution from the House, the yeas and nays were demanded by Mr. Brown of Wells, and Corbin.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Finch, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—27.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Cobb, Corbin, Douglas, English, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—21.

So the resolution was concurred in.

Mr. Hanna introduced

Senate bill No. 30, entitled "an act to authorize, regulate and confirm the sale of railroads; to enable purchasers to form corporations, and to increase corporate powers; to define their rights, powers and privileges; to enable corporators to construct connecting and branch railroads, and to operate and maintain the same."

Which was read the first time, and passed to a second reading.

Mr. Hord introduced

Senate bill No. 31, entitled "an act relating to insurance on life for the benefit of widows and orphans."

Which was read the first time, and passed to a second reading.

On motion by Mr. Bennett,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Douglas introduced,

Senate bill No. 32, entitled, "an act giving County Surveyors power to administer oaths to viewers of roads, and providing that where a Surveyor is one of the viewers, he shall not be required to take an additional oath."

Which was read the first time, and passed to a second reading.

Mr. Corbin introduced

Senate bill No. 33, entitled, "a bill repealing sections 1, 7, 9 10 and 12, of an act entitled an act to provide for the erection of a new prison north of the National Road, election of officers thereof, making appropriations, and for the regulation of the same, approved March 5th, 1859, and an act supplemental thereto, providing for the election of officers for the Northern Prison, prescribing some of their duties, providing for the government of said prison, and other matters properly connected therewith, and continuing in force all laws applicable thereto, and not inconsistent therewith."

Which was read the first time, and passed to a second reading.

Mr. Gaff introduced

Senate bill No. 54, entitled "an act to authorize incorporated cities within this State, to purchase and hold Parks, Fair grounds and grounds for public uses, outside of the corporate limits, and to prescribe rules and regulations for the government, control and regulation of the same."

Which was read the first time, and passed to the second reading.

Mr. Vawter introduced

Senate bill No. 35, entitled, "a bill to provide for the appraisalment of railroads."

Which was read the first time, and passed to a second reading.

Mr. Gaff introduced

Senate bill No. 36, entitled "an act to legalize the appraisalment and assessment of property in the cities of this State, the making out and delivering of the tax-duplicates in the cities of this State, and the assessment of property by the treasurers of the cities in this State, incorporated under the general laws of this State for the incorporation of cities."

Which was read the first time, and passed to a second reading.

Mr. Williams introduced

Senate bill, No. 37, entitled "a bill to divide the State into eleven Congressional Districts."

Which was read the first time, and passed to a second reading.

Mr. Corbin introduced

Senate bill, No. 38, entitled "a bill providing for the election and appointment of officers for the benevolent institutions of this State, prescribing some of their duties and other matters properly connected therewith, repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof."

Which was read a first time, and passed to a second reading.

Mr. Douglas introduced

Senate bill No. 39, entitled "an act to amend an act entitled an act to amend section 19 of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas Courts, returnable to such terms," &c., approved February 15, 1861.

Which was read the first time, and passed to a second reading.

Mr. Bradley, offered the following, which was adopted by consent.

*Resolved*, That the Committee on Benevolent Institutions be instructed to report a bill providing under proper restrictions, at the expense of the State, for the permanent taking care of the incurably insane of our State.

A message from the House announced the passage, by that body, of the following resolution :

*Resolved*, That the Senate be informed that the House awaits them to meet in Joint Convention to elect an Agent of State, State Librarian, Canal Trustee, State Printer and State Prison Directors.

Thereupon the Senate proceeded to the Hall of the House, and assumed the seats assigned to them on the right of the Speaker's chair.

The President of the Senate then announced the object of the Joint Convention, when Mr. Newcomb made the following motion, that the order of the election be as follows, to-wit :

State Printer, State Agent, State Librarian, Trustees of the Wabash and Erie Canal, one Director of the State Prison South, three Directors of the State Prison North.

Which was agreed to.

The nomination of State Printer being then in order, Mr. Newcomb, nominated William R. Holloway, of Marion county.

Senator Bradley nominated John B. Norman of Floyd county.

No other nominations being made, the result of the first ballot was as follows.

*Those who voted for W. R. Holloway were,*

Senators Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright.

Representatives Atkinson, Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Steward, Stivers, Stringer, Sullivan of Posey and Vanderburg, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Wright Zeigler and Mr. Speaker—82.

*Those who voted for John B. Norman were,*

Senators Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Fuller, Gaff, Gifford, Hord, Jenkins, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams.

Representatives Abbett, Beckett, Bird, Burwell, Buskirk, Collins, Colover, Croan, Glazebrook, Gregg, Hargrove, Harrison, Humphreys, Hunt, Lasselle, Lemon, Lopp, Milroy, O'Brien, Osborn, Patterson, Perigo, Puett, Richards, Richardson, Shoaff of Allen, Shoaff of Jay, Spencer, Stenger, Stuckey, Sullivan of Scott, Thatcher, Veach and White—55.

William R. Holloway having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention duly elected State Printer for two years from and after the expiration of the term of the present incumbent.

The election of State Agent being next in order, Senator Dunning nominated George A. Buskirk, of Monroe county.

Senator Williams nominated Mathew L. Brett, of Davies county.

No other nominations being made, the result of first ballot was as follows:

*Those who voted for George A. Buskirk were,*

Senators, Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk Ward, Wood and Wright.

Representatives Atkinson, Banta, Bonner, Boyd, Branham, Burnes, Buskirk, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller, of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reece, Rhoads, Rice, Riford, Roach, Sabin, Shuey, Sim, Steward, Stivers, Stringer, Sullivan of Posey and Vanderburg, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Wright, Zeigler and Mr. Speaker—84.

*Those who voted for Mathew L. Brett were,*

Senators Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Mason, Moore, McClurg, Staggs, Vawter and Williams.

Representatives, Abbett, Beckett, Bird, Burwell, Burton, Collins, Colover, Croan, Glazebrook, Gregg, Hargrove, Harrison, Humphreys,



Hunt, Lasselle, Lemon, Lopp, Milroy, O'Brien, Osborn, Patterson, Perigo, Puett, Richards, Richardson, Shoaff of Allen, Shoaff of Jay, Spencer, Stenger, Stuckey, Sullivan of Scott, Thatcher, Veach and White—54.

George A. Buskirk having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected Agent of State for two years from and after the expiration of the term of the present incumbent.

The President of the Joint Convention announced the election of State Librarian to be in order.

Senator Oyler nominated Rev. B. F. Foster, of Marion County.

Mr. Buskirk nominated David Stevenson, of Marion County.

No other nominations being made, the result of the first ballot was as follows :

*Those who voted for the Rev. B. F. Foster were,*

Senators Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright.

Representatives Atkinson, Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Stewart, Stovers, Stringer, Sullivan of Posey and Vanderburgh, Trusler, Upton, Welch, Whiteside, Willis, Woodruff, Woods, Wright, Zeigler and Mr. Speaker—82.

*Those who voted for David Stevenson were,*

Senators Barker, Bowman, Bardley of Wells, Carson, Cobb, Douglas, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams.

Representatives Abbott, Beckett, Bird, Burton, Burwell, Collins, Colover, Croan, Glazebrook, Gregg, Harrison, Hargrove, Humphreys, Hunt, Lasselle, Lemon, Lopp, Milroy, O'Brien, Osborn, Patterson, Perigo, Richardson, Roach, Shoaff of Allen, Shoaff of Jay, Spencer, Stringer, Stuckey, Sullivan of Scott, Thatcher, Veach and White—56.

B. F. Foster having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Con-

vention duly elected State Librarian for the Constitutional term prescribed by law

The President of the Joint Convention announced the election of a Trustee for the Wabash and Erie Canal to be in order, Senator Richmond nominated Col. David E. Dunn, of Cass county.

Senator Newlin nominated William A. Sangster, of Fountain county. No other nominations being made, the result of the first ballot was as follow :

*Those who voted for Col David M. Dunn were,*

Senators Allison, Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright.

Representatives—Atkenson, Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Steward, Stivers, Stringer, Sullivan of Posey and Vanderburgh, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Wright, Zeigler and Mr. Speaker—82.

*Those who voted for Wm. A. Sangster were,*

Senators Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams.

Representatives Abbett, Beckett, Bird, Burton, Burwell, Buskirk, Collins, Colover, Croan, Glazebrook, Gregg, Hargrove, Harrison, Humphreys, Hunt, Lemon, Lopp, Milroy, O'Brien, Osborn, Patterson, Perigo, Puett, Richards, Richardson, Roach, Shoaff of Allen, Shoaff of Jay, Spencer, Stinger, Stuckey, Sullivan of Scott, Thatcher, Veatch and White—57.

Col. David M. Dunn having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected Trustee for the Wabash and Erie Canal for the term prescribed by law.

The President of the Joint Convention announced the election of a Director for the State Prison South to be in order.

Mr. Miller, of Tippecanoe, nominated William S. Ferries, of Clark County.

Mr. Buskirk nominated Mede W. Shields, of Jackson County.

No other nominations being made, the result of the first ballot was as follows :

*Those who voted for Mr. Ferrier were,*

Senators Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright.

Representatives Atkinson, Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Stewart, Stivers, Stringer, Sullivan of Posey and Vanderburgh, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Wright, Zeigler and Mr. Speaker—82.

*Those who voted for Mr. Shields were :*

Senators Barker, Bowman, Bradley, Brown of Wells, Cobb, Douglas, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams.

Representatives Abbett, Beckett, Bird, Burton, Burwell, Buskirk, Collins, Colover, Croan, Glazebrook, Gregg, Hargrove, Harrison, Humphreys, Hunt, Lasselle, Lemon, Lopp, Milroy, O'Brien, Osborn, Perigo, Puett, Richards Richardson, Roach, Shoaff of Allen, Shoaff of Jay, Spencer, Stenger, Stuckey, Sullivan of Scott, Thatcher, Veach and White—57.

Mr. Ferrier having received a majority of all the votes cast by the General Assembly, was declared, by the President, duly elected a Director for the Indiana State Prison South for the term prescribed by law.

Mr. Branham moved to proceed to the election of three Directors for the Northern State Prison, separately,  
Which was agreed to.

Mr. Kilgore nominated Carleton E. Shipley, of Delaware County.

Mr. Buskirk nominated Mr. Blank.

No other nominations being made, the result of the first ballot was as follows :

*Those who voted for Mr. Shipley were,*

Senators Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Cullen, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright.

Representatives Atkinson, Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Stewart, Stivers, Stinger, Sullivan of Posey and Vanderburgh, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Zeigler and Mr. Speaker—81.

*Those who voted for Mr. Blank were,*

Senators Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, English, Finch, Hord, Marshall, Mason, Moore, Staggs and Williams.

Representatives Abbett, Beckett, Burwell, Colover, Croan, Glazebrook, Gregg, Harrison, Hunt, Lasselle, Lemon, Lopp, Milroy, O'Brien, Osborn, Perigo, Richards, Richardson, Roach, Shoaff of Allen, Shoaff of Jay, Spencer, Stenger, Stuckey, Sullivan of Scott, and Thatcher—40.

Mr. Shipley having received a majority of all the votes cast, was declared duly elected as Director for the Indiana State Prison North, for the term of years prescribed by law.

Mr. Whiteside nominated Colonel Hugh Hanna, of Wabash county.

Mr. Buskirk nominated Mr. Blank.

There being no other nominations made, the result of the first ballot was as follows :

*Those who voted for Col. Hugh Hanna were,*

Senators Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, and Wright.

Representatives Atkinson, Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey,

Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Steward, Stivers, Stringer, Sullivan of Posey and Vanderburg, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Zeigler and Mr. Speaker—81.

*Those who voted for Mr. Blank were,*

Senators Barker, Bowman, Cobb, Finch, Gifford, Hord, Mason, Moore, Staggs, and Williams.

Representatives Beckett, Buskirk, Croan, Glazebrook, Gregg, Hargrove, Harrison, Hunt, Lasselle, Lemon, Lopp, O'Brien, Osborn, Perigo, Richards, Roach, Shoaff of Allen, Shoaff of Jay, Spencer, Stenger, Stuckey, Sullivan of Scott and Thatcher—33.

Colonel Hugh Hanna, having received a majority of all the votes cast in the General Assembly, was declared duly elected by the President of the Joint Convention, for the term prescribed by law.

Mr. Chapman nominated Joseph E. Dodge, of Kosciusko county.

Mr. Buskirk nominated Mr. Blank.

*Those who voted for Col. Dodge were,*

Senators Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood, and Wright.

Representatives, Atkinson, Banta, Bonner, Boyd, Branham, Barnes, Chambers, Church, Cook, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, James, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, O'Brien, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Spencer, Steward, Stivers, Stringer, Sullivan of Posey and Vanderburg, Trusler, Upson, Welch, Willis, Woodruff, Woods, Zeigler and Mr. Speaker—82.

*These who voted for Mr. Blank were,*

Senators Barker, Bowman, Cobb, Finch, Jenkins, Moore, Staggs, Williams, and

Representatives Beckett, Bird, Burton, Burwell, Buskirk, Colover, Croan, Glazebrook, Gregg, Hargrove, Hunt, Lemon, Lopp, Osborn, Perigo, Richardson, Roach, Shoaff of Allen, Shoaff of Jay, Stringer, Stuckey, Sullivan of Scott and Thatcher—31.

Mr. Dodge having received a majority of all the votes cast, was declared by the President duly elected a Director for the Indiana State Prison North, for the term of years prescribed by law.

The object being accomplished for which the Joint Convention assembled, the President declared it adjourned *sine die*.

The Senate then returned to their chamber.

On motion by Mr. Mason,  
The Senate adjourned.

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THURSDAY AFTERNOON, 2 O'CLOCK, P. M., }  
January 12, 1865. }

The Senate met.

The reading of the Journal of yesterday was commenced, when,  
On motion by Mr. Beeson,  
The further reading thereof was dispensed with.

Mr. Brown, of Wells, asked and obtained leave of absence for himself till the last of next week.

Mr. Bowman presented a petition from sundry Assessors of Washington county, praying for the enactment of a law giving them additional compensation.

Which was read, and referred to the Committee on County and Township Business.

Mr. Bonham, from the Committee on Banks, submitted the following report:

MR. PRESIDENT:

The Committee on Banks, to whom was referred Senate bill No. 29, entitled "an act to authorize the Bank of the State of Indiana to reduce the capital stock of a branch or branches of said Bank; to close the business and affairs of a branch or branches, under certain regulations; and amendatory of sections 68, 82, and 74, of an act to establish a Bank with branches," approved March 3d, 1855, have had the same under consideration, and have unanimously instructed me to report the same back, with the recommendation that it pass.

The report was concurred in by consent.

Mr. Cullen moved that the bill be considered as engrossed, and read the third time now.

Mr. Williams moved to lay the bill on the table, and that two hundred copies thereof be printed.

Mr. Bennett demanded a division of the question.

The first question being, shall the bill lie on the table.

Messrs. Douglas and Dunning demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Cobb, Corbin, Douglas, Fuller, Hord, Marshall, Staggs, Williams and Wright—11.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hyatt, Jenkins, Mason, Milligan, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward and Wood—33.

So the motion to lay the bill on the table was rejected.

The question then recurring on the motion to print,

Messrs. Douglas and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Hamilton, Cobb, Corbin, Douglas, Finch, Fuller, Hord, Marshall, Staggs and Williams—12.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, English, Gaff, Gifford, Hyatt, Jenkins, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—33.

So the motion to print was rejected.

The motion, (Mr. Cullen's,) was agreed to, and the bill was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cullen, Davis, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—36.

Those who voted in the negative were,

Messrs. Bowman, Cobb, Corbin, Douglas, Finch, Fuller, Hord, Moore, Staggs and Williams—10.

So the bill passed.

Mr. Cobb offered the following, which was adopted.

*Resolved*, That the Door Keeper be instructed immediately to prepare a room, the one on the right of the entrance of the Senate, for the use of the Engrossing and Enrolling Clerks of the Senate.

Mr. Mason offered the following, which was adopted by consent :

WHEREAS, Many of the Railroads in this State are in the habit of charging more for freights from intermediate Stations, along the line of the Roads, than they do at points more remote.

AND WHEREAS, Said charges are unjust and wrong : Therefore,

*Be it resolved*, That the Judiciary Committee be requested to report, by bill or otherwise, in order that persons may only be charged a *pro rata* amount for the carrying of freight from one point along the road to another.

Mr. Bowman offered the following, which was adopted by consent :

*Resolved*, That the Committee on County and Township business be instructed to inquire into the propriety of increasing the pay of Township Assessors, and report by bill or otherwise.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 6,



an act entitled "an act to amend an act entitled an act to amend section seven of an act entitled "an act to fix the times for holding the Common Pleas Courts in the several Counties of this State, the duration of the terms thereof, and making all process from the Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5th 1859, so as to change the time of holding said Courts in Jackson and Bartholomew Counties, and declaring when this act shall take effect, "approved March 9, 1861, so as to change the time of holding said Court in Jennings and Bartholomew Counties, extending the time of holding said Court therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect," have instructed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

Mr. Hord moved that the bill be considered engrossed, and read the third time now.

A Constitutional provision requiring the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, VanBuskirk, Ward, Williams, Woods and Wright—44.

Mr. English voted in the negative.

So the rules were suspended, and the bill read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, VanBuskirk, Ward, Williams, Woods and Wright—44.

No Senator voted in the negative.

So the bill passed.

Mr. Corbin offered the following :

*Resolved*, That His Excellency, O. P. Morton furnish to the Senate a statement—

1st. Of the amount of money by him borrowed under an act approved June 3, 1861, authorizing the borrowing of money by him, in certain cases therein specified, of whom borrowed, and how much, if any, remains unpaid.

2d. Of the amount of expenditures made under specific appropriation act approved May 31, 1861, as required by section 11 therein.

3d. The amount of bonds by him received under act of May 31, 1861; what amount, if any, was delivered to the Commissioners named in said act, and what disposition has been made of the same; how many of said bonds have been cancelled, if any, and how many are now outstanding; also, what amount was realized from the sale thereof; and that the Secretary be instructed to furnish a copy of these resolutions to the Governor.

Mr. Cason moved to refer the resolution to the Joint Committee authorized to investigate the expenditures made by the Governor.

Mr. Corbin moved that this motion be laid upon the table.

Messrs. Mason and Culver demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Staggs and Williams—21.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

So the motion to lay on the table was rejected.

The question recurring on the motion to refer,

The yeas and nays were demanded by Messrs. Corbin and Douglas.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk and Ward—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Williams, Wood and Wright—22.

So the motion was agreed to, and the Joint Resolution referred to the Joint Committee.

A message from the House of Representatives announced that the House has concurred in the following resolution of the Senate :

*Resolved by the Senate, (the House of Representatives concurring therein, That a Joint Committee, consisting of three members of the Senate and five members of the House of Representatives, be appointed to examine into the receipts and expenditures by the Governor; and said Committee shall have power to send for persons and papers, and with authority to report by bill or otherwise.*

And that Messrs. Branham, Higgins, Humphreys, Boyd, and Shoaff, of Jay, have been appointed said Committee on the part of the House.

Mr. Van Buskirk introduced

Senate Joint Resolution No. 4, entitled "a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence for the passage of an amendment to the Constitution, abolishing slavery in the United States."

Which was read the first time, and passed to a second reading.

Mr. Bennett introduced

Senate Joint Resolution No. 5, entitled "a Joint Resolution instructing our Senators, and requesting our Representatives in Congress, to secure the passage of a law placing certain persons upon the Pension Rolls."

Which was read the first time, and passed to a second reading.

Mr. Cobb introduced

Senate Joint Resolution No. 6, entitled "a Joint Resolution instructing our Senators and requesting our Representatives in Congress to call upon and urge the Secretary of War to order certain

volunteers, and especially "Co. M., 3d Indiana Cavalry," to be immediately released and discharged from the service."

Read the first time, and passed to a second reading.

Mr. Cobb moved that the constitutional rule be suspended, and the Joint Resolution read a second time.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—44.

Those who voted in the negative were,

Messrs. Corbin and English—2.

So the constitutional provision was suspended, and the Joint Resolution read a second time.

On motion by Mr. Bennett,

The Joint Resolution was referred to the Committee on Military Affairs.

Mr. Carson introduced

Senate Joint Resolution No. 7, entitled "a Joint Resolution instructing our Senators and requesting our Representatives in Congress to endeavor to procure the passage of an act extending the time for the acceptance of the donation of land by Congress for agricultural purposes."

Which was read the first time, and passed to a second reading.

Mr. Cason moved to suspend the regular order of business, and take up bills on the second reading.

The motion was agreed to.

Senate bill No. 18, entitled "an act to authorize the County Commissioners to appoint commissioners to lay out and establish free turnpike roads, and authorizing the creation and appropriation of taxes for the construction and repair of the same; and making the said commissioners a corporation, by a name to be designated by the County Board."

Read the second time by title only, and referred to the Committee on Agriculture.

Senate bill No. 28, entitled "An act to amend the 25th section of an act entitled 'an act defining felonies and prescribing punishment therefor,' " approved June 10, 1852.

Read the second time by title only, and referred to Committee on Judiciary.

Senate bill No. 30, entitled "An act to authorize, regulate and confirm the sale of railroads, to enable purchasers to form corporations, and to exercise corporate powers, to define their rights, powers and privileges, to enable corporations to construct connecting branch railroads, and to operate and maintain the same."

Read the second time by title only, and referred to Committee on Corporations.

Senate bill No. 31, entitled "An act relating to insurance on life for the benefit of widows and orphans."

Which was read the second time by title only, and referred to the Committee on the Judiciary.

Senate Bill No. 32, entitled "An act giving County Surveyors power to administer oaths to Viewers of Roads, and providing that when a Surveyor is one of the Viewers, he shall not be required to take an additional oath."

Which was read the second time by title only, and referred to the Committee on County and Township Business.

Senate bill No. 83, entitled, "A bill repealing sections one, seven, nine, ten, and twelve of an act to provide for the erection of a new prison north of the National road, election of officers thereof, making appropriations, and for the regulation of the same, approved March 5, 1859, and an act supplemental thereto, providing for the election of officers for the Northern State Prison, prescribing some of their duties, providing for the government of said prison, and other matters connected therewith, and continuing in force all laws applicable thereto, and not inconsistent thereto."

Read the second time by title only, and referred to Committee on State Prison.

¶ The Chairman of the Committee on Phraseology submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology have examined Senate bills Nos. 6 and 29, and find them carefully and correctly engrossed.

Senate bill No. 34, entitled "An act to authorize incorporated cities within this State to purchase and hold parks, fair grounds, and grounds for public uses, outside of the corporate limits, and to provide rules and regulations for the government, control, and preservation of the same.

Which was read the second time by title only, and referred to the Committee on Corporations.

Senate bill No. 35, entitled "A bill to provide for the appraisement of railroads."

Was read the second time by title only, and referred to the Committee on Corporations.

Mr. Dunning introduced

Senate bill No. 40, entitled "An act to establish an Agricultural College, wherein shall be taught such branches of learning as are related to agriculture, including the mechanic arts, and military tactics, also, such other branches of science and literature as the General Assembly or the Trustees may direct, and to appropriate funds for its endowment, support and maintenance, and to provide a Board of Trustees for its management.

Which was read the first time.

Mr. Dunning moved to suspend the rules, so that the bill may be read the second time now.

A Constitutional provision requiring the ayes and nays,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—41.

Those who voted in the negative were,

Messrs. Allison, Barker, Corbin, Cullen and English—5.

So the motion was agreed to and the bill read a second time by its title only, and referred to the Committee on Education.

On motion by Mr. Richmond,  
The Senate adjourned.

FRIDAY AFTERNOON 2 O'CLOCK, P. M., }  
 January 13th, 1865. }

The Senate met.

The reading of the minutes of yesterday's proceedings was commenced, when,

On motion by Mr. Gifford,  
 The further reading thereof was dispensed with.

Mr. Moore presented a memorial from the County Officers of Owen county, praying for the abolishment of Common Pleas Courts, increasing the number of Circuit Court Districts, and of the number of the terms of said Courts and providing for the settlement of decedents estates by the Clerks of the Circuit Courts, subject to the revision and approval of said Court.

Which was read and referred to the Committee on the organization of Courts.

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 4, "A bill to provide for the making and authentication of transcripts from the Recorder's office in certain cases, and for the admissibility in evidence of the same, and certified copies of deeds and mortgages contained therein, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

The bill was read the second time, and ordered to be considered as engrossed for a third reading to-morrow.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 11, an act repealing section ten of an act entitled "An act to establish Courts of Conciliation, to prescribe rules and proceedings therein, and compensation of the Judges thereof," approved Jan. 11, 1852,

have instructed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

The bill was read the second time, and ordered to be considered as engrossed for a third reading to-morrow.

Mr. Beeson offered the following resolution which was adopted by consent.

*Resolved*, That the Treasurer of State be required to furnish the Senate with a statement of the amount of money paid out of the Treasury, to whom paid, and for what purposes, since the adjournment of the last Legislature.

Mr. Hord offered the following, which was adopted by consent.

*Resolved*, That when the Senate adjourn, it shall adjourn to meet to-morrow, at 9 o'clock A. M.

Mr. Van Buskirk offered the following resolution, which was adopted by consent.

*Resolved*, That the following Standing Committees each be authorized to employ a clerk, viz: Committee on Finance, Committee on the Judiciary, Committee on Elections, Committee on Education and Military Committee.

Mr. Branham introduced,

Joint resolution No. 8, entitled "A joint resolution instructing our Senators, and requesting our Representatives in Congress to cast their votes and use their influence in favor of a law increasing the pay of non-commissioned officers and privates in the army of the United States at least four dollars per month."

Which was read the first time, and passed to a second reading.

Mr. Vawter moved to amend the second section of Senate bill No. 20, so as to strike out "Assistant Secretary," in the Senate; also, "Assistant Clerk," in the House, also, so as to provide for the payment of the sum of two thousand dollars to Principal Secretary of the Senate for all clerical services of the Senate for regular session, and fifteen hundred for extra session of the Senate, not to include clerical work for the Committees; also to provide for the payment of the sum of twenty-five hundred dollars to the Clerk of the House for the same service at regular session, and two thousand dollars for the same service at extra session, and the sum of eighteen hundred dollars for Doorkeepers for regular sessions of the House and Senate, and fifteen hundred dollars for extra sessions.



On motion by Mr. Cason,  
The bill and amendment were referred to Committee on Finance.

Mr. Beeson introduced,

Senate bill No. 41, entitled "An act to provide for the sale and conveyance of certain real estate named therein."

Which was read the first time, and passed to a second reading.

Mr. Moore introduced,

Senate bill No. 42, entitled "An act to amend section nine of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read the first time, and passed to a second reading.

Mr. Hord introduced,

Senate bill No. 43, entitled "An act authorizing an injunction against tenants and under-tenants who shall unlawfully hold over, and regulating the proceedings therein."

Which was read the first time, and passed to a second reading.

Mr. Niles introduced,

Senate bill No. 44, entitled "An act in relation to joint contracts, promises and obligations; and declaring all such contracts, promises and obligations to be joint and several in their nature, so far as relates to the remedies to enforce the same."

Which was read the first time, and passed to a second reading.

Mr. McClurg asked and obtained leave of absence for Mr. Mason until Monday at 2 o'clock P. M.

Mr. Dunning asked and obtained leave of absence for Mr. Corbin until Monday at 2 o'clock P. M.

Mr. Beeson asked and obtained leave of absence for Mr. Bonham until Tuesday at 2 o'clock P. M.

Mr. Bonham introduced,

Senate bill No. 45, entitled "An act to amend section 37 of an act entitled 'an act defining misdemeanors and prescribing the punishment therefor.'"

Which was read the first time, and passed to a second reading.

Mr. Fuller introduced,

Senate bill No. 46, entitled "An act to authorize the Secretary of State to cause to be printed in pamphlet form the laws of decedent's estate, and for the distribution of the same."

Which was read the first time, and passed to a second reading.

Mr. Hord introduced,

Senate bill No. 47, entitled "An act authorizing proceedings to compensate parties whose property may be destroyed in consequence of mobs or riots."

Which was read the first time, and passed to a second reading.

Mr. Hord introduced,

Senate bill No. 48, entitled "An act declaratory of the law concerning contempts of Court."

Which was read the first time, and passed to a second reading.

Mr. Beeson moved that bills be read the second time by title only, for reference.

The motion was agreed to.

Senate bill No. 19, entitled "An act to authorize the Boards of Commissioners of the several counties of Indiana, and the authorities of any incorporated town or city in said State, to make appropriations to persons drafted and persons furnishing substitutes in the army of the United States."

Which was read the second time by title only, and referred to Committee on Judiciary.

Mr. Hord asked and obtained leave of absence for Mr. Hanna until Monday at 2 o'clock P. M.

Mr. Bonham introduced

Senate bill No. 20, entitled "An act to amend section 1 and 2 of an act to fix the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers," approved June 4, 1852.

Which was read by its title the second time.

Senate bill No 21, entitled "An act to amend section 9, 10, and 33, of an act, entitled an act to incorporate the town of Vernon, Jennings county, Indiana, approved January 22, 1851.

Which was read the second time by its title only, and referred to the Judiciary Committee.

Senate bill No. 22, entitled "An act to amend section ten of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 23, entitled "An act to amend section number seventy-six of an act entitled an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Which was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 24, entitled "An act amending section one of an act, providing for the allowance of compensation to Clerks of the Circuit and Common Pleas Courts and Sheriffs for extra services, and to repeal all laws inconsistent therewith," approved March 11th, 1861.

Which was read the second time by its title only, and referred to the Judiciary Committee.

Senate bill No. 25, entitled "An act to amend section one of an act entitled an act, prescribing certain misdemeanors punishable only by Justices of the Peace."

Was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 26, entitled "An act to provide for the execution of real contracts, authorizing actions therefor, prescribing the proceedings therein, and authorizing the survivors in joint contracts, in certain cases, to make conveyance under the order of the Court and pass a good and sufficient title thereto."

Was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 27, entitled "An act to amend section four of an act entitled an act prescribing certain misdemeanors punishable only by a Justice of the Peace," approved June 7th, 1852.

Was read the second time by its title only, and referred to the Committee on Temperance.

Senate bill No. 36, entitled "An act to legalize the appraisement

and assessment of property in the cities of this State, the making out and delivering of the tax duplicates in the cities of this State, and the assessment of property by the Treasurers of the cities in this State, incorporated under the general laws of this State for the incorporation of cities."

Was read the second time by its title only, and referred to the Committee on Corporations.

Senate bill No. 37, entitled "An act to divide the State into eleven Congressional Districts."

Was read the second time by its title only, and referred to a Committee of one from each Congressional District of the State.

Senate bill No. 38, entitled "An act providing for the election and appointment of Officers of the Benevolent Institutions of this State, prescribing some of their duties, and other matters properly connected therewith, repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof."

Was read the second time by its title only, and referred to the Committee on Benevolent Institutions.

Senate bill No. 39, entitled "An act to amend an act entitled 'an act to amend section 19 of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, duration of the terms thereof, and making all processes from the present Common Pleas Courts returnable to such terms, &c.,'" approved February 5, 1861.

Which was read the second time by its title only, and referred to Select Committee from the counties interested in the Common Pleas District.

Senate Joint Resolution No. 4, entitled, "A joint resolution instructing our Senators, and requesting our Representatives in Congress to use their influence for the passage of an amendment to the Constitution abolishing slavery in the United States."

Which was read the second time, and referred to the Committee on Federal Relations.

Senate Joint Resolution No. 5, entitled "A joint resolution instructing our Senators, and requesting our Representatives in Congress to secure the passage of a law placing certain persons therein named upon the pension rolls."

Was read the second time, and referred to the Committee on Military Affairs.

Senate Joint Resolution No. 7, entitled "A joint resolution instruct-

ing our Senators, and requesting our Representatives in Congress to endeavor to procure the passage of an act extending the time for acceptance of the donation of lands by Congress for Agricultural Colleges."

Which was read a second time, and,

On motion by Mr. Van Buskirk,  
Laid on the table.

Mr. Bennett, by consent, submitted the following report:

MR. PRESIDENT:

The Committee on Military Affairs, to whom was referred several joint resolutions in reference to the enlistment of soldiers, beg leave to report that they have had the subject matters therein contained under consideration, and requested me to report the following memorial on the same to Congress:

*To the Senate and House of Representatives in Congress assembled:*

The General Assembly of the State of Indiana respectfully beg leave to memorialize your honorable body upon matters herein set forth, and which your memorialists deem of great importance to many citizens of the State, and to which your immediate attention is earnestly requested.

Prior to the 1st of January, 1863, the ranks of the old regiments then in the field, had become so greatly decimated by hard service and frequent engagements with the enemy, that it became necessary, in order to preserve such organizations, that a general anxiety was felt, both by the people and the authorities, that they should be speedily filled up with recruits.

This anxiety greatly stimulated enlistments, and the prospect of serving in companies with experienced commanders, encouraged volunteering.

The men thus recruited in the State of Indiana had the full understanding that they were enlisted for the unexpired term of the old organizations into which they were mustered, and that they would be mustered out of the service at the expiration of the original term of service of such old organizations.

In this understanding the volunteer, the recruiting officer, the State authorities, and the people fully participated, and in the absence of any order from the War Department affecting the subject, and for reasons following, this view of the matter was not unreasonable:

1st. At the time these enlistments were made the impression prevailed generally, in the army and among the people, that the war would end, and the soldiers be discharged, even before the original term of service of the organizations into which such recruits were mustered.

2d. The recruiting was carried on for particular regiments, and

not for the service generally, there being no general system of recruiting for the army established, thus naturally producing a belief that no service outside of, or beyond the term of these regiments would be exacted.

3d. The advantages of maintaining old organizations, and placing recruits among old, experienced associates, under the command of tried officers, was apparent to all, and it was equally apparent that no recruits could be induced to enlist in an organization that would terminate prior to the expiration of the term for which said recruits were to be mustered, thereby separating such recruits from their former comrades and officers; and, without their consent, attaching themselves to organizations in which they would be total strangers.

4th. Whole regiments had been enlisted and accepted into the service for terms no greater, thus inducing the belief that soldiers were desired, without particular reference to the term of service.

5th. The impending draft of that year was for a term of nine months, which induced the belief that volunteering for a much longer period, as was the case with such recruits, would be a judicious arrangement for the Government.

6th. At the time these enlistments were made, no system of recruiting had been devised or talked of, and of course there could be no intention that any regiment would be continued beyond the time of its original enlistment.

With these views, recruiting officers invariably informed such recruits that they were to be discharged at the expiration of the term of service of the old organizations into which they consented to be mustered, and this was agreed to and concurred in by the mustering officers then on duty. Recruiting and mustering officers were strengthened in this view of the case from the general tenor of certain orders from the War Department providing for and regulating recruiting for old regiments, which orders, when critically considered, were not as explicit as might have been desired, but, nevertheless, were apparently on the hypothesis that the recruiting was for the old regiments.

One of these orders reads as follows :

WAR DEPARTMENT, ADJ'T GENL'S OFFICE, }  
Washington, April 28th, 1863. }

*General Orders No. 108.*

1. Whenever volunteer troops are mustered out of service, the entire regiment, or other organization, will be considered as mustered out at one time and place, except prisoners of war, who will be considered as in service until their arrival in a loyal State, with an allowance of time necessary for them to return to their respective places of enrollment.

By order of the Secretary of War.

E. D. TOWNSEND,  
*Assistant Adjutant General.*

Nor was this understanding, as your memorialists are advised, confined to the people of the State of Indiana, but that it prevailed extensively in other States. And this general prevalence of such views tended to strengthen the same with the people of Indiana. The following official document was extensively published in the public journals, and greatly tended to increase the probability of the correctness of the views generally entertained by the people:

WAR DEPARTMENT, ADJ'T GEN'L'S OFFICE, }  
Washington, September 26, 1862. }

To His Excellency, Gov. KIRKWOOD,  
*Governor of Iowa:*

SIR:—In reply to yours of the 21st instant, stating the number of regiments raised and to be raised in your State, and also making suggestions in reference to filling old regiments, I am directed to say that recruits for old regiments of volunteers for three years, or during the war, will be discharged at the expiration of the term for which the regiment was originally enlisted.

By order of the Secretary of War.

C. P. BUCKINGHAM,  
*Brig. Gen'l and A. A. Gen'l.*

The foregoing facts your memorialists believe to be sufficient to establish the fact that recruits enlisted in old organizations, at the time referred to, were fully under the impression that they were only to serve for the unexpired term of the organization into which they were mustered, and that their retention in the service after such time works a great hardship upon them, and is greatly calculated to discourage and dishearten them.

Your memorialists are fully aware that the muster rolls, which said recruits signed, described an enlistment for three years, or during the war; but at the same time are informed, and believe, that such averments in said rolls were explained to them as being mere technical forms, and would in no wise interfere with the understanding upon which they were enlisted, and thus did not disturb the conviction in their minds that they would be discharged with the regiments they were assigned to; but on the contrary, that the Government would, in good faith to her soldiers, execute fully the agreement made with them by the recruiting officers.

Your memorialists are further informed that this matter has, by his Excellency, Governor Morton, been fully laid before the War Department, and its action urged in reference to the same; and that said Department has decided that it can take no action in the matter, as from the form of muster rolls, these recruits would be held for a term of three years, without reference to the expiration of the term of the organizations to which they belong.

But at the same time, your memorialists are confidently of the

opinion that it is clearly within the power of Congress to grant the proper remedy to these worthymen, and your attention is respectfully, but earnestly, called to the matter, as alike demanded by justice, good faith and sound policy.

One case your memorialists desire to call your especial attention, as somewhat differing from all others. The company of Captain Charles W. Patton, in the 45th Regiment, (or 3d Cavalry,) of Indiana Volunteers, were enlisted entire under the full understanding above set forth, and in all respects are entitled to the benefits in the foregoing memorial mentioned, as they were recruits mustered into an old organization. But their case presents another merit, not enjoyed by any others. So confident were all parties that these recruits were simply to serve for the unexpired term of the old organizations, that the muster rolls of this company show that fact. By reference to such rolls, on file in the office of the Adjutant General, your memorialists find that the certificate of mustering officer attached to the muster-in rolls of said company read as follows:

“I certify, on honor, that I have carefully examined the men whose names are borne on this roll, their horses and equipments, and have accepted them into the service of the United States for the unexpired term of three years, for the 45th Indiana Cavalry, unless sooner discharged, from this 11th day of December, 1862.

JOHN B. MILLER,

*Captain 13th U. S. Inf<sup>ty</sup>, and Mustering Officer.*

INDIANAPOLIS, Ind, December 11th, 1862.

The 45th Regiment, into which this company was then mustered, has served the full term of three years, and has been mustered out of the United States service, except such recruits to the same as above mentioned, which said recruits, composing the company of the said Captain Patton, are still held and retained in service, notwithstanding the express understanding above referred to, and the official certificate of the mustering officer, as above recited.

Wherefore, your memorialists respectfully submit the foregoing memorial, and confidently expect that your honorable body may speedily adopt such measures as the merits of the case, and justice to the patriotic defenders of our common country, requires.

The report was concurred in.

Mr. Cobb moved that the memorial be adopted.

The motion was agreed to by consent.

Senate bill No. 9, entitled “a bill requiring the County Commissioners of the several counties of this State to make allowances, and issue orders therefor, in certain cases therein specified.”

Which was read a third time.

On motion by Mr. Wright,  
It was laid on the table.



The President laid before the Senate the following communication :

INDIANAPOLIS, Jan. 12th, 1865.

*Hon. C. Baker, President of the Senate :*

Please lay before the Senate the accompanying Report of the Indiana Institution for the Education of the Deaf and Dumb, for the year 1864.

And oblige,  
Yours respectfully,  
T. MCINTYRE,  
*Superintendent.*

On motion by Mr. Vawter,  
The communication, and accompanying reports, was referred to the Committee on Benevolent Institutions.

On motion by Mr. Vawter,  
The reference of Senate bill No. 35, entitled "a bill to provide for the appraisement of railroads," was changed from the Committee on Corporations to the Committee on Railroad Appraisement.

On motion by Mr. Vawter,  
The consideration of the Governor's Message, in Committee of the Whole, was made the special order for Tuesday next, at 2 o'clock, P. M.

Mr. Cobb asked and obtained leave of absence for Mr. Bowman until Tuesday, at 2 o'clock.

On motion by Mr. Williams,  
Two hundred copies of the report of the condition of the Bank of the State of Indiana and branches, were ordered to be printed for the use of the Senate.

Mr. Niles, (by request of Mr. Beeson,) moved to reconsider the resolution adopted this afternoon, that when the Senate adjourn it be to 9 o'clock to-morrow morning.

The motion was agreed to by consent.

The President announced the Committee on the part of the Senate, by the Senate concurrent resolution, directing inquiry into the receipts and expenditures by the Governor, viz: Messrs. Beeson, Chapman and Gaff.

Mr. Oyler asked and obtained leave of absence for Mr. Wood until Tuesday, at 2 o'clock.

Mr. Hord asked and obtained leave of absence for Mr. Bradley until Tuesday at 2 o'clock.

Mr. Oyler asked and obtained leave of absence for Mr. Hyatt until Tuesday, at 2 o'clock.

On motion by Mr. Beeson,  
The Senate adjourned until Monday, at 2 o'clock

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MONDAY AFTERNOON, 2 o'clock, }  
January 16, 1865. }

The Senate met.

The Journal of Friday was partly read, when the further reading thereof was, on motion by Mr. Dunning, dispensed with.

The President laid before the Senate a communication from the State Librarian.

Which was referred to the Committee on the State Library without reading.

Mr. Hord presented a petition from a citizen of Bartholomew county, praying that an allowance may be made by the General Assembly, for expenses incurred in securing the arrest of the perpetrators of a daring robbery in said county in the summer of 1863.

Which was read, and referred to the Committee on Finance.

The President laid before the Senate a communication complaining of legislation with reference to the confinement of insane persons.

Which was referred to the Committee on Benevolent Institutions without reading.

Mr. Vawter submitted the following report, from the Special Committee thereon :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 15, "a bill appointing Commissioners to adjust the claims of Indiana for damages and losses sustained by reason of the raid of the rebel forces under the command of General John Morgan, in July, 1863, and

occasioned by any other or future raid; prescribing some of their powers and duties, and providing for the payment of the claims adjusted by said Commission, and matters properly connected therewith," have had the same under consideration. The Committee fully endorse the recommendation of His Excellency, the Governor, in relation to the justice of paying claims of this character, and upon the adoption of the accompanying amendments, would unanimously recommend its passage :

In the 7th line of the bill, 1st section, after the word "citizens," insert the word "or heirs.

Strike out all after "receive," in the 13th line of the bill, section 2, and insert the following :

"And file a complaint containing a plain and concise statement of the losses and damages sustained, and the value thereof verified by affidavit. They shall have power to enforce the attendance of witnesses in the same manner as is provided by law for circuit courts, and the Sheriffs of the county in which the commission is holding its session, shall be required to serve all process required by the commission, but the State shall in no event be liable for the costs of witnesses summoned by the claimant."

Strike out from the word "to," in the 29th line of section 4, to the word "and," in the 30th line inclusive.

Strike out in the 32d line of the same section, and insert the following :

"They shall make a record which shall contain a copy of the complaint or cause of action, and a comprehensive abstract of the testimony given before said commission thereon, which record and finding shall be signed by said commissioners."

Strike out the word "Governor," in the 36th line of the bill, section 5, and insert the words, "the Secretary of State, who together with the Auditor and Treasurer of State shall constitute a Revisory Board."

Strike out the word "he" in the 37th line, and insert the word "they."

In the 40th line after the word "persons" insert the words "or their heirs."

Strike out the word "Governor" in the 41st line, and insert the words "the Revisory Boards."

Strike out the word "he" in the 42nd line, and insert the word "they."

Strike out the word "his" in the 44th line, and insert the word "their."

Strike out the word "Governor" in the 47th, 48th, and 54th lines, and insert the words "the Revisory Board."

Also insert in the 54th line after the word "evidence" the words "and shall find affirmatively on said claim."

Strike out sections 6 and 7.

Insert as section 6, the following :

"the Governor shall appoint an attorney, whose duty it shall be to appear before said commission as an attorney on behalf of the State, to look after and protect the interests of the State; he shall file such pleadings as may be necessary and proper."

Insert the word "Madison" after the word "Vernon" in the 23rd line.

Strike out the word "five" in the 67th line of the bill, sec. 8, and insert the word "eight."

After the word "proper" in the 71st line insert the words "subject to the approval of the "Revisory Board."

In re-numbering the bill, insert as section 9, the following :

Section 9. In case of the death, removal, or other inability, of any one, or all of said Commissioners, the Governor, on being informed thereof, shall appoint one or more persons to fill the vacancy or vacancies thus made, who shall in conjunction with the remaining Commissioner or Commissioners, proceed to hear said evidence and to do all other acts, required by this act, of said Commissioners.

The Committee would state that the amendment providing for a Revisory Board, instead of having the Report of the Commissioners submitted to the Governor, was made at the request of the Governor for the reason, that the labor already imposed upon this office rendered a prompt performance of the duties imposed by this bill impossible.

The report was concurred in by consent.

Mr. Williams moved to amend, by striking out "eight dollars per day," and inserting "five dollars," as the pay of the Commissioners.

The yeas and nays were demanded by Messrs. Williams and Fuller,

Those who voted in the affirmative were,

Messrs. Barker, Cobb, Culver, Davis, Finch, Fuller, Gifford, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Noyes, Oyler, Staggs, Thompson, Ward, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Allison, Beeson, Brown, of Hamilton, Cason, Chapman, Cullen, Downey, Dunning, Dykes, English, Niles, Peden, Van Buskirk and Vawter—14.

So the amendment was agreed to.

Mr. Downey moved to amend, so as to provide for claims of executors and administrators.

The amendment was agreed to by consent.

On motion by Mr. Oyler,

It was ordered that the bill lie on the table, and two hundred copies be printed for the use of the Senate.

Mr. Richmond submitted the following :

MR. PRESIDENT :

I am instructed by the Committee on County and Township Business, to whom was referred Senate bill No. 32, entitled "An act giving Surveyors power to administer oaths to Viewers of Roads, and providing that when a Surveyor is one of the Viewers, he shall not be required to take an additional oath," to report the same back to the Senate, and recommend that it do not pass, the provisions of the bill being fully covered by section 10 of an act entitled "An act providing for the election, and prescribing certain duties of County Surveyors," approved June 17, 1852.

Which was concurred in by consent.

On motion by Mr. Cullen,  
The bill was laid on the table.

The President laid before the Senate a communication from Messrs. Brett and Ristine, Commissioners of the Sinking Fund, transmitting a report of the condition of the Sinking Fund.

Which was referred to the Committee on Finance.

The President laid before the Senate a communication from the Superintendent of the Indiana Institute for the Education of the Blind, transmitting the eighteenth annual report of that Institution. Which was referred to the Committee on Benevolent Institutions.

Mr. Fuller offered the following resolution, which was adopted by consent :

*Resolved*, That the Committee on Education inquire into the propriety of so amending the Common School Law as to allow the German language to be taught in school districts where the citizens thereof may desire it.

Mr. Dunning offered the following resolution, accompanied by a printed copy of the memorial mentioned therein, which was adopted :

*Resolved*, That the accompanying memorial of Western Yearly Meeting of Friends of Southern and Western Indiana and Eastern Illinois, held in Plainfield, Indiana, in 1864, be referred to the Committee on the Rights and Privileges of the Inhabitants of the State, with instructions to inquire into the expediency of adopting suitable measures to so amend the Constitution of the State of Indiana as to remove the prohibition of negroes and mulattoes from voting ; and, also, to inquire into the expediency of repealing all laws which impair their evidence in courts of justice, and embarrass their efforts in the cause of education, with leave to report by bill or otherwise.

The President announced the following Select Committee on the Senate Congressional Apportionment bill No. 37, viz :

1st District, Senator Williams ; 2d, Senator English ; 3d, Senator Hord ; 4th, Senator Downey ; 5th, Senator Bennett ; 6th, Senator Thompson ; 7th, Senator Davis ; 8th, Senator Culver ; 9th, Senator Brown of Hamilton ; 10th, Senator Noyes ; and 11th, Senator Terry.

Mr. Chapman introduced,

Senate bill No. 49, entitled "An act to authorize the State Treasurer to refund to Winslow, Lanier & Co., moneys paid by them, by request of the Governor, as interest on State bonds, with interest on amounts so paid, and declaring an emergency."

Which was read the first time, and passed to a second reading.

Mr. Chapman moved to suspend the rules, that the bill may be read a second time now.

The Constitutional provision requiring the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, Finch, Gifford, Hord, Jenkins, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Thompson, VanBuskirk, Vawter and Ward—26.

Those who voted in the negative were,

Messrs. Barker, English, Fuller, Mason, Moore, Newlin, Staggs, Williams and Wright—9.

The President decided that the rules were suspended.

The bill was read the second time, and referred to the Committee on Finance.

Mr. Cobb introduced,

Senate bill No. 50, entitled "A bill providing for the redemption of real estate, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith."

Which was read the first time, and passed to a second reading.

Mr. Dykes introduced

Senate bill No. 51, entitled "A bill to amend the 63d section of an act entitled an act, to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.

Which was read the first time, and passed to a second reading.

Mr. McClurg introduced

Senate bill No. 52, entitled "A bill defining the offense of bastardy, providing the punishment therefor, and declaring the power and duties of Justices of the Peace therein."

Which was read the first time, and passed to a second reading.

Mr. Culver introduced

Senate bill No. 53, entitled "An act to allow County Commissioners to organize turnpike companies, where a majority of persons representing the real estate within prescribed limits, petition for the same,

and levy a tax for its construction, and provide for the same to be free.”

Which was read the first time, and passed to a second reading.

The following message was received from the House of Representatives :

MR. PRESIDENT :

The following resolution of respect has just passed the House of Representatives :

*Resolved*, That the House has learned with deep sensibility, the melancholly intelligence of the death of the Hon. Nelson G. Shaffer, late a member of this House, and that we recognize in this dispensation of Providence renewed admonition of the uncertainty of life and of our responsibility for the faithful discharge of our duties to God and our country.

*Resolved*, That we tender to the family of the deceased our sincere sympathy in their afflictive bereavement.

*Resolved*, That the Speaker be requested to forward a copy of these resolutions to the family of the deceased.

On motion by Mr. Williams,  
The message was again read from the Secretary's desk.

Mr. Williams moved that as a further mark of respect, the Senate do now adjourn.

The motion was agreed to.

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TUESDAY AFTERNOON, 2 o'clock, }  
January 17th, 1865. }

The Senate met.

On motion by Mr. Vawter,  
The special order of the day for this hour, being the consideration of the Governor's Message in Committee of the Whole, was postponed until Thursday next, at 2½ o'clock.



The Journal of yesterday was read and approved.

Mr. Downey, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 23, entitled "An act to amend section No. 76, of an act entitled an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1851, have had the same under consideration, and have directed me to report the same back, with the following recommendation :

Strike out the section as proposed, and insert :

Sec. 76. "Any person who shall unlawfully go upon the lands of another, and any person who shall unlawfully pull off, or pull off and carry away any corn growing on the stalk, or any fruit on the tree, bush or plant, pumpkin or melon on the vine, or other annual product attached to the realty, or growing in the soil, of the value of ten cents or upwards, the property of another, shall be fined in any sum not exceeding fifty dollars, to which may be added imprisonment in the county jail for any period not exceeding six months ; and any person concerned in the commission of such offense, may be compelled to testify against the others, but in such case shall be exempt from punishment himself for such offense.

The report was concurred in.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 8, in relation to appropriations made by incorporated cities, introduced by Senator Thompson, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate, and recommend its passage, with the following amendments, viz :

After the word "volunteers" in the 8th line of the amending section, add the words "drafted men, substitutes, or persons otherwise called" and by striking out in the same line the words, "in the service." And by striking out, in the 10th line of said section, the word "armies" and inserting the word "service."

The report was concurred in by consent.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 14, introduced by Senator Milligan, have had the same under consideration, and have instructed me to report the same back with the following amendment, and after so amended recommend its passage :

“ Section 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.”

And add to the title of said bill the following words: “ And declaring an emergency.”

The report was concurred in.

Mr. Van Buskirk offered the following :

*Resolved*, That each member of the Senate be allowed one hundred dollars, and the President of the Senate one hundred and fifty dollars, for stationery ; and that the Treasurer of State be directed to pay the same to each member upon the certificate of the President, and to the President upon his own order.

Mr. Niles made an ineffectual motion to lay the resolution upon the table.

The resolution was adopted.

Mr. Van Buskirk obtained leave for the Committee on the State Library to retire for a few minutes.

Mr. Chapman, by leave, introduced the following :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 49, in reference to the interest on the bonds of the State of Indiana, paid by Winslow, Lanier & Co., have had the same under consideration, and have directed me to report the bill back to the Senate and recommend its passage.

The report was concurred in.

Mr. Hanna moved to amend by striking out from the enacting clause and inserting a new bill, and make the bill and amendment the special order of the day for half past two o'clock, to-morrow.

The motion was agreed to.

Mr. Cobb offered the following, which was adopted by consent :

*Resolved*, That the Doorkeeper be, and hereby is, instructed not to announce a message from the House during a call of the Senate, the passage or reading of a bill, or while a Senator occupies the floor in addressing the Senate, and that the same be communicated to the House.

Mr. Barker introduced

Senate Joint Resolution No. 9, entitled "a Joint Resolution, instructing our Senators and requesting our Representatives in Congress to labor to increase the pay of soldiers."

Which was read the first time, and passed to a second reading.

Mr. Cullen introduced

Senate bill No. 54, entitled "an act to amend sections two and thirteen of an act entitled 'an act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto,' approved December 21st, 1858."

Which was read the first time, and passed to a second reading.

Mr. Downey introduced

Senate bill No. 55, entitled "an act to fix the time of holding the Court of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect."

Which was read the first time, and passed to a second reading.

On motion by Mr. Thompson,

The order of business was suspended, and Senate bill No. 8, entitled "a bill to amend an act entitled 'an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same,' approved March 9th, 1857,"

Was read the second time.

On motion by Mr. Dunning,

The bill was considered as engrossed, and read the third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Carson, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hord, Hyatt, Jenkins, Marshall, Mason, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Vawter, Ward and Woods—33.

Those who voted in the negative were,

Messrs. Barker, Hanna, Moore, Staggs, Williams and Wright—6.

So the bill passed.

On motion by Mr. Vawter,

The title was amended by showing that it is section 58 of the bill named that is amended.

Mr. Downey introduced

Senate bill No. 56, entitled "An act to amend the 20th and the 21st sections of the act entitled an act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859 and to make additional provisions on the same subject.

Which was read the first time and passed to a second reading.

A message from the House of Representatives, by Mr. Nixon their Clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate of the adoption of the following concurrent Resolution, to wit :

Whereas there is an unusual amount of legislation necessary to be performed by this General Assembly :

And whereas this great work cannot be performed during its regular Session, unless the greatest diligence is exercised by the officers and members thereof: therefore,

*Resolved, by the House of Representatives, (the Senate concurring,)* That, in order to avoid the necessity of an extra Session of the General Assembly, upon the adjournment of its present Session, and to save an unnecessary expense to the members thereof, and to the State, all standing and special Committees be, and are hereby requested to use all possible diligence and despatch in examining and reporting business back to their respective Houses for final action.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed the following Enrolled Act of the House, viz :

House bill No. 3. An act to legalize the proceedings of the

Court of Common Pleas of Jackson County, held at the October session, 1864.

Thereupon the President affixed his signature to the enrolled act above named.

Mr. Hord introduced

Senate bill No. 57, entitled "an act to amend section 641, of an act entitled 'an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,'" approved June 18, 1852, and to regulate judicial pleadings in certain cases, which was read the first time and passed to a second reading.

Mr. Oyler introduced

Senate bill No. 58. Entitled "an act to authorize voters of the State of Indiana absent from their residence, and in the army, or navy of the United States; or in the military service of the State of Indiana, to vote at any general or special election, and to provide the means therefor — and defining the crime and misdemeanors for a violation of the same; for the repeal of all laws conflicting with this act, and declaring the time when this act shall take effect."

Which was read the first time and passed to the second reading.

Mr. Thompson introduced,

Senate bill No. 59, entitled "An act to legalize appropriations, bonds and warrants made, issued, drawn, or sold by incorporated cities in this State, for the purpose of procuring funds for the payment of bounties to volunteers to fill the quotas of said cities in the armies of the United States."

Which was read the first time, and passed to a second reading.

Mr. Gaff introduced

Senate bill No. 60, entitled "A bill to amend the 21st section of an act entitled 'an act to authorize a company to construct the Aurora and Laughery Turnpike,'" approved February 15, 1848.

Which was read the first time, and passed to a second reading.

Mr. Niles introduced,

Senate bill No. 61, entitled "An act to amend section four of an

act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 20, 1852."

Which was read the first time, and passed to the second reading.

Leave being granted, Mr. Bennett submitted the following :

MR. PRESIDENT :

I am directed by the Committee on Military Affairs, to whom was referred Senate Joint Resolution No. 5, in relation to placing on the pension roll certain persons therein named, to report the same back to the Senate, and recommend its passage.

On motion by Mr. Bennett,

Senate Joint Resolution No. 5, entitled "a Joint Resolution instructing our Senators, and requesting our Representatives in Congress to secure the passage of a law placing certain persons therein named upon the pension rolls."

Was considered engrossed, and read a third time.

The question being, shall the joint resolution pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—42.

No Senator voting in the negative.

So the Joint Resolution passed.

Mr. Hord introduced,

Senate bill No. 62, entitled "An act supplemental to an act entitled 'an act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them,'" approved March 5, 1859, authorizing compromises by partners and joint debtors.

Which was read the first time, and passed to a second reading.

Mr. Bonham introduced,

Senate bill No. 63, entitled "An act prohibiting County Clerks, Auditors, Recorders, Treasurers, or their deputies, from practicing

law in any Court of this State, and prescribing punishment for the violation of the same.”

Which was read the first time, and passed to a second reading.

Mr. Thompson introduced,

Senate bill No. 54. An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections.

Which was read the first time, and passed to a second reading.

On motion by Mr. Mason,  
The Senate adjourned.

WEDNESDAY AFTERNOON, 2 o'clock, }  
January 18th, 1865. }

The Senate met.

The Clerk proceeded to read the Journal of yesterday, when,

Mr. Cullen moved,  
That the further reading of the Journal be dispensed with.

No quorum voting,

The President ordered a call of the Senate, when the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—44.

Messrs. Corbin and Douglas demanding the ayes and noes upon the motion to dispense with the further reading of the Journal,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Cobb, Cullen, Culver, Downey, Dunning, Dykes, Finch, Gifford, Hord, Jenkins, Mason, Noyes, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Corbin, Douglas, English, Fuller, Gaff, Hanna, Hyatt, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Oyler, Richmond, Staggs and Williams—21.

So the motion was agreed to.

Leave of absence was obtained for Mr. Davis.

Mr. Brown, of Hamilton, introduced a petition from citizens of Indiana, praying, in view of the ravages of intemperance, that a law may be enacted, which shall wholly suppress places of public drinking.

Which was read, and referred to the Committee on Temperance.

Mr. Corbin presented a petition from citizens of Marshall county, praying that relief may be granted to Joseph E. Smith, of said county, who entered a tract of swamp land through misrepresentation, by giving him permission to relinquish the same, and receive in lieu of the same, a certain tract designated in said petition,

Which was read and referred to the committee on Swamp Lands.

Mr. Van Buskirk submitted the following :

MR. PRESIDENT :

The Committee on Education to whom was referred the resolution, inquiring into the expediency of so amending the Common School Law as to allow the German language to be taught in our common schools, in districts in which the citizens may desire it, have had the same under consideration, and have directed me, to report that they deem further legislation on the subject at present, inexpedient.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Joint Resolution, number 2, proposing an amendment to article eight, of the constitution, enabling towns, cities and townships to levy taxes for the support of common schools, have had the same under consideration, and have directed me to report the same back, with the following amendment.

In the 10th line after the word "State," insert the words "and be agreed to."



And with such amendment, the Committee unanimously recommend that the said Joint Resolution be adopted.

The report was concurred in.

Mr. Niles presented the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Joint Resolution No. 3, "proposing an amendment to the 23d section of article 4 of the Constitution, so as to provide for laws enabling cities, townships and towns to receive money for the support of common schools," have had the same under consideration, and have directed me to report the same back with the following amendments:

In the 8th line, after the word "State," insert the words, "and be agreed to."

And, with such amendments, the Committee unanimously recommend that said Joint Resolution be adopted.

The report was concurred in.

Mr. Cobb submitted the following:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 2. "A bill to regulate the practice in the Circuit, and Common Pleas Courts of this State, on appeals from Justices of the Peace."

Have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

The report was concurred in.

Mr. Chapman submitted the following:

MR. PRESIDENT:

The Committee on Finance, to whom was referred the petition of a citizen of Bartholomew County, in reference to money expended by him, in bringing to justice robbers and thieves of said County.

Have had the same under consideration, and have directed me to report the same back to the Senate, with the following recommendation:

That the same be referred to the Committee on County and Township business, with the request that they report by bill or otherwise, the expediency of authorising the County Commissioners of the Counties where said acts are committed, to make such allowances as they may deem best and proper.

This Committee are of the opinion that some provisions should be made to cover this and such cases in the future.

The report was concurred in.

Mr. Hord submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 22, have instructed me to report that the same has been duly considered, and they recommend that it lie on the table.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 10, to amend section 322 of the practice act, which is in regard to continuances, have had the same under consideration, and have directed me to report the same back to the Senate, with an amendment, and when so amended, recommend that the same be passed. Amend by adding to the new section as proposed, the words, "and in such case the party against whom such evidence is used, shall have the right to impeach such absent witness, as in case where the witness is present or his deposition is used.

The report was concurred in.

Mr. Dunning submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 16, "A bill to amend section 349 of the Practice Act," have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in.

Mr. Hord submitted the following :

Mr. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 12, have instructed me to report that they have examined the same, and recommend an amendment thereof by striking out all after the enacting clause, and substituting the clauses hereafter appended, and with such amendment, recommend its passage.

[The amendment embraced an entire new bill.]

The report was concurred in.

Mr. Dunning gave notice that he should move, to-morrow, to amend the rules as follows :

55. The phrase, "Orders of the day," as used in the fifty-third rule, shall be construed to include,

1st. Messages from the House requiring action on the part of the Senate.

2d. Bills on second reading.

3d. Bills on third reading.

And these shall be acted upon in the order above enumerated, unless the Senate otherwise direct.

56. When the consideration of a subject shall be assigned to a particular day, by order of the Senate, the matter so assigned shall be designated as the special order of the day, and if several subjects shall be thus assigned for the same day, they shall be designated as the special orders of the day for that day, and any matter so assigned shall be a privileged question for the day named in the order of assignment.

Mr. Bennett submitted the following :

Notice is given that, on to-morrow, I will propose a change in the 53d standing rule of the Senate, providing that resolutions of the Senate shall stand last in the order of business.

A message from the House.

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following preamble and resolu-

tions, in which the concurrence of the Senate is respectfully solicited:

WHEREAS, The members of the House of Representatives have learned, with deep feelings of grief, that it is the custom of the Senate, when the Clerk is about to deliver a message therein, to keep said Clerk in waiting at the door of said Senate, and has, by resolution, instructed the Doorkeeper thereof not to recognize said Clerk until the pending business of said Senate be disposed of, whether the same be a Buncombe speech of several hours' duration, or the legitimate legislation of the General Assembly; and,

WHEREAS, Said rule of the Senate is particularly irksome to said Clerk of the House, and keeps him weary waiting before said Senate door, contrary to the said Clerk's inclinations, and against the peace and dignity of the State of Indiana; and,

WHEREAS, If any of the members of this House, or of the State Senate, have any loose change to dispose of, it will be thankfully received by the "Amateur Association," at its next meeting, and properly appropriated to the benefit of soldiers' families; and,

WHEREAS, If said rule of the Senate be stubbornly adhered to, the Clerk of the House will have to employ a few more clerks to stand before the Senate door, to read the messages from the House, at the Senate's pleasure; and,

WHEREAS, The Sanitary Commission of Indiana, through its agents, is now asking you for a donation to aid in carrying out its purposes; and,

WHEREAS, The Senate did, at the instigation of a distinguished senator, who shall be nameless here, pass the resolution of instructions aforesaid, to its doorkeeper, thus setting the example to every one, of throwing *Cobbs* from the Senate Chamber at the Clerk of the House; and,

WHEREAS, To prevent a collision of the two Houses, and put a stop to any more retaliatory resolutions, and that the business of the session may go on smoothly, and the honor of the people of the State be saved from tarnish; therefore,

*Resolved*, By the House of Representatives (the Senate concurring), that a committee, consisting of one from each House, be appointed to investigate standing rules of the two Houses, and report, respectively, to each House, at what particular times the Clerk of the other House can be recognized therein, to deliver messages from the House for which he has the honor to act.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill of the Senate, *to-wit* :

Senate Bill No. 29. An act to authorize the Bank of the State of Indiana to reduce the capital stock of a branch or branches of said bank, to close the business of a branch or branches, under certain regulations and amendatory of sections 68, 62 and 74, of an act entitled "An act to establish a bank with branches," passed March 3d, 1855.

On motion by Mr. Van Buskirk,

The Senate proceeded to the consideration of the Special Order for this hour, being Senate bill, No. 49, entitled "an act to authorize the State Treasurer to refund to Winslow, Lanier and Co., moneys paid by them by request of the Governor, as interest on amounts so paid, and declaring an emergency."

The question being on the amendment proposed by Mr. Hanna yesterday afternoon, striking out from the enacting clause, and inserting in lieu thereof, a new bill, entitled "an act making appropriation to pay the interest on the State debt of Indiana."

Mr. Bradley offered the following amendment to the amendment :

Amend at the end of section first, as follows :

"And also, that the Treasurer of State pay to Winslow, Lanier, and Co., on account of moneys advanced by them to pay the interest on the State debt, seven per cent on the amount of money so advanced by them.

Pending which,

The following report was submitted by the Committee upon Phraseology.

MR. PRESIDENT :

The Committee on Phraseology, have examined Senate bills, Nos. 4, 7, 8, and 11, and find them accurately and correctly engrossed.

On motion of Mr. Carson,  
The Senate adjourned till to-morrow morning at 9 o'clock.

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THURSDAY, JANUARY 19TH. 1865. }  
9 O'CLOCK, A. M. }

The Senate met.

The Secretary proceeded to read the Journal of yesterday, when on motion of Mr. Bonham, the further reading thereof was dispensed with.

Mr. Vawter demanded a call of the Senate,

It was so ordered,

And the following Senators answered to their names.

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Downey, Dunning, Dykes, English, Fuller, Gifford, Hord, Jenkins, Mason, Milligan, Moore, McClurg, Noyes, Peden, Oyler, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—38

Mr. Vawter moved that the absentees be sent for,  
Which was agreed to.

On motion by Mr. Williams,  
This motion was reconsidered, and further proceedings under the call of the House dispensed with.

The Senate proceeded to the consideration of the subject pending at the adjournment last evening, to wit :

Senate bill No. 49. Authorising the State Treasurer to refund to Winslow, Lanier, and Co., the interest on the State debt advanced by them at the request of Governor Morton, with interest on the amount so paid.

The question being on Senator Bradley's amendment, proposed last evening to Senator Hanna's substitute for the bill.

Mr. Bradley had leave to withdraw his amendment offered last evening, where-upon he submitted an amendment by way of substitute, appropriating such sums of money as have been advanced by

parties to pay the interest on the State debt, with interest at the rate of seven per cent per annum.

Pending which,

On motion by Mr. McClurg,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

On motion of Mr. Mason, the special order for this hour, being the consideration of the Governor's Message, was postponed until to-morrow afternoon at 2 o'clock.

The President announced the following as the Select Committee to whom was referred Senator Douglas's bill, No. 39, respecting the time for holding the Common Pleas Courts in this State, viz.:

Messrs. Douglas, of Whitley; Noyes, of Steuben; and Dykes, of Lagrange.

The President laid before the Senate a communication from Matthew L. Brett, Treasurer of State, transmitting statements showing all the moneys received by him into, and paid out of, the Treasury from the beginning of his term of office, on the 10th of February, 1863, to the 31st of December, 1864, inclusive.

Which, on motion of Mr. Williams, was laid on the table, and 1000 copies ordered to be printed.

Mr. Downey submitted the following:

MR. PRESIDENT:

The Committee on Phraseology and Arrangement and Enrolled Bills, have examined Senate bill No. 29, and find the same correctly enrolled, and have instructed me to report that fact to the Senate.

The following report was submitted by the chairman of the Committee upon Enrolled Bills:

MR. PRESIDENT:

The Committee upon Enrolled Bills have had under examination

Enrolled Act, No. 29, and find the same to have been carefully and correctly enrolled.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Bill No. 29, of the Senate, being

“An act to authorize the Bank of the State of Indiana to reduce the capital stock of a branch or branches of said bank, to close the business and affairs of a branch or branches, under certain regulations and amendatory of sections 68, 62 and 74, of an act entitled “An act to establish a bank with branches.” passed March 3d, 1855.

Thereupon, the President of the Senate affixed his signature to the bill above described.

The President laid before the Senate the following :

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }  
Indianapolis, January 19, 1865. }

*Lieut. Gov. Conrad Baker, President of the Senate :*

B. R. Sulgrove, Esq., my private secretary, is authorized to make executive communications with the Senate of Indiana, during the present session.

O. P. MORTON, *Governor of Indiana.*

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }  
Indianapolis, January 19, 1865. }

*To the President of the Senate :*

SIR.—I am directed by the Governor to inform the Senate that he has approved Senate bill No. 29, entitled “An act to authorize the Bank of the State of Indiana to reduce the capital stock of a branch or branches of said bank, to close the business and affairs of a branch or branches, under certain regulations and amendatory of sections 68, 62 and 74, of an act entitled “An act to establish a bank with branches,” passed March 3d, 1855.

Very respectfully, your obedient servant,  
B. R. SULGROVE, *Private Secretary.*

The Senate resumed the consideration of the order pending at the adjournment for dinner.



Mr. Corbin demanded the previous question.

The demand was not seconded.

Mr. Bennett moved to lay the amendment, and the amendment to the amendment, on the table.

Mr. Vawter demanded a division of the question,

The question being, shall the amendment to the amendment lie on the table?

Messrs. Corbin and Dunning demanded the yeas and nays,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Carson, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Fuller, Hyatt, Mason, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood and Wright—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Downey, English, Finch, Gifford, Hanna, Hord, Jenkins, Marshall, Moore, McClurg, Newlin, Staggs, Vawter and Williams—19.

So the amendment to the amendment was rejected.

The question then being, shall the amendment to the bill lie on the table,

Messrs Dunning and Corbin demanded the ayes and nays,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Gifford, Hyatt, Jenkins, Milligan, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Barker, Bowman, Carson, Corbin, Douglas, Finch, Fuller, Hanna, Hord, Marshall, Mason, Moore, Newlin, Staggs, Williams—15.

So the amendment to the bill was laid on the table.

Mr. Bennett moved to amend, by striking out the first two whereases, and inserting in their stead, the following words :

“Whereas, the State of Indiana failed to pay the interest on the State Debt in the usual way.”

The yeas and nays being demanded by Messrs. Corbin and Dunning,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Fuller, Gaff, Gifford, Hord, Hyatt, Jenkins, Marshall Milligan, Moore, McClurg, Niles, Noyes, Peden, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wood and Wright—38.

Those who voted in the negative were,

Messrs. Bowman, Carson, Douglas, Finch, Hanna, Mason, Newlin, Oyler, Richmond and Staggs—11.

So the amendment was adopted.

Mr. Beeson moved that the bill be considered as engrossed, and read the third time.

The motion was agreed to by consent.

Senate bill No. 49. Entitled “an act to authorize the State Treasurer to refund to Winslow, Lanier and Co., moneys paid by them by request of the Governor, as interest on State Bonds, with interest on amounts so paid, and declaring an emergency,” was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Dunning, Dykes, English, Finch, Gaff, Gifford, Hord, Hyatt, Jenkins, Milligan, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—36.

Those who voted in the negative were,

Messrs. Barker, Bowman, Carson, Corbin, Douglas, Fuller, Hanna,

Marshall, Mason Moore, Newlin, Staggs and Ward—13.

So the bill passed.

The preamble and title were then adopted by consent.

Mr. Downey asked and obtained leave of absence for Mr. Williams until Tuesday.

Mr. Van Buskirk moved that the Senate adjourn.

Mr. Cason moved that when the Senate adjourn, it be till 9 o'clock to-morrow morning.

Which was rejected.

The motion to adjourn was then agreed to.

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FRIDAY, JANUARY 20th, 1865. }  
2 o'clock P. M. }

The Senate met.

The Journal of yesterday was partially read when, on motion of Mr. Gifford, the further reading was dispensed with.

Mr. Van Buskirk demanded a call of the Senate.

It was ordered, and the following Senators answered to their names, viz.

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—42.

Pending the call.

Mr. Vawter asked and obtained leave of absence for Messrs. Barker, Noyes and Gaff.

Mr. Van Buskirk asked and obtained leave of absence for Mr. Niles until Monday night next.

S. J.—8

Mr. Bradley asked and obtained leave of absence for Mr. English.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Committee on Phaseology and arrangement of Bills, and Enrolled Bills, asked leave to report that they have examined Enrolled Bill of the House No 3, and find the same correct.

The President laid before the Senate a memorial from John Ingle, Jr, President of the Evansville and Crawfordsville Railroad Company, on behalf of himself and other citizens of Evansville, asking that the General Assembly may pass a Joint Resolution requesting our Representatives and instructing our Senators in Congress, in case of the passage, by that body, of a bill to establish bonded tobacco warehouses at Louisville and Paducah, Ky., and St Louis, Mo., to urge upon Congress that the city of Evansville shall be an equal participant in its benefits.

Which was laid on the table.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 25, entitled "an act to amend section one of an act entitled an act prescribing certain misdemeanors, punishable only by Justices of the Peace," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the accompanying bill be adopted as a substitute for that which was referred to the Committee, and they recommend that the said substitute pass.

The report of the Committee was concurred in.

Mr. Chapman submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 1, in reference to an appropriation for the expenses of the present session of the General Assembly, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and when the same shall be so amended the Committee recommend its passage :

Strike out in 1st line "two hundred," and insert "seventy-five."  
 Strike out in 11th line "two hundred," and insert "seventy-five."  
 Strike out in 2d section, 14th line, all after the word "entitled."

The report was concurred in.

Mr. Cobb moved to strike out "two dollars," where it occurs, for Pages, and insert "three;" and to strike out "three," where it occurs for Clerks and Doorkeepers, and insert "five dollars."

The amendments were agreed to.

Mr. Vawter further moved to amend by adding after the word "law" these words: "and also as provided by either the House or the Senate, by resolution thereof."

The motion was agreed to.

On motion by Mr. Bennett,  
 The bill was considered as engrossed, and read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hord, Hyatt, Mason, Milligan, Moore, McClurg, Newlin, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—35.

Those who voted in the negative were,

Messrs. Beeson, Bowman, Bradley, Carson, Culver, Hanna, Jenkins, Marshall, and Oyler—9.

So the bill passed.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Joint Resolution thereof, in which the concurrence of the Senate is respectfully requested :

Joint Resolution No. 7, instructing our Senators and requesting our Representatives in Congress to endeavor to obtain an appropriation for the improvement of the harbor at Michigan City.

Mr. Cobb asked and obtained leave of absence for Mr. Vawter until Monday.

Mr. Corbin asked and obtained leave of absence for Mr. Cobb until Tuesday.

Mr. Beeson asked and obtained leave of absence for Mr. Cullen until Tuesday.

Mr. Van Buskirk asked and obtained leave of absence for Mr. Newlin until Tuesday.

Mr. Allison asked and obtained leave of absence for Messrs. Chapman and Terry until Tuesday.

Mr. Bennett asked and obtained leave of absence for the Committee on Benevolent Institutions until Tuesday.

Mr. Bonham offered the following resolution, which was adopted :

*Resolved by the Senate, (the House of Representatives concurring therein,)* That the Doorkeepers of their respective Houses be instructed to suspend the national flag to the dome of the Capitol, to remain during the present session of the Legislature, provided the same can be procured on reasonable terms.

Mr. Bennett offered the following, which was adopted :

*Resolved,* That when the Senate adjourn, it will adjourn until 2 o'clock, P. M., on Monday next.

Mr. Culver offered the following :

*Resolved,* That one-half of the copies of the message of the Governor, ordered to be printed for the use of the Senate, be placed at the disposal of the Executive Department.

The resolution was adopted by consent.

Mr. Dunning, by request of the President, introduced

Senate Joint Resolution No. 10, entitled "a Joint Resolution relative to the establishment of a Bonded Tobacco Warehouse at Evansville, Indiana."

Which was read the first time.

Mr. Dunning moved that the rules be suspended, and the Joint Resolution read the second time now.

A constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—42.

No Senator voted in the negative.

So the rules were suspended, and the Joint Resolution read the second time.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—43.

No Senator voted in the negative.

So the Joint Resolution passed.

Mr. Wright introduced,

Senate Joint Resolution No. 11, entitled "A Joint Resolution requesting the Governor to appoint a suitable person to correct the swamp land books in the Auditor of State's office."

Which was read the first time, and passed to a second reading.

Agreeable to notice which was given last Wednesday, Mr. Bennett submitted the following, which was adopted:

*Resolved*, That the 53d Standing Rule of the Senate be so changed as to read as follows:

53. The daily order of business shall be as follows, viz:

1st. Reading and correcting the Journal of the preceeding day.

2d. Introduction of petitions, memorials, and remonstrances.

3d. Reports from Standing Committees.

- 4th. Reports from Select Committees.
- 5th. Joint Resolutions.
- 6th. Bills.
- 7th. Orders of the day.
- 8th. Resolutions of the Senate.

Mr. Thompson offered the following, which was adopted :

*Resolved*, That the Doorkeeper be instructed to furnish a room for the Senate Committees on Benevolent Institutions and Committee on Public Printing.

On motion by Mr. Dunning,

The amendment to the rules for the government of the Senate, which he submitted last Wednesday, were adopted.

On motion by Mr. Dunning,

The special order for this afternoon, being the consideration, in Committee of the Whole, of the Governor's Message, was postponed until next Wednesday afternoon, at 2 o'clock.

On motion by Mr. Downey,

The regular order of business was suspended, and Senate bills on their second reading were read by their titles only, for the purpose of reference.

Senate bill No. 41, entitled "An act to provide for the sale and conveyance of certain real estate named therein."

Was read the second time by its title only, and referred to the Committee on Public Buildings.

Senate bill No. 42, entitled "An act to amend section 9 of an act entitled 'an act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,'" approved March 5, 1859.

Was read the second time by its title only, and referred to a Select Committee of three.

Senate bill No. 43, entitled "An act authorizing an injunction against tenants and under-tenants who shall unlawfully hold over, and regulating the proceedings therein."



Was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 44, entitled "A bill in relation to joint contracts, promises and obligations, and declaring all such contracts, promises and obligations to be joint and several in their nature, so far as relates to the remedies to enforce the same."

Was read the second time by its title only, and referred to the Judiciary Committee.

Senate Bill No. 45, entitled "An act to amend section 37 of an act entitled 'an act defining misdemeanors, and prescribing the punishment therefor.'"

Was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 46, entitled "An act to authorize the Secretary of State to cause to be printed, in pamphlet form, the laws of decedents' estates, and for the distribution of the same."

Was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 47, entitled "An act authorizing proceedings to compensate parties whose property may be destroyed in consequence of mobs or riots."

Was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 48, entitled "An act declaratory of the law concerning contempts of Court."

Was read the second time by its title only, and referred to the Committee on the Judiciary.

Senate bill No. 50, entitled "A bill to provide for the redemption of real estate, or any interest there sold on execution on order of sale, and providing for the issuing certificates of purchase in such cases, and for the execution of conveyances and repealing all laws in conflict therewith.

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 51. A bill to amend the 63d section of an act entitled, "An act to provide for a general system of Common Schools,

the officers thereof, and their respective powers and duties and matters properly connected therewith, and establish township libraries, and for the regulation thereof," approved March 5th, 1855.

Was read a second time by title only, and referred to Committee on Education.

Senate bill No. 52, entitled "A bill defining the offense of bastardy, prescribing the punishment therefor, and declaring the powers and duties of Justices of the Peace therein."

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill, No. 53, entitled "An an act to allow County Commissioners to organize Turnpike Companies, where a majority of persons, representing the real estate within prescribed limits, petition for the same and levy a tax for its construction, and provide for the same to be free."

Was read a second time by title only, and referred to the Committee on Roads.

Senate bill No. 54, entitled, "An act to amend section two and thirteen of an act entitled an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto," approved December 21st, 1858."

Was read a second time by title only, and referred to the Committee on County and Township Business.

Senate bill No. 55, entitled "An act to fix the time of holding the Court of Common Pleas in the fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect."

Was read a second time and ordered to be engrossed.

Senate bill No. 56, entitled "An act to amend the 20th and 21st sections of an act entitled an act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and to make additional provisions on the same subject."

Was read a second time by title only, and referred to the Committee on Roads.

Senate bill No. 40, entitled "An act to amend section 641 of an act, entitled an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to

abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to regulate judicial proceedings in certain cases.

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 58, entitled "An act to authorize the voters of the State of Indiana, absent from their residence and in the army or navy of the United States, or in the military service of the State of Indiana, to vote at any general or special election, and to provide the means therefor, and defining the crime and misdemeanors for a violation of the same, for the repeal of all laws conflicting with this act and declaring the time when this act shall take effect."

Was read a second time by title only, and referred to the Committee on Elections.

Senate bill No. 59, entitled "An act to legalize appropriations, bonds, warrants, made, issued, drawn or sold by cities, for the purpose of procuring funds to pay bounties to volunteers."

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 60, entitled "A bill to amend the 21st section of an act to authorize a company to construct the Aurora and Laighery Turnpike," approved February 15, 1848.

Was read a second time by title only, and referred to the Committee on Roads.

Senate bill No. 61, entitled "An act to amend section four of an act containing several provisions regarding landlords, tenants, lessors, and lessees," approved May 20, 1852.

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 62. Entitled, "an act supplemental to an act entitled an act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them," approved March 5th, 1859, authorizing compromises by partners and joint debtors.

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 63. Entitled "an act prohibiting County Clerks,

Auditors, Treasurers, Recorders or their Deputies from practising law in the Courts of this State, and prescribing punishment for the violation of the same”

Was read the second time by title only.

Mr. Dunning moved to amend, by adding in the proper place, “Circuit and Common Pleas Judges.”

The bill and amendment were referred to the Judiciary Committee.

Senate bill No. 64. Entitled “an act to provide for a registry of voters, and to declare their residence, and to punish fraudulent practices touching elections.”

Was read a second time by title only, and referred to the Committee on Elections.

Senate Joint Resolution, No. 8. Entitled “a Joint Resolution instructing our Senators and requesting our Representatives in Congress to cast their votes and use their influence in favor of a law increasing the pay of non-commissioned officers and privates in the Army of the United States, at least four dollars per month,”

Was read a second time by title only, and referred to the Committee on Federal Relations.

Senate Joint Resolution, No. 9. Entitled “a Joint Resolution instructing our Senators, and requesting our Representatives in Congress to labor to increase the pay of private soldiers.”

Was read the second time by title only, and referred to the Committee on Federal Relations.

Mr. Bradley introduced

Senate bill No. 65. Entitled “an act to amend section 13, of an act approved May 12th 1852, entitled ‘an act authorizing the construction of plank, macadamised, and gravel roads was read the first time and passed to a second reading.”

Mr. Peden introduced

Senate bill No. 66. Entitled “an act to amend section eleven of an act entitled ‘an act to fix the time of holding the Common Pleas Court in the several counties of this State, creating a new district, providing for the election of a judge therein, and the duration of the terms thereof, and making all process from the present Common Pleas Court, returnable to such term, declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.

Was read a first time and passed to a second reading.

Mr. Dunning introduced

Senate bill No. 67. Entitled "an act to regulate the fees of officers, and repealing former acts in relation thereto.

Which was read the first time and passed to the second reading.

Mr. Dunning moved that the rules be suspended, and the bill be read a second time now, by title only for a reference.

A Constitutional provision requiring the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, French, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshal, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—42.

Mr. Culver voted in the negative.

So the constitutional rule was suspended, and the bill read the second time, and referred to a select committee of one from each Congressional District.

Mr. Thompson introduced

Senate bill No. 68, entitled "an act to change the name of the Terre Haute & Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the western line of the State of Indiana," was read the first time and passed to a second reading.

Mr. Culver introduced

Senate bill No. 69, entitled an act to repeal the 119th section of an act entitled an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors and Appraisers of real property, County Treasurers and Auditor of State, approved June 21st, 1852.

Was read the first time and passed to a second reading.

Mr. Hord introduced

Senate bill No. 70, entitled "an act for the relief of persons,

plaintiff in execution, all officers to whom execution may be issued on any judgment, and sureties and co-sureties in certain cases.”

Which was read a first time, and passed to a second reading.

On motion by Mr. Downey,

The Senate proceeded to the consideration of bills on their third reading.

Senate bill No. 4, entitled a bill to provide for the making and authentication of transcripts from the records of the Recorder's office, in certain cases, and for the admissibility in evidence of the same, and certified copies of the deeds and mortgages contained therein.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—43.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 7, entitled “an act to amend section second of an act approved May 19, 1861, entitled an act to fix the times of holding Courts of Common Pleas in the several counties of this State, the duration of the terms thereof, and making all process returnable to such term, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,” approved May 5th, 1859.

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—43.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 8, entitled "an act to amend an act entitled an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same," approved March 9th, 1857,

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, McClurg, Newlin, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, and Woods—38.

Those who voted in the negative were,

Messrs. Bradley, Moore, Staggs and Wright—4.

So the bill passed.

Senate bill No. 11, entitled "an act repealing section ten of an act entitled an act to establish Courts of Conciliation, to prescribe rules and proceedings therein, and compensation of the judges thereof," approved June 11th, 1852, and declaring when the same shall take effect."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—43.

No Senator voting in the negative.

So the bill passed.

Senate bill No. 69, entitled "an act to amend an act entitled an act in relation to County Treasurers," approved June 4th, 1852, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—41.

No Senator voted in the negative.

So the bill passed.

On motion by Mr. Downey,

The Senate proceeded to the consideration of messages from the House.

House Joint Resolution No. 7, instructing our Senators and requesting our Representatives in Congress to use their endeavors to secure an appropriation for a harbor at Michigan City,

Was read the first time.

On motion by Mr. Moore,

The Joint Resolution was read the second time.

On motion by Mr. Moore,

The Joint Resolution was read the third time.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—40.

No Senator voted in the negative.

So the Joint Resolution passed.



The concurrent resolution from the House, with reference to the announcement of messages at the door of the Senate, and prefaced by numerous whereases,

Was read the first time.

On motion by Mr. Bennett,

It was ordered to be returned to the House, with the inquiry whether it be, indeed, a resolution of the House?

Mr. Cullen asked and obtained leave of absence for Mr. Allison, until Tuesday next.

The Senate then proceeded to consider the following concurrent resolution from the House of Representatives :

WHEREAS, There is an unusual amount of legislation necessary to be performed by this General Assembly; and,

WHEREAS, This great work cannot be performed during its regular session, unless the greatest dilligence is exercised by the officers and members thereof; therefore,

*Resolved*, By the House of Representatives (the Senate concurring), that, in order to avoid the necessity of an extra session of the "General Assembly," upon the adjournment of its present session, and to save an unnecessary expense to the members thereof, and to the State, all standing and special committees be and are requested to use all possible diligence and dispatch in examining and reporting business back to their respective houses for final settlement.

Mr. Bennett moved to amend by adding :

"That each branch of the General Assembly be allowed to regulate its domestic institutions in its own way."

On motion by Mr. Wright,

The resolution and pending amendment were laid on the table.

On motion by Mr. Cullen,

The Senate adjourned.

MONDAY, JANUARY 23d, 1865. }  
 2 o'clock P. M. }

The Senate met.

The President directed a call of the Senate, but,

On motion of Mr. Brown, of Wells,  
 The call was dispensed with.

The Journal of Friday was read and approved.

Mr. Brown, of Wells, asked and obtained leave to record his vote on Senate bill No. 49, and voted "No."

The President announced the Select Committee on Senate Bill No. 43, changing the time of holding Courts in Owen and adjoining counties, viz. :

Messrs. Moore, Stagg and Hanna.

The President announced the following Committee on Senator Dunning's bill on Fees and Salaries, viz. :

3d District, Mr. Dunning; 1st, Mr. Williams; 2d, Mr. Bradley; 4th, Mr. Van Buskirk; 5th, Mr. Bennett; 6th, Mr. Oyler; 7th, Mr. Hanna; 8th, Mr. Newlin; 9th, Mr. Wright; 10th, Mr. Douglas; and 11th, Mr. Richmond.

On motion of Mr. Downey,

The memorial heretofore presented by him from certain county officers of Ohio county, praying for additional compensation, was taken from the table and referred to the Select Committee just announced.

Mr. Wright presented the following :

Petition from citizens of Jasper county, in relation to herding cattle.

Which was read and referred to the Committee on Rights and Privileges of the Citizens of the State.

Senator Downey, Chairman of Committee on Phraseology &c., submitted the following report.

MR. PRESIDENT :

The Committee on Phraseology have examined engrossed bills of the Senate Nos. 1, 4, 7, 8, 11 and 14, and engrossed Joint Resolution of the Senate No. 10, and find that the same have been carefully and correctly engrossed.

Mr. Oyler presented a petition from citizens of Johnson County, praying for a change in the Law "regulating the granting of licence to sell spirituous and intoxicating liquors, so as to require the applicant for licence to procure the signature of a majority of the voters of any incorporated town, city or township, to his petition to the County Board, so that no license shall be granted, unless a majority of the voters are in favor of said license.

Which was referred to the Committee on Temperance.

Mr. Dunning presented the affidavits of Eugene Culley, Auditor, and Alfred Williams, Treasurer, of Brown County, respecting a robbery perpetrated on their respective offices, by burglars, on the night of the 16th of January, 1864, and asking relief for the amounts stolen, viz. \$3,555 59 ;

Which were read, and referred the Committee on Finance.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Select Committee to whom was referred Senate bill No. 42, an act in relation, to changing the time of holding the Court of Common Pleas, in the counties of Putnam, Clay, Green and Owen, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

The report was concurred in.

Mr. Mason introduced Senate bill No. 71, entitled, "an act to compel Railroads as common carriers, to carry freight."

Which was read the first time and passed to a second reading.

Mr. Gifford, introduced Senate bill No. 72, entitled "an act prescribing the form of deed that may be used by Sheriffs and Coroners,"

Which was read the first time and passed to the second reading.

Mr Hord introduced

Senate bill No. 75. Entitled "an act to create and establish the 1st, 2nd, 3rd, 5th, 6th, and 14th Judicial Circuits, and fixing the times of holding Circuit Courts in the several counties therein, providing for the return of process, requiring all persons to take notice

thereof, repealing all laws in conflict therewith, and declaring when this act shall take effect."

Which was read the first time and passed to the second reading.

Mr. Vawter introduced

Senate bill No. 74. Entitled "an act to amend section 97 of an act, entitled 'an act, to provide for a general system of common schools, the officers thereof, and their respective duties, and powers, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, approved March the 11th, 1861.

Which was read the first time and passed to a second reading.

Mr. Thompson introduced

Senate bill No. 75. Entitled "an act to provide for the interest of married women in the real estate of their husbands, when sold upon execution.

Which was read the first time, and passed to the second reading.

Mr. Culver introduced

Senate bill No. 76. Entitled "an act requiring County Recorders to make a marginal notice of all instruments recorded by them that require government stamps, and that such notice shall be evidence of the validity of the instruments so recorded."

Which was read a first time and passed to a second reading.

Mr. Hord introduced

Senate bill No. 77. Entitled "an act to amend section one of an act entitled an act to amend the thirty-third section of an act entitled 'an act to revise, simplify and abridge the rules of pleadings, practice and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved March 9th, 1861.

Which was read the first time, and passed to the second reading.

Mr. Bennett introduced

Senate bill No 78. Entitled "an act to exempt certain real and personal property from taxation in certain cases, and declaring an emergency for the immediate taking effect thereof.

Which was read the first time and passed to a second reading.

Senate bill No. 66. Entitled "an act to amend section two of 'an

act to fix the time of holding the Court of Common Pleas, in the several counties of this State, creating a new district, providing for the election of a Judge therein, the duration of the terms thereof, and making all process from the present Common Pleas Court, returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5th, 1859.

Was read a second time, by title only, and referred to select Committee of five from the district interested, which the President subsequently made to consist of Messrs Peden, Cullen, Van Buskirk, Mason and Marshall.

Leave being granted, Mr. Douglas submitted the following :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 39, having had the same under consideration, have directed me to report the same back, with a recommendation that it pass.

The report was concurred in.

Senate bill No. 23, entitled "An act to amend section number seventy-six of an act entitled an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read the second time, and passed to a third reading to-morrow.

Senate bill No. 65, entitled "An act to amend section 13 of an act approved May 12, 1852, entitled 'an act authorizing the construction of plank, macadamized, and gravel roads.'"

Was read a second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 68, entitled "An act to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the western line of the State of Indiana.

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 70, entitled "An act for the relief of any person plaintiff in execution, all officers to whom execution may be issued on any judgment, and sureties and co-sureties in certain cases."

Was read a second time, by title only, and referred to the Judiciary Committee.

Senate Joint Resolution No. 11, entitled "A Joint Resolution requesting the Governor to appoint a suitable person to correct the Swamp Lands books in the Auditor of State's office."

Was read a second time, by title only, and referred to the Committee on Swamp Lands.

On motion by Mr. Vawter,

Senate bill No. 15, entitled "An act appointing Commissioners to adjust the claims of citizens for damages and losses sustained by reason of the raid of the rebel forces under the command of General John Morgan, in July, 1863, and occasioned by any other, or future raid, presenting some of their powers and duties, and providing for the payment of claims adjusted by said Commission, and matters properly connected therewith,"

Was taken from the table and recommitted to a Select Committee of five, which the President subsequently made to consist of Messrs. Vawter, Oyler, Niles, Allison and Bennett.

Mr. Wright introduced

Senate Joint Resolution No. 12, entitled "A Joint Resolution authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State, under the provisions of the General Swamp Land Act."

Which was read the first time, and passed to a second reading.

On motion by Mr. Wright,

It was read a second time, by title only, and referred to the Committee on Swamp Lands.

Mr. Moore introduced the following :

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of passing a law exempting the property of all soldiers from execution, while absent from home in the service of the United States, with leave to report by bill or otherwise.

The resolution was adopted.

Mr. Moore offered the following, which was adopted :

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of reporting a bill exempting from taxation, five hundred dollars worth of property of widows and orphans and that they report at as early a day as practicable.

Mr. Thompson introduced

Senate Bill, No. 79, entitled "An act to enable Railroad Companies to sell insurance tickets."

Which was read a first time, and passed to a second reading.

Mr. Downey introduced the following resolution, which was adopted.

*Resolved*, That the Committee on County and Township Business, be instructed to inquire what further legislation, if any, is necessary to promote uniformity in the assessment of the value of articles of personal property of the same kind in the different townships of each county, and report by bill or otherwise.

Mr. Oyler submitted the following :

WHEREAS, It has been charged upon the floor of the Senate, by a member of the Senate, that in the payment of the interest of the debt of the State of Indiana, for the past two years, by Messrs. Winslow, Lanier & Co., that the said Winslow, Lannier & Co., did not use their own funds, but that they made an arrangement with the State Treasurer, by which the funds of the State were used in the payment of said interest, therefore ;

*Be it Resolved*, That the Treasurer of State be requested to report to this House at an early day, if any such arrangement was made. The resolution was adopted.

On motion by Mr. Culver,  
The Senate adjourned.

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FRIDAY AFTERNOON 2 o'CLOCK, }  
January 24th, 1865. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No.

57, has instructed me to report the same back to the Senate and recommend that it lie on the table, inasmuch as it has recommended the passage of another act covering the provisions of this bill.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 59, entitled an act to legalize appropriations &c., by cities &c., have had the same under consideration, and as an act has already passed the Senate, covering the ground, recommend that this bill be laid on the table.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 61, entitled an act to amend section 4 of "An act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 20, 1852, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 28, introduced by Mr. Noyes, in relation to the amendment of the 25th section of "an act entitled an act defining felonies, and prescribing punishment therefor," approved June the 10th, 1852, have had the same under consideration, and have directed me to report said bill back, with the following amendments, and after being so amended, recommend its passage.

Amend as follows :

Strike out the words "poison or," in the first line of the amending section; and the word "the," before the word "horse," in the second line of said amending section, and insert in place thereof, the word "any"; and strike out the word "neat," before the word "cattle," in the third line of said amending section; and insert the following words after the word "same," in the fifth line in said amending section, "or maliciously poison any such animal."

The report was concurred in.



Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 5. An act to repeal 601, 602, 603, and 604 of an act entitled "an act to recover the possession of real property, and to determine conflicting claims thereto," have had the same under consideration, and instructed me to report the same back, and recommend its passage.

The report was concurred in.

Mr. Dunning submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 63, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendments, and when so amended, they recommend its passage :

In the fourth line, after the word "any," insert the words "Circuit or Common Pleas Judge"; in the fifth line, after the word "Recorder," insert the word "Sheriff"; in the same line, strike out the words, "or either of their deputies," and insert the words, "any deputies, or either of them"; strike out at the last of the first section the words, "taking or accepting a fee or reward therefor;" in the twelfth line, strike out the word "officers," and insert "persons," and strike out the whole of the third section.

The report was concurred in.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 44, entitled "An act in relation to joint contracts, promises, and obligations, and declaring all such contracts, promises, and obligations to be joint and several in their nature, so far as relates to the remedies to enforce the same," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage without amendment.

The report was concurred in.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 65, have had the same under consideration, and have directed me to report it back to the Senate, and recommend its reference to the Committee on Roads.

The report was concurred in.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 34, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 48, having duly considered the same, a majority thereof have instructed me to report the same back to the Senate, and recommend that it lie on the table.

The report was concurred in.

Mr. Van Buskirk introduced

Senate bill No. 80, entitled "An act to amend section 18 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' " approved March 9, 1857.

Which was read the first time, and passed to a second reading.

Mr. Culver introduced

A bill to accept the benefits of an act of Congress approved July 5, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, and to establish and locate a college for the promotion of general science and the teaching of such branches of learning as are related to agriculture and the mechanic

arts and military tactics, and for the acceptance of donations for the benefit of such colleges.”

Which was read the first time, and passed to a second reading.

Mr. Culver moved that the rules be suspended, and the bill read a second time, by title only, for the purpose of reference.

A Constitutional provision suspending the rules.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Woods and Wright—44.

Mr. English voted in the negative.

So the rules were suspended.

The bill was read the second time by title only and referred to a Select Committee of one from each Congressional District.

Mr. Niles introduced

Senate bill No. 82, entitled “an act to authorize cities to prepare, execute, negotiate and sell bonds to provide means to complete unfinished school buildings, and to pay debts contracted for the erection of school buildings, and to authorize the levy and collection of an additional special tax to provide means for the payment of the interest and principal of such bonds.

Was read first time and passed to a second reading.

Mr. Cason introduced

Senate bill No. 83, entitled “an act providing for the exercise of the elective franchise by legal voters of the State of Indiana who may be temporarily absent therefrom on military service, and making necessary regulation therefor, and providing penalties for the violation thereof.

Which was read the first time and passed to the second reading.

Mr. Gaff introduced

Senate bill No. 85, entitled “an act to amend section 23 of an act, entitled an act to repeal all general laws, now in force for the

incorporation of cities, and to provide for the incorporation, of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857, and supplemental to said act.

Was read, first time and passed to second reading.

Mr. Hord, introduced

Senate bill No. 84, entitled, an act, to amend section 2d of an act, entitled an act, prescribing the powers and duties of Justices of the Peace in State prosecutions, approved May 29th, 1852, so as to authorize the service of a warrant throughout the State.

Which was read the first time, and passed to a second reading.

Mr. Van Buskirk introduced

Senate bill, No. 86, entitled "an act to create the Indiana Institution of Agriculture and Mechanic Arts."

Which was read the first time, and passed to a second reading.

Mr. Hord introduced

Senate bill, No. 87, entitled, "an act to amend the 17th section of an act entitled 'an act prescribing who may make a will, the effect thereof, what may be divided, regulating the revocation, admission to probate and contest thereof,' approved May 31st, 1852.

Which was read the first time, and passed to a second reading.

Senate bill No. 69, entitled "an act to repeal the 119th section of an act entitled an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditor of State," approved June 21st, 1852,

Was read the second time by title only, and referred to the Committee on County and Township Business.

Senate bill No. 71, entitled "a bill to compel railroads, as common carriers, to carry freight,"

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 72, entitled "an act prescribing the form of deed that may be used by Sheriffs and Coroners,"

Was read the second time by title only, and referred to the Committee on Judiciary.

Senate bill No. 73, entitled "an act to create and establish the 1st, 2d, 5th, 6th, and 14th Judicial Circuits, and fixing the times of hold-

ing Circuit Courts in the several counties therein; providing for the returning of process requiring all persons to take notice thereof; repealing all laws in conflict therewith, and declaring when this act shall take effect."

Which was read a second time by title only, and referred to a Select Committee of one from each Judicial District in the State.

Senate bill No. 74, entitled "an act to amend section 97 of an act entitled 'an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith,'" approved March 11th, 1861,

Was read a second time by title only, and referred to the Committee on Education.

Senate bill No. 75, entitled "an act to provide for the interest of married women in the real estate of their husbands, when sold upon execution."

Which was read the second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 76, entitled "an act requiring County Recorders to make a marginal notice of all instruments recorded by them that require Government stamps, and that such notice shall be evidence of the validity of the instruments so recorded."

Which was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 77, entitled "an act to amend section one of an act entitled an act to amend the 33d section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved March 9th, 1861,

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 78, entitled "an act to exempt certain real and personal property from taxation in certain cases, and declaring an emergency for the immediate taking effect thereof."

Which was read the second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 79, entitled "a bill to enable railroad companies, or steamboat companies, to sell insurance tickets."

Which was read the second time by title only, and referred to the Committee on Corporations.

Senate bill No. 2, entitled "a bill regulating the practice in Circuit and Common Pleas Courts of this State, on appeals from judgments of Justices of the Peace."

Was read the second time.

Mr. Brown, of Wells, moved to amend section seven so as to provide that costs shall follow judgment in all cases.

On motion by Mr. Richmond,

The amendment was laid on the table.

The bill passed to the third reading.

Senate bill No. 10, entitled "an act to amend section 322 of an act entitled 'an act to revise, simplify and abridge the rules of practice, pleading, and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" approved June 28th, 1852.

Which was read the second time and passed to a third reading.

Senate bill No. 12, entitled "an act authorizing creditors in certain cases to bring action on their claims before they are due, and have attachment against the property of the debtor; to garnishee the property, moneys, credits and effects, and describing the manner of proceeding therein."

Was read the second time, and ordered to be engrossed for the third reading to-morrow.

Senate bill No. 16, entitled "a bill to amend section 349 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleading, and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice, and a uniform mode of pleading and practice, without distinction between law and equity,'" approved June 13th, 1862.

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 25, entitled an "act defining certain misdemeanors, and prescribing punishment therefor."

Was read the second time, and ordered to be engrossed for the third reading to-morrow.

Senate bill No. 39, entitled "an act to amend an act entitled "an act to amend section 19 of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present

Common Pleas Courts returnable to such terms," &c., approved February 15th, 1861.

Which was read the second time, and ordered to be engrossed for a third reading to-morrow.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed Senate bill to-wit:

Senate bill No. 49. A bill to authorize the State Treasurer to refund to Winslow, Lanier & Co., moneys paid by them by request of the Governor as interest on State bonds, with interest on amounts so paid, and declaring an emergency.

Senate bill No. 42, entitled "an act to amend section 9 of an act entitled 'an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,'" approved March 5th, 1859,

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 55, entitled "an act to fix the time of holding the Court of Common Pleas in the fifth judicial district, repealing all other laws on the same subject, and declaring when this act shall take effect,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled Joint Resolution No. 7 of the House.

A Joint Resolution instructing our Senators and requesting our Representatives in Congress to endeavor to obtain an appropriation for the improvement of the Harbor at Michigan City.

Senate Joint Resolution No. 2, entitled "a joint resolution proposing an amendment to article 8 of the Constitution, so as to enable cities, townships, and towns to levy taxes for the support of common schools,"

Was read a second time, and ordered to be engrossed for a third reading to-morrow.

Senate Joint Resolution No. 3, entitled "a joint resolution proposing an amendment to the 23d section, article 4, of the Constitution, so as to provide for laws enabling cities, townships and towns to raise money for the support of common schools,"

Which was read a second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 23, entitled "an act to amend section number seventy-six of an act entitled an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—42.

Those who voted in the negative were,

Messrs. Bradley, English and Finch—3.

So the bill passed.

Mr. Gifford offered the following, which was adopted:

*Resolved*, That the Principal Secretary be instructed to have printed one hundred copies of the amended Standing Rules and Orders for the government of the Senate, in suitable form to be appended to those already printed.

Mr. Richmond introduced the following, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire by what authority of law the Common Council of the City of Indianapolis, by ordinance thereof, prevents the enlistment of per-



sons into the military service of the United States, within the corporate limits of the city aforesaid, unless the person so enlisted shall credit himself upon the quota required to be raised by said city, and that said Committee report by bill, or otherwise, at their earliest convenience.

Mr. Bennett offered the following :

*Resolved by the Senate, (the House of Representatives concurring,)* That the Adjutant General of the State of Indiana be requested to use his utmost influence to induce the proper authorities to establish a general mustering office in the City of Indianapolis, where recruits can be mustered and credited to any district, county, township or city in the State of Indiana; or such other regulations as may produce the effect of giving districts, other than the 6th District, an equal right to procure volunteers from among persons who may visit the city where the military headquarters of the State are situated.

Which was agreed to.

Mr. Douglas introduced the following :

*Resolved,* That for the greater protection of the traveling community, the Committee on Railroads be requested to examine as to the expediency of fixing the qualifications of engineers and conductors on railroads running within the State of Indiana, and the establishment of a Board of Commissioners, whose duty shall be to examine and license, if qualified, applicants for these positions; prohibiting any person from running a train as engineer, or conductor, without certificate of qualification, and the Committee be requested to report by bill or otherwise.

The resolution was adopted.

Mr. Cobb offered the following :

*Resolved,* That the Committee on Agriculture be requested to inquire into the expediency of passing a law, levying a tax of fifty cents on every dog in the State of Indiana, for the purpose of creating a permanent fund for the reimbursement of the owners of sheep killed by dogs, and the manner of disbursing the same, and report by bill, or otherwise.

Which was adopted.

On motion by Mr. Corbin,

Senate bill No. 9, entitled "a bill requiring the County Commissioners of the several counties of this State to make allowances, and issue orders therefor, in certain cases therein specified,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bradley, Brown of Wells, Cobb, Corbin, Douglas, Downey Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Niles, Richmond, Staggs and Vawter—24.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bonham, Bowman, Carson, Chapman, Cullen, Davis, Dykes, Hord, Hyatt, Noyes, Oyler, Peden, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—20.

So the bill failed for want of a constitutional majority.

Mr. Downey submitted the following:

MR. PRESIDENT:

The Committee on Phraseology and arrangement of Bills, and on Enrolled Bills, have examined Joint Resolution No. 7, as enrolled and report the same to be correct, and ready for the signature of the President of the Senate.

The President of the Senate affixed his signature to the Joint Resolution No. 7 of the House.

On motion by Mr. Van Buskirk,  
The Senate adjourned.

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WEDNESDAY AFTERNOON, 2 O'CLOCK, }  
January 25, 1865. }

The Senate met.

The Journal of yesterday was read and approved.

The President announced the following as the Committee on the Agricultural College bill No. 81, viz: 5th District, Mr. Beeson; 4th, Mr. Van Buskirk; 3d, Mr. Dunning; 1st, Mr. Williams; 2d, Mr. English; 6th, Mr. Oyler; 7th, Mr. Hanna; 8th, Mr. Culver; 9th, Mr. Corbin; 10th, Mr. Douglas; 11th, Mr. Richmond.

Also the following Select Committee on Senate bill No. 73, viz : 1st District, Mr. Hord; 2d, Mr. Cobb; 3d, Mr. Williams; 4th, Mr. Bennett; 5th, Mr. Oylor, 6th, Mr. Hanna; 7th, Mr. Bonham; 8th, Mr. Cason; 9th, Mr. Corbin; 10th, Mr. Noyes; 11th, Mr. Richmond; 12th, Mr. Culver; 13th, Mr. Beeson; 14th, Mr. Finch.

The President laid before the Senate a communication from the Treasurer of State, in response to a resolution passed by the Senate on the 23d instant.

Which,

On motion by Mr. Vawter,

Was laid on the table, and 500 copies ordered to be printed.

The following message from the House of Representatives was taken up and considered.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate, that the House has concurred in the accompanying memorial address to Congress, which was adopted in the Senate and transmitted to the House January 20th.

I am also directed by the House of Representatives to inform the Senate, that the House has concurred in the following resolution of the Senate, to-wit :

*Resolved by the Senate,* (the House of Representatives concurring therein) That the Doorkeepers of their respective Houses, be instructed to suspend the National Flag to the dome of the Capitol to remain during the present session of the Legislature, provided the same can be procured on reasonable terms.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof.

House bill No. 46. "A bill to fix the times of holding the Circuit Courts in the Eleventh Judicial Circuit, and to regulate the return of process in said Circuit."

In which the concurrence of the Senate is respectfully requested.

Mr. Mason, asked and obtained leave of absence for Mr. Gifford, until 2 o'clock to-morrow.

Mr. Dunning, asked and obtained leave of absence for Mr. Finch, from Friday morning until Thursday night following.

Mr. Dunning presented a petition, numerously signed, from citizens of Monroe county, praying the passage of a law to suppress entirely the sale of spirituous liquors.

Which was read and referred to the Committee on Temperance.

Mr. Thompson presented a petition from certain colored citizens of Indiana, on behalf of the colored people of the State, complaining of certain disabilities and wrongs to which they are subjected by the laws of the State of Indiana, and praying for the redress or removal of such wrongs and disabilities.

Mr. Thompson moved to refer the petition to the Committee on the Rights and Privileges of the State.

Mr. Brown, of Wells, moved to amend by instructing the Committee on Rights and Privileges to inquire into the condition of the Indians of Indiana.

The amendment and petition were so referred.

On motion of Mr. Bennett,

The Senate resolved itself into Committee of the Whole, Mr. Dunning in the chair, for the consideration of the Governor's Message.

After a short time spent therein, the Committee rose and reported, through its chairman, that they had considered the message, and that it had been returned, in accordance with the following resolution offered by the Senator from Ohio.

1st. *Resolved*, That so much of the message of his Excellency the Governor, as relates to the retention of recruits after the expiration of the term of the regiment, be referred to the Military Committee.

2d. That so much thereof as relates to the Gettysburg Cemetery, be referred to a select committee of five.

3d. That so much thereof as relates to the Sanitary Commission, be referred to a select committee of five.

4th. That so much thereof as relates to the Right of Soldiers to Vote while in the service, be referred to the Committee on Elections.

5th. That so much thereof as relates to a better organization of the State Militia, be referred to the Military Committee.

6th. That so much thereof as relates to the Arsenal and its operations, be referred to the Committee on Finance.

7th. That so much thereof as relates to the subject of education and the Donation by Congress for an Agricultural College, be referred to the Committee on Education.

8th. That so much as relates to the subject of Emigration, be referred to a select committee of five.

9th. That so much thereof as relates to negro testimony, be referred to the Committee on the Judiciary.

10th. That so much as relates to an enumeration of the inhabitants of this State, the apportionment of Senators and Representatives, be referred to a select committee of one, from each Congressional district.

11th. That so much thereof as relates to the Benevolent Institutions, be referred to the Standing Committee on that subject.

12th. That so much thereof as relates to the penitentiaries, be referred to the Standing Committee on that subject.

13th. That so much as relates to military expenditures, and finances, be referred to the Committee on Finance.

14th. That so much as relates to the war, and our Federal relations, be referred to the Committee on Federal Relations.

The report was concurred in.

Mr. Dunning presented a communication from James D. Maxwell, Esq., President of the Board of Trustees of Indiana University, in respect to the action of the Board in regard to the act providing for the sale of lands granted by the United States for the use of said University, and asking for the passage of a bill authorizing the Board of Sinking Fund Commissioners to liquidate the debt due to the Sinking Fund, &c.

Which was read, and referred to the Committee on Finance.

Mr. Dunning, by request of the Doorkeeper, called for the reading of a contract which the Doorkeeper had made for fifty cords of wood, at seven dollars a cord, to be delivered in twenty days, and moved that it be confirmed by the Senate.

The motion was agreed to.

Mr. Niles submitted the following :

Mr. PRESIDENT :

The Judiciary Committee, to whom was referred Senate Joint Resolution No. 1, entitled " a Joint Resolution proposing an amendment to the second section of article second of the Constitution of the State

of Indiana, so that the Legislature may more effectually guard against fraudulent voting, and to enable electors to vote when absent from the State, serving in the army or navy of the United States," have had the same under consideration, and have directed me to report it back to the Senate, with a recommendation that said Joint Resolution be amended by inserting after the word "and," in the 13th line, the words "agreed to and," and with such amendment they recommend its adoption.

The report was concurred in.

Mr. Bennett offered the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 75, introduced by Senator Thompson, entitled "an act to provide for the interest of married women in the real estate of their husbands, when sold upon execution," have instructed me to report the same back to the Senate, and recommend that the same lie on the table ; as, in their opinion, further legislation upon the subject is inexpedient.

The report was concurred in.

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 72, entitled "an act prescribing the form of the deed that may be used by sheriffs and coroners," have had the same under consideration, and have directed me to report the same back, and recommend that it lay upon the table.

The report was concurred in.

Mr. Downey offered the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 76, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be laid upon the table, a law on the same subject having been passed at the last session of the General Assembly.

The report was concurred in.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill

No. 36, have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 46, entitled " An act to authorize the Secretary of State to cause to be printed, in pamphlet form, the laws of decedents' estates, and for the distribution of the same, have had the same under consideration, and have instructed me to report the same back, and recommend that it lay upon the table.

The report was concurred in.

Mr. Culver submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 68, have had the same under consideration, and directed me to report it back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Oyster submitted the following :

MR. PRESIDENT :

The Committee on Roads, to whom Senate bill No. 56 was referred, beg leave to report that they have duly considered said bill, and the changes made by said bill in the existing law, and report the bill back, with a recommendation for its passage.

The report was concurred in.

Mr. Van Buskirk submitted the following :

MR. PRESIDENT :

The Committee on Education, to whom was referred sundry bills and papers respecting the location of an agricultural college, have had the same under consideration, and have instructed me to report them back, and recommend that they be referred to a Select Committee appointed for that purpose.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 51, amending the law so as to authorize County Auditors to loan the school funds in sums not exceeding one thousand dollars to the same person or company, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Peden submitted the following :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 66, relating to the time of holding the Common Pleas Court in the 11th District, and creating a new district, and providing for the election of a judge therein, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage. All of which is respectfully submitted.

The report was concurred in.

On motion by Mr. Vawter,

One hundred copies of Senate bill No. 15, with the Committee's amendments thereto, were ordered to be printed.

Mr. Bennett introduced

Senate bill No. 88, entitled "an act repealing the second section of an act, approved March 3d, 1850, entitled 'an act providing for the colonization of free negroes,' making appropriations therefor, and establishing a colonization agency."

Which was read the first time, and passed to a second reading.

Mr. Mason introduced

Senate bill No. 89, entitled "an act to amend section five of an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting therewith."

Which was read the first time, and passed to a second reading.

Mr. Carson introduced

Senate bill No. 90, entitled "an act to signify the assent of the State of Indiana to the conditions and provisions of an act of Congress, entitled 'an act donating public lands to the several States and



Territories which may provide Colleges for the benefit of agriculture and the mechanic arts,' approved July 2d, 1862, and to express the State's acceptance of said conditions and provisions, and for accepting the scrip offered by the act of Congress, and for its sale and investment in the State of Indiana bonds or stocks, for the endowment of an Agricultural College."

Which was read the first time, and passed to a second reading.

Mr. Bonham introduced

Senate bill No. 91, entitled "an act to amend section 103 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.'"

Which was read the first time, and passed to a second reading.

Mr. Thompson introduced

Senate bill No. 92, entitled "an act authorizing Street and Horse Railroad Companies to use State, county and township roads for their railway tracks, under certain conditions and regulations."

Which was read the first time, and passed to a second reading.

Mr. Hord introduced .

Senate bill No. 93, entitled "an act defining certain felonies, and prescribing punishment thereof."

Which was read the first time, and passed to a second reading.

Mr. Gaff introduced

Senate bill No. 94, entitled "an act to amend section 42 of an act entitled 'an act to repeal all laws now in force for the incorporation of cities;' and to provide for the incorporation, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto."

Which was read the first time, and passed to a second reading.

Mr. Van Buskirk introduced

"Senate bill No. 95, entitled "an act to repeal an act to enforce the 13th article of the Constitution," approved June 18th, 1852.

Which was read the first time, and passed to a second reading.

Mr. Hord introduced

Senate bill No. 96, entitled "an act for the relief of Alfred Williams, Treasurer of the county of Brown, in the State of Indiana."

Which was read the first time, and passed to a second reading.

Mr. Hord moved that the rules be suspended, and the bill read a second time by title only, for the purpose of reference.

A constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Niles, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, and Wright—44.

Mr. English voted in the negative.

So the rules were suspended, and the bill read a second time by title only, and referred to the Committee on Finance.

Senate bill No. 80, entitled an act to amend section 18 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9th, 1857,

Which was read the second time by title only, and referred to the Committee on Corporations.

Senate bill No. 82, entitled "an act to authorize cities to prepare, execute, negotiate and sell bonds, to provide means to complete unfinished school buildings and to repay debts contracted for the erection of school buildings, and to authorize the levy and collection of an additional special tax to provide means for the payment of the interest and principal of such bonds,"

Was read a second time by title only, and referred to the Committee on Education.

Senate bill No. 82, entitled "an act providing for the exercise of the elective franchise by legal voters for the State of Indiana, who may be temporarily absent therefrom on military service, and making necessary regulations therefor, and providing penalties for the violation thereof,"

Was read the second time by title only, and referred to the Committee on Elections.

Senate bill No. 84, entitled "an act to amend section 2 of an act entitled an act prescribing the powers and duties of Justices of the

Peace in State prosecutions, approved May 29, 1852, so as to authorize the service of a warrant throughout the State."

Was read the second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 85, entitled a bill to amend section 23 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities; prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857, and supplement to said act,

Which was read the second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 68, entitled "an act to create the Indiana Institution of Agriculture and Mechanic Arts."

Was read the second time by title only, and referred to the Special Committee of one from each Congressional District, on the same subject.

Senate bill No. 87, entitled "an act to amend the 17th section of an act entitled 'an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate, and contest thereof,'" approved May 31st, 1852.

Was read the second time by title only, and referred to the Committee on Judiciary.

Senate bill No. 2, entitled "a bill regulating the practice in Circuit and Common Pleas Courts of this State, on appeals from judgments of Justices of the Peace."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Thompson, Terry, Van Buskirk, Ward, Williams, Woods and Wright—44.

Mr. Vawter voted in the negative.

So the bill passed.

Senate bill No. 10, entitled "a bill to amend section 322 of an act entitled 'an act to revise, simplify, and abridge the rules of practice, pleading, and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" approved June 18th, 1852. Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Pedan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—45.

Mr. Bradley voted in the negative.

So the bill passed.

Senate bill No. 12, entitled "an act authorizing creditors in certain cases to bring action on their claims before they are due, and have attachment against the property of the debtor, to garnishee property, moneys, credits and effects, and prescribing the manner of proceeding therein," was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were

Messrs. Barker, Beeson, Bennett, Bowman, Bradley, Brown (of Hamilton), Brown (of Wells), Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—43.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 16, entitled, "a bill to amend section 349 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to

abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity ; approved June 18, 1852.”

Was read the third time.

The question being shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—14.

No senator voted in the negative.

So the bill passed.

Senate bill No. 25, entitled “ an act defining certain misdemeanors and prescribing punishment therefor.”

Was read the third time.

The question being shall the bill pass ?

Those who voted in the affirmative were

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglass, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—44.

Mr. Bowman voted in the negative.

So the bill passed.

Leave being granted, Mr. Bennett offered the following, which was adopted by consent :

*Resolved*, By the Senate (the House of Representatives concurring), that each house of the General Assembly proceed, by a sepa-

rate and concurrent vote, on to-morrow at half-past two o'clock P. M., to elect the following officers, to-wit:

One President of the Benevolent Institutions, two Commissioners for the Hospital for the Insane, two Trustees for the Blind Asylum, two Trustees for the Deaf and Dumb Asylum, three Commissioners for the Sinking Fund, and two Directors for the State Bank.

Senate bill No. 39, entitled "an act to amend an act entitled 'an act to amend section 19 of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms.'" &c., approved February 15th, 1851.

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Pedan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

No Senator voted in the negative.

So the bill passed.

On motion by Mr. Bennett,

The order of business was suspended, and House bill No. 46, entitled "an act to fix the time of holding the Circuit Court in the Eleventh Judicial Circuit, and to regulate the return of process in said Circuit."

Was read the first time, and passed to the second reading.

Mr. Bennett moved,

That the rules be suspended, and the bill read a second time now.

The constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman,

Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Pedan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—45.

Mr. English voted in the negative.

So the rules were suspended, and the bill read the second time.

Mr. Bennett moved,

To suspend the rules, and read the bill a third time now.

A constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller Gaff, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Pedan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—43.

Mr. English voted in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—45.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 42, entitled "an act to amend section nine of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms; and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wood and Wright—45.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 55, entitled "an act to fix the time of holding the Court of Common Pleas in the 5th Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

No Senator voted in the negative.

So the bill passed.

Senate Joint Resolution No. 2, entitled "a Joint Resolution proposing an amendment to article eight of the Constitution, so as to enable cities and towns to levy taxes for the support of Common Schools,"

Was read the third time.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Brown of



Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods and Wright—43.

Those who voted in the negative were,

Messrs. Bowman and Carson—2.

So the Joint Resolution passed.

Senate Joint Resolution No. 3, entitled "a Joint Resolution proposing an amendment to 23d section, article 4, of the Constitution, so as to provide for laws enabling cities and towns to raise money for the support of Common Schools,"

Was read the third time.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

No Senator voted in the negative.

So the Joint Resolution passed.

The President laid before the Senate a communication from the Auditor of State, containing an additional report of the condition of the State Debt and Sinking Fund,

Which was referred to the Committee on Finance.

Leave being granted, Mr. Bennett introduced the following, which was adopted :

*Resolved*, That the Doorkeeper of the Senate be directed to procure sufficient wrapping paper, when ever the same can be had, for the use of the Senate.

Mr. Bradley asked for, and obtained, leave of absence for Mr. Gaff till Tuesday evening.

On motion by Mr. Van Buskirk,  
The Senate adjourned.

THURSDAY, JANUARY 26TH. 1865. }  
 2 O'CLOCK, P. M. }

The Senate met.

The Journal of yesterday was partially read, when,  
 On motion of Mr. Dunning,  
 The further reading was dispensed with.

The President laid before the Senate a communication from the Treasurer of State in reference to one presented by the same officer yesterday.

Which was read, and,

On motion of Mr. Williams,

Laid on the table, and five hundred copies ordered to be printed, with the communication presented yesterday on the same subject.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker to inform the Senate that he has signed the following Enrolled Joint Resolution of the Senate, to-wit :

Senate Joint Resolution No. 7. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to endeavor to obtain an appropriation for the improvement of the Harbor of Michigan City, and to return the same to the Senate.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed the following Concurrent Resolution of the Senate, to-wit :

*Resolved, by the Senate, (the House of Representatives concurring)* That each House of the General Assembly proceed, by a separate and concurrent vote, on to-morrow, at 2½ o'clock P. M., to elect the following officers, to wit : One President of the Benevolent Institutions ; two Trustees of the Hospital for the Insane ; two Trustees for the Blind Asylum ; four Trustees for the Deaf and Dumb Asylum ; three Commissioners of the Sinking Fund, and two Directors of the State Bank," with the following amendment :

Strike out the words "three Commissioners of the Sinking Fund."

In which amendment the concurrence of the Senate is respectfully requested.

On motion by Mr. Bennett,  
The Senate proceeded to consider the message last received from the House.

The question being, shall the Senate concur in the amendment of the House ?

The amendment was concurred in.

On motion of Mr. Dunning,  
The Senate proceeded to the election of the officers named in the resolution.

On motion of Mr. Bennett,  
The Senate adopted the following order of election :

First, President of the Benevolent Institutions ; the Trustees for the Insane Asylum ; the Trustees of the Deaf and Dumb Asylum ; the Trustees of the Blind Asylum ; and the Directors of the State Bank.

The President announced nomination for the President of the Benevolent Institutions to be in order.

Mr. Hord nominated for that office Aquilla Jones, of Marion County.

Mr. Bennett nominated Andrew Wallace of Marion County.

There being no other nominations, by direction of the President the roll was called, with the following results :

Those who voted for Mr. Wallace were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—25.

Those who voted for Mr. Jones were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—24.

Andrew Wallace having received a majority of all the votes cast, was declared duly elected President of the Benevolent Institutions for the term prescribed by law.

Nominations for Trustees for the Asylum for the Insane being in order,

Mr. Bennett nominated Dr. Patrick H. Jameson, of Marion County.

Mr. Hanna nominated Isaiah Donham, of Vego County, for the same office.

There being no other nominations, the Secretary called the roll with the following result :

Those who voted for Mr. Jameson were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—25.

Those who voted for Mr. Dunham were.

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—24.

Patrick H. Jameson having received a majority of all the votes cast, was declared duly elected Trustee for the Asylum for the Insane for the term prescribed by law.

Nominations for the other Trustee of the Insane Asylum being next in order,

Mr. Cullen nominated Dr. John W. Moody, of Decatur County.

Mr. Cobb nominated Dr. Benjamin Newland, of Lawrence County.

There being no other nominations, the Secretary called the roll with the following result :

Those who voted for Mr. Moody were

Messrs. Beeson, Bonham, Bennett, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—25.

Those who voted for Mr. Newland were

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglass, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter, and Williams—24.

John W. Moedy having received a majority of all the votes cast, was declared duly elected a Trustee for the Asylum of the Insane for the term prescribed by law.

Nominations for Trustees of the Deaf and Dumb Asylum being now in order,

Mr. Bennett nominated James Burt, of Jennings county.

Mr. Williams nominated John A. Skinner, of Knox county.

There being no other nominations, the Secretary called the roll, with the following result:

*Those who voted for James Burt were,*

Messrs. Beeson, Bennett, Bonham Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oylar, Peden, Richmond, Terry, Thompson, Vawter, Van Buskirk, Ward, Woods and Wright—25.

*Those who voted for John A. Skinner were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carsen, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs and Williams—23.

James Burt having received a majority of all the votes cast, was declared duly elected a Trustee for the Asylum of the Deaf and Dumb, for the term prescribed by law.

Nominations for the other Trustee of the Asylum for the Deaf and Dumb being next in order,

Mr. Bennett nominated Dr. John M. Kitchen, of Marion county.

Mr. McClurg nominated Dr. John L. Richardson, of Carroll county.

No other nominations being made, the Secretary called the roll with the following result:

*Those who voted for Mr. Kitchen were,*

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

*Those who voted for Mr. Richardson were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs and Williams—23.

John M. Kitchen having received a majority of all the votes cast, was declared duly elected a Trustee of the Asylum for the Deaf and Dumb, for the term of years prescribed by law.

Nominations for Trustees of the Blind Asylum coming next in order,

Mr. Bennett nominated John Beard, of Montgomery county.

Mr. Mason nominated Berry W. Cooper, of Hancock county.

No other nominations being made, the Secretary called the roll, with the following result:

*Those who voted for Mr. Beard were,*

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—25.

*Those who voted for Mr. Cooper were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cason, Cobb, Corbin, Douglas, Downey English, Finch, Fuller Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—24.

John Beard, having received a majority of all the votes cast, was declared duly elected a Trustee for the Asylum for the Blind for the term of years prescribed by law.

Nominations for the other Trustee of the Asylum for the Blind coming next in order,

Mr. Bennett nominated John S. Spann, of Marion county.

Mr. English nominated Dr. David McClure, of Clark county.

No other nominations being made, the Secretary proceeded to call the roll, with the following result :

*Those who voted for Mr. Spann were,*

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—25.

*Those who voted for Mr. McClure were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—24.

John S. Spann, having received a majority of all the votes cast, was declared duly elected a Trustee for the Asylum for the Blind for the term of years prescribed by law.

The President announced, as next in order, nominations for Bank Directors.

Mr. Bradley nominated Elijah Newland, of Floyd county.

Mr. Bennett nominated Charles E. Walker, of Jefferson county.

No other nominations being made, the Secretary proceeded to call the roll, with the following result :

*Those who voted for Mr. Walker were,*

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—25.

*Those who voted for Mr. Newland were,*

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, McClurg, Newlin, Staggs, Vawter and Williams—24.

Charles E. Walker, having received a majority of all the votes

cast, was declared elected a Director of the Bank of the State for the term of years prescribed by law.

Mr. Bennett offered the following, which was adopted by consent :

*Resolved, by the Senate,* That the House of Representatives be informed that the Senate, by separate vote, have chosen the following named persons to fill the various offices named in the concurrent resolution of the two Houses, this day adopted, viz :

For President of the Benevolent Institutions—Andrew Wallace, of Marion county.

For Commissioners for the Hospital for the Insane—P. H. Jameson, of Marion county, and J. W. Moody, of Decatur county.

For Trustees of the Institute for the Education of the Deaf and Dumb—James Burt, of Jennings county, and John M. Kitchen, of Marion county.

For Trustees of the Asylum for the Blind—John Beard, of Montgomery county, and John S. Spann, of Marion county.

For Director of the State Bank, Charles E. Walker, of Jefferson county.

In which the concurrence of the House is respectfully requested.

A message from the House of Representatives, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate of the adoption of the following resolution, and ask their concurrence therein :

*Resolved,* That this House will, (the Senate concurring) proceed, at the hour of four o'clock P. M., this day, to elect three Commissioners of the Sinking Fund, by a joint vote of the two Houses.

On motion by Mr. Dunning,  
The above resolution was considered, and concurred in.

Mr. Wright submitted the following :

The Committee on Roads, to whom was referred Senate bill No 65, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

Mr. Wright submitted the following :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No



60, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 70, have had the same under consideration, according to order, and have directed me to report the same back to the Senate and recommend that the same be stricken out, from the enacting clause, and insert the accompanying bill as a substitute, and, when so amended, that it pass.

The report was concurred in.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 77, having duly considered the same, have unanimously instructed me to report the same back to the Senate and recommend its passage without amendment.

The report was concurred in.

Mr. Dunning submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 24, entitled "An act amending section one of an act providing for the allowance of compensation to Clerks of the Circuit and Common Pleas Courts, and Sheriffs, for extra services, and to repeal all laws inconsistent therewith," approved March 11, 1861, have had the same under consideration, and have instructed me to report the same back to the Senate with one amendment, and, when so amended, to recommend its passage.

The report was concurred in.

Mr. Dunning presented affidavits of citizens of Brown county in respect to the late robbery of the Treasurer of said county.

Which was referred, without reading, to the Committee which had other papers referring to the same subject in their possession.

Mr. McClurg asked and obtained leave of absence from to-morrow until Tuesday next, for Mr. Marshall.

Mr. Chapman asked and obtained leave of absence for Mr. Davis, until Tuesday morning.

Mr. Beeson asked and obtained leave of absence for Mr. Richmond, from Friday night until Tuesday noon.

Mr. Hanna submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 30, entitled "an act to authorize, regulate and confirm the sale of rail roads, to enable purchasers to form corporations and to exercise corporate powers, to define their rights, powers and privileges, to enable corporations to construct connecting and branch rail roads, and to operate and maintain the same," have had the same under consideration, and have instructed me to report it back to the Senate with sundry amendments agreed to by said committee, in which the concurrence of the Senate is requested, and when so amended, to recommend its passage.

The report was concurred in..

On motion of Mr. Brown of Wells,  
The bill was laid on the table, and 200 copies ordered to be printed for the use of the Senate.

Mr. Bowman submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 62, an act supplemental to an act entitled "an act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them, approved March 5th, 1859, authorizing compromises by partners and joint debtors," have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Peden submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 80, which proposes to amend section eighteen of an act entitled "an act to repeal all laws now in force for the incorporation of cities,

approved March 9th, 1857," have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage with the following amendments, to wit :

On the fourth page, seventh line, after the word "he," insert the word "shall;" and in the eighteenth line on the same page insert the word "have" after the word "shall."

The report was concurred in.

Mr. Peden submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 79, entitled "a bill to enable rail road companies to sell insurance tickets," have had the same under consideration, and have directed me to report the same back, and recommend that it lie on the table.

The report was concurred in.

Mr. Peden introduced

Senate Joint Resolution No. 13, entitled "a Joint Resolution tendering a vote of thanks to Major General Sherman, his officers and men, for the brilliant victories gained in the campaigns of 1864."

Which was read the first time.

On motion by Mr. Bennett,

The Joint Resolution was read a second time by title only, and referred to the Committee on Military Affairs.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House is in waiting upon the Senate for the purpose of going into the election for three Commissioners for the Sinking Fund.

The Senate then, in pursuance of the invitation of the House, communicated through the President, repaired to the Hall of the House, preceded by the President of the Senate; when the joint session was called to order by the President of the Senate.

The President then declared :

GENTLEMEN:—We have assembled in Joint Convention, pursuant

to a concurrent resolution of both Houses thereof, for the purpose of electing three members of the Board of Sinking Fund Commissioners.

The President of the Joint Convention announced that the Convention would now proceed to choose, by a *viva voce* vote, a member of the Board of Sinking Fund Commissioners to succeed Nathaniel Kemp.

Mr. Newcomb nominated John S. C. Harrison, of the county of Marion.

Mr. Bird nominated Charles E. Sturges, of the county of Allen.

*Those who voted for J. S. C. Harrison were,*

Senators Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright.

Representatives Banta, Bonner, Boyd, Bonham, Burnes, Chambers, Church, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Miller of Montgomery, McVey, Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Stewart, Stivers, Stringer, Sullivan of Posey and Vanderburg, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Wright, Zeigler and Mr. Speaker—78.

*Those who voted for Charles E. Sturges were,*

Senators Barker, Bowman, Bradley, Carson, Cobb, Corbin, Douglas, Finch, Gifford, Hanna, Jenkins, Mason, Moore, McClurg, Staggs, Vawter and Williams.

Representatives Abbett, Beckett, Bird, Brown, Banta, Burwell, Buskirk, Coffroth, Collins, Colover, Croan, Glazebrook, Gregg, Hargrove, Harrison, Howard, Humphreys, Hunt, Lasselle, Lemon, Lopp, Milroy, O'Brien, Osborn, Patterson, Perigo, Puett, Richards, Richardson, Roach, Shoaff of Allen, Shoaff of Jay, Stenger, Stuckey, Sullivan of Scott, Thatcher, Veach and White—55.

John S. C. Harrison having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention duly elected as a member of the Board of Sinking Fund Commissioners, to succeed Nathaniel Kemp for the constitutional term prescribed by law.

Mr. Kilgore nominated John W. Burson, of the county of Delaware, to succeed Parmenter M. Parks.

Mr. Buskirk nominated Parmenter M. Parks, as his own successor.

*Those who voted for J. W. Burson were,*

Senators Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright.

Representatives Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cox, Crook, Emerson, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hoover, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reese, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Stewart, Stivers, Stringer, Sullivan of Posey and Vanderburg, Trusler, Upson, Welch, Whitesides, Willis, Woodruff, Woods, Wright, Zeigler and Mr. Speaker—77.

*Those who voted for P. M. Parks were,*

Senators Barker, Bowman, Bradley, Carson, Cobb, Douglas, Downey, Finch, Gifford, Hanna, Jenkins, Mason, Moore, McClurg, Staggs, Vawter and Williams.

Representatives Abbott, Beckett, Bird, Brown, Burton, Burwell, Buskirk, Coffroth, Collins, Colover, Croan, Glazebrook, Gregg, Hargrove, Harrison, Howard, Humphreys, Hunt, Lasselle, Lemon, Milroy, O'Brien, Osborn, Perigo, Puett, Richards, Richardson, Shoaff of Allen, Shoaff of Jay, Stenger, Stuckey, Sullivan of Scott, Thatcher, Veach and White—53.

John W. Burson having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention, duly elected as a member of the Board of Sinking Fund Commissioners, to succeed Parmenter M. Parks, for the constitutional term prescribed by law.

Mr. Newcomb nominated William R. McKeen, of Vigo county, to fill the vacancy occasioned by the death of S. P. Mooney.

Mr. Brown nominated Henry G. Smith, of the county of Jackson.

*Those who voted for Wm. R. McKeen were,*

Senators Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Pedan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright.

Representatives Banta, Bonner, Boyd, Branham, Burnes, Chambers, Church, Cox, Crook, Ferris, Foulke, Goodman, Gregory of Montgomery, Gregory of Warren, Griffith, Groves, Henricks, Hershey, Higgins, Hogate, Hoover, Johnson, Kilgore, Lockhart, Major, Meredith, Miller of Tippecanoe, Montgomery, McVey, Newcomb, Olleman, Prather, Reece, Rhoads, Rice, Riford, Sabin, Shuey, Sim, Stewart, Stivers, Stringer, Sullivan of Posey and Vanderburgh, Trusler, Upson, Welch, Whiteside, Willis, Woodruff, Woods, Wright, Zeigler and Mr. Speaker—78.

*Those who voted for Craig G. Smith were,*

Senators Barker, Carson, Cobb, Douglas, Finch, Gifford, Hanna, Jenkins, Mason, Moore, Vawter and Williams.

Representatives Abbett, Beckett, Bird, Brown, Burton, Burwell, Buskirk, Coffroth, Collins, Colover, Croan, Glazebrook, Gregg, Hargrove, Harrison, Humphreys, Hunt, Lasselle, Lemon, Lopp, Milroy, O'Brien, Osborne, Perigo, Richards, Richardson, Roach, Shoaff of Allen, Shoaff of Jay, Stenger, Stuckey, Sullivan of Scott, Thatcher, Veach and White—47.

Wm. R. McKen having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention duly elected as a member of the Board of Sinking Fund Commissioners, to fill the vacancy occasioned by the death of S. P. Mooney, for the constitutional term prescribed by law.

The President of the Joint Convention then announced that the business for which they had convened was concluded, and declared the Joint Convention adjourned *sine die*.

The Senators then retired to their chamber.

Mr. Hord introduced

Senate bill No. 97, entitled "an act to amend section 18 of an act entitled 'an act for the government of the Hospital for the Insane, and the care of the insane of Indiana'" (approved January 15th, 1852), and securing clothing to such of the insane as are not otherwise provided, requiring the State of Indiana to pay for the same, providing for the reimbursement of the State by the collection of such sums expended by her, out of the estate of the patient, repealing all laws in conflict herewith, and declaring when the same shall take effect.

Was read the first time, and passed to a second reading.

Mr. Van Buskirk introduced

Senate bill No. 98, entitled "an act to amend section 10 of an

act entitled 'an act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers, in relation thereto,' approved March 5th, 1859.

Was read the first time, and passed to a second reading.

Mr. Ward introduced

Senate bill No. 99, entitled "an act requiring Clerks of the Circuit Courts and Courts of Common Pleas, to make indexes to the record books of their respective offices."

Was read the first time, and passed to a second reading.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the election by the Senate of the Hon. Chas. E. Walker as Director of the Bank of the State of Indiana, and that the House has elected, on its part, for another Director of the Bank of the State of Indiana, the Hon. E. W. H. Ellis, in which election the concurrence of the Senate is requested.

On motion by Mr. Dunning,

The Senate considered, and concurred in, the foregoing message of the House.

On motion by Mr. Oyler,

The Senate adjourned.

FRIDAY, JANUARY 27th, 1865, }  
 2 o'clock P. M. }

The Senate met.

The President of the Senate being unavoidably absent,

On motion of Mr. Corbin,  
 Mr. Dunning was called to the chair.

The reading of the Journal of yesterday was, on motion of Mr. Van Buskirk, dispensed with.

Mr. Van Buskirk submitted the following :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 82 ("a bill to authorize cities to prepare, execute, negotiate and sell bonds, to provide means to complete unfinished school buildings, and to pay debts contracted by the erection of school buildings, and to authorize the levy and collection of an additional special tax to provide means for the payment of the interest and principal of such bonds"), have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Carson submitted the following :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 41, having had the same under consideration, direct me to report the same back to the Senate, with the following amendments, and with said amendments, recommend the passage of the bill :

"Add to the title of the bill, 'and the purchase of a permanent residence for the Governor of the State,' and providing for the appointment of Commissioners for such purpose, and defining their powers and duties in relation thereto."

The other amendment embraces an entire new bill, except the emergency clause.

Mr. Downey moved to amend, so as to authorize the Commissioners to rent a suitable residence for his Excellency, the Governor, until a residence shall be purchased, or that in lieu thereof, they pay him a sum equal to, the rent of such residence not exceeding \_\_\_\_\_ dollars, the amount in either case to be paid out of the State Treasury.



On motion of Mr. Cullen,  
The bill and pending amendments, were referred to a Special Committee of five.

On motion of Mr. Niles,  
Senate bills No, 5 and 61, were recommitted to the Judiciary Committee.

Mr Downey offered the following :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 25, on the subject of the specific performance of contracts in certain cases, have had the same under consideration, and are of the opinion that Legislation on the subject is unnecessary, and they therefore recommend that the same be laid upon the table.

Mr. Richmond submitted the following :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred the petition of George W. Smith and others, praying an increase of pay of the Township Assessors, and to whom was also referred a resolution of the Senate, directing said Committee "to inquire into the propriety of increasing the pay of Township Assessors, with leave to report by bill or otherwise," have had said petition and resolution under consideration and have directed me to report a bill fixing the compensation of Township Assessors and recommend the passage of the same.

The report was concurred in and Senate bill No. 100, entitled "An act fixing the compensation of Township Assessors," was read the first time and passed to a second reading.

Mr. Bennett, submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 78, entitled "An act exempting certain real and personal property from taxation in certain cases, introduced by Senator Bennett, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it lie upon the table, for the reason that they believe its provisions to be unconstitutional.

Section 1, of Article 10th of the State Constitution is as follows, viz : "The General Assembly shall provide by law, for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, *excepting such only* for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law."

While your Committee are deeply sensible of the hardships imposed upon that class of our citizens, who have served in the armies of the United States, by the collection of taxes from their property, to pay bounties to induce other citizens, equally liable to military duty, to enter the army, and while your Committee unanimously and earnestly favor the bill under consideration, upon principle, yet its provisions are so clearly in controversion of the provisions of the Constitution above recited, that they are reluctantly compelled to report against its passage.

Mr. Bennett introduced

Senate bill No. 101, entitled "an act to amend the second section of an act entitled 'an act to amend the fifth and sixth sections of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved Feb. 28, 1855, and also to amend the seventh section of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved Feb. 5, 1852.'"

Was read the first time, and passed to a second reading.

Mr. Staggs introduced

Senate bill No. 102, entitled "an act for the relief of A. W. Loudermilk, and for the conveying of certain tracts of lands therein named."

Was read the first time, and passed to the second reading.

Mr. Downey, from the Committee on Phraseology, Arrangement of Bills, and Enrolled Bills, submitted the following report :

MR. PRESIDENT :

The Committee on Phraseology, Arrangement of Bills and Enrolled Bills, have compared Enrolled Act of the Senate No. 49, "an act to authorize the State Treasurer to refund to Winslow, Lanier & Co., moneys paid by request of the Governor as interest on State Bonds, with interest on amounts so paid, and declaring an emergency," with the Engrossed Bill corresponding thereto, and find that said act has been carefully and correctly enrolled.

Senate bill No. 88, entitled "an act repealing the second section of an act approved March 3d, 1853, entitled an act providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency."

Was read the second time by title only, and referred to the Committee on Finance.

Senate bill No. 89, entitled "an act to amend section five of an act to provide for the more uniform mode of doing Township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting therewith."

Was read the second time, by title only, and referred to the Committee on County and Township business.

Senate bill No. 90, entitled "an act to signify the assent of the State of Indiana to the conditions and provisions of an act of Congress entitled 'an act donating public lands to the several States and territories which may provide Colleges for the benefit of agriculture and the mechanic arts,' approved July 2d, 1862, and to express the State's acceptance of said conditions and provisions, and for accepting the scrip offered by the act of Congress, and for its sale and investment, in the State of Indiana bonds or stocks, for the endowment of an Agricultural College."

Was read the second time, by title only, and referred to the Special Committee on the Agricultural College.

Senate bill No. 91, entitled "an act to amend section 103 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State."

Was read a second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 92, entitled an act authorizing Street and Horse Railway Companies to use State, County and Township roads for their railway tracks, under certain conditions and regulations,"

Was read the second time, by title only, and referred to the Committee on Roads.

Senate bill No. 93, entitled "an act defining certain felonies, and prescribing punishment therefor,"

Was read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 94, entitled "an act to amend section 42 of an act entitled an act to repeal all laws now in force for the incorporation of cities; and to provide for the incorporation of cities, and to prescribe their powers and rights, and the manner in which they shall exercise the same; and to regulate such other matters as properly pertain thereto,"

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 95, entitled "an act to repeal an act entitled an act to enforce the 13th article of the Constitution," approved June 18th, 1852,

Was read the second time, by title only, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Senate bill No. 97, entitled "an act to amend section 18 of an act entitled an act for the government of the Hospital for the Insane, and the care of the Insane of Indiana, approved January 15th, 1852, and securing clothing to such of the insane as are not otherwise provided; requiring the State of Indiana to pay for the same; providing for the reimbursement of the State by the collection of such sums expended by her out of the estate of the patient; repealing all laws in conflict herewith, and declaring when the same shall take effect,"

Was read the second time, by title only, and referred to the Committee on Benevolent Institutions.

Senate bill No. 98, entitled "an act to amend section ten of an act entitled an act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5th, 1859,

Was read the second time, by title only, and referred to the Committee on Roads.

Senate bill No. 99, entitled "an act requiring Clerks of the Circuit Courts and Courts of Common Pleas to make indexes to the record books of their respective offices,"

Was read a second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 28, entitled "an act to amend the 25th section of an act defining felonies, and prescribing punishment therefor," approved June 10th, 1852,

Was read the second time, and ordered to be engrossed for the third reading on to-morrow.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House, on its part, has elected Andrew Wallace, of Marion county, President of the Benevolent Institutions; Patrick H. Jameson, of Marion county, one of the Commissioners of the Insane Asylum; James W. Moody, of Decatur, one of the Commissioners of the Insane Asylum; James C. Burt, of Jennings, one of the Directors for the Deaf and Dumb Asylum; John L. Kitchen, of Marion, one of the Directors of the Deaf and Dumb Asylum; John Beard, of Montgomery, one of the Trustees of the Blind Asylum; John S. Spann, of Marion, one of the Trustees of the Blind Asylum; and have thereby concurred in the election made by the Senate on yesterday.

I am directed by the Speaker to inform the Senate that he has signed the following Enrolled Act of the House of Representatives, to-wit :

An act to fix the times of holding the Circuit Courts in the Eleventh Judicial Circuit, and to regulate the return of process in said Circuit, and declaring an emergency, and the signature of the President of the Senate is respectfully requested to the same.

I am directed by the Speaker to inform the Senate that he has signed the following Enrolled Act of the Senate, to-wit :

Senate Enrolled Act No. 49. An act to authorize the State Treasurer to refund to Winslow, Lanier & Co., moneys paid by them, by request of the Governor, as interest on State bonds, with interest on amounts so paid, and declaring an emergency.

I am instructed by the House of Representatives to inform the Senate that they have had under consideration Senate bill No. 6, to-wit :

A bill to amend an act entitled "an act to amend section 7 of an act entitled 'an act to fix the times for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,' approved March 5th, 1859, so as to change the time of holding said Court in Jackson and Bartholomew counties, and declaring when this act shall take effect, approved March 9th, 1861, so as to change the time of holding said Court in Jennings and Bartholomew counties, extending the time for holding said Court therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect," and have directed me to inform the Senate that they have adopted the same with the following amendments, which the House has had engrossed, and asks the concurrence of the Senate in the same :

[The amendment embraces a new bill by way of substitute.]

Senate bill No. 34, entitled "An act to authorize incorporated cities within this State to purchase and hold parks, fair-grounds, and grounds for public uses, outside the corporate limits, and to prescribe rules and regulations for the government, control, and preservation of the same,"

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 44, entitled "An act in relation to joint contracts,

promises and obligations, and declaring all such contracts, promises and obligations to be joint and several in their nature, so far as relates to the remedies to enforce the same,"

Was read the second time, and ordered to be engrossed for the third reading to-morrow.

Senate bill No. 63, entitled "An act prohibiting Circuit or Common Pleas Judges, County Clerks, Auditors, Recorders, Treasurers, Sheriffs, or any deputy of either of them, from practicing law in any county of this State, and prescribing punishment for the violation of the same.

Was read the second time.

Mr. Moore moved to amend by striking out the words "Sheriff, Treasurer and Auditor."

Mr. Gifford moved to refer the bill and amendment to the Committee on Rights and Privileges.

Mr. Cullen moved to lay this resolution on the table.

The yeas and nays being demanded by Messrs. Moore and Vawter:

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Douglas, Downey, Dunning, Dykes, English, Fuller, Hanna, Hyatt Jenkins, Mason, Milligan, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward and Woods—37.

Those who voted in the negative were,

Messrs. Gifford, Moore, Vawter, Williams and Wright—5.

So the motion to refer was laid on the table.

Mr. Cullen moved to lay the motion to amend on the table.

The yeas and nays being demanded by Messrs. Moore and Dunning,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Douglas, Downey, Dunning, Dykes, Fuller, Hyatt, Mason, Milligan, McClurg

Niles, Oyler, Pedan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward and Woods—30.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, English, Gifford, Hanna, Jenkins, Moore, Newlin, Noyes, Vawter, Williams and Wright—13.

So the amendment was laid on the table.

Mr. Downey moved to amend by inserting immediately after the words "Common Pleas Judge," the words, "in any case or matter in which his Court has, or may have, jurisdiction."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading.

Senate bill No. 65, entitled "an act to amend section 13 of an act approved May 12th, 1852, entitled 'an act authorizing the construction of plank, macadamized, and gravel roads.'" Was read the second time.

Was read the second time.

Mr. Bowman moved to amend by striking out all in regard to sheep, hogs and cattle, in the bill, and insert the old law.

Mr. Terry moved to lay the amendment on the table.

Messrs. Bowman and Cobb demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton Cason, Chapman, Cullen, Culver, Douglas, Downey, Dunning, Dykes, Gifford, Hyatt, Jenkins, Milligan, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Van Buskirk, Vawter, Ward, Woods and Wright—31.

Those who voted in the negative were,

Messrs. Barker, Bowman, Carson, Cobb, Corbin, English, Fuller, Moore and Williams—9.

So the amendment lies on the table.

The bill was ordered to be engrossed for a third reading to-morrow.

Senate bill No. 56, entitled "an act to amend the 20th and 21st sections of an act entitled 'an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers, in relation thereto, and to make additional provisions on the same subject,'" "

Was read the second time and recommitted to the Committee on the Judiciary.

Senate bill No. 60, entitled "a bill to amend the 21st section of an act entitled an act to authorize a company to construct the Aurora and Laughney turnpike," approved February 15, 1848,

Was read a second time and ordered to be engrossed for a third reading to-morrow.

Leave being granted, Mr. Bonham offered the following resolution, which was adopted by consent :

*Resolved*, That when the Senate adjourn, it be till 2 o'clock P. M. on Monday next.

Mr. Cullen offered the following :

*Resolved*, That the State Printer be ordered to print, for the use of the Governor and the members of the Senate, eight thousand copies of the accompanying documents to the Governor's Message, and that the State Librarian be directed to forward to each member of the Senate an equal portion of the same as fast as they are delivered.

Mr. Mason moved to strike out "eight thousand" and insert "five thousand."

Messrs. Moore and Corbin demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Fuller, Gifford, Hyatt, Jenkins, Mason, Milligan, Moore, McClurg, Newlin, Noyes, Richmond, Staggs, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Dunning, Dykes, Niles, Oyler, Peden, Terry, Thompson, Van Buskirk, Vawter, Ward and Woods—17.

So the amendment was agreed to.

The resolution, as amended, was adopted.



Mr. Cason, by unanimous consent, submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 52, introduced by Mr. McClurg, in relation to and creating the "offense of bastardy, and prescribing the punishment therefor, and declaring the powers and duties of Justices of the Peace therein," have had the same under consideration and directed me to report the bill back, with the following amendments; and after being so amended, recommend its passage. Amended as follows:

After the word "acknowledged," in the 38th line, insert the following words: "in open Court before the Judge thereof." And after the word "acknowledged," in the 41st line, insert the following words: "in open Court before the Judge thereof." And after the word "Court," in the 132d line, strike out the word "will," and insert in place thereof the word "shall." And strike out all of section 9, and in place thereof insert the following:

Sec. 9. The defendant in said prosecution shall be entitled to testify as a witness on his own behalf.

The report, with the amendments, was concurred in.

Mr. Oyler asked and obtained leave of absence for Messrs. Dykes and Hyatt until Wednesday.

Mr. Corbin offered the following, which was adopted :

WHEREAS, it is reported that some of the officers of the benevolent institutions of the State have prostituted said institutions to the advancement of personal ends, and contrary to the welfare and good government of the same, and

WHEREAS, it is the duty of the citizens of the State to guard with a frugal hand the expenditures of money made for the government of said institutions; therefore be it

*Resolved*, That the Committee on Benevolent Institutions are hereby directed to make full investigation relative to said report, and if necessary, to send for persons and papers, and report what remedy, if any, is necessary to correct said evils.

On motion by Mr. Van Buskirk,  
The Senate adjourned.

MONDAY AFTERNOON 2 o'clock, }  
 January 30th, 1865. }

The Senate met.

The President being unavoidably absent, Mr. Dunning was called to the chair.

The Journal of Friday was partially read; when,  
 On motion of Mr. Douglas,  
 The further reading of it was dispensed with.

Mr. Niles presented

A petition of citizens of Laporte County, numerously signed, praying the enactment of a law against horse-stealing.  
 Which was read, and on motion, referred to the Committee on Agriculture.

Mr. Downey, from the Committee on Phraseology, &c., submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology, &c., have examined Engrossed Senate bills Nos. 2, 10, 12, 16, 25, 39, 42 and 55, and Engrossed Senate Joint Resolutions Nos. 2 and 3, and find them carefully and correctly engrossed.

Mr. Hord submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 84, having properly considered the same, have directed me to report the same back to the Senate, and recommend its passage without amendment.

The report was concurred in.

Senate bill No. 84, entitled "an act to amend section 2 of an act prescribing the duties of Justices of the Peace in State prosecutions, approved May 29, 1852, so as to authorize the service of a warrant throughout the State."

Was read the second time, and ordered to be engrossed for the third reading on to-morrow.

Mr. Downey submitted the following report from the Committee on Phraseology, &c.:

MR. PRESIDENT:

The Committee on Phraseology, &c., have examined Engrossed bills of the Senate Nos. 28, 44, 60, 63 and 65, and find them carefully and correctly engrossed.

Mr. Niles submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred, by unanimous consent, Engrossed Senate bill No. 61, entitled "an act to amend section four of an act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 20, 1852, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage, with the following amendment, to wit:

Strike out all from the 18th to the 24th lines, inclusive, and, in lieu thereof, insert the following:

"If a tenant neglect or refuse to pay rent when due, ten days' notice to quit shall determine the lease, when not therein otherwise provided, unless such rent be paid at the expiration of said ten days."

The report was concurred in, and the amendment adopted.

The bill was then read a second time, and passed to a third reading.

Mr. Bennett introduced

Senate bill No. 103, entitled "an act to amend the 35th section of an act entitled an act to repeal all general laws now in force for the incorporation of cities; and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9th, 1857,

Was read the first time, and passed to the second reading.

Mr. Terry introduced

Senate bill No. 104, entitled, "an act to amend the second section of an act to regulate the sale of the swamp lands donated by the United States, to the State of Indiana, and to provide for the draining

and reclaiming thereof in accordance with the condition of said grant, approved May 29th, 1852.

Was read the first time, and passed to a second reading.

Mr. Douglas introduced

Senate bill No. 105, entitled "an act to amend section 2 of an act entitled an act fixing the *per diem* and mileage of the members of the General Assembly, Secretaries, Clerks and Doorkeepers, approved June 4th, 1852.

Was read the first time, and passed to the second reading.

Mr. Hord introduced

Senate bill No. 106, entitled, "an act to amend section 119, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17th, 1852, so far as to strike out, so much thereof as requires the appeal to pay the cost of the appeal, when the decision of the Court below, is decided to be erroneous."

Was read the first time and passed to a second reading

Mr. Wright introduced

Senate bill No. 107, entitled "an act authorizing certain persons therein named to dig and construct a certain Canal."

Which was read, and passed to a second reading.

Mr. Niles introduced

Senate bill No. 108, entitled "an act to amend the sixth section of an act entitled 'an act regulating divorces, nullification of marriages, and decree and order of Court incident thereto,' approved May 13th, 1852.

Which was read, and passed to a second reading.

Mr. Carson introduced

Senate bill No. 109, entitled "an act to amend section 150 of an act entitled an act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties and matters properly connected therewith and to establish Township Libraries and for the regulation thereof.

Was read the first time, and passed to the second reading.

House amendments to Senate bill No. 6, changing the time of holding the Common Pleas Court in Bartholomew County:

Were concurred in by the Senate.

Senate bill No. 100, entitled "an act fixing the compensation of Township Assessors."

Which was read.

Mr. Moore moved to strike out "two and a half dollars," and insert "two dollars," as the per diem of the assessors.

On motion of Mr. Moore, the bill and amendments were laid on the table for the present.

Senate bill No. 102, entitled, "an act for the relief of A. W. Loudermilk and for the conveying of certain tracts of lands therein named,"

Was read the second time, and referred to a Select Committee of three.

The President, *pro tem* appointed Messrs. Staggs, Milligan and Moore, said Committee.

Senate bill No. 101, entitled "an act to amend the second section of an act entitled an act to amend the 5th and 6th section of an act entitled an act to provide for the election of a reporter and a speedy publication of the decisions of the Supreme Court and for the compensation of such reporter, approved February 28th, 1855: and also to amend the seventh section of an act entitled an act to provide for the election of a reporter and a speedy publication of the decisions of the Supreme Court and for the compensation of such reporter approved February 5th, 1852.

Was read the second time and ordered to be engrossed for the third reading to-morrow.

Senate bill No. 24, entitled "an act annulling section one of an act providing for the allowance of compensation to Clerks of the Circuit and Common Pleas Courts, and Sheriffs for extra services, and to repeal all laws inconsistent therewith."

Was read the second time, and referred to the Select Committee on Fees and Salaries.

Senate bill No. 36, entitled "an act to legalize the appraisement and assessment of property in the cities of this State; the making out and delivering of the tax duplicates in the cities of this State, and the assessment of property by the Treasurers of the cities of this State, incorporated under the general laws of this State for the incorporation of cities."

Was read the second time, and ordered to be engrossed for a third reading tomorrow.

Senate bill, No. 66, entitled "an act to amend section eleven of an act, entitled 'an act to fix the times of holding the Common Pleas

Court in the several counties of this State, creating a new district, providing for the election of a judge therein, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, declaring, when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

Was read the second time, and referred to the Committee on the Judiciary.

Senate bill, No. 51, entitled "an act to amend the sixty-third section of an act entitled an act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and to establish Township Libraries and for the regulation thereof, approved March 5th, 1855.

Was read the second time, and ordered to be engrossed for the third reading on to-morrow.

Senate bill, No 62, entitled, "an act supplemental to an act entitled 'an act to authorize the foundation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them,'" approved March 5th, 1859, authorizing compromise by partners and joint debtors."

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill, No. 68, entitled "an act to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the Western line of the State of Indiana."

Was read a second time, and laid on the table.

Senate bill No. 70, entitled "an act for the relief of any person, plaintiff in execution, all officers to whom execution may be issued on any judgment and sureties and co-sureties, in certain cases."

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 77, entitled "an act to amend section 1 of an act entitled an act to amend the 33d section of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between Law and Equity, approved March 9th, 1861."

Was read the second time, and ordered to be engrossed for the third reading to-morrow.

Senate bill No. 82, entitled "an act to authorise cities to prepare,

execute, negotiate and sell bonds, to provide means to complete unfinished school buildings, and to pay debts contracted for the erection of school buildings, and to authorize the levy and collection of an additional special tax, to provide means for the payment of the interest and principal of such bonds."

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate Joint Resolution, No. 1, entitled "A Joint Resolution proposing an amendment to the second section of article second of the Constitution, so that the Legislature may more effectually guard against fraudulent voting, and to enable electors to vote when absent from the State, serving in the army or navy of the United States."

Was read a second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Richmond offered the following :

*Resolved*, The Committee on Roads be instructed to inquire into the propriety of an act authorizing the location of Public Highways, running from public highways already located, by the most direct and practicable route to works used by the public as mills, factories, &c., said roads to be constructed and kept in repairs as other public highways, with leave to report by bill or otherwise.

Which was concurred in by consent.

Leave being granted, Mr. Corbin introduced

Senate bill No. 110, entitled "an act entitled an act to provide for the clothing and other personal expenses of the pupils of the Benevolent Institutions of the State, to provide for the manner of their removal to and from said Institutions in certain cases therein specified, and the manner of collecting the expenses therefor."

Was read the first time, and passed to a second reading.

Leave being granted, Mr. Brown, of Wells, introduced

Senate bill No. 111, entitled "an act to apportion Senators and Representatives for the next six years."

Which was read the first time, and passed to a second reading.

Mr. Morse introduced the following, which was adopted by consent :

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of making it the duty of the township trus-

tee to make the pay of teachers uniform throughout the township, with leave to report by bill or otherwise.

On motion by Mr. Noyes,

The Senate adjourned.

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TUESDAY, JANUARY 31ST. 1865. }  
2 O'CLOCK, P. M. }

The Senate met.

The Journal of yesterday was partially read, when, on motion of Mr. Douglas, the further reading was dispensed with.

Mr. Hord presented a petition from citizens of Bartholomew county, praying for the enactment of a law authorizing the making of free turnpikes in this State.

Which was read, and referred to the Committee on Agriculture.

Mr. Davis presented a petition from officers of the County of Vermillion, praying for the enactment of a law to increase all fees enumerated in, and provided for, by the fee-law of 1855.

Which was read, and referred to the Special Committee on Fees and Salaries.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 93, "an act defining certain felonies, and prescribing punishment therefor," having duly considered the same, have instructed me to report the same back to the Senate, and recommend its passage without amendment.

The report was concurred in.

Mr. Corbin submitted the following :

MR. PRESIDENT :

The Committee to which was referred Senate bill No. 38, providing



for the election of officers, &c., for the Benevolent Institutions of the State, have had the same under consideration, and have unanimously instructed me to report an amendment, striking out from the enacting clause.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate Joint Resolution, No. 1, to amend section 13, article 2d, of the Constitution, recommend that said resolution be laid on the table, as, in their opinion, the change therein proposed is neither necessary or advisable.

The report was concurred in.

Mr. Cason submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 99, introduced by Mr. Ward, requiring Clerks of the Circuit Court and Courts of Common Pleas, to make indexes to the Record books of their respective offices, have had the same under consideration, and have directed me to report the said bill back, without amendment, and recommend its passage.

The report was agreed to.

Mr. Chapman, from the Joint Committee of the Senate and House, for the purpose of examining the vouchers in relation to the receipts and expenditures of money by the Governor, made a lengthy report ; which, without reading, was, on motion of Mr. Dunning, laid on the table, and 500 copies ordered to be printed.

Mr. Cullen submitted the following :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 41, with pending amendments, have had the same under consideration, and direct me to report the same back to the Senate, with the following amendments, and when so amended, recommend its passage :— On page 6, line 7, strike out the words “ in the purchase and payment of such residence,” and insert, in lieu thereof, the words, “ for such purpose,” add to the fourth section the words “ and said

Commissioners are authorized to provide a suitable residence for the Governor, until a residence can be procured according to the terms of this act, or in lieu thereof, that they pay him a sum equal thereto, not exceeding five thousand dollars per annum,—the Auditor of State in either case to draw his warrant on the Treasurer for the amount on the certificate of said Commissioners.

And on page seven at line nine, strike out the words “purchase of the said Governor’s residence,” and insert the words “purpose aforesaid.”

On page five, lines 12 and 13, strike out the word “purchase” and in lieu thereof, insert the word “provide.”

The report was concurred in.

On motion by Mr. Dunning,

The bill was ordered to be engrossed for the third reading to morrow.

A message from the Governor by his Private Secretary, B. R. Sulgrove, Esq.

“*To the Senate of the State of Indiana,*”

“The following communication has been placed in my hands, with the request that I should lay the same before the General Assembly, which I do with pleasure.

INDIANAPOLIS, January. 25th, 1865.

*To his Excellency Gov. O. P. Morton :*

“The undersigned a Committee appointed by a large and respectable meeting of the citizens of Wayne County, and Eastern Indiana, held at the State Hall, in the city of Richmond, on Saturday, the 21st day of January, 1865, for the purpose of considering the interest of the Agricultural and Industrial College enterprise, authorized by act of Congress, beg leave to report to you, and through you, to the Legislature now in Session, the action of that meeting in the premises.

At that meeting the following Resolution was unanimously adopted.

*Resolved,* That Wayne County can and will raise one hundred thousand dollars, (and more if necessary,) to induce the Legislature to locate the Agricultural and Industrial College, near Richmond, Wayne County.

On motion,

H. B. Payne, Joseph C. Ratcliff, Lewis Burk, Rowland T. Reed, Benjamin Stratton, S. P. Wiggins, and J. W. Grubbs, were appointed a committee to visit Indianapolis, and through you to lay before the Legislature, the above proposition, and make known the desire of our people in the premises.

On behalf of our citizens therefore, we respectfully request that you will lay the proposition before the Legislature, and say to them, that before locating the Institution, the 'claims of Wayne County, may be considered in reference to her agricultural, horticultural, and mechanical position compared with any County in the State, as well as the liberality, industry and enterprize of her people.'"

H. B. PAYNE, *Ch. Committee.*

Richmond is a beautiful and flourishing city, distinguished for its healthiness, and situated in a fertile and highly cultivated County.

The offer made to the State must be admitted to be generous, and is entitled to your consideration, among others, that have been or may hereafter be made, and the character of the gentlemen from whom it comes, is a sufficient assurance that it will be made good if accepted.

O. P. MORTON, *Gov. Ind.*

A message from the Governor, by B. R. Sulgrove, his private Secretary.

*To the Senate and House of Representatives of the Legislature of Indiana:*

It is my duty to call your attention to the necessity of providing secure offices for the deposit and preservation of the papers and public records of the State.

The offices of the Secretary, Treasurer and Auditor of State, are kept in the lower story of McQuat's building, on Kentucky avenue. This building is four stories high, the three upper stories being occupied by lodgers, each one of whom, it is fair to presume, keeps a fire. The danger arising from fire in a building thus occupied, is much greater, even, than in a large hotel, over which there is a general supervisory care. The building is not fire-proof, and is, of course, exposed to danger by the burning of other houses, by which it is closely surrounded. The records in the offices of the Auditor and Secretary of State are invaluable. If destroyed, more than one half

of them could not be replaced, and the rest could only be restored after great labor and expense.

It is therefore a matter of great importance that speedy steps may be taken to procure a safe and suitable building, in which the State Offices may be kept, and I respectfully invite your attention to the subject.

O. P. MORTON,  
*Governor of Indiana.*

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Joint Resolution thereof, to wit :

House Joint Resolution No. 12, entitled

“A Joint Resolution on behalf of the Grand Rapids and Indiana Rail Road Company, asking that an extension of time be granted by the Congress of the United States, to enable them to complete the construction of their roads.”

A message from the Governor, by B. R. Sulgrove, his private secretary :

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }  
*Indianapolis, January 31, 1865.* }

*To the President of the Senate :*

Sir :—I am directed by the Governor to inform the Senate that he has this day approved Enrolled Bill of the Senate No. 49, entitled, “An act to authorize the State Treasurer to refund to Winslow Lanier & Co., moneys paid by them by request of the Governor, as interest on State Bonds, with interest on amounts so paid, and declaring an emergency.”

And that the same has been filed with the Secretary of State.

Mr. Hord introduced

Senate Joint Resolution No. 14, entitled, “a Joint Resolution concerning the exchange of the Indiana officers and soldiers held as prisoners of war in Southern prisons.”

Which was read the first time, and passed to the second reading.

On motion by Mr. Hord,

The rules were suspended, and the Joint Resolution read the second time now.

Mr. Dunning moved to refer the Joint Resolution to the Committee on Military Affairs.

Mr. Hanna moved to lay this motion on the table.

The yeas and nays being demanded by Messrs. Hanna and Cason,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Mason, Moore, McClurg, Newlin, Staggs, Williams—21.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Dunning, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—22.

So the motion to lay on the table was rejected.

The motion to refer the Joint Resolution was then agreed to by consent.

Pending the roll call,

Mr. Cullen announced that he had paired on all political questions with Mr. Finch.

Mr. English asked and obtained leave of absence for Mr. Bradley.

Mr. Vawter obtained leave of absence for Mr. Allison on account of sickness, and announced that they were paired on all political questions.

Mr. Bonham introduced

Senate Joint Resolution, No. 15. Entitled "a Joint Resolution requesting our Senators and Representatives in Congress, to adopt some more efficient mode of adjusting soldiers claims,"

Which was read the first time and passed to a second reading,

Mr. Van Buskirk introduced

Senate bill No. 112. Entitled "an act to aid in the enforcement of the draft, prescribing the penalty for evading the draft, or neglecting

to report to the authorities when drafted, and declaring when the same shall take effect."

Was read the first time and passed to the second reading.

Leave being granted, Mr. Beeson offered the following, which was adopted:

WHEREAS the laws now in force in the State of Indiana, on the subject of Insurance Companies, need such general revision as will protect the people of the State against fraud and irresponsible organizations; Therefore,

*Be it Resolved by the Senate, (the House concurring therein,) that a Committee of three be appointed on behalf of the Senate, to act in conjunction with a like Committee on behalf of the House, to whom all bills now introduced, or that may be hereafter introduced upon that subject, shall be referred, and that said Committee is hereby instructed to examine the laws now in force relative to insurance companies, and report by bill or otherwise.*

Mr. Bennett introduced

Senate bill No. 113. Entitled "an act for the organization and regulation of the Militia of the State of Indiana, dividing the same into active Militia and Militia of reserve, prescribing penalties for violation of said regulation, providing for the election and appointment of officers, defining the duties of military and civil officers in relation thereto, and providing for Courts Martial and military encampments, and instructions in military tactics, making regulations for supporting said militia, repealing all laws heretofore enacted on that subject, saving certain acts therein named, and declaring an emergency, for the immediate taking effect thereof."

Was read the first time and passed to a second reading.

Mr. Williams moved that the rules be suspended, that the bill may be read the second time by title only, and referred.

A Constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis Douglas, Dunning, Fuller, Gifford, Hord, Jenkins, Mason, Milligan, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright.—37.

Those who voted in the negative were,

Messrs. Downey, English, Moore, and Vawter—4.

So the rules were suspended.

The bill was read a second time, by title only.

On motion by Mr. Williams,  
The bill was laid on the table, and 200 copies ordered to be printed.

On motion by Mr. Bennett,  
An abstract and schedule of the bill were ordered to be printed therewith.

Mr. Cobb introduced

Senate bill No. 114, entitled "An act to amend section 38 of an act entitled 'an act to provide for the incorporation of Railroad Companies,'" approved May 11, 1852.

Was read the first time, and passed to the second reading.

Mr. Brown, of Wells, introduced

Senate bill No. 115, entitled "An act to amend section 11 of an act concerning county prisons," approved May 2, 1852.

Was read the first time, and passed to the second reading.

Mr. Brown, of Wells, moved to suspend the rules, in order that the bill may be read the second time now.

A Constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

Mr. English voted in the negative.

So the rules were suspended.

The bill was read the second time.

Mr. Brown, of Wells, moved to suspend the rules, in order that the bill may be read the third time now.

A Constitutional provision requiring the ayes and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—42.

Mr. English voted in the negative.

So the rules were suspended.

The bill was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, VanBuskirk, Vawter, Ward, Williams, Woods and Wright—44.

No Senator voted in the negative.

So the bill passed.

A message from the House of Representatives, by Mr. Nixon, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill thereof, to-wit :

House bill No. 7. A bill to amend the first section of an act entitled " An act to amend the second section of an act entitled ' an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, ' approved February 12, 1855, so



as to authorize the formation of Ferry Companies," approved February 16, 1857, so as to authorize the survey, construction, maintenance and repair of harbors, docks and piers upon Lake Michigan and other navigable waters, and to assess and collect tolls for the use thereof, in which the concurrence of the Senate is respectfully solicited.

Mr. Mason introduced

Senate bill No. 116. Entitled "an act to repeal sections 1, 2 and 3, of an act supplementary to an act entitled 'an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws, contravening the provisions of this act, and prescribing penalties for violation thereof, approved March 5th, 1859, providing for appeals in the case of persons applying for license to sell intoxicating liquors, and for those remonstrating against such application under the provisions thereof, and to make a trial by jury in suits in relation thereto final.'"

Was read the first time, and passed to a second reading.

Mr. Cobb introduced

Senate bill No. 117. Entitled "a bill to preserve the sovereignty in the people, the purity of the ballot box, the free and untrammelled exercise of the elective franchise, and the free discussion of public measures, and the conduct of public men, and to punish interference with, or violation of the elective franchise, or with the freedom of speech, or of the press, and providing penalties therefor."

Was read the first time, and passed to a second reading.

Mr. Williams introduced

Senate bill No. 118. Entitled "an act to amend the 23d section of 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors and appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.'"

Was read the first time, and passed to the second reading.

On motion by Mr. Brown of Wells,

The Senate adjourned

WEDNESDAY, February 1st, 1865. }  
 2 o'clock, P. M. }

The Senate met.

The Journal of yesterday was partially read,

When,

On motion of Mr. Bennett, the further reading was dispensed with.

Mr. Cobb asked and obtained leave of absence for Mr. Douglas on account of the sickness of his child.

Mr. Downey presented the following :

Mr. PRESIDENT :

The Judiciary Committee, to which was recommitted Senate bill No. 5, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the same be stricken out from the enacting clause, and the accompanying substitute inserted, with title as herewith reported ; and, when so amended, that it pass.

The amendment by way of substitute proposed by the Committee, entitled "an act to amend six hundred and one of the act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Counties in this State ; to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity.'"

Was read the first time.

The report was concurred in.

Mr. Cobb submitted the following :

Mr. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 50, "an act to provide for the redemption of real estate, or any interest therein, sold on execution or order of sale, and providing for the issuing certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," have had the same under consideration, and have directed me to report the same back, with the following amendment, to-wit : Strike out all of

sections 9, 10, and 11, and when so amended, recommend its passage.  
The report was concurred in.

Mr. Terry submitted the following :

MR. PRESIDENT :

The Committee on Swamp Lands, to whom was referred Joint Resolution No. 11, requesting the Governor to appoint some suitable person to correct the swamp land books in the office of the Auditor of State, have had the same under consideration, and have directed me to report it back and recommend its passage.

The report was concurred in.

Mr. Terry submitted the following :

MR. PRESIDENT :

The Committee on Swamp Lands, to whom was referred Joint Resolution No. 12, authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State, known as "the indemnity lands," under the provisions of the general swamp land act, have had the same under consideration, and have directed me to report it back and recommend its passage.

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 85, introduced by Mr. Gaff, entitled "An act to amend section 23 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 9, 1857, and supplemental to said act," have had the same under consideration, and have directed me to report said bill back, with the following amendment, and, after being so amended, to recommend its passage :

Amend by striking out all after the word "therein," in the 60th line of the amending section, to the word "one," inclusive, in the 85th line of said section, the same being the second proviso of said section.

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 9, introduced by Mr. Barker, in relation to instructing our Senators, and requesting our Representatives in Congress to labor for the increase of the pay of private soldiers, have had the same under consideration, and have directed me to report said resolution back, with the following amendments, and, after being so amended, recommend its passage :

1st. Add to said resolution the following words: "And to increase the pay of non-commissioned officers in the same ratio of increase per month."

2d. Add to the title of said resolution the words, "and non-commissioned officers."

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 8, entitled "A Joint Resolution instructing our Senators, and requesting our Representatives in Congress to cast their votes and use their influence in favor of a law increasing the pay of non-commissioned officers and privates in the army of the United States at least four dollars per month," have had the same under consideration, and directed me to report the same back, and recommend that it lie on the table, the Committee having already reported a resolution on the same subject and recommended its passage.

The report was agreed to.

Mr. Dunning asked and obtained leave of absence for the Committee on Elections during the balance of the afternoon session.

Mr. Williams introduced

Senate bill No. 119, entitled "An act accepting the provisions of an act of the Congress of the United States of America, entitled 'an act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, and providing for the receipt, investment and management of said donation.'"

Was read the first time, and passed to the second reading.

Mr. Bradley introduced

Senate bill No. 120, entitled "An act empowering District Prosecuting Attorneys to administer oaths in the discharge of their duties."

Was read the first time, and passed to the second reading.

Mr. Peden introduced

Senate bill No. 121, entitled "An act to amend section 14 of an act entitled 'an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith,'" approved February 18, 1859.

Was read the first time, and passed to a second reading.

Mr. Downey introduced

Senate Bill No. 122, entitled, "an act in regard to weights and measures; the custody thereof, and fees for using the same."

Was read the first time, and passed to a second reading.

Mr. Cason introduced

Senate bill No. 123, entitled "an act to amend the twenty-second, seventieth, and ninety-first sections of an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers, Auditors, and of the Treasurer and Auditor of the State," approved June 21, 1852, and declaring an emergency for the immediate taking effect of this act.

Was read the first time, and passed to the second reading.

Mr. Cobb introduced

Senate bill No. 124, entitled "an act to enforce the thirteenth article of the State Constitution.

Which was read the first time, and passed to the second reading.

Mr. Brown, of Wells, introduced

Senate bill No. 125, entitled "an act providing for the registration of electors of this State; prescribing the powers, pay and duties, in connection therewith, of township trustees, justices of the peace, county commissioners and officers of elections, affixing a penalty for the violation of any of the provisions of this act, and declaring an emergency."

Which was read the first time, and passed to a second reading.

Mr. Bennett introduced

Senate Bill No. 126, entitled "an act to amend section 1 of an act entitled an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859.

Which was read the first time, and passed to a second reading.

Mr. Cobb introduced

Senate Bill No. 127, entitled, "an act to amend sections 37 and 46 of an act entitled 'an act dividing the State into Counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers,' approved June 7, 1852, and defining the boundaries of the Counties of Jackson and Lawrence."

Was read the first time, and passed to a second reading.

A message from the Governor, announced yesterday afternoon, in relation to the construction of a suitable building for the public offices of this State, was read, and referred to the Committee on Finance, with instructions to report as soon as practicable.

A message from the Governor, announced yesterday afternoon, from citizens of Wayne County, in relation to the establishment of an Agricultural College in Richmond, in that County, was read, and referred to the Select Committee on that subject.

House bill No. 7, entitled a bill to amend the 1st section of an act entitled "an act to amend the 2d section of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved Feb. 12th, 1855, so as to authorize the formation of Ferry Companies, approved Feb. 16th, 1857, so as to authorise the survey, construction, maintenance and repair of harbors, docks and piers upon Lake Michigan and other navigable waters, and to assess and collect tolls for the use thereof.'"

Was read the first time, and passed to a second reading.

House Joint Resolution No. 12, entitled "A Joint Resolution on behalf of the Grand Rapids and Indiana Railroad Company, asking that an extension of time be granted by the Congress of the United States, to enable them to complete the construction of their Road."

Was read the first time, and passed to the second reading.

On motion by Mr. Ward,

The rules were suspended, and the Joint Resolution read a second time, and passed to the third reading.

On motion by Mr. Brown, of Wells,

The rules were further suspended, and the Joint Resolution was read the third time.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, VanBuskirk, Ward, Woods and Wright—39.

No Senator voted in the negative.

So the Joint Resolution passed.

Senate bill No. 93, entitled "an act defining certain felonies, and prescribing punishment therefor,"

Was read the second time, and ordered to be considered as engrossed for a third reading to-morrow.

Senate bill No. 99, entitled "an act requiring Clerks of the Circuit Courts and Courts of Common Pleas to make indexes to the record books of their respective offices,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Niles submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 34, authorizing cities to purchase land for fair grounds, parks, &c., report that they fully approve the bill, except only that provision limiting the quantity of land which cities may purchase to twenty acres. The Committee are of opinion that no such limitation should be incorporated in the bill; but on the contrary, that facilities should be afforded by law to every city in the State, to procure ample grounds for the purposes indicated. Next after sunny and well ventilated dwellings, thorough drainage and pure water, there is no one thing, of a merely physical nature, which contributes more essentially to the health, cheerfulness, good order, and general well being of the inhabitants of a city, than large and well regulated public grounds. The opportunities afforded by public parks for pleasant walks and drives, and for enjoying the sunshine and open air, would alone jus-

tify any reasonable expense in their purchase. But in such grounds, wherever they exist, all classes, the rich and poor, the learned and ignorant, the old and the young, are habitually brought together. Such association always tends to remove prejudice, and to induce feelings of mutual kindness and respect.

It is much to be regretted that our cities have neglected the most favorable opportunities for purchasing such grounds. At any time during many years a park, containing hundreds of acres, might have been purchased, near Indianapolis for example, at a very moderate cost. Such a park, covered with our native forest trees, the growth of centuries, and more beautiful than any trees which can be cultivated by the art of man, would be an invaluable boon to posterity. Our forests, near to cities, have been mostly destroyed, and the loss can never be fully supplied. And so far from sufficient public grounds having been provided, it is noticeable that, in most cases, as our cities are extended the streets are made narrower and the lots smaller.

It is useless to complain of the past, except as we learn wisdom from its experience; but it is to be hoped that the duty of providing ample grounds for public resort and recreation will no longer be neglected. The want of them is not greatly felt now, in our comparative infancy as a people, and their full benefit may not be experienced by the present generation, but their value to coming ages will be above price. Your Committee trust that the bill under consideration, with the proposed amendment, may be useful in accomplishing this most desirable end.

The Committee recommend the passage of the bill with the following amendment: Amend by striking out from lines 15 and 16 of section one the words, "not exceeding twenty acres."

The report was concurred in.

On motion by Mr. Richmond,  
Senate bill No. 100, entitled "a bill fixing the compensation of Township Assessors,"

Was taken from the table.

Mr. Moore moved to strike out "two dollars and a-half," and insert "two dollars per day," as the compensation of the Assessors.

Messrs. Moore and Wright demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Barker, Cobb, Fuller, Hord, Hyatt, Jenkins, Marshall, Moore and Terry—9.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Brown of Hamilton,



Brown of Wells, Carson, Cason, Chapman, Cullen, Culver, Davis, Downey, English, Gaff, Gifford, Hanna, Mason, Milligan, McClurg, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Thompson, Van Buskirk, Ward, Woods and Wright—31.

So the amendment was rejected, and the bill ordered to be engrossed for a third reading to-morrow.

The bill was ordered to be engrossed for a third reading to morrow.

On motion by Mr. Hanna,

Senate bill No. 68. Entitled "an act to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the western line of the State of Indiana."

Was taken from the table, and ordered to be engrossed for a third reading to morrow.

Senate bill No. 103. Entitled "an act to amend the 35th section of the act entitled 'an act to repeal all general laws now in force for the incorporation of cities', and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain there to," approved March 9th, 1857.

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 104. Entitled "an act to amend the second section of an act entitled 'an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant,'" approved May 29th, 1852.

Was read the second time, by title only, and referred to the Committee on Swamp Lands.

Senate bill No 109. Entitled "an act to amend section 150 of an act entitled an 'act to provide for a general system of Common Schools, the officers thereof, and their respective powers, and duties and matters properly connected therewith; and to establish Township Libraries and for the regulation thereof.'"

Was read the second time, by title only, and referred to the Committee on Education.

Senate bill No. 110. Entitled "an act entitled an act to provide for the clothing, and other personal expenses of the pupils of the Benevolent Institutions of the State, to provide for the manner of

their removal, to and from said institutions in certain cases therein specified, and the manner of collecting the expenses thereof."

Was read the second time, by title only, and referred to the Committee on Benevolent Institutions.

Senate bill No. 105. Entitled "an act to amend section two of an act entitled 'an act fixing the per diem and mileage of the members of the General Assembly, Secretaries, Clerks and Doorkeepers,'" approved June 4th, 1852.

Was read a second time, by title only, and referred to the Committee on Finance.

Senate bill No. 106. Entitled "an act to amend section 119 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State', approved June 17th, 1852, so far as to strike out so much thereof, as requires the appellee to pay the cost of the appeal, when the decision of the Court below is decided to be erroneous."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 107. Entitled "an act authorizing certain persons therein named, to dig and construct a certain canal."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 108. Entitled "an act to amend the 6th section of an act entitled 'an act regulating divorces, nullification of marriages, and decree and order of Court incident thereto,'" approved May 13, 1852."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 111, entitled "An act to apportion Senators and Representatives for the next six years."

Was read the second time, by title only, and referred to the Select Committee on Congressional Apportionment.

Senate bill No. 112, entitled "An act to aid in the enforcement of the draft, prescribing the penalty for evading the draft, or neglecting to report to the authorities when drafted, and declaring when the same shall take effect."

Was read a second time, by title only, and referred to the Committee on Military Affairs.

Senate bill No. 114, entitled, "An act to amend section 38 of an act entitled an act to provide for the incorporation of Railroad Companies," approved May 11, 1852.

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 116, entitled "An act to repeal sections 1, 2 and 3, of an act, supplementary to an act entitled an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act and prescribing penalties for violation thereof, approved March 5th, 1859; providing appeals in the case of persons applying for license to sell intoxicating liquors and for those remonstrating against such application under the provisions thereof and to make a trial by jury in suits in relation thereto, final."

Was read the second time, by title only, and referred to the Committee on Temperance.

Senate bill No. 117, entitled "An act to procure the sovereignty of the people, the purity of the ballot box, the free and untrammelled exercise of the elective franchise and the free discussion of public measures and the conduct of public men, and to punish interference with, or violation of, the elective franchise, or with the freedom of speech or of the laws, and providing penalties therefor."

Was read a second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 118, entitled "An act to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time, by title only, and referred to the Committee on County and Township Business.

Senate Joint Resolution No. 15, entitled "A Joint Resolution requesting our Senators and Representatives in Congress to adopt some more efficient mode of adjusting soldier's claims."

Was read the second time, and ordered to be engrossed for the third reading to-morrow.

Senate bill No. 28, entitled "An act to amend the 25th section of an act defining felonies and prescribing punishment therefor," approved June 10th, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord,  
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Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Thompson, Terry, Van Buskirk, Ward, Woods and Wright—39.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 36, entitled "an act to legalize the appraisement and assessment of property in the cities of this State, the making out and delivering of the Tax Duplicates in the cities of this State, and the assessment of property by the Treasurers of the cities of this State, incorporated under the general laws of this State for the incorporation of cities."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, English, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—38.

Mr. Downey voted in the negative.

So the bill passed.

Senate bill No. 51, entitled "an act to amend the 63d section of an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,'" approved March 5, 1855.

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Brown of Wells, Carson, Cason, Chapman, Culver, Davis, Downey, Fuller, Gaff, Hord, Mason, Milligan, Newlin, Niles, Noyes, Peden, Staggs, Van Buskirk, Ward and Woods—24.

Those who voted in the negative were,

Messrs. Beeson, Brown of Hamilton, Cobb, Cullen, English, Gifford, Hanna, Hyatt, Jenkins, Moore, Richmond, Terry, Thompson, Wright—13.

So the bill failed from want of a constitutional majority.

Senate Bill No. 44, entitled, "an act in relation to Joint Contracts, promises and obligations, and declaring all such contracts, promises and obligations to be joint and several in their nature, so far as relates to the remedies to enforce the same."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—40.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 60, entitled, "An act to authorize a company to construct the Aurora and Laughery Turnpike," approved February 18, 1848.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, McClurg, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—35.

Those who voted in the negative were

Messrs. Cullen, Moore and Richmond—3.

So the bill passed.

Senate bill No. 61, entitled "an act to amend section four of an act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 20th, 1852,

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—36.

Those who voted in the negative were,

Messrs. Bowman and Carson—2.

So the bill passed.

Senate bill No. 62, entitled "an act supplemental to an act entitled an act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them, approved March 5th, 1859, and authorizing compromises by partners and joint debtors,"

Was read the third time, and,

On motion by Mr. Ward,

Was referred to the Committee on the Judiciary.

Senate bill No. 63, entitled "an act prohibiting Circuit or Common Pleas Judges, County Clerks, Auditors, Recorders, Treasurers, Sheriffs, or any deputy of either of them, from practicing law in any court of this State, and prescribing punishment for the violation of the same,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Davis, Downey, Fuller, Hord, Hyatt, Mason, Milligan, McClurg, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk and Ward—27.

Those who voted in the negative were,

Messrs. Bowman, Culver, English, Gaff, Gifford, Jenkins, Marshall, Moore, Williams and Wright—10.

So the bill passed.

Senate bill No. 65, entitled "an act to amend section 13 of an act approved May 12th, 1852, entitled an act authorizing the construction of plank, McAdamized and gravel roads,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, McClurg, Newlin, Niles, Peden, Richmond, Staggs, Terry, Van Buskirk, Ward, Woods and Wright—35.

Those who voted in the negative were,

Messrs. Cullen, Moore, Noyes and Thompson—4.

So the bill passed.

Senate bill No. 70, entitled "an act for the relief of any person, plaintiff in execution, all officers to whom execution may be issued, or any judgment and sureties, and co-sureties, in certain cases,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Davis, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, McClurg, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward and Woods—36.

Those who voted in the negative were,

Messrs. Culver, Moore and Wright—3.

So the bill passed.

Senate bill No. 77, entitled "an act to amend section one of an act entitled 'an act to amend the 33d section of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity,'" approved March 9th, 1861,

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, English, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Noyes, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward and Woods—38.

Senator Wright voted in the negative.

So the bill passed.

Mr. Beeson, from the Committee on Agriculture, returned Senate bill No. 18, concerning free turnpike roads; and, on his motion, it was referred to the Committee on Roads.

Senate bill No. 82. Entitled "an act to authorize cities to purchase, execute, negotiate and sell bonds to provide means to complete unfinished school buildings, and to pay debts contracted for the erection of school buildings, and to authorize the levy and collection of an additional special tax to provide means for the payment of the interest and principal of such bonds."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Davis, Downey, English, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, McClurg, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, VanBuskirk, Ward and Woods—35.

Those who voted in the negative were,

Messrs. Bowman, Moore and Wright—3.

So the bill passed.



Senate bill No. 84. Entitled "an act to amend section 2 of an act prescribing the powers and duties of Justices of the Peace, in State prosecutions, approved May 29, 1852, so as to authorize the service of a warrant throughout the State."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Davis, Downey, English, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, McClurg, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—38.

No Senator voting in the negative,

So the bill passed.

Mr. Chapman offered the following:

*Resolved*, That all motions and resolutions in reference to the present condition of the Country, and all motions and resolutions, proposing remedies therefor, be referred to the Committee on Federal Relations without debate, and that the Committee be instructed to report at as early a day as practicable.

The Resolution was adopted by consent

Mr. Brown of Wells moved that Messrs. Culver and Cobb, be added to the Committee on State Prison.

Mr. Brown of Hamilton, moved to amend by adding Messrs. Cullen and Richmond.

Mr. Peden moved to add Mr. Wright.

On motion by Mr. Terry, these motions were laid on the table.

Mr. Cobb offered the following:

WHEREAS, the spittoons now in use in the Senate Chamber are made of such light material that they are very easily upset, which is constantly being done by members and the officers of the Senate, causing a rattling noise, which is very annoying to persons inside of the Senate Chamber, to say nothing of the amount of saliva strewn over the carpet, therefore,

*Resolved*, That the Doorkeeper be authorized to purchase a sufficient number of heavy earthen-ware spittoons to supply the Senate Chamber.

The resolution was adopted by consent.

On motion by Mr. Wright,

The Senate adjourned.

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THURSDAY AFTERNOON, 2 o'clock, }  
February 2, 1865. }

The Senate met.

The Journal of yesterday was partially read, when,

On motion of Mr. Dunning,  
The further reading was dispensed with.

The President laid before the Senate the report of Thos. Dowling, Esq., Resident Trustee of the Wabash and Erie Canal, respecting the proceedings of the Trust for the last two years; and,

On motion of Mr. Milligan,

Five hundred copies were ordered to be printed.

On motion by Mr. Cullen,

Senate bill No. 41, entitled "an act to provide for the sale and conveyance of certain real estate named therein, and the purchase of a permanent residence for the Governor of the State, and providing for the appointment of commissioners for such purpose, and defining their powers and duties in relation thereto."

Was taken up out of its order, and read a second time.

Mr. Bennett moved the following:

Re-commit the bill to the same committee, with instructions to amend by striking out all that portion of the bill authorizing the purchase of, or the building of a house for the Governor.

The motion was rejected.

Mr. Williams moved to amend, by striking out "the fourth, fifth and sixth sections of the bill."

Mr. Bennett moved to lay the amendment of the Senator from Knox on the table.

Mr. Brown, of Wells, and Mr. Williams, called for the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Brown of Hamilton, Carson, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hanna, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bonham, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Fuller, Gaff, Gifford, Hord, Hyatt, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—21.

So the amendment lies on the table.

Mr. Niles moved to amend by inserting in the proper place the following :

“Said Commissioners shall invest the proceeds of said property not required for other purposes contemplated in this act, in bonds of this State, which, with the accruing interest, shall remain as a fund, first, to pay the rent of a house for the Governor, when necessary, and the residue for the purpose of procuring grounds, and building a permanent residence for the Governor.”

The amendment was rejected.

On motion by Mr. Terry,

The bill was ordered to be engrossed for the third reading to-morrow.

Leave being granted, Mr. Niles offered the following, which was adopted :

*Resolved*, That when the Senate adjourns to-night, it adjourn till 9 o'clock to-morrow morning.

“A bill for the relief of the families of soldiers, seamen and marines in the State and United States service, and of those who have died or been disabled in such service; and prescribing the duties of certain officers therein named.”

In which the concurrence of the Senate is respectfully requested.

A Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Engrossed House Bill No. 14, to wit :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Joint Resolution of the House of Representatives, to wit :

Joint Resolution No. 12, "A Joint Resolution on behalf of the Grand Rapids and Indiana Railroad Company, asking that an extension of time be granted by the Congress of the United States to said Company, to enable them to complete the construction of their road."

Mr. Richmond submitted the following :

MR PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 89, introduced by the Senator from Hancock, have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend that it be laid upon the table.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 56, have had the same under consideration, and are of the opinion that the provision in the section, as it originally stood, and as it is proposed to re-enact it, authorizing a tax, not to exceed one and one-fourth cents on each acre of taxable lands, is repugnant to section one, article 10 of the Constitution, because the tax is authorized to be laid on each acre of land, without regard to its value. But while the Committee think that this clause of the law should be omitted in the section as amended, they also think that the maximum ad valorem amount which may be levied as a road tax, should be increased from fifteen cents to twenty cents on the one hundred dollars. This will enable counties in which there may be lands of non-residents, to compel the owners to bear their equal part of the expenses of making

and improving the roads which may be made in the neighborhood of their lands, and by which their value may be increased.

The Committee therefore recommend that the following amendments be made to the bill, to-wit: At line 39 strike out the words, "and may assess a tax not exceeding one and one-fourth cents on each acre of taxable land." In line 35 strike out the word "fifteen," and insert the word "twenty." With these amendments the Committee recommend that the bill pass.

Mr. Wright moved to amend the report by striking out "twenty" and inserting "twenty-five cents."

The motion was agreed to.

The report of the Committee, as amended, was then agreed to.

Mr. Beeson submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 105, have had the same under consideration, and direct me to report it back to the Senate and recommend that it lie upon the table, the provisions of the bill being contained in a bill that passed the Senate a few days ago.

The report was concurred in.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed Senate bill No. 42, without amendments, to-wit :

"A bill to amend section 9 of an act entitled 'an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,' approved March 5th, 1859."

Mr. Bonham submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 20, entitled "an act to amend sections 1 and 2 of an act entitled 'an

act to fix the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers," have had the same under consideration, and a majority of said Committee have instructed me to report the same back, and to recommend that it lie on the table, as it is their opinion that any change increasing the per diem of members and officers of the General Assembly, owing to the present financial condition of our State, is at this time inexpedient.

The question being, shall the report of the Committee be concurred in?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bowman, Bradley, Carson, Chapman, Corbin, Culver, Downey, English, Finch, Gifford, Hord, Hyatt, Mason, Milligan, Moore, Williams and Woods—19.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Dunning, Fuller, Gaff, Hanna, Jenkins, Marshall, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—27.

So the report was not concurred in.

On motion by Mr. Van Buskirk,

The bill was ordered to be engrossed for a third reading to-morrow.

Mr. Dunning asked and obtained leave of absence for the Principal Doorkeeper until Tuesday.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No 53, offered by Senator Culver, entitled "an act to allow County Commissioners to organize Turnpike Companies, where a majority of persons representing the real estate within prescribed limits, petition for the same, and levy a tax for its construction, and provide for the same to be free"; have had the same under consideration, and having duly considered the same, have instructed me to report the bill back with the following amendments, and when so amended, recommend its passage.

Amend section 1. Strike out in the 6th and 7th lines of that section, the words "one half," and insert the words *three-fifths*; and

also, in line 25 of said section, strike out the words "one half," and insert the words *three-fifths*.

Strike out section 5, in the 4th line, the words "according to the"; and, after the words "County Treasurer," in the 19th line of said section five, add the words, "upon the warrant of the County Auditor, who shall issue said warrant upon the demand of the Treasurer of said Turnpike Company."

Strike out section 18, in the 1st and 2nd lines, the words "gravel or macadamized."

Amend the title of the bill, by striking out the words, "a majority of," and inserting the words, "three fifths of the," before the words "real estate."

On motion by Mr. Bennett,

Senate bill No 1, providing for the payment of the expenses of the present Session of the General Assembly, just reported from the House of Representatives, was made the special order for Thursday next at 2½ o'clock, P. M.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 92, offered by Senator Thompson, entitled "an act authorizing Street and Horse Railway Companies to use State, County, or Township Roads for their Railway tracks, under certain conditions and regulations, have had the same under consideration, and having duly considered the same, have instructed me to report the bill to the Senate, with the following amendments"; and if said amendments are adopted, recommend the passage of the bill.

Amend section 2 of the bill, by striking out the words "a majority of the Directors of."

Add to the bill the following :

Section 4. Such Street or Horse-car Railway Company shall in all cases, in which any road or highway shall be used by them for the purposes expressed in this act, locate their track in the centre of said road or highway, as near as may be, and shall complete the same within a reasonable time from commencing the same; and in all cases they shall leave the road or highway, in as good repair as the same was found by them at the commencement of the building of the Railway.

Amend the title of the bill, by adding after the word, "roads," the following, or "other public highways."

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 114, "An act to amend section 38 of an act entitled 'an act to provide for the incorporation of Railroad Companies,'" approved May 11, 1852, have had the same under consideration, and recommend me to report the same back and recommend its passage.

The report was concurred in.

Mr. Carson submitted the following :

MR. PRESIDENT :

The Committee to whom was referred a Senate Resolution concerning the exemption of soldiers' property from taxation from execution, have had the same under consideration, and have directed me to report the same back to the Senate and request that it be referred to the Judiciary Committee.

Which was concurred in.

On motion by Mr. Moore,  
The Senate adjourned.

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FRIDAY MORNING, 9 O'CLOCK, }  
February 9, 1865. }

The Senate met.

The Journal of yesterday was partially read, when,  
On motion by Mr. Gifford,  
The farther reading thereof was dispensed with.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 45, amending section 37 of the statute in regard to misdemeanors, have had the same under consideration, and find that the bill proposes to amend a section which they think was impliedly repealed by the



act approved March 3, 1859. While the bill is in this form, the Committee have not thought it necessary to decide upon the propriety or necessity of the proposed amendments. They, therefore, recommend that the same be laid upon the table.

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 108, introduced by Mr. Niles, entitled "An act to amend the sixth section of an act regulating divorces, nullification of marriages, and decree and order of Court incident thereto," approved May 13, 1852, have had the same under consideration, and directed me to report said bill back and recommend the same without amendment.

The report was concurred in.

Mr. Woods offered the following :

MR. PRESIDENT :

The Committee to whom was referred a resolution in reference to exempting from taxation five hundred dollars worth of property belonging to widows and orphans, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it be referred to the Committee on the Judiciary.

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 4, introduced by Mr. Van Buskirk, entitled "A Joint Resolution instructing our Senators, and requesting our Representatives in Congress, to use their influence for the passage of an amendment to the Constitution," have had the same under consideration, and directed me to report the same back and recommend that it do lie on the table, there being no necessity at present for the passage of the resolution, Congress having passed the amendment to the Constitution abolishing slavery in the United States, asked for by said resolution.

The report was concurred in.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on Roads, to whom was referred the resolution

offered by Senator Richmond, instructing the Committee to inquire into the propriety of authorizing the location of public highways, in certain localities, report that they have made inquiry upon the matters contained in said resolution, and that it is the unanimous opinion of your Committee that legislation upon the subject is inexpedient, and they recommend that the resolution lie upon the table, and that the Committee be discharged from the further consideration of the same.

The report was concurred in.

Mr. Chapman submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 88, repealing colonization act, have had the same under consideration, have instructed me to report the same back and recommend its passage.

The report was concurred in.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 103, have had the same under consideration and directed me to report it back to the Senate without amendment, and recommend its passage.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee report that they have carefully considered Senate bill No. 47, entitled "An act authorizing proceedings to compensate parties whose property may be destroyed in consequence of mobs," and recommend that it be amended in several particulars, as shown by the paper hereto attached, and when so amended they recommend its passage.

Amend as follows :

1st. In the 8th line, after the word "injured" insert the words, "or when any person shall have received personal injuries."

2d. In the 10th line after the word "situated" insert the words, "or when such personal injuries occurred."

3d. In the 12th line after the words "party" insert the words "thus injured or."

4th. In the 18th line, strike out the word "now."

5th. Strike out all from the 20th to the 28th line inclusive.

6th. In the 33d line, strike out the words "of property."

7th. In the 39th and 40th lines, strike out the words "of property."

8th. In the 47th line, after the word "property," insert the words "or to inflict such personal injury."

9th. In the 51st line, after the word "property," insert the words "or person."

10th. In the 63d line, after the word "any" insert the words, "person so injured or any."

11th. After the 69th line insert the following section, to-wit:

Section 5. When any action shall be brought under the provisions of this act, against any city or county, such city or county, may by petition, filed in the proper Court, for that purpose, cause all or any of the persons engaged in such mob or riot, to be made co-defendants in such action, in which case proceedings may be had and final judgment rendered against such city or county, and such other persons so made defendants as shall be adjudged guilty of participation in such mob or riot, and in case of payment of such judgment or any part thereof, by such city or county, the same shall not thereby be satisfied, as against the other defendants, but shall remain in force against them as to the whole or part so paid for the benefit of such city or county, and such city or county shall be entitled to execution thereon against such other defendants, to make the payment or so much thereof, as may have been so paid.

12th. In the 70th line, instead of "five" insert "six."

13th. In the 73d line strike out the words "one year" and insert in lieu thereof the words "six months."

14th. Amend the title of the act by inserting in lieu thereof the following, to-wit:

"An act providing for compensation to parties whose property may be destroyed, or whose persons or property may be injured, in consequence of mobs or riots."

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 107, entitled "an act to authorize certain persons therein named to dig and construct a certain canal," report that the title and the second section thereof be stricken out, and the following be inserted in lieu thereof, and with such amendment, they recommend its passage :

In lieu of the title and second section, insert the following, to wit :

"An act giving the consent of the State of Indiana to the drainage of the valley of the Calumet River.

"SEC. 1. That any association now organized, or hereafter to be organized in pursuance of an act entitled 'an act to authorize the construction of levees and drains,' approved June 12, 1852, for the purpose of draining the valley of the Calumet River, or any portion thereof in Lake County, in this State, be, and the same is, hereby authorized for the purpose of draining the swamp lands in said valley, to dig and construct a canal from the Calumet River to Lake Michigan, within the limits of the State of Indiana, in such manner as to drain off the water of said river to the level of low water mark, at a low stage of water in said river when in its natural state ; and the consent of the State is hereby given for that purpose, *provided* such association do commence such drainage within six months from the time of the formation of the association, and do complete the same to such low water mark within two years thereafter."

On motion of Mr. Niles,

The report and bill were referred to the Committee on Canals and Internal Improvements.

Mr. Cullen submitted the following :

MR. PRESIDENT :

The Committee on County and Township business, to whom was referred Resolution concerning uniformity in the assessment of personal property, have had the same under consideration, and direct me to report the same back to the Senate, and recommend that it lie on the table, as in the judgment of the Committee no further legislation upon the subject is necessary.

The Resolution was concurred in.

Mr. Culver submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 49, "a bill to amend section 42 of an act entitled 'an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of the same, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'" have had the same under consideration, and order the bill reported back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Vawter submitted the following :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 15, have had the same under consideration, and have directed me to report the same back with sundry amendments, and when the same are adopted, they recommend its passage.

The report was concurred in.

On motion by Mr. Cullen,

The words "General," and "Colonel," wherever they occur in the bill, were stricken out.

Mr. Chapman moved to amend section 9 by striking out all in the 5th line after the word "State," to the word "each," inclusive, in the 7th line.

Mr. Vawter moved to lay the amendment on the table.

Messrs. Moore and Chapman demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Bowman, Cobb, Dunning, Dykes, English Gaff, Hord, Hyatt, Newlin, Oyler, Vawter and Williams—13.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen,

Culver, Davis, Downey, Finch, Fuller, Gifford, Jenkins, Marshall, Mason, Milligan, Moore, Noyes, Peden, Richmond, Staggs, Terry, Thompson, Ward, Woods and Wright—32.

So the Senate refused to lay the amendment on the table.

Leave of absence was asked and obtained for Messrs. Wright, Bonham, Niles, Corbin, McClurg and Woods, till Tuesday.

Mr. Vawter moved that the consideration of the bill and pending amendments be postponed until Friday next, at 2 o'clock, and be considered in Committee of the Whole.

Mr. Dunning submitted the following report, which was laid on the table, and 300 copies ordered to be printed, together with the same number of copies of the former Auditing Committee.

*Report of the Auditing Committee, appointed at the Session of the General Assembly of the State of Indiana, 1862 and '63.*

Said Committee was appointed in accordance with the provisions of a Joint Resolution, passed at the Session of 1862 and '63, which provides, a Committee shall be appointed, consisting of two members of the Senate, and three of the House of Representatives, to be denominated an Auditing Committee, whose duty it shall be, to meet at Indianapolis monthly, and examine and audit the accounts of the Commissary General, and Quarter Master General, and all other accounts, either for pay of men, or materials of any kind purchased and designed to be paid for out of appropriations heretofore made, or which shall hereafter be made for military purposes, including the pay of the Indiana Legion, and prohibiting the Auditor of State from paying any claim of any description whatever, except for Legislative expenses, until said claim shall have been audited and certified by the said Committee, or a majority thereof.

Paris C. Dunning of Monroe County, and John C. New, of Marion County, were appointed on the part of the Senate, and Samuel H. Buskirk of the County of Monroe, William E. Niblack, of the County of Knox, and Alfred Kilgore of the County of Delaware, were appointed on the part of the House of Representatives.

On the 25th day of March 1863, the Committee met in the City of Indianapolis, and organized by electing Paris C. Dunning, Chairman, and Jacob S. Broadwell clerk. Mr. Broadwell has continued to act as such clerk until the present time, and it affords the Committee great pleasure to bear testimony to the ability, fidelity and integrity, with which he has discharged the varied and arduous duties of his position.

The Committee procured, and used the following books,

A Register of claims filed, which is divided into appropriate columns corresponding with the classification of claims.

The number of the claim, the name of the claimant, the amount claimed and the class to which it belongs, are entered.

A Register of Claims audited, which is the same as a Register of Claims filed, except, the amount allowed is stated.

A Journal, in which is entered a brief statement, of the character and amount of the claim, and the action of the Committee thereon; showing whether the claim was rejected, allowed in whole or in part, or disallowed, and how each member voted on the claim. This Journal has been made up for each day, and signed by the Chairman, and attested by the Secretary. The members of the Committee agreed to sign claims that were passed by a majority of the Committee, although they may have voted in the negative, relying on the Journal to show the action of each member of the Committee. All claims were required to be presented in duplicate, and when audited, one of them was signed by the Committee, and delivered to the claimant on his signing a receipt therefor on the other copy, which was retained by the Committee.

The Committee required all claims belonging to the Commissary and Quarter Master's department to be filed with, examined and certified by Gen. A. Stone, before being examined and audited by the Committee. The Quarter Master General has kept an accurate account of all claims allowed, with the view of presenting them to the Federal Government for re-payment.

The same course was pursued with reference to claims coming from the Governor's, and Adjutant General's offices. Whenever a claim was filed, that was not certified to by some department of the State government, and whenever any doubt existed as to the propriety of allowing a claim that was certified to, the Committee required strict proof, which was in all instances rendered in writing, and has been preserved, and is subject to the examination of all persons entitled thereto. The great and permanent object of the Committee, has been to do justice to claimants, and to protect the State from imposition and fraud.

Over twenty-three hundred claims have been filed with and acted upon by the Committee. A number of the claims were rejected; a large number were disallowed in whole, while a still larger number were allowed in part. The Committee has greatly reduced the amount claimed in a great many instances.

The Committee has doubtless erred in many cases, with all the care it has exercised to prevent it. The Committee has not vanity enough to suppose that it could have passed upon so many claims, involving so many difficult questions of law and fact, without having committed many mistakes and errors, and all the Committee asks is a careful and unprejudiced examination of its action, and credit for honesty of purpose and an earnest desire to do right to claimants and protect the interests of the State. This much it has a right to expect, and no doubt is entertained that this generous confidence will be extended.

1. *The claim of G. Simons & Son.*

This claim was presented to the former Military Auditing Committee, and was by it rejected. The Committee, in its report to the late Legislature, in speaking of this claim, say :

“The Committee having been notified that a claim in favor of G. Simons & Son, for one thousand suits of clothes, amounting to \$8,750, for the 24th Regiment, Colonel Alvin P. Hovey, commanding, were not furnished according to contract, and there was evidently an intention to defraud in the quality of said clothing, after a careful examination, rejected the claim and ordered the Clerk to endorse the foregoing, together with the decision of the Committee on the back of the same, which we now herewith present to the House, and ask its reference to the Committee on Claims.”

At the first meeting of this Committee, the Hon. T. A. Hendricks and the Hon. H. C. Newcomb, as attorneys for G. Simons & Son, filed this claim with the Committee. They also presented to the Committee the following communication from Messrs. Branham, Brett and Mellett, who composed the late Military Auditing Committee :

“The undersigned, who composed the late Military Auditing Committee, appointed under an act of the General Assembly of the State of Indiana, approved May 31, 1861, do hereby state that Gabriel Simons & Son, of Cincinnati, Ohio, presented to us while acting as such Auditing Committee, a claim of \$8,750, for clothing furnished to the 24th Regiment of Indiana Volunteers; but, complaints having been made that said clothing was inferior to the quality required by the contract made by them with the State of Indiana, the said bill was disallowed and rejected by the Committee. Afterwards, the Colonel of the regiment caused a Council of Administration to be appointed, which Council made an appraisalment of said clothing, which was certified to us, but was also disallowed, the Committee believing at the time that there had been a premeditated design on the part of said G. Simons & Son to defraud the soldiers and the State; nor was any part of said claim allowed by said Committee. Although we have no longer any power to act in the matter as a Committee, we will say that, from facts that have since come to our knowledge, and a more thorough acquaintance with all the circumstances connected with the matter, that, in our opinion, Messrs. Simon & Son ought to be paid the full amount of the valuation placed upon said clothing by the said Council of administration, and we hereby recommend that they be paid said sum.

“ M. L. BRETT,  
“ D. C. BRANHAM,  
“ J. H. MELLETT.

“*March 9th, 1863.*”



The said Hendricks & Newcomb also presented the proceedings of a Council of Administration of the 24th Regiment Indiana Volunteers, which was in the words and figures as follows, namely :

“ HEADQUARTERS 24TH REGIMENT IND. VOLS., }  
 “ CAMP ALLEN, Mo., Sept. 10, 1861. } ”

“*Regimental Order No. 29.*”

“Lieutenant-Colonel John Gerber, Major Cyrus C. Hines and Captain Thomas Johnson, are hereby appointed and announced as the Council of Administration for this regiment for the ensuing two months.

“By order of

ALVIN P. HOVEY,  
 “*Col. Comd'g 24th Reg't Ind. Vols.*”

“R. F. BARTER, *Adjutant.*”

“I hereby certify that the above is a true and complete copy of Regimental Order No. 29, of this regiment.

“R. F. BARTER,  
 “*Adjutant 24th Reg't Ind. Vols.*”

“At a meeting of the Council of Administration, called to act upon the matter of the clothing furnished to the enlisted men of the 24th Regiment of Indiana Volunteer Infantry, the following proceedings were had. The Captains of the several companies presented reports as to the number of coats and pants, of the different qualities, furnished to their respective companies, and of which reports the following consolidated report was made :

Kinds of Clothing.	1st quality.	2d quality.	3d quality.	4th quality.	CAPTAIN'S NAMES.
Coats .....	20	50	28	.....	Capt. Bolton's Company.
Pants.....	11	63	26	.....	" " "
Coats.....	3	15	35	47	Capt. Mencks' Company.
Pants.....	3	30	49	20	" " "
Coats.....	6	42	46	4	Capt. Dill's Company.
Pants.....	.....	36	40	22	" " "
Coats.....	2	25	52	21	Capt. Johnson's Company.
Pants.....	1	7	40	52	" " "
Coats.....	.....	34	36	28	Capt. McGiffin's Company.
Pants.....	.....	34	36	28	" " "
Coats.....	5	49	44	.....	Capt. Connett's Company.
Pants.....	9	40	49	.....	" " "
Coats.....	.....	30	55	13	Capt. Ervin's Company.
Pants.....	.....	29	57	12	" " "
Coats.....	.....	25	48	25	Capt. Morgan's Company.
Pants.....	.....	25	48	25	" " "
Coats.....	11	29	34	24	Capt. Gill's Company.
Pants.....	11	29	34	24	" " "
Coats.....	.....	.....	30	68	Capt. Spicely's Company.
Pants.....	.....	.....	30	68	" " "
Cost of suit.	\$8 75	\$7 37½	\$5 90	\$5 00	
Total Pants.	35	293	407	251	
Total Coats.	47	299	408	230	
Total suits.	41	296	408	241	

41 suits, at \$8 75 each.....	\$358 75
296 " " 7 37½ " .....	2,183 00
408 " " 5 90 " .....	2,407 20
241 " " 5 00 " .....	1,205 00
14 " " 8 75 " .....	122 50

\$6,276 45

The Council then examined specimens of the four several qualities of uniforms furnished, and from careful examination have found, and do find, upon the basis of the sample of uniform shown to the regiment—the sample being of the first quality and valued at the contract price of \$8.75 per suit—that the different qualities are of the following values, per suit, of coats and pants:

First quality, per suit.....	\$8 75
Second quality, per suit.....	7 37½
Third quality, per suit.....	5 90
Fourth quality, per suit.....	5 00

The Council do further find that the shirts furnished to the enlisted men of the regiment were of the value of seventy-five cents each; and that the socks furnished the regiment are of the fair average value of fifteen cents per pair, a large proportion being moth eaten and worthless. In relation to the number of coats furnished to the regiment, the Council find that there are four less than charged to the regiment by the Quartermaster General of Indiana.

JOHN GERBER, Lt. Col. 24th. Reg. I. V.

CYRUS C. HINES, Maj. " "

THOMAS JOHNSON, Capt. " "

*Council of Administration.*

There were the following indorsements and approvals on the claim as filed with the Committee:

" Received the above,

D. B. HUNT."

" Correct according to contract.

J. H. VAJEN, *Q. M. General.*

" The above goods have been received and inspected by me, and found equal to sample now in my office. The contract was made at public letting.

M. MURPHY, *Ins'p Gen'l.*

The Committee in ordinary cases would not have required any further evidence, but as the good faith of the claimants had been called in question, it determined to make a thorough and careful examination of all the facts and circumstances connected with the transaction. The Committee examined the following witnesses, namely: C. C. Hines, formerly Major of the 24th and a member of Council of Administration, but then Col. of 57th Ind. Vol.; Gen. J. H. Vajen, who was at the time the contract was made and the clothing delivered, Quartermaster General of the State; Col. Miles Murphy, who was at the time the goods were delivered, Inspector General of the State, and inspected the clothing in controversy; Major John Clemm, who was employed in the Q. M. Department when the clothing was delivered; John W. Blake, Col. of the 40th Reg. Ind. Vol.; L. Noble, Adjutant General of the State, and who had seen and examined the clothing; Hon. D. C. Branham, Chairman of the late Military Auditing Committee; and B. Simons, a member of the firm of B. Simons & Son.

The testimony of these witnesses were reduced to writing in the form of depositions, the witnesses being cross-examined by the Attor-

neys for claimants. These depositions, marked "A," "B," "C," "D," "E," "F," "G," and "H," are herewith submitted as a part of this report. The claimants gave notice that they intended to take the depositions of certain witnesses in Cincinnati, Ohio. The Committee appointed the Hon. J. C. New a member of this Committee, to attend the taking of the depositions, and to cross-examine the witnesses, which duty he performed to the entire satisfaction of the other members of the Committee. The depositions of Isaac Levy, Max. Stadler, William Krauss and Casomer Banman, of Cincinnati, Ohio, were taken. These depositions, marked "I," "J," "K," and "L," are herewith filed and made a part of the report. The claimants also gave notice of their intention to take the depositions of certain witnesses in New York city, from whom they had purchased the cloth from which the clothing in controversy was made. The Committee deemed it inexpedient to incur the expense of sending some person to attend the taking of such depositions. The depositions of James J. Leavett, of the firm of Stanfield, Nentworthy & Co., and Nehemiah Knight, of the firm of Hoyt, Sprague & Co., were taken. These depositions, marked "M" and "N," are herewith filed and made a part of this report. The claimants also filed the affidavits of Henry Lenitter, Casinier Banman and Isaac Levy, which, marked "O," "P," and "Q," are filed herewith. The claimants also filed the certificates of W. W. Northop, Chief Inspector of Ohio, and Miles Murphy, Chief Inspector of Indiana, which, marked "R" and "S," are filed herewith.

The Committee has neither the time or space to analyze the evidence of these various witnesses, as the testimony is very voluminous. The Committee is well satisfied that the evidence will fully sustain and justify its action in the premises. The Committee would have been justified, by the evidence, in allowing the entire claim, but it was unwilling to go behind the finding of the Council of Administration, as the officers and soldiers of the regiment were presumed to be the best judges of the quality and value of the clothing. The Council of Administration fixed the value of the clothing at \$6,276.45. As the State should have paid that sum at that time, the Committee deemed it just and equitable to allow the claimant interest from the finding of the Council of Administration to the time of auditing the claim. The Committee allowed seven thousand and twenty-nine dollars and sixty-two cents, (\$7,029 62.)

The question may be asked, why has this case been singled out and commented upon at such length? The answer is, that the former Military Auditing Committee not only rejected this claim, but charged the claimants with the deliberate purpose of defrauding the soldiers and the State. This Committee, after a very careful and thorough investigation, was compelled, by the evidence, to yield its prejudice against it, and allow a portion of it. The Committee felt it was due to the General Assembly, and this Committee, that it should state fully its action, and the evidence on which it based its decision. The decision of this Committee casts no reflection on the former Committee. The action of that Committee was right, with the evidence be-

fore it, and as soon as its members became convinced that they had been in error, they promptly and magnanimously corrected their mistake, and did justice to the claimants.

## CLAIMS FOR THE EXPENSES OF OPERATING THE INDIANA ARSENAL.

When the Committee met and organized, it found in existence, and in active operation, the Indiana Arsenal, under the control and management of Col. H. Sturm, who had been commissioned and assigned to that duty by Governor Morton. The question was presented to the Committee, whether it would examine and audit claims growing out of and connected with such Arsenal? A portion of the Committee were opposed to taking any jurisdiction of these claims, upon the ground that the Legislature of the State had not, in express terms, authorized the Governor to establish and operate the Arsenal. On the other hand, it was insisted that an act passed at the extra session of 1861, conferred on the Governor full power and authority to manufacture arms and munitions of war. The act was in these words, namely :

“An act to provide for the defense of the State of Indiana; to procure first-class arms, artillery, cavalry and infantry equipments, and munitions of war; making the necessary appropriations therefor, and authorizing the Governor to borrow money,” approved April 1st, 1861.

“Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of putting the State of Indiana in a condition of defense, and for supporting the government and maintaining the laws of the land, the Governor is hereby directed and authorized to procure immediately a supply of first-class arms, sufficient for twenty thousand men, including such as are now on hand and fit for service, and such as he may be able to procure from the Government, consisting of artillery, cavalry and infantry equipments, and munitions of war, and that an agent or agents be sent immediately to procure the same.

“Sec. 2. That the sum of five hundred thousand dollars is hereby appropriated, for the purpose of procuring the said arms and munitions of war; and that the Governor be authorized to borrow money for that purpose, and to pledge the faith of the State for the payment thereof.

“Sec. 3. That an emergency exists; this act shall, therefore, be in force from and after its passage.”

It was claimed that, inasmuch as this act did not require the Governor to *purchase* arms and munitions of war, but only directed and authorized him to procure immediately arms and munitions of war, and that, inasmuch as it was at that time impossible to purchase mu-

itions of war, the Governor was authorized to cause them to be manufactured.

It was also claimed that the Arsenal had been recognized and treated as an Institution of the State, by both branches of the Legislature of 1862 and 1863.

The following resolution was adopted by the Senate, and concurred in by the House, with only one vote in the negative, upon a call of the ayes and noes. And a Committee on the part of the House, consisting of Messrs. Harney, Puett, Tarkington, Spencer and Kilgore was appointed to act in conjunction with the Senate Committee.

“WHEREAS, It is especially due to the people, while the burdens and sacrifices of a dire civil war are fearfully taxing their energies, that a rigid investigation should be made of the official conduct of their public servants, to whom the control of public moneys may have been intrusted; and

“WHEREAS, The people of the State of Indiana demand of the Legislature a faithful and fearless discharge of such duty, therefore,

*Resolved*, That a Special Committee of five be appointed by the President of the Senate, to investigate the expenditures in the State Quartermaster's Department, the purchase of arms by the State, and the management of the State Arsenal; and that said Committee be authorized to send for persons and papers, and report the result of their investigations, in which the concurrence of the House is requested; and the President of the Senate has, on the part of the Senate, appointed as said Committee, Senators Brown of Wells, Cobb, Downey, Brown of Randolph, and New.”

This Joint Committee, after a careful and thorough investigation of the management of the Arsenal, reported that the same had been safely, prudently and economically managed, and that its continuance was essential to the public service.

The following resolution was adopted by the House of Representatives, and Messrs. Harney, Roberts, Tarkington, Baker, Collins, Kemp of Vigo, Marshall, Milroy and Anderson, were appointed such Committee.

*Resolved*, That a committee of seven be appointed, to make personal examination of the Arsenal or Arsenals in this City, which are under the control of the authorities of this State, and that they report their condition, and such other facts as they may deem important, to the Legislature, or the people of the State, as is compatible with the public good.

The Committee submitted the following report, which was unanimously concurred in :

The Select Committee, appointed for the purpose of making examinations of the State Arsenal, and report any facts they might deem necessary connected therewith, have performed that duty, and submit the following report :

The Committee visited the Arsenal, which is situated one and a half miles east of the City. The buildings are mostly of a temporary character ; sufficient, however, for the purpose. and built out of the profits of the institution, so that it pays no rent. At the time of the visit, there were employed in one room about ninety females, and in another about forty—all employed in making ball cartridges, and preparing caps. In another building, the men were moulding bullets, preparing shells, round shot, &c. The Committee were much gratified with the system and economy, and also the neatness and dispatch with which the business was conducted.

In reference to the operations of the Arsenal since its commencement, the Committee would refer to Capt. Sturm's report, which contains a full account of its past transactions, and its present condition. The Committee take pleasure in complimenting Capt. Sturm upon the very satisfactory condition of his accounts, the readiness with which he has furnished us with any desired information, and the zeal and energy he has shown in the enterprise, which are the chief qualities constituting a good officer.

It was the design of the Committee to recommend the Arsenal to be continued under the patronage of the State, and a bill was prepared for that purpose, but subsequent events have rendered it impossible to take any further steps.

Since our visit the Arsenal has been compelled to suspend operations, for a time at least, greatly to the injury of many poor persons that depended on its patronage as a means of support.

The Committee was advised that the Indiana Arsenal had been recognized by the Federal Government as an institution of the State ; a commission had been appointed by the Secretary of War to examine and test the quality of the ammunition fabricated ; and that such commission had reported that the ammunition was of a very superior quality, and that the Secretary of War had entered into a contract with the Executive of this State to purchase all the ammunition that was fabricated beyond the wants of the State.

The Committee was officially informed that the former Military Auditing Committee had taken jurisdiction of the Arsenal, and had examined and audited the claims thereof. It was represented to the Committee by Governor Morton, and the military authorities of the State, that the public service absolutely and imperatively demanded the continuance of the Arsenal. The majority of the Committee, being unwilling, by a strict and rigid rule of construction, to injure and embarrass military operations, determined

to examine and audit the claims incurred in the manufacture of munitions of war. It was ascertained, in a short time, that for the whole Committee to give the care and attention to the management of the Arsenal, and the examination of the claims, that the importance and magnitude of the claims and interests involved required, would consume too much time, and prevent proper attention to other claims. The Governor, the Quartermaster-General, and the Adjutant-General of the State, were each requested by the Committee to give their personal attention to the management of the Arsenal, and to certify to the correctness of claims presented; but each of these officers declined for the want of time from their public duties in their respective departments. The Committee, therefore, determined to appoint one of its members to act as Superintendent of the Arsenal, for and on behalf of the Committee. The Hon. S. H. Buskirk was appointed to discharge that duty, and was required to remain in Indianapolis, and give his personal and undivided attention to the business thereof, and to certify from his personal knowledge to the correctness of all claims presented for the action of the Committee.

Mr. Buskirk accepted of the position, and discharged the duties thereof to the entire satisfaction of the remaining members of the Committee. This action of the Committee was taken with the concurrence and approval of his Excellency, Governor Morton. Mr. Buskerk was required to make to the Committee monthly reports of the business of the Arsenal, that it might be know at the end of every month whether the institution was making or losing money. Mr. Buskirk received for his services two hundred dollars per month, which was paid out of the profits of the Arsenal. The Committee being desirous of knowing the true condition of the Arsenal, addressed a communication to his Excellency, Governor Morton, requesting him to inform the Committee what amount of money had been drawn out of the State Treasury, and out of what particular fund, on account of the Arsenal, the amount that had been repaid into the State Treasury, the amount of money that had been received by him from the Federal Government on account of amunition fabricated at the Arsenal, and what disbursments were made thereof. In answer thereto, the Committee received from Governor Morton a statement giving the desired information, which is in the possession of the Committee, and is open and subject to the examination of the General Assembly; but inasmuch as all the money drawn from the State Treasury on account of the Arsenal has been repaid, it is not filed as an exhibit with this report.

The Committee also made a careful and thorough examination of the books, papers and vouchers on file in the office of Colonel H. Sturm, Chief of Ordinance, and in the office of the Auditor of State, relating to the Arsenal. The result of these examinations, and the facts stated in the communication from Governor Morton, will be exhibited in the two reports made by the Committee to Governor Morton, and which are embodied in and made a part of this report. The



original object in establishing the Arsenal was to supply the militia of the State with munitions of war, to defend the State from invasion. Many of the Indiana Regiments that were sent to the front were supplied with ammunition from the Indiana State Arsenal, and it was greatly preferred to the ammunition fabricated at the Government Arsenals. The Government being in great need of ammunition, made a contract with the Governor of the State to purchase all the ammunition that was made beyond what was required for the service of the State. The Government furnished a large amount of powder and lead, and received in payment therefor ammunition. As fast as the ammunition was fabricated it was turned over to the agents of the Government, and all the payments therefor were made to Governor Morton, who will furnish to you a full exhibit of the amount by him received and the disposition made thereof. On the 15th day of September, 1863, the Committee submitted to his Excellency, Governor Morton, a report exhibiting the entire operations of the Arsenal from its commencement in May, 1861, to that date, which was in the words and figures as follows, namely :

ROOMS OF THE MILITARY AUDITING COMMITTEE, }  
INDIANAPOLIS, IND., Sept. 15, 1863. }

*His Excellency,* OLIVER P. MORTON,

*Governor of Indiana :*

SIR:—In compliance with your request, we have made a thorough and careful examination of the affairs and accounts of the Indiana Arsenal, and now have the honor to submit the following report :

From the books, statements and vouchers of the Arsenal office, in charge of Colonel H. Sturm, Chief of Ordnance, the books and vouchers in the office of the Auditor of State, and the books, statements and vouchers of your own office, relating to the Arsenal, we have ascertained the following facts :

The ammunition fabricated and turned over to the Federal Government, amounts to the sum of six hundred and seventy-six thousand and ninety-one dollars and forty-nine cents, (\$676,091.39.)

The unfinished ammunition, and the materials on hand for making new ammunition, are of the cash value of thirty-eight thousand five hundred and sixty-four dollars and thirty-nine cents, (\$38,564.49.)

The tools on hand are of the cash value of two thousand six hundred dollars, (\$2,600.)

And the buildings erected for the purposes of the Arsenal are of the cash value of three thousand eight hundred dollars, (\$3,800.)

Making for ammunition fabricated, and turned over to the United States, unfinished ammunition, materials, tools and buildings on hand

the total sum of seven hundred and twenty-one thousand, fifty-five dollars and eighty-eight cents, (\$721,055.88.)

The materials furnished by the Federal Government for the fabrication of ammunition were of the value of one hundred and twenty-four thousand two hundred and forty dollars and thirty-seven cents, (\$124,240.37.)

The Federal Government has paid to you, as Governor of the State, on account of ammunition, the sum of four hundred and fifty-six thousand two hundred and five dollars and fifty-nine cents, (\$456,205.59.)

And there is still due the sum of ninety-five thousand six hundred and forty-five dollars and forty-three cents, (\$95,645.43.)

The total amount of claims which have been made on account of the Arsenal is five hundred and fourteen thousand seven hundred and fifty-three dollars and thirty-seven cents, (\$514,753.37.) Of which sum there has been paid the following amounts:

Out of the Military fund, fifty-one thousand six hundred and forty-eight dollars and eighty-two cents, (\$51,648.82.)

Out of the State Arms fund, one hundred and twenty-seven thousand one hundred and forty-one dollars and forty-three cents, (\$127,141.43.)

Out of the State Arsenal fund, the sum of one hundred and eighty-eight thousand two hundred and forty-three dollars and four cents, (\$188,243.04.)

And from your Department, through the Bureau of Finance, sixty-nine thousand six hundred and ninety-nine dollars and eighteen cents, (\$69,699.18.)

Making in all four hundred and thirty-six thousand seven hundred and thirty-three dollars and forty-seven cents, (\$436,733.47); leaving due and unpaid, at this date, claims amounting to seventy-eight thousand and twenty dollars and ninety cents, \$78,020.90.)

Of the amount received by you, as above stated, from the United States, on account of ammunition, to-wit: four hundred and fifty-six thousand two hundred and five dollars and fifty-nine cents, (\$456,205.59,) we find that you paid into the Treasury of the United States, on account of the direct Government tax against the State of Indiana, sixty-eight thousand seven hundred and one dollars and sixty cents, (\$68,701.60;) that you paid into the State Treasury two hundred and eleven thousand one hundred and two dollars and eleven cents, (\$211,102.11); that you deposited in the Bank of the Indianapolis Branch Banking Company one hundred and seventy-six thousand four hundred and one dollars and eighty-eight cents, (\$176,401.88;) leaving to your credit, for account of the Arsenal, after deducting sixty-nine thousand six hundred and ninety-nine dollars and eighteen cents (\$69,699.18) for claims paid by you up to this date, one hundred and six thousand seven hundred and two dollars and seventy cents (\$106,702.70) to be hereafter accounted for.

The net profits of the Arsenal, after the payment of all claims and

liabilities, amount to eight-two thousand and sixty-two dollars and fourteen cents, (\$82,062.14.)

The foregoing embraces the entire operations of the Arsenal from its commencement, in May, 1861, to the present time, September 15, 1863.

For convenient reference, we have made up, from the foregoing facts, tabular statements, marked A, B and C, which are hereto attached and made part hereof.

We cannot close this report without bearing testimony to the ability, integrity, and economy with which Col. Sturm has managed the affairs of the Arsenal. His position has been a most difficult and responsible one, requiring constant and unremitting labor, and great skill and perseverance. Fortunately for the State, he has shown himself equal to every duty that has devolved upon him, and we congratulate you upon the great success which has attended his and your efforts, as well on account of the pecuniary advantage which has resulted to the State, from the operations of the Arsenal, as for the great service it has been to the Government. In our judgment, the public service requires that the Arsenal should be continued.

PARIS C. DUNNING,	} <i>Military Auditing Committee.</i>
JOHN C. NEW,	
A. KILGORE,	
S. H. BUSKIRK,	

[ A ]

### THE INDIANA STATE ARSENAL.

*General Statement made up to September 15, 1863.*

The Arsenal is charged :

To cash from Military Fund, paid on claims.....	\$51,648 82
To cash from State Arms, paid on claims.....	127,141 43
To cash from State Arsenal, paid on claims.....	188,243 04
To cash from Governor's Bureau of Finance, paid on claims.....	69,699 18
<b>Total cash payments.....</b>	<b>\$436,732 47</b>
The materials received from United States.....	\$124,240 37
The amount due claimants per Col. Sturm's report....	78,020 90
Net profits to the State.....	82,062 14
	<hr/>
	\$284,323 41
	436,732 47
	<hr/>
	\$721,055 88

The Arsenal is credited :

By ammunition issued to United States.....	\$676,091	39
By munitions and supplies on hand, per Col. Sturm's report.....	38,564	49
By tools at Arsenal, cash value.....	2,600	00
By buildings.....	3,800	00
	<hr/>	
Total credits. ....	\$721,055	88

[ B ]

*The United States in Account with Indiana Arsenal.*

DEBIT.

To ammunition issued.....	\$676,091	39
	<hr/>	
	\$676,091	39

CREDIT.

By cash.....	\$456,205	59
By materials.....	124,240	37
Total credits. ....	<hr/>	580,445 96
Balance due the State.....		95,645 43
		<hr/>
	\$676,091	39

[ C ]

*Cash Statement.*

Cash received from the United States.....	\$456,205	59
Cash deposited in State Treasury.. ..	\$211,102	11
Cash paid to U. S. on account of tax....	68,701	60
Cash paid on claims through Bureau of Finance .....	69,699	18
Balance to be accounted for hereafter...	106,702	70
	<hr/>	\$456,205 59

In the Spring of 1864, His Excellency, Gov. Morton, and the Committee became apprehensive that a further continuance of the Arsenal might, in consequence of the increased price of labor and materials, and the refusal of the Government to increase the price of ammunition, involve the State in a loss, and it being represented that the Government was then much better supplied with ammunition from its own Arsenals, and was willing to purchase the materials and

ammunition on hands, it was determined to close up the Arsenal. The materials, ammunition, buildings and tools, were appraised by competent and skillful officers, appointed by the Secretary of War and Gov. Morton.

The materials and ammunition, except a small quantity retained for the use of the State, were taken by the Government at the appraisal. The buildings were sold at public auction. The tools and ammunition retained for the use of the State were turned over to A. Stone, Quartermaster General of the State.

After the business was all closed up, the Committee, on the 18th of April, 1864, made a report to Governor Morton, in the words and figures as follows :

ROOMS OF MILITARY AUDITING COMMITTEE,  
*April 18th, 1864.*

*His Excellency, Gov. O. P. MORTON :*

The Military Auditing Committee, very respectfully submit the following report of the operations of the

INDIANA STATE ARSENAL FROM THE 16th DAY OF  
SEPT., 1863, TO THE PRESENT TIME.

By reference to our report submitted to you on the 15th Sep., 1863, it will be perceived that the materials and tools on hand, and the buildings erected at the expense of the State, were estimated to be worth the sum of forty-four thousand nine hundred and sixty-four dollars and forty-nine cents, (\$44,964.49.) In that estimate the buildings were valued at three thousand eight hundred dollars, \$3,800.00,) but as will hereafter appear, they have been sold, and brought only one thousand two hundred and thirty-three dollars and fifty-five cents (\$1,233.55,) being two thousand five hundred and sixty-six dollars and forty-five cents, (\$2,566.45) less than they were appraised at. The Arsenal should, therefore, be charged with the sum of forty-two thousand three hundred and ninety-eight dollars and four cents, (\$42,398.04). Since 15th Sep., 1863, the General Government has furnished materials of the value of thirty-eight thousand four hundred and ten dollars and thirty-nine cents (\$38,410.39.) The entire expense of operating the Arsenal, from the 15th Sept., 1863, to the present time, including the purchase of materials, labor of hands, salary of officers, and all other expenses, according to the statement of Col. H. Sturm, herewith filed, marked "A" and made a part hereof, and which on comparison agrees with the books of the Committee, is the sum of thirty-one thousand one hundred and twenty-four dollars and eighty-five cents, (\$31,124.85,) making in all the sum of one hundred and eleven thousand nine hundred and thirty-three dollars and twenty-eight cents, (\$111,933.28) with which the Arsenal is charged.

There has been fabricated and turned over to the General Government since the 15th Sept., 1863, ammunition to the value of fifty-eight thousand three hundred and five dollars and sixty-three cents, (\$58,305.63.)

By an agreement made by, and between your Excellency and the Secretary of War, the materials, and partially fabricated ammunition at the Arsenal, have been transferred to the General Government. The Secretary of War appointed Capt. J. M. Whittemore and Capt. A. McBride, two competent and experienced U. S. Ordnance officers, to act with Col H. Sturm, in making an inventory and appraisement of the materials, partially fabricated ammunition, and tools, which duty they performed, and signed the Inventory and appraisement in duplicate, one of which was sent to the Secretary of War, one filled with your Excellency, and the other filed with the Committee, from which it appears, that the materials, and partially fabricated ammunition, were appraised, and taken by the Government at the sum of forty-seven thousand two hundred and fifty-five dollars and thirty-two cents, (\$47,255.32); and the tools were appraised at the sum of four thousand and two dollars and forty-four cents, (\$4,002.44), which the Government declining to take, were turned over to A Stone, Quartermaster General of Indiana. Upon your suggestion, ammunition of the value of two thousand and seventy-four dollars and eighty-seven cents, (\$2,074.87) were retained for the use of the State, and has been turned over to A. Stone, Quartermaster General of Indiana.

At a meeting of the Committee in March last, upon your suggestion, we ordered the sale of the Arsenal buildings, and appointed the Hon. John C. New to superintend the sale thereof. The buildings were sold on the 13th inst., and realized the sum of twelve hundred and thirty-three dollars and fifty-five cents, (\$1,233.55), and after payment of expenses, the net proceeds of said sale, amounted to the sum of eleven hundred and eight dollars and eighty cents, (\$1,108.80), which has been paid to your excellency, all of which items amount to one hundred and twelve thousand seven hundred and forty-seven dollars and six cents, (\$112,747.06), with which the Arsenal is credited. From which deduct the said sum of one hundred and eleven thousand nine hundred and thirty-three dollars and twenty-eight cents, (\$111,933.28,) and it leaves the sum of eight hundred and thirteen dollars and seventy-eight cents, (\$813.78), as the net profits of the Arsenal since the 15th September, 1863. The profits of the Arsenal have not been large since the 15th Sept., 1863, but this can be very easily and satisfactorily accounted for. The profits of such an Institution greatly depend upon the extent of the business, and upon the fact, that all persons employed are constantly engaged. The work was twice stopped for the want of materials, and twice on account of the intensely cold weather. Several of the most skilful workmen, the foreman of the shops, several clerks, and guards, and the officers, were retained, and received pay, while they were not doing anything for the Arsenal. If these persons had been discharged, they would have engaged in other business, and their places could not

have been supplied with persons of as much skill and experience. The ordinary hands were discharged when the work was stopped. To these reasons add the additional one, that the price of materials and labor had greatly advanced, while the General Government refused to increase the price of the ammunition, and the wonder will be that the Institution cleared expenses. It is very gratifying that, under all these adverse and unfavorable circumstances, there has been a small profit.

By reference to the reports submitted and settlements made on the 15th of September, 1863, it will be perceived that the net profits, up to that date, amounted to the sum of eighty-two thousand and sixty-two dollars and fourteen cents, (\$82,062.14). To which add the profits since that date—eight hundred and thirteen dollars and seventy-eight cents, (\$813.78)—making the sum of eighty-two thousand eight hundred and seventy-five dollars and ninety-two cents, (\$82,875.92), from which should be deducted over estimate on value of buildings, two thousand five hundred and sixty-six dollars and forty-five cents, (\$2,566.45), which amount was included in the statement of profits, September 15th, 1863, leaving net profits eighty thousand three hundred and nine dollars and forty-seven cents, (\$80,309.47.) The amount, above stated as net profits, includes value of tools and ammunition retained by the State, amounting to six thousand seventy-seven dollars and thirty-one cents, (\$6,077.31), which, when deducted, leaves the sum of seventy-four thousand two hundred and thirty-two dollars and sixteen cents, (\$74,232.16), actual cash profits on the whole operations of the Arsenal.

By reference to the settlement made on the 15th September, 1863, it will be perceived that the ammunition issued and turned over to the General Government, prior to that time, amounted to the sum of six hundred and seventy-six thousand ninety-one dollars and thirty-nine cents, (\$676,091.39); to this sum add the sum of one hundred and twelve thousand seven hundred and forty-seven dollars and six cents, (\$112,747.06), and it will make the entire amount of ammunition and materials turned over to the Government, tools and ammunition retained by the State, and buildings sold, seven hundred and eighty-eight thousand eight hundred and thirty-eight dollars and forty-five cents, (\$788,838.45).

The amount of claims for the expenses of the Arsenal, credited prior to the 15th September, 1863, was five hundred and fourteen thousand seven hundred and fifty-three dollars and thirty-seven cents, (\$514,753.37). The value of the materials furnished by the General Government, prior to the 15th September, 1863, was the sum of one hundred and twenty-four thousand two hundred and forty dollars and thirty-seven cents, (\$124,240.37). The materials furnished by the General Government since that date amount to the sum of thirty-eight thousand four hundred and ten dollars and thirty-nine cents, (\$38,410.39). The amount of claims audited since the 15th September, 1863, is thirty-one thousand one hundred and twenty-four dollars and eighty-five cents, (\$31,124.85), all of which amount to the sum of

seven hundred and eight thousand five hundred and twenty-eight dollars and ninety-eight cents, (\$708,528.98), which deducted from the said sum of seven hundred and eighty-eight thousand eight hundred and thirty-eight dollars and forty-five cents, (\$788,838.45), leaves the sum of eighty thousand three hundred and nine dollars and forty-seven cents, (\$80,309.47). On the 15th September, 1863, the amount of ammunition turned over to the General Government was the sum of six hundred and seventy-six thousand and ninety-one dollars and thirty-nine cents, (\$676,091.39), from which deduct the sum of one hundred and twenty-four thousand two hundred and forty dollars and thirty-seven cents, (\$124,240.37,) the value of the materials furnished by the General Government, and there was left the sum of five hundred and fifty-one thousand eight hundred and fifty-one dollars and two cents, (\$551,851.02), as due from the General Government to the State, in money.

Your Excellency had received from the General Government prior to the 15th September, 1863, the sum of four hundred and fifty-six thousand two hundred and five dollars and fifty-nine cents, (\$456,205.59), which left due the State, at that date, the sum of ninety-five thousand six hundred and forty-five dollars and forty-three cents, (\$95,645.43). From a statement made by your Excellency, herewith filed, marked "H," and made a part hereof, it appears that your Excellency has received from the General Government, since that date, the sum of ninety-five thousand three hundred and thirty-three dollars and forty-three cents, (\$95,333.43), being three hundred and twelve dollars, (\$312.00), less than the amount for which accounts were rendered. This difference is accounted for by the General Government charging the State 24 cents per pound for a lot of powder, where credit was only given 23 cents per pound. This shows that your Excellency has received from the General Government the sum of five hundred and fifty-one thousand five hundred and thirty-nine dollars and two cents, (\$551,539.02). There has been turned over to the Government since 15th September, 1863, ammunition of the value of fifty-eight thousand three hundred and five dollars and sixty-three cents, (\$58,305.63), and materials of the value of forty-seven thousand and two hundred and fifty-five dollars and thirty-two cents, (\$47,255.32), which makes the sum of one hundred and five thousand five hundred and sixty dollars and ninety-five cents, (\$105,560.95). The Government has furnished materials since that date of the value of thirty-eight thousand four hundred and ten dollars and thirty-nine cents, (\$38,410.39), which deducted from said sum of one hundred and five thousand five hundred and sixty dollars and ninety-five cents, (\$105,560.95), leaves the sum of sixty-seven thousand one hundred and fifty dollars and fifty-six cents, (\$67,150.56), as due from the Government to the State.

Of the sum received by your Excellency from the General Government you paid into the Treasury of the United States, on account of the direct Government tax against the State of Indiana the sum of sixty-eight thousand seven hundred and one dollars and sixty cents,



(\$68,701.60), and into the Treasury of the State of Indiana the sum of two hundred and eleven thousand one hundred and two dollars and eleven cents, (\$211,102.11), making in all the sum of two hundred and seventy-nine thousand eight hundred and three dollars and seventy-one cents, (\$279,803.71). The Committee take pleasure in saying that nothing has occurred since our report made to your Excellency, on the 15th September, 1863, to weaken the confidence that we then felt, and expressed, in the ability, integrity and economy displayed by Colonel H. Sturm, in the management of the Indiana Arsenal.

For convenient reference we have made up from the foregoing facts, tabular statements marked "A," "B," "C," "D," "E," "F," "G," which are hereto attached and made a part hereof.

PARIS C. DUNNING,  
JOHN C. NEW,  
SAMUEL H. BUSKIRK,  
ALFRED KILGORE,

*Military Auditing Committee.*

[A]

### GENERAL STATEMENT INDIANA ARSENAL.

The Arsenal is charged :

Value of materials, tools and buildings, (actual value,)	\$42,398	04
"    "    "    furnished by U.S. since Sept. 15, '63,	38,410	39
Claims for supplies, &c., audited	31,124	85
		<hr/>
Total debit,.....	\$111,933	28

The Arsenal is credited :

Ammunition turned over to U.S. since Sept. 15, '63,...	\$58,305	63
Materials " " " .....	47,255	32
Value of tools on hand,.....	4,002	44
Ammunition retained by the State,.....	2,074	87
Net proceeds of sale of buildings,.....	1,108	80
		<hr/>
Total credit, .....	\$112,747	06
Deduct debit,.....	111,933	28
		<hr/>

Net profits since Sept. 15, 1863,..... 813 78

April 18th, 1864.

[B]

*Statement of Profits.*

Net profits of Arsenal prior to Sept. 15, 1863,.....	\$82,062	14
Less over estimate on value of buildings, .....	2,566	45
	<hr/>	
Net profits of Arsenal since Sept. 15, 1863,.....	\$79,395	69
	813	78
	<hr/>	
Total profit,.....	\$80,309	47
(This amount includes value of tools and ammunition on hand),.....	6,077	31
	<hr/>	
Actual cash profits,.....	\$74,232	16

[C]

Ammunition turned over prior to Sept. 15, 1863,.....	\$676,091	39
Deduct value of materials furnished by U. S.,.....	124,240	37
	<hr/>	
Deduct cash received from U. S. to Sept. 15, 1863,...	\$551,851	02
	456,205	59
	<hr/>	
Deduct cash received from U. S. since Sept. 15, 1863,	\$95,645	43
	95,333	43
	<hr/>	
Balance,.....	\$312	00
Deduct mistake in credit of powder, .....	312	00
	<hr/>	

[D]

Ammunition turned over to U. S. to Sept. 15, 1863,...	\$676,091	39
Ammunition, materials, tools and buildings, per state- ment A,.....	112,747	06
	<hr/>	
Arsenal credits,.....	\$788,838	45
Claims audited to Sept. 15, 1863,.....	\$514,753	37
Materials from U. S. to Sept. 15, '64,...	124,240	37
Materials from U. S. since Sept. 15, '63,	38,410	39
Claims audited,.....	31,124	85
	<hr/>	
Arsenal debits,.....	\$708,528	98
Total profits, as shown in statement "B," .....	80,309	47

## [E]

Ammunition turned over to U. S. since Sept. 15, 1863,	\$58,305 63
Materials turned over to U. S. " " "	47,255 32
	<hr/>
	\$105,560 95
Deduct materials furnished by U. S. since Sept. 15, '63	38,410 39
	<hr/>
Balance due from U. S.....	\$67,150 56
April 18th, 1864.	

## [F]

Tools turned over to Q'r M'r Gen'l.....	\$4,002 44
Ammunition turned over to Q'r M'r Gen'l...	2,074 87
Proceeds sales of buildings,.....	1,108 80
	<hr/>
	\$7,186 11
Ammunition and materials to U. S.,.....	105,560 96
	<hr/>
Total as per statement "A,".....	\$112,747 06

## [G]

*Cash Statement.*

Cash received from U. S.,.....	\$551,539 02
--------------------------------	--------------

*Cash Deposited.*

In State Treasury.....	\$211,102 11
Paid U. S. on account of direct tax.....	68,701 60
Bureau Finance,.....	271,735 31
	<hr/>
	\$551,539 02

April 8th, 1864.

The Committee is well satisfied that the Arsenal has been of great service to the State and Government, and is gratified to know that after the payment of all the debts created, and expenses incurred in the management thereof, there is still a net cash profit of \$74,232 16 to the State.

The Committee has felt constrained to give this extended notice of the Arsenal, from the fact that its existence and management have been a matter of controversy in the public press; and it is believed that this report and exhibits will afford all the information that will be desired the General Assembly, or the people of the State.

*Claims Connected with, and Growing out of the Various Rebel Raids into, and Threatened Invasion of the State of Indiana.*

The invasion of the State by Gen. Morgan, several small raids into the State, and the various threatened invasions, have occasioned a very large number of claims to be presented for the action of the Committee; and many of these claims presented very different questions as to the power and jurisdiction of the Committee, and as to the liability of the State. These claims may be placed in three general classes, although there are many subdivisions of each class:

1st. The pay of officers and men, transportation and subsistence of Federal and State troops.

2d. For property destroyed and injured by the Federal and State forces.

3d. Property taken, destroyed or injured by the Rebels.

The great portion of the forces engaged in repelling the invasion of John Morgan were companies of the Legion and other volunteer companies, called into active service by the proclamation of his Excellency, Governor Morton. These forces were suddenly called into service, without any preparation having been made for transportation of forces, subsistence and munitions of war, and without any subsistence for men and horses.

Pay-rolls for the State forces engaged in the Morgan raid were prepared by Major Sterns Fisher, Paymaster of the State of Indiana, to the amount of \$ , which were presented to the Committee, examined and audited to that amount, and Major Fisher is now engaged in paying such forces.

Major Fisher is engaged in the preparation of other pay-rolls for the same service, and which, he thinks, will amount to the sum of \$ .

A good deal of time has been necessarily and unavoidably consumed in the preparation of these pay-rolls, owing to the difficulty of ascertaining with certainty who were actually engaged in the service, and the length of time engaged. The officers of companies having failed to prepare accurate muster-in and muster-out rolls. Doubtless some persons who were in service have been omitted, and others may have been placed on the rolls who rendered no service. These mistakes were unavoidable from the loose and confused manner in which the accounts were prepared and kept, in the confusion and excitement produced by the invasion of the State by John Morgan.

The various Quartermasters were compelled to procure subsistence for men and horses from the citizens of our State. It frequently occurred that soldiers were taken to hotels, boarding-houses and farm houses, and were supplied with meals. In a few instances, receipts were given by the officers, but in the most of cases no receipts or

vouchers were given, and the claimants were put to the expense and trouble of proving the correctness of their claims.

The Committee required all claims for transportation and subsistence to be presented to Quartermaster General Stone for his examination and approval, before they were examined and audited. The Committee have examined and audited a large number of these claims, and it is advised that claims for a large amount exists that have not been presented to General Stone, or examined and audited by the Committee. The honor and integrity of the State require, that immediate steps should be taken for the liquidation and payment of these claims. The Committee entertained no doubt that the State was liable for, and that it was authorized to examine and audit claims belonging to the first class hereinbefore mentioned.

The Committee entertained no doubt of the liability of the State for property taken injured and destroyed by the Federal or the State forces, but it was equally well satisfied that it had no jurisdiction of that class of claims, and that it would require further legislation to enable the owners of such property to obtain compensation therefor; and the Committee determined to refer such claims to the General Assembly, with a recommendation that provision be made to ascertain the amount of such claims, and for the payment thereof.

*Claims belonging to this class are of the following character :*

1st. Quartermasters, and other officers of the Federal and State forces, without any contract with or (without)? the consent of the owners, took corn, hay, oats, flour, bacon hogs, beef cattle, sheep, poultry, and whatever was required, for the subsistence of men and horses.

2d. Many of the companies were required to be mounted. The soldiers generally furnished their own horses and equipments, but it sometimes happened that the soldier had no horse or equipments, in which case he either borrowed a horse, or one was pressed into the service. The greater portion of these horses and equipments were returned to the owners, but no compensation was made for the use or injury thereof. In many instances the horses and equipments were lost, killed, or captured by the enemy, and no compensation has been made for such loss.

3d. Horses, mules, wagons and the necessary equipments, were hired and pressed into the service, to be used as artillery horses, or to provide transportation of subsistence and munitions of war. Where this property was returned, no compensation was made for the use, or injury thereof; and when lost, killed, or captured, no compensation has been made for the value thereof.

The following communication from Gen. Stone on this subject, was received by the Committee, and is very respectfully referred to the General Assembly, for its examination and consideration.

QUARTERMASTER GENERAL'S DEPARTMENT, IND. VOLS. }  
*Indianapolis, Ind. Dec. 21st, 1864.* }

*To the Honorable Auditing Committee :*

GENTLEMEN :—I herewith send your Committee a few claims which have been left with me, for horses pressed into the service during the Morgan and Johnson raids, and which, as is stated, were never returned to the owners, and for which the applicants claim the value of the horses. In each of these cases, the parties represent that they made proper application to Government officers for their pay for the horses, but were in all cases refused. As this class of claims are quite numerous, and some system should be adopted to prevent, as far as possible, imposition on the State, I trust your Committee will take such steps in the matter as will insure their speedy and satisfactory adjustment. The reason I have not signed and registered these claims, was the want of some proper mode of fairly adjusting them, and the absence of power to take such evidence as would be satisfactory to my mind, of the correctness of each claim, before being certified by me.

Respectfully,

A. STONE, *Q. M. Gen. Ind.*

The Committee very earnestly invite the attention of the General Assembly to claims in favor of citizens of this State, for property taken, injured and destroyed, by the rebels.

These claims may be classified as follows :

1st. Property taken, and afterwards abandoned by, or captured from the rebels.

2d. Property brought into the State by the rebels, and by them abandoned or exchanged for other property belonging to citizens of our State, and afterwards taken possession of by the officers of the Federal Government, and by them sold and proceeds appropriated to her use.

3d. Property taken from our citizens by the rebels, and by them taken out of the State.

4th. Property taken by the rebels and by them consumed.

5th. Money extorted by the rebels from our citizens, to save their property from destruction.

6th. Injury done to railroads in this State by the rebels.

The rebels under Morgan, took from our citizens, and captured from our forces many horses, mules, wagons and equipments. Some of this property was abandoned by the rebels, and some of it was captured from them by our forces. The rebels brought into this State horses and mules that were by them abandoned, and in many instances they stole horses from our citizens and left in their place

their tired and worn out horses. The officers of the Federal Government retained the possession of all the property captured from the rebels, and after the raid was over, the agents of the Government followed in the route traveled by the rebels and took possession of all the property that had been abandoned by them, and all that they had left, in place of property stolen from our citizens. Many of our citizens demanded their property from the officers of the Government and offered to prove the identity and ownership thereof, but such officers refused to deliver the same up, but all such property was sold and the proceeds thereof, amounting to the sum of——— was appropriated to the use of the Government.

The Committee does not controvert the right of the Government to appropriate to its use property belonging to the enemy, and by him abandoned, or from him captured, but where property has been stolen from a citizen by the enemy, and by him abandoned, or from him captured, and the property can be clearly identified, it is the duty of the Government to deliver such property up to the owner thereof. No doubt is entertained that the citizen is entitled to compensation wherever the property has come into the possession of the government. But our citizens should not be put to the expense and inconvenience of obtaining payment from the Government. The first duty of a State is to protect its own citizens. The State should liquidate and pay these claims, and then ask the Federal Government to reimburse her for such amount, and no doubt is entertained that the Government would refuse to do this act of justice to the State of Indiana, that has rendered such efficient aid, and has asked so little assistance from the Government in protecting her borders and soil from invasion. The rebels took from our citizens, beef-cattle, hogs, sheep, poultry, bacon, flour, corn, hay, oats, and whatever was required for the subsistence of men and horses.

The rebels entered many stores of our citizens and carried away their contents. The rebels compelled many of our citizens to pay them large sums of money to prevent their stores, mills and residences from being burned.

The rebels inflicted very serious injury on the Louisville, New Albany & Chicago, the Jeffersonville and Indianapolis, and the Indianapolis and Cincinnati Railroads, by destroying their tracks and burning their depots, engines and cars. These claims for property taken and destroyed by the rebels, present the legal question whether the State or the Government is liable for property destroyed by the public enemy. While the Committee is not prepared to say, that according to international law, and the rules and usages of war, that a State is bound to indemnify its citizens for property stolen or destroyed by the public enemy, it very respectfully and urgently suggests to the General Assembly, that it would be more just and equitable to the tax payers of the whole State to pay these damages, than for a few persons to sustain the entire loss.

It should be remembered that our citizens residing on the lakes, and in every part of the State, felt an equal pride with our citizens

on the southern border, in protecting our State from Invasion. It should also be remembered that while our citizens residing on the southern border have sustained the entire loss, they have given their time, means, and endangered their lives, and in many instances lost them in preserving the honor of the State, and protecting the lives and property of her citizens.

If the burden is equally divided among the tax payers of the State, it will fall lightly upon all, and will do an act of justice to our fellow-citizens, who have so faithfully, patriotically, and promptly defended the soil of our proud and noble State.

On the 20th March, 1864, the Legislature of Ohio passed an act, entitled "An act to provide for the appointment of commissioners to examine claims growing out of the Morgan raid, and prescribing their duties," the 6th section of which reads as follows :

SEC. 6. Said Commissioners shall examine all such claims duly presented, and find the amount of loss thereon; and whether the claim be meritorious, as upon the evidence before them, they may deem just and equitable; and they shall keep a full and correct record of the claims presented, and of their action thereon; and shall, on or before Dec. 15th, 1864, report their proceedings, their findings, and the facts upon which each claim is founded, to the Governor, separating such claims into the following classes :

1st. Claims for property taken, destroyed or injured by the rebels.

2d. Claims for property taken, destroyed or injured by the Union forces, under command of United States officers.

3d. Claims for property taken, destroyed or injured by Union forces, not under command of United States officers, with a statement showing specifically in each case, under what circumstances, and by what authority, such property was taken, injured or destroyed. It being the object of this act to have a careful examination of said claims, and to report as to the nature and amount thereof, but to leave the question of the liability of the State open and undetermined for future action.

The Committee would suggest that the Legislature should determine the liability of the State, before any commission is appointed, otherwise it might impose a heavy expense upon the State and claimants; and a subsequent Legislature might refuse to pay the claims allowed. During the last fall an expedition was organized at Evansville, Ind., under the command of Major General Hovey, which invaded the State of Kentucky in pursuit of the forces under the command of the rebel General Adam Johnson.

A considerable number of horses, mules, wagons and equipments, were pressed into the service. The greater part of this property was returned to the owners, but no compensation was made for the use and injury thereof.

Some twenty-five of the horses were lost or killed, and the officers of the Government have refused to pay for such property. Subsistence for men and horses was procured from our citizens, and the Government has refused pay therefor. The Committee has examined and audited several claims for subsistence, but many of the claims



remain unaudited and unpaid. When this expedition returned to this State, it brought with it about thirty horses and mules, and other valuable property, which was turned over to the officers of the Government.

The value of this property was sufficient to have paid for the property lost and injured, and the subsistence furnished and not paid for. Inasmuch as the Government has appropriated to its use this property, it should, without hesitation, pay our citizens for the value of property injured and lost, and for subsistence furnished. But as the appropriate Department at Washington has refused to pay these claims when presented by citizens, the State should pay them, and then ask the Government to reimburse her.

The Committee, for the reasons heretofore stated, believing that it did not possess the power to examine and audit claims for property lost in this expedition, herewith refer said claims to the General Assembly, with a recommendation for their payment.

*Claims for Rent of Fair Grounds and other premises taken Possession of by the Military Authorities of the State for Encampments, and Damages done thereto by such Occupation.*

Claims were presented to the Committee from every Congressional District in the State for the rent of and damage done to premises occupied for military encampments. These encampments, with the exception of those in and near the city of Indianapolis, were taken possession of by the authorities of this State, and have been used in the organization of regiments before they were mustered into the service of the United States. The various encampments near this city have been occupied and used by the Federal Government for the accommodation of troops after they were mustered into the service, and for the safe keeping of rebel prisoners; but it has not paid the rent of or damage done thereto. This is not right. The Federal Government should pay for premises occupied by its troops, and the damages done thereto, and should reimburse the State for all the expenses incurred in organizing regiments for the service of the United States; but, as the most of these premises were taken possession of by State authority, the owners have a right to demand payment of the State, and after the State has paid these sums, it will have a right to demand of the Federal Government the repayment of all sums of money expended in organizing troops for its service. The laws creating a commission to examine military claims in the State of Ohio empowers such commission to allow "claims for the use of grounds for camps, and for damage thereto." The Committee is advised that the Military Commission of Ohio has examined and allowed claims to a large amount for rent of and damages done to grounds for camps, that such claims have been paid by the Treasurer of that State, and that the Federal Government has reimbursed her to the full amount by her paid. The Committee, therefore, advise the prompt payment by the State of all these claims, so that our Governor may ask of the Federal Government reimbursement. The

first claims of this character that were presented to the Committee were accompanied by voluntary affidavits as to the value of the rent and damages done. The Committee soon found that it was not safe to rely upon affidavits that were prepared by the claimants or their attorneys, and that it would impose too much expense upon either the State or the claimants to require the witnesses to be examined before the Committee in this city.

The Committee, therefore, to protect the State from imposition, and to do justice to the claimants, with as little expense and trouble as possible, divided the State into districts, and appointing one member of the Committee to visit every place where a claim of this character originated, and to examine in person premises which had been used for camps, and to take depositions of witnesses for the claimant and the State. This system worked well, and no doubt is entertained that many thousands of dollars were saved the State. The Committee, except in a few instances, where very reasonable claims were presented, allowed over half the amount that was claimed. In several instances the fences, buildings and stalls, on fair grounds, were torn down, by order of the commandant of the post, and the lumber was used to build barracks and stalls. In such cases, the Committee had no difficulty in arriving at the conclusion that the State was liable. In many instances fences and buildings were destroyed, and burned up by the soldiers. A large number of claims were presented for the value of hogs, sheep, poultry, corn, potatoes and fruit, taken and consumed by the soldiers. Claims were also presented for the destruction of fences and buildings by the soldiers, on premises not occupied for camps, but adjacent thereto. Several claims were presented for the destruction by the soldiers of sutlers' stands in the camps. These claims occasioned the Committee great difficulty. It was insisted by some members of the Committee that neither the Government nor the State should be liable for the wanton and wilful acts of trespass committed by soldiers while in the service. On the other hand, it was insisted that it was the duty of the Government to maintain and enforce such discipline as would prevent the soldiers from committing any acts of trespass. After mature deliberation, the Committee determined to allow such claims for damages as necessarily occurred from the occupation of the premises for camps, and to refer all the other claims to the General Assembly for further legislation in reference thereto. The Committee may have erred in this matter; but, if it has, the Legislature may apply the remedy. The Committee, to guard against doing injustice to any person, examined witnesses, and reduced their testimony to writing in many of the claims that were referred to the Legislature.

### *The Pay of the Indiana Legion.*

The Legion has been frequently called into active service since the commencement of the war, and has rendered very valuable and effective service, in defending our Southern border, and aiding the

State of Kentucky when invaded by the rebel forces. The Legion has been organized into companies, regiments and brigades, armed and drilled, and its organization has dispensed with the necessity of calling on the Federal forces, while in active service at the front. Neither the officers nor privates had received any pay until recently. Major Sterns Fisher was appointed by his Excellency, Gov. Morton, Paymaster of the Indiana Legion, and such State forces as might be called into the active service of the State. Major Fisher presented to the Committee, pay rolls for the officers and privates of the Legion. The pay rolls were made out for each company, with a summary for each regiment. The pay rolls were made out in triplicate, and the Paymaster was required to have each pay roll receipted, according to army regulations. One copy, thus receipted, was sent to the Secretary of War, one was delivered to Gov. Morton, and the third was filed with the Committee.

The pay rolls were audited before the payments were made by Major Fisher. This was rendered necessary from the fact that there was not money enough belonging to the Legion fund, to pay all the regiments of the Legion. As each regiment was paid, the receipted pay rolls were sent to Washington, and money was advanced thereon, which was used in the payment of other regiments. This process was continued to the present time. The Committee has made a partial settlement with Major Fisher, but a full settlement could not be made, from the fact, that a good many members of the Legion were absent from home when he made the payments.

When the payments are all made, this settlement can be completed, and the attention of the next Committee is invited to this subject.

#### *The Claim of Adjutant General Noble.*

Gen. Noble, during his term of service as Adjutant General of the State, had the rank of a Brigadier General, while he only received the pay of a Colonel of Cavalry, being two hundred and eleven dollars per month. Gen. Noble frequently insisted, that according to the Acts of Congress, an Order of the Secretary of War, and the uniform practice in other States, that he was entitled not only to the rank, but the pay of a Brigadier General. Finally, he presented a claim for the difference between the pay of a Colonel of Cavalry and a Brig. General, which amounts, during his term, to the sum of \$——. The Committee is well aware of the responsible, arduous and complicated duties of the Adjutant General in a time of war, and is ready to concede that the rank and pay should correspond with the responsibility imposed, and certainly no Adjutant General of the adhering States, is entitled to greater pay or honor than Gen. Noble, and the marked and well known ability of the present incumbent, justify the belief that he will not be surpassed by any in fidelity, promptness, integrity, and administrative ability. The rank and pay of this offi-

cer should be clearly and definitely fixed and regulated by law. The claim of Gen. Noble is herewith submitted to the General Assembly, for whatever legislation may be proper.

*The Claim of Walls & Harter.*

This claim is for damages sustained by the claimants in the destruction of their Sutler's stand and the contents thereof. The evidence was taken and reduced to writing, and is herewith submitted. The evidence clearly establishes the destruction, and the value of the property destroyed. The Committee refused to allow the claim, for the reason that the injury was produced by the wanton and willful act of trespass by the soldiers, in Camp Carrington, in this city. The Committee did not think that it possessed the power under the law creating it, to audit claims of this character. The attention of the General Assembly is called to this claim, in the confident hope that the liability of the State will be settled by legislation.

The necessity of continuing this Committee is too manifest to require any argument. While the extraordinary expenditures necessarily and unavoidably occasioned by the war, are continued, the Auditing Committee should be regarded as an indispensable necessity, but its power and jurisdiction should be more clearly fixed and regulated by law, and the Committee recommend to the General Assembly the propriety of giving the next Committee jurisdiction over the following classes of claims:

1st. Claims for pay of volunteers enlisted under the authority of the State or General Government, for such time as they are not entitled to receive pay from the General Government, although such volunteers may have been discharged without having been mustered into the service.

2d. Claims for recruiting, and the reasonable and legitimate expenses incident thereto, accruing under the authority of this State, or the General Government, where the contract or understanding at the time has been fully complied with on the part of the claimants, and not on the part of the State, or General Government, through consolidation of regiments, or otherwise.

3d. All claims of field officers of regiments raised, or authorized to be raised for the army of the United States, for the time such officers were actually engaged, under appointments from the Governor, in organizing such regiments, or doing duty in camps of rendezvous of instruction, before their muster into the service of the United States, in case they were discharged from service by the consolidation of their regiments.

4th. Claims for Quartermaster stores, clothing, blankets, shoes, caps, fuel, medicines, and other goods furnished volunteers on orders from commissioned officers not lower in rank than Colonel, or other officers commanding a regiment, in command of such volunteers.

5th. Claims for necessary transportation, traveling expenses, and subsistence.

6th. Claims for labor, hospital service, teaming and printing.

7th. Claims for supplies furnished to, labor done for, and grounds used for camps under contracts authorized by the Governor, Adjutant General, or other proper officers, by the regiments of Indiana Legion or Militia, including all damages done to such ground.

8th. Claims for the use of grounds occupied under contract, made by authority of the Governor, Adjutant General, or other proper officers, and used for camps, and damages thereto, used by the State forces for rendezvous or instruction.

9th. Also claims for the pay of officers and privates of Indiana Legion, and volunteers, called into active service by the proclamation of the Governor.

The committee would also recommend that it should be made the duty of the Attorney General, or some attorney appointed by the Governor, to appear before the Committee, and resist the payment of claims.

The present committee has frequently felt the necessity for some person to represent the State in controverted cases, as some members of the Committee have been designated to examine witnesses for the State, and cross-examine witnesses for the claimant, which subjects such members to the imputation of acting as an attorney and judge in the same case. Claimants have been represented in a large number of claims by attorneys. A detailed statement of all the claims audited by the Committee would make this report too voluminous, and it has been deemed sufficient to classify the Claims audited so far as the same can be done, and the report is submitted in that shape.

Claims have been classified under the following headings with amounts audited to each class, as follows :

Audited on account of Legion,.....	\$425,209 60
Transportation, .....	33,436 41
Subsistence, .....	50,151 42
Hospital and Sanitary Commission,.....	98,251 87
Arsenal, .....	201,595 43
Pay, .....	66,291 25
Morgan Raid,.....	13,299 87
Arms and equipments, .....	22,886 39
Camps and quarters,.....	55,550 97
Miscellaneous, .....	19,090 22
<hr/>	<hr/>
Total, .....	\$985,763 43
Claims paid,.....	848,921 75
	<hr/>
	\$136,841 68

The Committee has prepared a tabular statement showing the amount of claims of the several classes that have been audited during and now that the Committee has been in existence, which is hereinafter set forth, and is in the words and figures as follows :

CLASSIFICATION of Accounts Audited by the Military Auditing Committee, 1863, 1864 and 1865.

MONTH AUDITED	Legion.	Transportation.	Subsistence.	H. and S. Com- mission.	Arsenal.	Pay.	Morgan Raid.	Arms and equip- ments.	Camps and quarters.	Miscellaneous.	TOTAL.
1863.											
March.....	\$32 00	\$658 26	\$149 08	.....	\$4,070 11	\$3,036 23	.....	\$272 97	\$136 00	\$770 07	\$45,852 35
May.....	1,257 95	1,570 23	925 18	\$71 17	15 00	6,064 76	.....	.....	75 25	.....	10,252 51
June.....	7,080 02	.....	.....	78 95	46,804 51	735 00	.....	.....	2,618 00	.....	57,316 48
July.....	216 59	872 00	43 80	2,863 88	6,953 17	1,397 97	.....	2 70	81 00	1,018 59	13,479 70
August.....	772 47	2,255 33	31 08	1,918 76	41,181 44	1,668 87	.....	194 47	.....	1,62 82	48,122 34
September.....	188 93	640 92	284 65	3,978 76	28,610 28	4,127 74	.....	863 91	1,265 00	2,630 04	42,026 28
October.....	206,871 47	165 12	250 50	9,321 17	.....	4,374 09	\$1,722 94	.....	8,496 07	379 54	232,454 81
November.....	.....	470 40	.....	1,123 63	.....	1,426 94	.....	.....	1,000 00	132 55	4,164 92
December.....	1,395 05	3,588 46	36 00	7,227 91	10,786 03	.....	5,025 26	71 43	484 10	93 50	28,717 74
1864.											
January.....	1,378 58	646 00	216 65	3,692 68	10,674 78	3,830 45	1,008 49	2 12	10 70	90 85	21,671 39
February.....	1,258 91	502 68	.....	4,152 70	8,926 18	1,786 71	905 40	.....	.....	2,600 44	19,623 02
March.....	651 56	1,133 82	.....	965 60	4,583 18	2,474 65	548 96	.....	111 62	624 07	11,114 26
April.....	2,484 00	950 30	3,307 30	8,154 36	1,866 44	2,973 07	53 00	73 60	316 41	10 00	20,188 71
May.....	681 55	456 76	456 55	4,739 94	.....	2,088 93	217 50	450 00	6,317 58	978 52	15,490 53
June.....	8,786 50	1,249 17	10 00	2,148 34	.....	2,772 97	378 00	.....	11,190 80	1,164 83	27,444 51
July.....	745 49	9,017 98	.....	1,853 26	.....	5,296 95	155 45	18,931 15	1,545 03	80 40	37,624 81
August.....	26,696 41	378 65	255 82	5,130 25	112 31	1,367 40	10 00	.....	.....	210 00	34,100 84
September.....	37,626 73	748 42	36,599 83	1,093 55	.....	2,588 65	725 41	.....	4,528 00	5 00	79,390 59
October.....	8,906 04	339 92	55 80	5,848 17	.....	2,467 30	293 60	.....	.....	712 32	23,150 55
November.....	4,877 70	1,469 15	60 00	2,878 23	.....	3,169 89	267 60	18 00	.....	829 00	15,566 57
December.....	113,271 75	4,162 63	7,469 18	31,507 61	.....	9,885 95	1,898 86	2,009 04	6,155 13	6,859 78	183,153 93
1865.											
January.....	.....	2,037 09	.....	488 95	.....	297 37	.....	.....	11,220 28	.....	11,916 60
Total.....	\$425,209 60	\$3,436 41	\$70,151 42	\$98,251 87	\$201,565 43	\$66,291 25	\$13,299 87	\$22,886 39	\$55,550 97	\$19,090 22	\$985,763 44

Of the claims audited, the sum of eight hundred and forty-eight thousand, nine hundred and twenty-one dollars, and seven-five cents, (\$848,921 75,) have been paid by the Federal Government, Governor Morton and Quartermaster Stone, leaving unpaid the sum of one hundred and thirty-six thousand eight hundred and forty-one dollars, and sixty-eight cents, (\$136,841 68,) for which appropriations will have to be made.

It will make this report too voluminous to insert the names of the claimants and amount allowed, of the claims unpaid, and the Committee will furnish to the Committee on Ways and Means the register of claims audited, from which the appropriation bills may be made up. A large proportion of the claims remaining unpaid should be paid by the Federal Government, and it is confidently believed that the State will be reimbursed for such payments. The law should require all the books, records, papers, vouchers and evidences taken of the late, present, and all future Auditing Committees, to be filed with the Auditor of State, who should be required to carefully preserve the same.

The Committee desire, in this public manner, to express its obligations to Governor Morton, his Staff, Quartermaster Stone, and all the State officers, including the Librarian, for their uniform courtesy, promptness and cheerfulness, with which information has been furnished, and every facility provided for the transaction of its business.

All of which is respectfully submitted.

PARIS C. DUNNING,  
JOHN C. NEW,  
SAM. H. BUSKIRK,  
WILLIAM E. NIBLACK,  
ALFRED KILGORE,

*Military Auditing Committee.*

Mr. Vawter moved to take up Senate bill No. 30, relating to the organizing and confirming the sales of railroads, and to refer the same to a Select Committee of five, which the President made consist of Messrs. Vawter, Oyler, Hanna, Allison and Dunning.

The motion was agreed to by consent.

On motion by Mr. Hanna,

Senate bill No. 47, returned by the Judiciary Committee this morning, together with the report thereon, be recommitted to the said Committee.

Leave being granted, Mr. Williams introduced

Senate bill No. 128, entitled "An act making appropriations for the payment of interest on the State University Bonds, for the years 1863 and 1864.

Which was read the first time, and passed to the second reading.

Mr. Williams moved to suspend the rules and read the bill the second time now.

A Constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Vawter, Ward and Williams—37.

No Senator voting in the negative.

So the rules were suspended, and the bill read the second time.

Mr. Williams moved that the rules be further suspended, and the bill read the third time now.

On motion by Mr. Allison,  
The bill was referred to the Committee on Finance.

Leave being granted, Mr. Cason introduced

Senate bill No. 129, entitled "An act prescribing the number of Senators and Representatives of the General Assembly of the State of Indiana."

Which was read the first time, and passed to the second reading.

Leave being granted, Mr. Cullen offered the following:

*Resolved*, That when the Senate adjourns, it be to meet again on Monday next, at 2 o'clock P. M.

Which was adopted by consent.

Leave being granted, Mr. Richmond introduced

Senate bill No. 130, entitled "An act to authorize Railroad Companies to alter and determine the number of their Directors; to authorize Boards of Directors to fill vacancies occurring in their Boards; to provide for the meeting of the Stockholders, Officers and Directors of Consolidated Companies in and without this State; to authorize Consolidated Railroad Companies to consolidate again; to increase the capital stock of Consolidated Railroad Companies; to authorize them to borrow money, and secure the payment thereof, and to explain and declare the powers of Consolidated Railroad



Companies, formed by the consolidation of two or more Railroad Companies under the laws of this State.”

Which was read the first time, and passed to the second reading.

Mr. Noyes asked and obtained leave of absence for Mr. Milligan until Wednesday morning.

The President of the Senate signed House Resolution No. 12, concerning the Indiana and Grand Rapids Railroad.

Mr. Hord introduced,

Senate bill No. 131, entitled “An act to create and establish the Fourteenth Judicial Circuit, to provide for the appointment and election of a Prosecuting Attorney and Judge therein, and also providing for holding the terms of Courts therein, and the return of all process, recognizances, and notices of publication, heretofore or hereafter issued, and declaring when this act shall take effect.”

Which was read the first time, and passed to the second reading.

Mr. Downey, Chairman of the Committee on Phraseology, &c., submitted the following report :

MR. PRESIDENT:

The Committee on Phraseology, &c.. have examined, and compared with the original bills, the following Engrossed Bills of the Senate, to-wit: Engrossed Senate Bills Nos. 41, 68, 93, 99 and 100, and, also, the following Engrossed Resolutions of the Senate, to-wit: Engrossed Senate Joint Resolutions, Nos. 12 and 15, and the Committee find said bills and Joint Resolutions have been carefully and correctly engrossed.

On motion by Mr. Ward,  
The Senate adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, P. M., }  
 February 6, 1865. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Richmond submitted the following :

MR. PRESIDENT :

The Committee on County Business, to whom was referred Senate bill No. 118, introduced by Senator Williams, have had the same under consideration, and have directed me to report the bill back to the Senate and recommend its passage.

The report was concurred in.

Mr. Van Buskirk introduced

Senate bill No. 132, entitled "an act to amend section one of an act entitled 'an act to provide a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of Township libraries, and to repeal all laws inconsistent therewith,' approved March 11th, 1861."

Was read the first time, and passed to a second reading.

Mr. Williams introduced

Senate bill No. 133, entitled "a bill fixing the time of holding the Courts in the Third Judicial Circuit."

Which was read the first time, and passed to a second reading.

Mr. Terry introduced

Senate bill No. 134, entitled "an act to amend an act entitled 'an act to provide for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,'" approved March 5th, 1859.

Which was read the first time, and passed to a second reading.

Mr. Dunning, for the Lieutenant Governor, introduced .

Senate bill No. 135, entitled "an act to amend the 71st section of an act entitled "an act granting to the citizens of the town of Evansville, in the county of Vanderburg, a city charter,' approved January 27th, 1847, and to add supplemental sections to said act."

Which was read the first time, and passed to a second reading.

Mr. Downey, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology. Arrangement of Bills, and Enrolled Bills, have examined enrolled acts of the Senate, Nos. 6 and 42, both of them changing the times of holding the Common Pleas Courts in certain counties therein named, and find the said bills correctly enrolled.

A message from the Governor, by B. R. Sulgrove, his private secretary :

*To the General Assembly of the State of Indiana :*

I have received from the Secretary of State of the United States a copy of a Joint Resolution of Congress, passed by a vote of two-thirds of each House, entitled "a Resolution, submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States, which is in the following words :

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both Houses concurring,) That the following Article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of said Legislatures, shall be valid to all intents and purposes, as a part of said Constitution, namely :*

ARTICLE XIII. Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation, approved February 1, 1865.

Indiana, as a part of the North-western Territory, was preserved from the curse of slavery by the ordinance of 1787. That ordinance laid the foundation of the State in freedom, from which it has surely and rapidly grown. The population, wealth and prosperity of the State, as well as of the other States of the North-west, fully attest the beneficence of free institutions, and our hearts should swell with gratitude for the wisdom and patriotism of our fathers in bequeathing to us the legacy of liberty.

In the process of time, and by the dispensation of Providence, it has become the privilege of the people of Indiana, acting through the forms of the Constitution, and in harmony with a large majority of the people of the United States, to extend the rich blessings they have enjoyed to States and Territories that have been less fortunate.

The slavery question is presented in a form hitherto unknown in our politics. It is not a question as to the right of Congress to exclude slavery from the Territories nor of the people of the Territories, to legislate upon the subject themselves, nor does it involve the discussion of any doubtful powers, but is the simple proposition to amend the Constitution of the United States, in the manner prescribed by itself. So as to strike down the monster wrong which has embroiled the nation for more than half a century and culminated in a rebellion, without parallel in history for its wickedness, and waste of blood and treasure. The existence of slavery has ever cast a dark shadow over the whole land. When we have boasted to the old world of a government established upon the doctrine of inherent equal rights, the despotisms and aristocracies contemptuously replied, that under it human flesh was bought and sold as merchandise, and to this we have had nothing to answer. It not only has dishonored us abroad, but it has poisoned our domestic peace, setting neighbor against neighbor and State against State, until by its last great act of wickedness, it has committed a crime for which there is no forgiveness and for which it must die.

In the great opportunity now presented, we discern the hand of Providence, which accomplishes its purposes through the wickedness and folly of mankind. Slavery always criminal and insolvent from its smallest beginning, bloated with impunity and success, will perish during the war it created to enlarge its power and perpetuate its existence.

Let us hasten to acquiesce in this great result by ratifying the action of Congress, and thus become a party to the righteous deed, in accordance with the unquestionable wishes of the people.

O. P. MORTON,  
*Governor of Indiana.*

Message from the House of Representatives by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House of Representatives has adopted the following concurrent resolution of the Senate, to-wit :

WHEREAS the laws now in force in the State of Indiana, on the subject of Insurance Companies, need such general revision as will protect the people of the State against fraud, and irresponsible organization ; therefore,

*Be it Resolved, by the House of Representatives, (the Senate concurring therein,) that a Committee of three on behalf of the Senate, to act in conjunction with a like Committee of three on behalf of the House, to whom all bills now introduced, or that may hereafter be*

introduced upon that subject, shall be referred, and that said Committee is hereby instructed to examine the laws now in force relative to Insurance Companies, and report by bill or otherwise.

I am also instructed by the House to inform the Senate, that the House has passed the following concurrent resolution of the Senate to-wit :

*Resolved by the Senate* (the House of Representatives concurring), that the Adjutant General of the State of Indiana, be instructed to use his utmost influence to induce the proper authorities to establish a general mustering office in the City of Indianapolis, where recruits can be mustered and credited to any district, county, township or city, in the State of Indiana, or such other regulations as may produce the effect of giving Districts other than the 6th District, an equal right to procure volunteers from among persons who may visit the city, where the military headquarters of the State are situated.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled Senate bill No. 6, entitled an act to amend an act entitled "an act to amend section seven of an act entitled 'an act to fix the times for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,' approved March 5, 1859, so as to change the times of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect, approved March 9th, 1861, so as to change the times of holding said courts in Jennings and Bartholomew counties, extending the time for holding said courts therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

The President of the Senate thereupon affixed his signature to the act above named.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled Senate bill No. 42, entitled an act to amend section 9 of an act entitled "an act to fix the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

The President of the Senate affixed his signature to the bill above described.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following engrossed House bills, to-wit:

House bill No. 84. A bill to legalize the action of the Board of County Commissioners of Vermillion county, and of the District and State Board of Equalization, in adopting the appraisalment of real estate of 1859 as the basis for the assessment of taxes for the year 1864, and each year thereafter till a new appraisalment shall be made.

House bill No. 63. A bill relating to corporations for mechanical, manufacturing, mining and quarrying purposes.

House bill No. 45. A bill to legalize the acts of certain civil officers in the State who have entered the military service, and have accepted commissions in the armies of the United States, and whose duties have been discharged by deputies during their absence in said service, in which the concurrence of the Senate is respectfully requested.

Mr. Cason introduced

Senate bill No. 136. Entitled "an act to amend sections eight and eleven of an act to provide for the more uniform mode of doing Township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18th, 1859, and declaring an emergency.

Which was read the first time, and passed to a second reading.

Mr. Brown of Wells introduced

Senate Bill No. 137. Entitled an act prescribing the quality of illuminating gas; providing for the inspection thereof; declaring a forfeiture of bills therefor in certain cases, and declaring an emergency."

Was read the first time, and passed to the second reading.

Mr. Downey, Chairman of the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The Committee on enrolled bills, at the hour of 3 o'clock P. M. this day, presented to the Governor, for his signature, Enrolled Acts of the Senate, No. 6 and 42, relative to the time of holding the Common Pleas Courts in certain parts of this State.

Mr. Cason introduced

Senate bill No. 138. Entitled "an act amending section thirty of an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2d, 1865.

Which was read the first time, and passed to a second reading.

On motion by Mr. Williams,

Senate bill No. 118. Entitled "an act to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.

Which was read the second time, and ordered to be engrossed for a third reading to morrow.

The President asked and obtained leave to add Mr. Brown of Wells to the Committee on Railroads.

Messages from the Governor by B. R. Sulgrove his Private Secretary.

*To the President of the Senate :*

Sir :—I am directed by the Governor to inform the Senate, that he has this day approved Enrolled bill No. 6, of the Senate, amendatory of certain acts therein named, relating to the times of holding Common Pleas Courts in the counties of Jackson and Bartholomew, and changing the times of holding said Courts in Jennings and Bartholomew counties, and extending the time for holding said Courts therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when said act should take effect ; and that same has been deposited in the office of Secretary of State.

*To the President of the Senate :*

Sir :—I am directed by the Governor to inform the Senate that he has this day approved enrolled bill, No. 42, entitled "an act to amend section nine of an act entitled 'an act to fix the times of holding the Common Pleas Courts in the several Counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court, returnable to such terms ; and declaring when this act shall take effect, and repealing all laws inconsistent therewith,'" approved March 5th, 1859, and that the same has been deposited in the office of the Secretary of State.

Mr. Dunning moved to take from the table the motion to add to the Committee on the State Prison.

The motion was agreed to

Mr. Dunning moved to add Messrs. Cullen, Richmond, Culver and Cobb.

The yeas and nays being demanded by Messrs. Bennett and Noyes,

Those who voted in the affirmative were,

Messrs. Allison, Bowman, Brown of Hamilton, Brown of Wells, Cason, Culver, Davis, Dunning, Dykes, Finch, Gifford, Hyatt, Oyler, Peden, Richmond—15.

Those who voted in the negative were,

Messrs. Barker, Bennett, Downey, Gaff, Hanna, Jenkins, Marshall, Moore, Noyes, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams and Mr. President—16.

No quorum voting,

Mr. Hanna made an ineffectual motion to adjourn.

Mr. Oyler demanded a call of the Senate, whereupon the roll was called, and the following Senators answered to their names :

Messrs. Allison, Barker, Bennett, Bowman, Brown of Wells, Brown of Hamilton, Cason, Culver, Davis, Downey, Dunning, Dykes, Finch, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Moore, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk and Williams.

On motion of Mr. Brown of Wells,

Further proceedings under the call were dispensed with.

Mr. Brown of Wells, moved that the Senate adjourn.

The motion was rejected on a division—affirmative 14, negative 15.

Mr. Van Buskirk moved that the Senate adjourn, and thereupon,

The President declared the Senate adjourned.



TUESDAY AFTERNOON, 2 O'CLOCK, }  
 February 7, 1865. }

The Senate met.

The Journal of the preceding day was read and approved.

The President laid before the Senate a communication from the Superintendent of Public Instruction, transmitting his Biennial Report.

Mr. Ward introduced

Senate bill No. 139, entitled, "an act to amend the fifth section of an act entitled an act to amend an act entitled an act to repeal all laws now in force for the incorporation of cities, to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9th, 1857, which act was approved March 11, 1861, to provide for liens in certain cases, and how the same may be enforced, and declaring an emergency.

Which was read the first time and passed to a second reading.

Mr. Bonham introduced

Senate bill No. 140, entitled, "an act to amend section 8 of an act entitled an act dividing the State into Counties; defining the boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash Rivers," approved June 7, 1852.

Which was read the first time, and passed to the second reading.

Mr. Culver introduced

Senate bill No. 141, entitled, "a bill to amend the 2d, 5th and 6th sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved Feb. 12th, 1855."

Was read the first time and passed to a second reading.

Mr. Woods introduced,

Senate bill No. 142, entitled, "an act defining the crime of drunkenness, and prescribing the penalty therefor."

Which was read the first time, and passed to a second reading.

Mr. Bradley introduced,

Senate bill No. 143, entitled "an act to amend the 2d, 6th and 7th sections of an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved Feb. 12th, 1855.

Which was read the first time, and passed to the second reading.

Mr. Downey introduced

Senate bill No. 144, entitled "an act to provide for the sale of certain lands therein named, to provide for the erection and management of a House of Correction, and for the conviction and punishment of Juvenile Offenders."

Which was read the first time and passed to a second reading.

Mr. Downey introduced

Senate bill No. 145, entitled "an act providing compensation for Judges holding Courts of Common Pleas in certain cases."

Which was read the first time, and passed to a second reading.

Mr. Hord introduced

Senate bill No. 146, entitled "an act to amend section 90 of an act entitled 'an act to revise, simplify and abridge the Rules, Practice, Pleadings and Forms in Criminal Actions in the Courts of this State, approved June 17, 1832.'"

Was read the first time, and passed to a second reading.

Mr. Bonham introduced

Senate bill No. 147, entitled an act to amend sections 32 and 135 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith.

Which was read the first time, and passed to the second reading.

Mr. Downey introduced

Senate bill No. 148, entitled "an act to amend the 76th and 88th sections of the act entitled an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement."

Was read the first time, and passed to the second reading.

Leave being granted, Mr. Niles submitted the following :

*Resolved*, That the Committee on the Organization of Courts be instructed to inquire into the expediency and necessity of enacting a law prescribing the time within which persons elected to the office of Judge of the Circuit or Common Pleas Courts shall qualify, and that in default of their qualifying within the prescribed times that there shall be a vacancy in the office, and that said committee report by bill or otherwise.

The resolution was adopted by consent.

Leave being granted, Mr. Niles offered the following, which was adopted :

*Resolved*, That the Committee on Corporations be instructed to inquire into the necessity and expediency of extending the provisions of an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for changing of the names of such towns," approved March 20th, 1852, to cities, and especially to inquire as to the propriety of extending the principles of the 8th section of said act to the streets and alleys of cities in all cases where such streets or alleys are vacated under any law of this State; and that said committee report by bill or otherwise.

Leave being granted, Mr. Dykes introduced the following resolution :

*Resolved*, That the Committee on Education be requested to inquire what legislation is necessary to promote the efficiency of school examiners, to provide for their more adequate compensation, and to attach a penalty for neglect of duty, and that they report by bill or otherwise.

Which was adopted by consent.

Leave being granted, Mr. Bennett introduced

Senate Joint Resolution No. 17, entitled "a Joint Resolution in regard to the prosecution of the war."

Which was read the first time, and passed to the second reading.

Leave being granted, Mr. Bonham offered the following :

WHEREAS, A resolution was adopted at the commencement of the present session instructing the Doorkeeper to contract for and place upon the desks of Senators three copies of the Indianapolis S. J.—18.

Daily Journal and three copies of the Indiana Daily State Sentinel, two of each to be wrapped and stamped for mailing: *provided* said papers publish the proceedings of the Legislature; AND WHEREAS, the Indiana Daily State Sentinel does not contain the proceedings of the Legislature in an intelligible form, and that the proprietors thereof have failed to comply with the only condition upon which said papers were taken by members of the Senate; therefore,

*Resolved*, That the Doorkeeper of this Senate be, and is hereby directed to inform the proprietors of the said Daily Sentinel that from this time forward, unless the proceedings of the Legislature are published more fully in said paper, that this Senate will be induced to rescind said contract, and order the discontinuance of the placing said papers on the desks of Senators.

Mr. Douglas moved to amend by adding the Journal and Gazette, and giving them two days time to reform.

Messrs. Cobb and Douglas demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Carson, Cobb, Douglas, Downey, Finch, Marshall, Mason, Moore, St: ggs, Ward and Williams—13.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Cul-  
len, Culver, Davis, Dunning, Dykes, Gaff, Hanna, Hord, Hyatt, Jen-  
kins, McClurg, Niles, Noyes, Oyler, Richmond, Terry, Van Buskirk,  
Woods and Wright—24.

So the Senate refused to agree to the amendment.

Mr. Bradley offered the following:

Amend the resolution so as to call the attention of the editors of the State Sentinel to the meagre report of the proceedings of this body, and a request that they report the proceedings more at length hereafter.

Messrs. Hanna and Hord demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Bradley, Downey, Dunning, Dykes, Hyatt, Jenkins, Noyes, Oyler, Richmond, Terry, Ward, Williams and Woods—15.

Those who voted in the negative were,

Messrs. Birker, Bennett, Bowman, Carson, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Finch, Gaff, Hanna, Hord, Marshall, Mason, McClurg, Moore, Niles, Staggs, Van Buskirk and Wright—22.

So the amendment was rejected.

Mr. Bradley moved to lay the resolution on the table.

The ayes and nays being demanded by Messrs. Cullen and Oyler,

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bowman, Bradley, Carson, Cason, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Niles, Oyler, Staggs, Van Buskirk, Ward and Wright—28.

Those who voted in the negative were,

Messrs. Beeson, Bonham, Chapman, Dunning, Fuller, Hyatt, Noyes, Richmond, Terry, Williams and Woods—11.

So the resolution was laid on the table.

Leave being granted, Mr. Cullen offered the following, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of limiting the number of Justices of the Peace to one in each township, and extend their jurisdiction in civil actions throughout the county, and report by bill or otherwise.

Mr. Oyler presented a petition of citizens of Johnson county, praying for a change in the law regulating the granting of licenses to sell spirituous liquors, so as to require the applicant to procure the signatures of the majority of the voters of any incorporated city or town, or township, &c.

Which was read, and referred to the Committee on Temperance.

The President announced the following Committee on the part of the Senate, under the concurrent resolution relating to Insurance Companies, viz: Messrs. Beeson, Niles and Cobb.

On motion by Mr. Bennett,

The order of business was suspended, and the Governor's Message, transmitted yesterday afternoon, in relation to the Constitutional amendment abolishing slavery in the United States, was taken up.

Mr. Bennett introduced

Senate Joint Resolution No. 16, entitled "a Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States."

Which was read the first time, and passed to a second reading.

Mr. Douglas presented a petition from citizens of Whitley county, asking for the passage of a law to regulate the practice of medicine and surgery, and compelling those desirous of practising medicine or surgery to submit to an examination by a County Board of Medical Censors, and to receive a license to carry on the practice, &c.

Which was read, and referred to the Committee on the Judiciary.

Mr. Cobb submitted the following:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 101, "an act to amend the second section of an act entitled 'an act to amend the fifth and sixth sections of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter,' approved February 28th, 1855, and also to amend the seventh section of an act entitled 'an act to provide for the election of a Reporter, and the speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter,' approved February 5th, 1852," have had the same under consideration, and have directed me to report the same back with the following amendment, to-wit: That the following be added to the 2d section: "And the last preceding Reporter shall be allowed the balance to make the price of the 21st and 22d volumes of Indiana Reports the same as in this section allowed," and when so amended recommend its passage.

The report was concurred in by consent.

Mr. Downey submitted the following:

MR. PRESIDENT:

The Judiciary Committee to whom was referred Resolution of the Senate No. 27, instructing the Committee to inquire into the expediency of passing a law exempting the property of all soldiers from execution while absent from home, in the service of the United States, have had the same under consideration, and are of opinion that such a law would be of doubtful constitutionality, on account of its partaking of the character of special legislation. The Committee also think that such a law could not be made to apply to contracts which

have already been made. The Committee are glad to be able to state that they know of no necessity for the passage of such a law. They have not known of any case where the property of any soldier absent from home, and engaged in the service of his country, has been sold on execution.

The public sentiment on this subject is such that there is not likely to be any sacrifice of the property of persons so honorably and laudably engaged. They therefore recommend that the said resolution be laid on the table.

The report was concurred in.

Mr. Chapman submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 128, have had the same under consideration, and direct me to report it back to the Senate and recommend its passage.

The report was concurred in.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Joint Resolution of the Senate, without amendments.

Senate Joint Resolution No. 5. "A Joint Resolution instructing our Representatives in Congress, to secure the passage of a law placing certain persons therein named upon the pension rolls."

And that the House of Representatives has passed the following Engrossed Bill of the Senate, without amendment.

Senate bill No. 39. "A bill to amend an act entitled an act to amend section 19 of an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms," &c., approved February 15, 1861.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 91, introduced by Senator Bonham, entitled "An act to revise,

simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State," beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, without amendment.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Committee on Military Affairs, to whom was referred Senate Joint Resolution No. 14, concerning the exchange of prisoners, beg leave to report that they have had the same under consideration, and have instructed me to report that, while they are deeply sensible of the terrible sufferings that our brave officers and soldiers have endured while confined in the prisons of the enemy, and while your Committee regret the delay that has occurred in effecting the exchange of these gallant men, yet they are unable to discover sufficient facts upon which to base the censure that seems to be implied in the Joint Resolution against the authorities of the Government. Without expressing any opinion as to the cause of the delay in the exchange of such prisoners, your Committee are fully satisfied that the Government is using every effort in its power to effect an exchange, and speedily release the brave men who are confined in the prisons of the enemy, and suffering the barbarous and inhuman cruelties inflicted upon them by the devilish ingenuity of malicious traitors, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate, and recommend its passage without amendment.

Your Committee are led to these conclusions, in part, by the following official documents on that subject, viz :

In a communication to the House of Representatives, the Secretary of War writes as follows :

WAR DEPARTMENT, }  
Washington, Jan. 21, 1865. }

SIR :—In answer to the resolution of the House of Representatives of the 21st of December, calling for the correspondence in reference to the exchange of prisoners, I have the honor to submit herewith the report of the Adjutant-General, together with such communications upon the subject as have not heretofore been published.

The correspondence of General Butler details the action in regard to the exchange of prisoners under the authority conferred upon him by order of the War Department.

On the 15th of October, the subject of exchanges was placed under the direction of Lieutenant-General Grant, with full authority to take any steps he might deem proper to effect the release and exchange



of our soldiers and of loyal persons held as prisoners by the rebel authorities.

He was instructed that it was the desire of the President that no efforts, consistent with national honor, should be spared to effect the prompt release of all soldiers and loyal persons in captivity to the rebels as prisoners of war, or on any other grounds, and the subject was committed to him, with full authority to act in the premises as he should deem right and proper. Under this authority the subject of exchange has from that time continued in his charge, and such efforts has been made as he deemed proper to obtain the release of our prisoners. An arrangement was made for the supply of our officers, paroled for that purpose, and the corresponding privilege was extended to the rebel authorities. In order to afford every facility for relief, special exchanges have been offered whenever desired on behalf of our prisoners. Such exchanges have, in a few instances, been permitted by the rebel authorities, but in many others they have been denied. A large number of exchanges, including all the sick, has been effected within a recent period.

The Commissary General of prisoners has been directed to make a detailed report of all the exchanges that have been accomplished since the general exchange ceased. He will furnish it to the House of Representatives as soon as completed. The last communication of General Grant gives reason to believe that a full and complete exchange of all prisoners will speedily be made. It also appears from his statement that weekly supplies are furnished to our prisoners and distributed by officers of our own selection. His letter is subjoined, as follows :

“HEADQUARTERS ARMIES OF THE UNITED STATES, }  
Washington, D. C., January 21, 1865. }

“*Hon. E. M. Stanton, Secretary of War :*

“SIR:—I have authorized Col. Mulford, agent of exchange, to renew negotiations for the exchange of all prisoners now held by either party. The first interview between our agent and the rebel agent, Colonel Ould, has already been had. No doubt but that an arrangement will be entered into. Indeed, on the strength of that interview, an exchange—a limited one—is now going on near Richmond.

“Yours truly,

“U. S. GRANT, Lieut. General.

“P. S.—We are sending supplies to our prisoners, at least weekly. They are received by officers of our own selection, released Federal prisoners, who distribute them as directed.

“U. S. G.”

Supplies furnished by friends of prisoners are also forwarded in the same manner. The nature of the supplies authorized to be furnished by individuals is specified in the annexed order of the Department.

Very respectfully, your obedient servant,  
EDWIN M. STANTON, Sect'ry of War.

To Hon. SCHUYLER COLFAX,  
*Speaker of the House of Representatives.*

The foregoing communication has reference to all prisoners in the hands of the rebel authorities. On the 12th of January last, His Excellency, Governor Morton, requested Col. John Coburn, of this city, a most excellent man, and gallant soldier, to visit Washington for the purpose of using all exertions possible in behalf of the Indiana officers and soldiers confined in rebel prisons. The Colonel complied with that request, and on his return to this city made the following report to the Governor :

INDIANAPOLIS, IND., January 27th, 1865.

*Hon. O. P. Morton, Governor of Indiana :*

SIR:—In compliance with your request of the 12th inst., to visit Washington City and such other points as might be necessary, and make all possible exertions in behalf of the Indiana officers and soldiers in southern prisons, giving especial attention to the cases of officers and soldiers of the 51st and 73d Indiana regiments, I proceeded to Washington and called upon the President, and Generals Hitchcock and Wessells, stating the matter in hand.

I was informed that our Government would insist at once upon an exchange of prisoners in the order of capture, and that those now held in close confinement or irons, should be released from that condition, and forwarded to Fortress Monroe for exchange. I was further informed that Morgan's men were not held by our Government in more rigorous confinement than other prisoners of war, and that if the men of the 51st and 73d Indiana were treated with greater severity by the rebels than other prisoners, on account of our treatment of Morgan's men or otherwise, that, at least, hereafter all cause would be removed. General Order No. 6, January 18, 1865, is to this effect.

I was informed that the rebel authorities were ready and anxious to make exchanges, and that no doubt, at an early day, the entire number of officers and men of the 51st and 73d Indiana, now in confinement, would be exchanged, since they are the oldest prisoners in the hands of the enemy.

\* \* \* \* \*

I am, sir, most respectfully,  
Your most obedient servant,

JOHN COBURN.

Wherefore, your Committee recommend that the Joint Resolution be amended, by striking out the preamble thereof, and when so amended, that the same be adopted.

The report was concurred in by consent.

House bill No. 14, entitled "a bill for the relief of the families of soldiers, seamen and marines in the State and United States service, and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named,"

Was read the first time, and passed to a second reading.

Mr. Beeson moved that the rules be suspended and the bill be read a second time now by title only for reference.

The constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeson, Bennett, Bonham, Bowman, Bradley, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jinkins, Marshall, Mason, McClurg, Moore, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Van Buskirk, Ward, Williams, Woods and Wright—38.

No Senator voting in the negative.

So the rules were suspended and the bill read by title, and referred to the Committee on Finance.

Leave being granted, Mr. Cason offered the following resolution. Which was adopted by consent.

*Resolved*, That when the Senate adjourn, that it do so until tomorrow at 9 o'clock A. M.

House bill No. 45, entitled, "a bill to legalize the acts of certain civil officers in the State who have entered the military service, and have accepted commissions, in the armies of the United States, and whose duties have been discharged by deputies during their absence in said service."

Was read the first time, and passed to a second reading.

House bill No. 63, entitled "an act relating to Corporations for Mechanical, Manufacturing and Quarrying purposes."

Was read the first time, and passed to a second reading.

On Motion by Mr. Richmond

Senate bill No. 130, entitled "an act to provide for number and

meeting of Directors, for consolidated companies to consolidate and increase Stock and borrow money, &c.

Was read the second time, by title only, and referred to the Committee on the Judiciary.

On motion by Mr. Bennett,

Senate bill No. 113, entitled "an act for the organization and regulation of the Militia of the State of Indiana," dividing the same into active militia and militia of reserve; prescribing penalties for violations of said regulations, providing for the election and appointment of officers, defining the duties of military and civil officers in relation thereto, and providing for Courts Martial, and military encampments, and instructions in military tactics; making regulations for supporting said militia; repealing all laws heretofore enacted on that subject, saving certain acts therein named, and declaring an emergency for the immediate taking effect thereof.

Was read by title only, and referred to the Committee on the Judiciary.

On motion by Mr. Carson.

The Senate adjourned.

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WEDNESDAY, FEBRUARY 9TH, 1865. }  
9 O'CLOCK, A. M. }

The Senate met.

The Journal of yesterday was partially read, when, on motion of Mr. Bonham, the further reading was dispensed with.

Mr. Van Buskirk presented a petition from citizens of Bartholomew and Decatur Counties, praying for the enactment of a law authorizing the making of free turnpikes in this State.

Which was read, and referred to the Committee on Roads.

A message from the Governor, by B. R. Sulgrove, his private Secretary.

*To the Senate of the General Assembly of the State of Indiana:*

I have the honor to lay before you for your consideration, the following communication, with an accompanying letter from the Secre-

tary of State of the United States, enclosing a letter from the Honorable Justin S. Morrill :

DEPARTMENT OF STATE, }  
WASHINGTON, Feb. 2d, 1865. }

*To His Excellency the Governor of the State of Indiana, Indianapolis, Indiana :*

SIR;—I have the honor to transmit to your Excellency a copy of a letter of the 25th ultimo, addressed to the President by the Honorable Justin S. Morrill, of the House of Representatives, inviting his attention to the second section of the Act of Congress of the 2d July, 1864, on the subject of Statues for the Old Hall of the House of Representatives.

The President has directed this Department to request, through your Excellency, that the State of Indiana may take the matter into consideration.

I have the honor to be,

Your Excellency's most obedient servant,

F. W. SEWARD,

*Acting Secretary.*

HOUSE OF REPRESENTATIVES, }  
COMMITTEE OF WAYS AND MEANS, }  
Washington, D. C., Jan. 25, 1865. }

DEAR SIR :—Permit me respectfully to call your attention to section 2 of the act of Congress of July 2, 1864, (page 347, pamphlet edition), which set apart the old Hall of the House of Representatives for a Hall of Statuary, by which you were "authorized to invite each and all the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown, or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a National Statuary Hall, for the purposes herein indicated." That you approve of the high purposes of this law, I have no doubt, and, in view of the fact that several of the State Legislatures are now in session, but soon may adjourn, may I ask you to take such action at once as you shall deem appropriate, in order to notify, and give the invitation provided for, to the Governors of the several States, so that they can take early steps to carry the purpose of Congress into full effect.

With high respect,

Your most obedient servant,

JUSTIN S. MORRILL.

THE PRESIDENT.

Mr. Terry submitted the following :

MR. PRESIDENT :

The Committee on Swamp Lands, to whom was referred Senate bill No. 104, entitled "An act to amend section two of an act entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the drawing and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

Mr. Cullen introduced

Senate bill No. 149, entitled "An act ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States."

Which was read the first time, and passed to the second reading.

House bill No. 84, entitled "An act to legalize the action of the Board of County Commissioners of Vermillion County, and of the District and State Boards of Equalization, in adopting the appraisement of real estate of 1859 as the basis for the assessment of taxes for the year 1864, and each year thereafter, till a new appraisement shall be made,"

Was read the first time, and passed to the second reading.

Senate bill No. 119, entitled "An act accepting the provisions of an act of the Congress of the United States of America, entitled 'an act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' and providing for the receipt, investment and management of said donations,"

Was read the second time, by title only, and referred to the Special Committee on Agricultural College.

Senate bill No. 120, entitled "An act empowering District Prosecuting Attorneys to administer oaths in the discharge of their duties,"

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 121, entitled "An act to amend section 14 of an act entitled 'an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith,'" approved February 18, 1859,

Was read the second time, by title only, and referred to the Committee on County and Township Business.

Senate bill No. 122. Entitled "an act in regard to weights and measures, the custody thereof, and fees for using the same."

Was read the second time, and ordered to be engrossed for a third reading to morrow.

Senate bill No 123. Entitled "an act to amend the twenty-second, seventieth, and ninety-first sections of an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers, Auditors, and Treasurer and Auditor of the State," approved June 21st, 1852, and declaring an emergency for the immediate taking effect of this act.

Was read a second time, by title only.

Senate bill No. 124. Entitled "an act to enforce the 13th article of the Constitution of the State of Indiana."

Was read the second time, by title only, and referred to Committee on Rights and Privileges.

Senate bill No. 125. Entitled "an act providing for the Registration of electors of this State, prescribing the powers, pay and duties in connection therewith, of Township Trustees, Justices of the Peace, County Commissioners, and officers of elections, affixing a penalty for the violation of any of the provisions of this act, and declaring an emergency."

Was read the 2nd time, by title only, and referred to the Committee on Elections.

Senate bill No. 126. Entitled "a bill to amend section 1 of an act entitled 'an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries,'" approved March 5th, 1859.

Was read the second time, by title only, and referred to the Special Committee on Senate bill No. 67.

Senate bill No. 127. Entitled "an act to amend sections 37 and 46 of an act entitled 'an act dividing the State into Counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash Rivers ; approved June 7th 1852, and defining the boundaries of the Counties of Jackson and Lawrence.

Was read the second time, and ordered to be engrossed for the third reading to morrow.

Leave being granted, Mr. Dunning submitted the following :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill, No. 67,

entitled "an act to regulate the fees of officers, and repealing former acts in relation thereto, have had the same under consideration. The Committee are aware of the importance of the subject referred to them, and especially of the difficulty of adjusting the provisions of the bill to suit the views of the officers interested therein. The Committee have not been able to agree unanimously upon all the provisions of the bill. The Committee have instructed me to report the same back to the Senate, with a recommendation to strike out all of the original bill after the enacting clause, and inserting the following amendment; and the Committee further recommend that the proposed amendment and bill be laid on the table, and printed.

The report was concurred in.

On motion of Mr. Dunning, 100 copies of the bill were ordered to be printed, and it was made the order of the day for Tuesday next.

Senate bill No. 129. Entitled "an act prescribing the number of Senators and Representatives of the General Assembly of the State of Indiana."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 131. Entitled "an act to create and establish the fourteenth Judicial Circuit, to provide for the appointment and election of a prosecuting Attorney and Judge therein, and also providing for holding the terms of Courts therein, and the return of all process, recognizances and notices of publication heretofore or hereafter issued, and declaring when this act shall take effect."

Was read the second time, by title only, and referred to the Committee on the organization of Courts.

Senate bill No. 132, entitled "An act to amend section one of an act entitled 'an act to provide a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith,' " approved March 11, 1861,

Was read the second time, by title only, and referred to the Committee on Education.

Senate bill No. 133, entitled "An act fixing the time of holding the Courts in the Third Judicial Circuit,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 134, entitled "An act to amend an act entitled 'an act to provide for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,' " approved March 5, 1859,



Was read the second time, by title only, and referred to the Committee on Roads.

Senate bill No. 135, entitled "An act to amend the seventy-first section of an act entitled 'an act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter,' approved January 27, 1847, and to add supplemental sections to said act,"

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 136, entitled "An act to amend sections eight and eleven of an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency,

Was read the second time, by title only, and referred to the Committee on County and Township Business.

Senate bill No. 138, entitled "An act amending section 30 of an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855,

Was read the second time, by title only, and referred to the Special Committee on Fees and Salaries.

Senate bill No. 139, entitled "An act to amend the fifth section of an act entitled 'an act to amend an act entitled 'an act to repeal all laws now in force for the incorporation of cities, to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 9, 1857, which act was approved March 11, 1861, to provide for liens in certain cases, and how the same may be enforced, and declaring an emergency,"

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 140, entitled "An act to amend section 8 of an act entitled 'an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers,'" approved June 7, 1852,

Was read the second time, by title only, and referred to the Committee on County and Township business.

Senate bill No. 141, entitled "An act to amend the second, fifth, and sixth sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855,

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 142, entitled "An act defining the crime of drunkenness, and prescribing the penalty therefor,"

Was read the second time, and referred to the Committee on the Judiciary.

Senate bill No. 144, entitled "an act to provide for the sale of certain lands therein named, to provide for the erection and management of a House of Correction, and for the conviction and punishment of juvenile offenders."

Was read the second time by title only, and referred to the Committee on Benevolent Institutions.

Senate bill No. 143, entitled, "an act to amend the 2d, 6th and 7th sections of an act entitled 'an act concerning the organization of Voluntary Associations, and repealing former laws in reference thereto,' approved February 12, 1855."

Was read the second time by title only, and referred to the Committee on Corporations.

Senate bill No. 146, entitled, "an act to amend section 90 of an act entitled 'an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State, approved June 17, 1852.'"

Was read the second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 147, entitled, "an act to amend sections 32 and 135 of an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith,' approved March 11, 1861.

Was read a second time by title only, and referred to the Committee on Education.

Senate bill No. 148, entitled, "an act to amend the 7th and 88th sections of the act entitled 'an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement.'"

Was read the second time by title only, and referred to the Committee on the Judiciary.

Senate Joint Resolution No. 16, entitled "a Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States.

Was read the second time, by title only.

Mr. Bennet moved to make the Joint Resolution the special order for Friday morning, at 9 o'clock.

Mr. Hanna moved to amend by making it the special order for Wednesday week, at 2½ o'clock, P. M.

Mr. Van Buskirk moved to make it the special order for this afternoon.

Mr. Bennett moved to lay the amendment, and the amendment to the amendment, on the table.

Messrs. Hord and Hanna demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Davis, Downey, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Terry, Ward, Woods, Wright and Mr. President—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Staggs, Van Buskirk and Williams—19.

So the amendment, and the amendment to the amendment, were laid upon the table.

Mr. Cobb moved to amend by making it the special order for Wednesday next, at 2 o'clock.

Mr. Chapman moved to lay this motion on the table.<sup>a</sup>

The yeas and nays being demanded by Messrs. Hord and Hanna,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Davis, Downey, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Terry, Van Buskirk, Ward, Woods and Wright—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Staggs and Williams.

So the amendment was laid on the table.

S. J.—19

Mr. Williams demanded the previous question.

The demand was seconded by thirty-three Senators.

The question being, shall the main question be now put?

The ayes and nays being demanded by Messrs. Williams and Bonham,

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Bowman; Bradley, Carson, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, McClurg, Moore, Niles, Noyes, Oyler, Staggs, Terry, Van Buskirk, Ward, Williams, Woods and Wright—36.

No Senator voting in the negative,

So the main question was ordered to be put.

The President decided the main question to be, shall the Joint Resolution be engrossed for a third reading?

Mr. Bennett appealed from the decision of the Chair, which was submitted in writing, as follows:

“The President of the Senate having decided that whenever the previous question is seconded, and the main question ordered, pending a motion to postpone, the motion to postpone is cut off; from which decision the Senator from Union appeals.”

On motion by Mr. Dunning,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The question being on the appeal taken from the decision of the Chair by the Senator from Union.

Messrs. Moore and Oyler demanded the ayes and nays.

The question being, shall the decision of the Chair stand as the judgment of the House?

Those who voted in the affirmative were,

Messrs. Barker, Bonham, Bowman, Carson, Cobb, Culver, Davis, Douglas, Downey, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, McClurg, Moore, Newlin, Oyler, Staggs, Van Buskirk, Ward, Williams and Woods—26.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bradley, Cason, Chapman, Cullen, Dunning, Dykes, Mason, Niles, Noyes, Richmond and Wright—14.

So the decision of the Chair was sustained.

The question being, shall the Joint Resolution be engrossed for a third reading?

The ayes and nays being demanded by Messrs. Williams and Cobb,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Van Buskirk, Ward, Woods and Wright—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—19.

So the Joint Resolution was ordered to be engrossed.

Mr. Bennett moved that the Joint Resolution be read a third time, and made the special order for Friday next, at nine o'clock.

Mr. Hanna moved to amend by making it the special order for Tuesday next, at 2½ o'clock.

Mr. Beeson moved to lay the motion on the table.

The ayes and nays were demanded by Messrs. Cobb and Hanna.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Cul-

ver, Davis, Downey, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Van Buskirk, Ward, Woods and Wright—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—19.

So the amendment lies upon the table.

Mr. Cobb moved to lay the motion on the table.

The yeas and nays being demanded by Messrs. Cobb and Van Buskirk,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Downey, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Van Buskirk, Ward and Woods—18.

So the motion was laid on the table.

Mr. Beeson moved to make the Joint Resolution the special order for 9½ o'clock to morrow.

Mr. Cobb moved to amend so as to make it the special order for Wednesday next, at 2½ o'clock.

Mr. Beeson moved to lay the amendment on the table.

The yeas and nays being demanded by Messrs. Cobb and Williams,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Finch, Hyatt, Niles, Noyes, Oyler, Richmond, Van Buskirk, Ward, Woods and Wright—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Fuller,

Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—18.

So the amendment lays upon the table.

Mr. Douglas moved to amend by fixing the time on Thursday next, at 2 o'clock.

Mr. Cason moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Mason and Douglas,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Van Buskirk, Ward, Woods and Wright—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Douglas, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—19.

So the amendment was laid on the table.

Mr. Richmond demanded the previous question.

The demand was not seconded.

Mr. Hord moved to amend by making the Joint Resolution the special order for next Tuesday week at 2 o'clock.

Mr. Richmond moved to lay the amendment on the table.

The ayes and nays being demanded by Messrs. Hord and Hanna,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Carson, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Terry, Van Buskirk, Ward, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Baker, Bowman, Bradley, Cobb, Douglas, Downey, Finch,

Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—19.

So the amendment was laid upon the table.

Mr. Beeson withdrew his motion and moved to suspend the rules that the Joint Resolution may be considered engrossed and read the third time now.

The ayes and nays being demanded by Messrs. Cobb and Williams,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bennett, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Niles, Noyes, Oyler, Richmond, Terry, Van Buskirk, Ward, Woods and Wright—22.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Carson, Cobb, Douglas, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—18.

So the rules were suspended.

Mr. Hanna demanded the previous question.

The demand was not seconded by the Senate.

Mr. Bennet moved to postpone the further consideration of the Joint Resolution until Friday morning at 9 o'clock.

Mr. Cobb moved to lay the motion on the table.

The ayes and nays being demanded by Messrs. Cobb and Williams,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Bradley, Carson, Cobb, Cullen, Davis, Douglas, Downey, Dykes, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Oyler, Staggs, Terry, Van Buskirk, Williams, Woods and Wright—31.

Those who voted in the negative were,

Messrs. Bennett, Cason, Chapman, Culver, Dunning, Niles, Noyes and Ward—8.

So the motion was laid upon the table.



Leave being granted, Mr. Cason introduced the following :

*Resolved*, That when the Senate adjourn, that it do so until to-morrow morning, at 9 o'clock.

The ayes and nays being demanded by Messrs. Cobb and Douglas,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Cullen, Davis, Downey, Dunning, Dykes, Hord, Niles, Noyes, Oyler, Richmond, Terry, Van Buskirk, Ward, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Barker, Bowman, Carson, Cobb, Culver, Douglas, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—19.

So the resolution was adopted.

Message from the House of Representatives by Mr. Nixon their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Act of the Senate, to-wit :

Senate Joint Resolution No. 5. "A Joint Resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law placing certain persons therein named upon the Pension Rolls."

Also, That the House has concurred in Senate Joint Resolution, No. 10, to wit ; without amendments, "Joint Resolution relative to the establishment of a Bonded Tobacco Warehouse at Evansville Ind."

Also, That the House of Representatives has passed Engrossed Senate Bill, No. 55, without amendments, to wit ; "an act to fix the time of holding the Court of Common Pleas in the fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect."

Also, That the House of Representatives has passed Senate bill, No. 23, without amendments, to wit ; "an act to amend section number seventy-six of an act entitled 'an act defining misdemeanors and prescribing punishments therefor,' approved June 14, 1852.

I am also instructed to inform the Senate that the House of Representatives has passed House bill No. 19, to wit; "an act to amend an act entitled 'an act in relation to witnesses, and to repeal sec. 238 of article 13, of the act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect, and be in force, which took effect and went into force March 17, 1861. In the passage of which bill the concurrence of the Senate is requested.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has appointed on the part of the House of Representatives, Messrs. Shuey, Coffroth and Chambers, on the Joint Committee called for by a resolution of the Senate, on the subject of Insurance Companies, and providing for the reference of all bills on this subject to said Committee.

Thereupon, the President affixed his signature to Senate Joint Resolution No. 5, first mentioned in the foregoing message.

Mr. Bennett moved to reconsider the vote by which the Joint Resolution was ordered to be engrossed, and read the third time now.

The ayes and nays being demanded by Messrs. Moore and Douglas,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Chapman, Davis, Douglas, Downey, Dunning, Dykes, Hyatt, Terry and Ward—12.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cason, Cobb, Cullen, Culver, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Van Buskirk, Williams, Woods and Wright—28.

So the motion to reconsider was not concurred in.

On motion by Mr. Richmond,  
The Senate adjourned.

THURSDAY MORNING, 9 O'CLOCK, }  
 February 9, 1865. }

The Senate met.

The Journal of yesterday was read and approved.

The President announced the order to be, the consideration of the Joint Resolution to approve the proposed amendment of the Constitution, which was under discussion when the Senate adjourned yesterday.

Mr. Brown of Wells, moved to postpone the further consideration of the question until Wednesday next at 2 o'clock.

Mr. Bennett moved to lay the motion on the table.

Mr. Cobb and Mr. Brown of Wells, called for the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Cason, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hiatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin and Staggs—20.

So the motion to postpone was laid on the table.

A message from the Governor by B. R. Sulgrove, his private Secretary :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has this day approved Joint Resolution of the Senate, No. 5, entitled,

“A Joint Resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law placing certain persons therein named upon the Pension Rolls,” and that the same has been deposited in the office of the Secretary of State.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am instructed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled Senate act, No. 39, to-wit :

“ An act to amend an act entitled ‘ An act to amend section nineteen of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms,’ &c., approved Feb. 15, 1861.”

Mr. Downey submitted the following report from the Committee on Phraseology, &c.

MR. PRESIDENT :

The Committee on Phraseology, &c., have examined engrossed Senate Bills, Nos. 118 and 128, and find them carefully and correctly engrossed.

Mr. Brown of Wells, moved that the Senate adjourn.

The motion was rejected.

On motion by Mr. Thompson,

The Senate adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The Senate met.

Leave being granted, Mr. Wright introduced

Senate bill, No. 150, entitled “ An act to amend sections 7, 9, and 20 of an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records, or other writings, of any county in this State, or any Circuit, Probate, Commissioners, or other inferior Courts of record therein, or filed with, or in the legal custody of any officers of any county in

this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed," approved January 12, 1852.

Which was read the first time, and passed to the second reading.

Leave being granted, Mr. Cobb introduced

Senate bill No. 151, entitled "an act authorizing the Boards of Trustees of incorporated towns to demand and enforce a license from all keepers of coffee-houses, or other places where intoxicating liquors are sold or drunk, within the limits of their respective jurisdictions.

Which was read the first time, and passed to a second reading.

Mr. Richmond introduced

Senate bill No. 152, entitled "an act to amend section 7 of an act entitled, 'an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof.'"

Which was read the first time, and passed to the second reading.

On motion of Mr. Brown, of Wells,

The Senate proceeded to consider the special order for this hour, being the Senate bill No. 1, making an appropriation for the expenses of the present General Assembly, with the engrossed House amendments thereto.

Mr. Cobb moved to amend as follows :

Strike out all that part of the amendment to the third section which relates to the payment of members of the last House of Representatives, who absented themselves from the Halls of Legislation without just cause or provocation, for the time which they were so absent.

Mr. Richmond moved to lay the amendment on the table.

The yeas and nays being demanded by Messrs. Cobb and Brown, of Wells,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Culen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Mr. President—23.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, Downey, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, McClurg, Moore, Newlin, Staggs, Vawter, Williams and Wright—22.

So the amendment was laid on the table.

Pending the call, Mr. Brown, of Hamilton, announced that he had paired with Mr. Corbin, and Mr. Noyes announced that he had paired with Mr. Gifford.

Mr. Hord moved to amend by providing for the payment of those who may be absent during the present session without leave.

Mr. Dunning moved to lay the amendment on the table.

Messrs. Brown, of Wells, and Hord, demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Carson, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cobb, Douglas, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, McClurg, Moore, Newlin, Staggs and Williams—18.

So the amendment was laid on the table.

Mr. Cobb moved to amend by striking out all that part of the amendment which provides for the appropriation of \$135,000.

Mr. Bennett moved to lay the amendment on the table.

The yeas and nays being demanded by Messrs. Hord and Williams,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—21.

So the amendment lies upon the table.

A message from the Governor by B. R. Sulgrove his Private Secretary.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has this day approved enrolled bill of the Senate No. 39, entitled "an act to amend 'an act to amend section nineteen of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms,'" approved February 15th, 1861.

I am also directed by the Governor to inform the Senate that this bill contains an interlineation, which subjects it to the danger of being tampered with by any dishonest person, who may obtain access to the laws deposited in the Secretary of State's office, and to request of the Senate that an order be made that no enrolled act shall be presented to the Governor for approval unless free from interlineations. He requests that a new enrolled copy of bill No. 39 be made, and signed by the President of the Senate and the Speaker of the House, for his approval, and for deposit, according to law, in the office of the Secretary of State.

Mr. Cobb moved to amend by striking out all that relates to the payment of interest.

Mr. Cason moved that the amendment lie upon the table.

The ayes and nays being demanded by Messrs. Mason and Brown, of Wells.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—23.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb,

Downey, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—21.

So the amendment was laid on the table.

Mr. Bradley moved to amend by striking out all that part of the section appropriating money to various parties for sums advanced to the Governor, and amend so as to appropriate \$135,000 for the support of the Benevolent Institutions for the years 1863 and 1864.

Mr. Cullen moved to lay the amendment on the table.

Messrs. Bradley and Brown, of Wells, demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Douglas, Downey, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—20.

So the amendment lies on the table.

Mr. Brown, of Wells, moved to postpone the further consideration of this subject for five weeks from this day.

Mr. Bennett moved to lay this motion upon the table.

The ayes and nays were demanded by Messrs. Brown, of Wells, and Bradley.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Gaff, Hord, Hyatt, Marshall, McClurg, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—32.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Douglas, Finch, Fuller, Jenkins, Mason, Moore, Newlin, Staggs and Williams—13.

So the motion to postpone lies upon the table.



The first amendment proposed by the House being read, and the question being, "shall the Senate concur therein?"

Messrs. Brown of Wells, and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward and Woods—22.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, Downey, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter, Williams and Wright—23.

So the Senate refused to concur in the amendment.

The second amendment of the House was read, and the question being "shall the Senate concur."

The ayes and noes being demanded by Messrs. Cobb and Brown of Wells.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, English, Gaff, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, Downey, Finch, Fuller, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—20.

So the amendment was adopted.

The third amendment of the House was concurred in by consent.

The amendment to the title was then concurred in by consent.

Mr. Dunning presented the petition of E. J. Peck and other officers and managers of Railroads in this State, asking for the passage of a law prohibiting the owners of domestic animals from suffering them to

run at large within a distance of three to five miles, of any main Railroad track now or hereafter to be opened within the bounds of this State.

Which was read, and referred to the Committee on Corporations.

The President announced the order to be on the Senate Joint Resolution, No. 16, proposing to concur in the Congressional amendment to the Constitution of the United States.

On motion of Mr. Dunning, it was informally passed over.

Mr. Dunning demanded a call of the Senate.

It was ordered and being taken the following Senators answered to there names.

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright.

On motion of Mr. Williams,

Senate bill No. 128, entitled "An act making appropriation for the payment of interest on the State University Bonds for the years 1863 and 1864,"

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—42.

Mr. Moore voted in the negative.

So the bill passed.

On motion by Mr. Cullen,

Senate bill No. 41, entitled "An act to provide for the sale and conveyance of certain real estate named therein, and the purchase of a permanent residence for the Governor of the State, and providing

for the appointment of Commissioners for such purpose, and defining their powers and duties in relation thereto,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Carson, Cason, Chapman, Cullen, Davis, Douglas, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—27.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Culver, English, Finch, Fuller, Gaff, Hord, Jeukins, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—18.

So the bill passed.

On motion of Mr. Cullen,  
The title of the bill was amended so as to read as follows :

“An act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State and his successors, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith.”

Mr. Allison introduced

Senate bill No. 153, entitled “An act creating a Board of Control of the Indiana State Prison North and South, together with a President of the same, to be elected by the present General Assembly, and defining their powers and duties, and repealing all laws and parts of laws coming in conflict with the provisions of this bill, and declaring an emergency.”

Which was read, and passed to a second reading.

Mr. Dunning introduced

Senate bill No. 154, entitled “An act authorizing Magnetic Telegraph Companies to construct and maintain lines in the State of Indiana, along the lines of railroads, and to condemn lands therefor or contract with individuals for the same.”

Which was read the first time, and passed to the second reading.

S. J.—20.

Mr. Downey introduced

Senate bill No. 155, entitled "An act to amend the fifth section of an act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852.

Which was read, and passed to a second reading.

Mr. Downey introduced

Senate bill No. 156, entitled "An act to amend the 14th section of the act entitled 'an act to limit the number of grand jurors, and to point out the manner of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith,' approved March 4, 1852, and to change the form of the oath of grand jurors."

Which was read the first time, and passed to a second reading.

Leave being granted, Mr. Oyler submitted the following, which was adopted:

*Resolved*, That when the Senate adjourn, it adjourn to meet tomorrow morning, at 9 o'clock.

Leave being granted,

Mr. Cobb submitted the following, which was adopted,

*Resolved*, That the Auditor of State, be required to make an investigation of reports of the several County Auditors, in relation to the taxable real estate of 1864, and ascertain whether any Auditor in any County has failed to add to the value of real estate, the percentage ordered by the State Board of Equalization, and to report the result of such investigation to the Senate at his earliest convenience.

The President announced the following Committees.

Joint Committee on Enrolled bills.—Messrs. Van Buskirk, Oyler, and McClurg.

Joint Committee on Public Buildings.—Messrs. Davis, Thompson, and Douglas.

Joint Committee on the State Library.—Messrs. Cobb, Milligan, and Bradley.

Joint Committee on the Canal Fund.—Messrs. Chapman, Gaff and Peden.

The Lieutenant Governor laid before the Senate a communication

from W. G. Mank, late Lietenant Col. 22d Regt. of Ind Vol. Infantry, in relation to the encouragement of German Immigration.

Which was read and referred to the Committee on Rights and Privileges.

On motion by Mr. Van Buskirk,  
The Senate adjourned.

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FRIDAY FEBRUARY 10TH, 1865. }  
9 o'clock A. M. }

The Senate met.

The Journal of yesterday was partially read, when

On motion by Mr. Oyler,  
The further reading was dispensed with.

Mr. Wright moved to re-consider the vote by which the amendment of the House to the Appropriation bill (S. No. 1) for the expenses of the General Assembly, appropriating the per diem withheld from a portion of the members of the last House of Representatives, was rejected.

Mr. Bennett demanded a call of the Senate,

The following Senators answered to their names.

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, Dykes, Davis English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, McClurg, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Van Buskirk, Vawter, Ward, Williams, Woods and Wright.

By unanimous consent, Mr. Van Buskirk presented a petition signed by numerous citizens of Decatur County, praying that no License to sell spirituous liquors be granted except the petition for such license be signed by a majority of the voters of the City, Town or Township in which said license is desired.

The petition was referred to the Committee on Temperance.

Mr. Dunning asked and obtained leave of absence for Messrs. Downey and Cullen during next week.

Mr. English presented several petitions from citizens of this State, praying the enactment of a law for the purpose of ascertaining the losses sustained by citizens of Indiana, in property taken for the public use during the Morgan Raid, and appropriating money to pay owners for the same.

Which were read, and laid upon the table.

On motion by Mr. Richmond, and by unanimous consent,

Senate bill No. 100, entitled "A bill fixing the compensation of Township Assessors."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Hanna, Hord, Hyatt, Mason, McClurg, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

Those who voted in the negative were,

Messrs. Barker, Fuller, Jenkins, Marshall and Moore—5.

So the bill passed.

The question being on Mr. Wright's motion to reconsider.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Corbin, Downey, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—21.

So the motion to reconsider was agreed to.

The question being on concurring in the amendment.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—24.

So the amendment was agreed to.

A message from the House of Representatives, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am instructed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled Senate Act No. 55, to-wit :

“An act to fix the time of holding the Court of Common Pleas in the 5th Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.”

I am also instructed by the Speaker of the House to inform the Senate, that he has signed Enrolled Senate Act No. 23, to-wit :

“An act to amend section number seventy-six of an act entitled an act defining misdemeanors, and prescribing punishment therefor,” approved June 14, 1852.

I am also instructed by the Speaker of the House of Representatives to inform the Senate that the Speaker has signed Enrolled Senate Joint Resolution No. 10, to-wit :

“A Joint Resolution relative to the establishment of a Bonded Tobacco Warehouse at Evansville, Indiana.”

Whereupon the President affixed his signatures to the above Acts and Joint Resolution.

The President announced the business in order, to be the consideration of Senate Joint Resolution No. 16, proposing to ratify the pro-

posed amendment to the Constitution of the United States, informally passed over yesterday afternoon.

On motion by Mr. Oyler,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Van Buskirk moved to postpone the special order of this afternoon—the Morgan Raid bill—until next Wednesday at 2 o'clock P. M.

The ayes and nays were demanded by Messrs. Williams and Corbin.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Cason, Chapman, Cullen, Culver, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Van Buskirk, Ward, Woods, Wright and Mr. President—23.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Thompson and Williams—22.

So the special order was postponed.

Mr. Van Buskirk, from the Joint Committee on Enrolled Bills submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have examined Enrolled Act of the Senate No. 23, "an act to amend section No. 76 of an act entitled 'an act defining misdemeanors, and prescribing punishment therefor,' approved June 14th 1852," and Enrolled Act of the Senate



No. 55, "an act to fix the time of holding the Court of Common Pleas in the 5th Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect," and also Enrolled Act, No. 1, "an act making specific appropriations from the State Treasury."

The Joint Committee has also examined Enrolled Joint Resolution No. 10, a Joint Resolution relative to the establishment of a Bonded Tobacco Warehouse at Evansville, Indiana."

And the Committee find all of said Acts and Joint Resolution to be accurately and correctly enrolled; and presented the same to the Governor of the State for his approval at the hour of two o'clock, P. M., this day.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled Act of the Senate No. 1, entitled, "an act making specific appropriations from the State Treasury," and directs the return of the same to the Senate for your signature.

Mr. Dunning moved a call of the Senate.

It was ordered, and the following Senators answered to their names, to wit :

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright.  
—44.

Mr. Dunning moved that the absent Senators be sent for.

It was so ordered.

Mr. Oyler moved to dispense with further proceedings under the call.

The motion was rejected.

By unanimous consent, Mr. Peden introduced,

Senate bill No. 157, entitled "an act to repeal an act entitled 'an

act to enforce the thirteenth article of the Constitution,'” approved June 18th, 1852.

Which was read the first time, and passed to a second reading.

Mr. Douglas moved to re-commit the Joint Resolution, with instructions to substitute the following :

WHEREAS, The maintenance, inviolate, of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment, is essential to that balance of power on which the perfection and endurance of our political fabric depends : Therefore,

*Be it Resolved* by the General Assembly of the State of Indiana, that the amendment of the Constitution of the United States proposed by Congress, and submitted to the several States for ratification, is inexpedient, and ought not to be made.

Mr. Bennett moved to lay the motion on the table,

The yeas and nays being demanded by Messrs. Williams and Fuller,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Douglas, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—21.

So the motion was laid on the table.

On motion by Mr. Van Buskirk,

Further proceedings under the call, were dispensed with,

The Senate then resumed the consideration of the subject pending at the adjournment for dinner.

Leave being granted,

Mr. Beeson submitted the following :

*Resolved*, That when the Senate adjourns, it will adjourn to meet at 7½ o'clock this evening.

Mr. Brown of Wells, moved to lay the Resolution on the table,

The yeas and nays being demanded by Mr. Brown of Wells and and Mr. Williams.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Carson, Chapman, Cobb, Corbin, Douglas, Finch, Fuller, Gaff, Gifford, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—22.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Cullen, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—23.

So the motion was rejected.

Mr. Cobb moved to amend by striking out 7 o'clock this evening and inserting 9 o'clock to morrow morning.

Mr. Cobb demanded a call of the Senate.

It was ordered, and the following Senators answered to their names, to wit :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hyatt, Jenkins, Marshall Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright.

Mr. Van Buskirk moved that further proceedings under the call be dispensed with,

Mr. Cobb moved to amend, by directing that the absentees be sent for,

The yeas and nays were demanded by Mr. Brown of Wells, and Mr. Cobb.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, Finch, Fuller, Gaff, Gifford Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Williams and Wright—22.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward and Woods—23.

So the amendment was rejected.

Mr. Cobb moved to lay the motion Mr. Van Buskirk on the table,

The yeas and nays being demanded by Messrs Cobb and Williams,

Those who voted in the affirmative were,

Messrs. Barker, Brown of Wells, Carson, Corbin, Cullen, Douglas, Finch, Fuller, Gaff, Gifford, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Williams—18.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—26.

So the motion was not agreed to.

Mr. Van Buskirk withdrew his motion.

Mr. Douglas moved that the Senate adjourn.

The yeas and nays being demanded by ten Senators,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Cobb, Corbin, Douglas, Finch, Fuller, Gaff, Hanna, Hord, McClurg, Moore, Newlin, Staggs, Vawter and Williams—16.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cullen, Davis, Downey, Dunning, Dykes, Gifford, Hyatt, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—31.

So the Senate did not adjourn.

Mr. Brown withdrew his resolution.

Mr. Beeson demanded the previous question.

The demand was seconded by 26 Senators.

The question being, shall the main question be now put?

It was so ordered.

Mr. Bennett demanded a call of the Senate.

It was taken, and the following Senators answered to their names :

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Fuller, Gifford, Hyatt, Jenkins, McClurg, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—35.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—24.

So the Joint Resolution passed.

Mr. Van Buskirk asked and obtained leave of absence for Mr. Noyes until Tuesday morning, and for Mr. Bennett till Monday.

Mr. Cullen asked and obtained leave of absence for Mr. Brown of Hamilton until Monday.

Mr. Bonham offered the following :

*Resolved*, That when the Senate adjourn, it be till to-morrow morning, at 9 o'clock.

Mr. Brown of Wells moved to amend by substituting Monday.

The resolution was adopted.

Mr. Bennett moved to reconsider the vote by which the Joint Resolution was adopted, and to lay that motion on the table.

The latter motion was agreed to.

Mr. English asked leave to record his vote.

Mr. Peden moved that leave be granted.

Mr. Williams moved to amend by giving permission to all the Senators who so desired it, to record their votes.

Mr. Oyler offered the following :

*Resolved*, That any Senator who desires, may have the liberty to address the Senate upon Joint Resolution No. 16, at any time during the session, and that Friday of next week be set apart specially for that purpose.

Which was adopted by consent.

Mr. Brown of Wells asked and obtained leave of absence for Mr. Williams until Tuesday morning.

On motion of Mr. Van Buskirk,  
The Senate adjourned.

SATURDAY MORNING, 9 O'CLOCK, A. M. }  
 February 11th, 1855. }

The Senate met.

The Journal of yesterday was read and approved.

On motion by Mr. Williams,  
 Mr. Finch had leave to record his vote on Senate Joint Resolution No 16, approving the Congressional amendment to the Constitution of the United States.

Mr. Vawter asked and obtained leave of absence for Mr. Gaff until Monday morning next, and also for Mr. Mason from Monday next during next week.

Mr. Marshall asked and obtained leave to record his vote on Joint Resolution No. 16, passed yesterday evening.

On motion by Mr. Dunning,  
 The President of the Senate had leave to employ a Clerk during the remainder of the session.

Mr. Chapman submitted the following :

MR. PRESIDENT :

The Finance Committee, in compliance with the provisions of the fifth section of the Act of the 4th of May, 1861, authorizing the Governor of this State to issue two millions of bonds for the public defence, and to repel invasions, beg leave to report that on the 9th of February, 1865, in conjunction with the Ways and Means Committee of the House, did carefully examine and count, and in the presence of the Committee, the Auditor and Treasurer of State, in the office of the Auditor of this State, in this city, burned and destroyed the six per cent. war loan bonds, described in the following list, and redeemed during the last two years, amounting in the aggregate to the sum of three hundred and nine thousand and five hundred dollars, viz :

## LIST of Bonds Destroyed.

From and including number.	To and including Number.	Number of Bonds Destroyed.	Amount of each Bond.	Amount.	Total Amounts.	When and from whom purchs'd.
1161	1165	5	\$1,000	\$5,000		
1257	1276	20	1,000	20,000		
1372	1373	2	1,000	2,000		
1654	1678	25	1,000	25,000		
1890	1895	6	500	3,000		
578	597	20	1,000		\$55,000	Nov. 5, 1864, from Winslow, Lanier & Co.
1424	1431	8	1,000	8,000	20,000	Nov. 19, 1864, from Kentucky Stock Bank.
1948	1949	2	500	1,000		
	1181	1		1,000		
1525	1526	2	1,000	2,000	10,000	Jan. 19, 1864, Bank of Mount Vernon.
1541	1550	10	1,000	10,000		
1734	1744	11	1,000	11,000		
1750	1758	9	1,000	9,000		
1771	1776	6	1,000	6,000		
1974	1975	2	500	1,000		
1367	1368	2	1,000	2,000	30,000	April 11, 1864, First National Bank, Indianapolis.
1251	1252	2	1,000	2,000		
1247	1249	3	1,000	3,000		
803	807	5	1,000	5,000		
1983	1301	1		1,000		
	1984	2	500	1,000		
	1848	1		500		
	1871	1		500		
	1369	1		1,000	15,000	April 28, 1864, and Sept. 7, 1864, from W. H. English, Cashier.
	1557	1		1,000		
745	752	8	1,000		2,000	May 14, 1864.
693	702	10	1,000		8,000	August 11, 1864, Cambridge City Bank.
1498	1507	10	1,000	10,000	10,000	Nov. 29, 1864, M. A. Malott, Cashier.
1613	1615	3	1,000	3,000		
1761	1765	5	1,000	5,000		
					18,000	Sept. 13, 1864, Bank of Salem.
681	692	12	1,000		12,000	November 14, 1864, Fletcher & Sharpe.
1154	1156	3	1,000	3,000		
1174	1177	4	1,000	4,000		
1182	1186	5	1,000	5,000		
	1297	1		1,000		
1307	1310	4	1,000	4,000		
1312	1315	4	1,000	4,000		
	1331	1		1,000		
399	1463	5	1,000	5,000		
	1531	1		1,000		



## LIST of Bonds Destroyed—Continued.

From and including Number.	To and including Number.	Number of Bonds Destroyed.	Amount of each Bond.	Amount.	Total Amounts.	When and from whom purchas'd.
	1552	1	.....	\$1,000		
	1610	1	.....	1,000		
1639	1640	2	\$1,000	2,000		
1704	1706	3	1,000	3,000		
	1708	1	.....	1,000		
1766	1770	5	1,000	5,000		
1788	1789	2	1,000	2,000		
1912	1921	10	500	5,000		
1990	2006	17	500	8,500		
2037	2043	7	500	3,500		
					\$60,000	Nov. 23, 1864, from Exchange Bank, Greencastle.
1220	1222	3	1,000	3,000		
	1246	1	.....	1,000		
1277	1278	2	1,000	2,000		
	1281	1	.....	1,000		
1616	1637	22	1,000	22,000		
	1971	1	.....	500		
	1981	1	.....	500		
					30,000	Nov. 25, 1864, G. W. Rathbone.
791	802	12	1,000	12,000		
808	810	3	1,000	3,000		
1188	1189	2	1,000	2,000		
	1296	1	.....	1,000		
1535	1540	6	1,000	6,000		
1694	1699	6	1,000	6,000		
	1845	1	.....	500		
					30,500	June 18, 1864, July 27, 1864, Sept. 15, 1864, H. J. Lyons & Co.
				Total....	\$309,500	

Mr. Niles submitted a petition from citizens of Pleasant Township, Laporte county, praying the enactment of a law to empower the several townships of this State to issue Township bonds for the purpose of paying bounties for volunteers to meet the military demands of the Government.

Which was read and referred to the Committee on Military Affairs.

Mr. Niles presented a petition of citizens of Laporte county, praying the enactment of a law prohibiting persons from shooting fish in the Lakes of this State, not connected with other waters by which they are yearly supplied with fish.

Which was read, and referred to the Committee on Rights and Privileges.

A message from the Governor, by B. R. Sulgrove, his Private Secretary :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has this day approved enrolled bill of the Senate No. 1, entitled :

“ An act making specific appropriations from the State Treasury.”

And that the same has been deposited in the office of the Secretary of State.

On motion by Mr. Hanna,

Senate bill No. 68, entitled “an act to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said Road from Terre Haute to a point on the Western line of the State of Indiana.”

Was taken up, and read the third time.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—42

No Senator voted in the negative.

So the bill passed.

Leave being granted, Mr. Carson offered the following which was adopted by consent.

*Resolved*, That when the Senate adjourns, it adjourn until Monday afternoon at 2 o'clock.

Leave being granted Mr. Brown of Hamilton introduced the following report :

MR. PRESIDENT :

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 110, “an act entitled an act to provide for the cloth-

ing and other personal expenses of Pupils of the Benevolent Institutions of the State; to provide for their removal to and from said Institutions in certain cases therein specified and manner of collecting the expense therefor, have had the same under consideration and recommend its passage.

The report was concurred in.

On motion by Mr. Brown, of Hamilton,

The bill was read the second time.

Mr. Terry moved to suspend the rules that the bill may be considered engrossed and read the third time now.

A Constitutional provision requiring the yeas and nays,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, McClurg, Milligan, Moore, Newlin, Niles, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—39.

No Senator voted in the negative.

So the rules were suspended, and the bill read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Oyler, Peden, Richmond, Terry, Thompson, Vawter, Ward and Wright—38.

So the bill passed.

The question being on the amendment proposed by Mr. Moore, on the third day of the session, in reference to the pay of pages.

The amendment was adopted.

Mr. Dunning moved to amend by inserting the following names as employes, to be paid under said resolution, namely :

James S. Morgan, James S. Williams, Moses R. Osborn, H. C. Carter, E. B. Carter, H. T. Vawter, Thomas Moore, M. Green, Chas. Doharty, Thos. Dorsey, A. M. Elkins, Timothy Sullivan, George Carr, Jeremiah Homer, James Stoops.

As pages,

Thos. P. Barbour, M. F. Carter, Thomas Ryan and Dickey Richards.

Which amendment, together with the original resolution, were adopted.

On motion of Mr. Dunning,

The motion to refer the resolution in reference to the pay of assistants employed by Wm. H. Montgomery in organizing the present session of the Senate, introduced by Mr. Mason, and referred to a select committee of five, was reconsidered.

Mr. Cobb withdrew his amendment in reference to pay of pages.

Mr. Corbin submitted the following :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 97, have had the same under consideration, and have unanimously instructed me to report the bill back with a recommendation that the same lie on the table. For the reason, that there is already a bill pending before the Senate covering the same subject.

The report was concurred in.

Leave being granted, Mr. Cobb introduced

Senate bill No. 158, entitled "an act in relation to the sale of real estate at private sale by executors, administrators and guardians in certain cases."

Which was read the first time, and passed to the second reading.

Leave being granted, Mr. Chapman introduced the following :

*Resolved*, That the Secretary and Assistant Secretary, the door-keeper and Assistant doorkeeper be, and they are hereby required to report to the Senate, on Monday afternoon, the number of assistants employed by each, and the duties discharged by each of those assistants.

Which was adopted by consent.

Mr. Allison asked and obtained leave of absence for the Committee on the Southern State Prison for Tuesday week next.

Mr. Thompson introduced

Senate bill, No. 159, entitled "An act to provide for the erection and maintenance of Houses of Refuge, or Schools of Reform, by counties and incorporated cities, and for the confinement and detention therein of prostitutes and females given to habitual intoxication, and also of minors convicted of felonies and misdemeanors,"

Which was read the first time, and passed to the second reading.

Mr. Niles introduced

Senate bill, No. 160, entitled "An act ratifying the action of the Governor in procuring an advance of two hundred and fifty thousand dollars from the President of the United States for the preparation of troops for the service of the United States, and for the defense of the State, and directing him to pay the unexpended balance thereof into the Treasury, and to account therefor, with the portion expended, to the President of the United States, as an allowance to the State,"

Which was read the first time, and passed to a second reading.

On motion by Mr. Cason,

Senate bill, No. 150, entitled "An act to amend sections 7, 9 and 20 of an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, paper records, or other writings, of any county in this State, or any Circuit, Probate, Commissioners, or other inferior Courts of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed," approved January 12th, 1852,

Was read the second time by title only, and referred to the Committee on the Judiciary.

On motion by Mr. Wright,  
The Senate adjourned.

MONDAY AFTERNOON, 2 o'clock, P. M., }  
 February 13th, 1865. }

The Senate met. .

The Journal of Saturday was partially read, when,

On motion by Mr. Cobb,  
 The further reading was dispensed with.

Mr. Dunning offered the following :

*Resolved*, That the Auditor of State be, and he is hereby, instructed to draw his warrant upon the Treasurer of State in favor of John H. Johnston, Doorkeeper of the Senate, for three hundred and sixty-two dollars for fifty-one and five-sevenths cords of wood, at seven dollars per cord, as per contract made by said Johnston with Stephen Rybolt on the 25th of January, 1865, and approved by the Senate on the same day, said wood, when accurately measured, exceeding the amount named in said contract one and five-sevenths of a cord, said sum to be paid out of the Legislative Fund of the present session of the General Assembly; and that the Doorkeeper take a receipt of said Rybolt for said sum of money, and file the same with the Treasurer of State.

Mr. PRESIDENT :

In obedience to the resolution adopted on Saturday last, I have to report that at the commencement of the session I appointed the following Clerks :

One Reading Clerk.  
 One Registry Clerk.  
 Two Enrolling Clerks.  
 Two Engrossing Clerks.

The action of the House in requiring messages to be delivered only at certain times, rendered it necessary for me to appoint a messenger to the House, which I accordingly did.

At the earnest solicitation of Senators I have since appointed two additional Clerks, who have been engaged at miscellaneous work.

A. T. WHITTLESEY.

*Hon. Conrad Baker, President of the Senate :*

In compliance with a resolution of the Senate adopted on the 11th inst., requiring certain officers of the Senate, therein named, to report the number and names of their employes, I beg leave to sub-

mit the names of the following persons by me employed, together with the duties performed by each, to wit :

James M. Clements, } Folding and Stationery Room.  
 James D. Henry }  
 Thomas D. Moore, Committee Room.  
 John Monroe, Fireman and doorkeeper.  
 Nicholas Sherling, Spittoon carrier and Wood carrier.  
 Charles T. Cochran, Auditing Committee Room.  
 Moses Osborne, Fireman and doorkeeper.  
 Charles Johnson, Folding and General Business.  
 Richard Richards, Page appointed by Senate.  
 Kinnard Hamilton " " President.  
 Ulysses Corsaw, Page.  
 Joseph Tarkington, Page.  
 Timothy Sullivan, mail carrier—discharged.  
 Thomas Ryan, Page—discharged.  
 John Spellman, Wood sawyer—discharged.  
 James S. Williams and Orlando Cobb, doorkeepers.

Respectfully submitted,

JOHN H. JOHNSON,

Principal Doorkeeper, Senate.

SENATE CHAMBER, February 11, 1865.

*Hon. Conrad Baker, President of the Senate:*

In compliance with a resolution of the Senate, this day adopted, I submit the following :

At the beginning of the session I employed five clerks, the qualifications of a portion of whom increased the work of my department, and rendered it necessary to discontinue their services. I have at work, at present, six employes, five of whom are Journal Clerks, and one engaged in copying. In addition, at the request of the Auditing Committee, I employed some temporary assistance in copying their report for insertion in the Journals of the Senate and House, which was dispensed with when the occasion requiring it had passed.

Very Respectfully,

JACOB S. BROADWELL,

Ass't Sec'y, Senate.

*Hon. Conrad Baker, President of the Senate:*

In compliance with a resolution of the Senate, adopted on the 11th inst., requiring certain officers of the Senate, therein named, to report the number and names of their employes, I beg leave to sub-

mit the names of the following persons, by me employed, together with the duties performed by each, to wit :

James Cole, attending Committees.

James Shea, Mail Messenger for Senate.

Jerry Homer, Michael Galliver, Patrick Brannin, wood sawyers at State House and Committee Rooms,

Thomas Dorsey, sweeping State House Hall, &c.

John Patterson, Page.

E. B. Carter, H. C. Carter, Furnace men at State House.

John Shay, Henry Coleman, attending Furnace and Fires at Governor's House, and general work.

Owing to the fact that there are not rooms in the State House suitable for the different committees, and the further fact that the Senate directed that the Governor's house should be prepared for the use of committees, I have been compelled to employ a larger force than I otherwise would have done if the committees could have met in the State House. There are some twelve committees which hold their meetings in the Governor's house, meeting at all hours of the day, from 9 A. M. to 10 P. M., thus requiring the constant attendance of firemen, and doorkeepers.

And although, on account of the committees meeting in the Governor's House, a larger force is required, yet the expense is not as much as it would be if the State were compelled to rent rooms in different parts of the city for the use of the Committees.

Believing that I have not employed a larger number of persons than is required to perform the necessary work, I most respectfully submit the foregoing names.

S G. THOMPSON,

Ass't Door Keeper of the Senate.

On motion by Mr. Cobb,

The vote on the resolution adopted on the 6th of January, directing the doorkeeper to procure three dollars' worth of postage stamps, was reconsidered ; and, on motion of Mr. Dunning, laid on the table.

Mr. Cobb offered the following, which was adopted by consent :

*Resolved,* That the doorkeeper be, and he is hereby directed, to purchase six dollars' worth of postage stamps for the use of each member of the Senate and the elective officers of the same, and their appointees, and eighteen dollars' worth for the President thereof.

*Resolved, further,* That the Auditor of State, upon the presentation of the certificates of the principal secretary and doorkeeper of the Senate, of the number of their appointees, he shall draw his warrant upon the Treasurer in favor of the principal doorkeeper for the money necessary to enable him to comply with the above Resolution.



Mr. Bowman presented a petition from the tax-payers of Harrison County, in this State, requesting that an act may be passed at the present Session, providing for the payment of losses suffered by the Morgan raid; which was read,

On motion of Mr. Corbin,

All similar petitions were ordered to be referred to the Committee on Rights and Privileges, without reading.

Mr. Allen presented a similar petition; which was referred as above.

Mr. Carson presented a petition from citizens of Boone County, praying that the General Assembly may pass the liquor law now pending in the Legislature, requiring applicants for license to sell liquor by retail, to first obtain the consent of a majority of the citizens of the town or township, where the same is sold.

Which was read, and referred to the Committee on Temperance.

The President laid before the Senate, a communication from the Auditor of State, transmitting a report called for by Resolution of the Senate of the 9th inst., in regard to value of Real Estate, &c.

On motion by Mr. Beeson,

It was laid on the table, and two hundred copies ordered to be printed.

Mr. Ward submitted the following Report:

MR. PRESIDENT:

The Committee on Corporations to whom was referred Senate bill No. 135, have had the same under consideration, and directed me to report it back to the Senate, without amendment and recommend its passage.

The Report was concurred in.

Mr. Bowman submitted the following:

MR. PRESIDENT:

The Committee on Corporations to whom was referred "a bill for an act to amend the 2d, 6th and 7th sections of an act entitled 'an act concerning the organization of voluntary associations and repealing former laws in reference thereto,'" approved Feb. 12, 1855, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

Mr. Culver submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No 141, "a bill to amend sections 2d, 5th and 6th of an act entitled 'an act concerning the organization of voluntary associations and repealing former laws in reference thereto, approved February 12th, 1855,'" have had the same under consideration, and direct me to report it back and recommend its passage.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee have had under consideration, Senate Resolution No. 28, proposing to exempt five hundred dollars worth of property belonging to widows and others from taxation, and are unanimously of opinion that such exemptions would be in conflict with the Constitution. They therefore recommend that the Resolution be laid upon the table.

The report was concurred in.

Mr. Allison introduced

Senate bill No. 161. Entitled "an act requiring the Boards of County Commissioners in the several Counties of the State of Indiana, to examine the books, papers and vouchers of any County Officer in their respective Counties, who may be charged with having received a greater amount of fees than he is legally entitled to receive ; to determine the amount thereof, if any ; and to cause suit to be brought for its recovery, and declaring an emergency."

Which was read the first time, and passed to a second reading.

Mr. Thompson introduced

Senate bill No 162. Entitled "an act to amend an act, entitled 'an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers, and rights, and the manner in which they shall exercise the same. and to regulate such other matters as properly pertain thereto, approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1857,'" approved March 1, 1857.

Which was read the first time, and passed to a second reading.

Senate bill No. 137, entitled "An act prescribing the quality of illuminating gas, providing for the inspection thereof, declaring a

forfeiture of bill therefor in certain cases, and declaring an emergency."

Was read the second time, by title only, and laid upon the table.

Senate bill No. 149, entitled "An act ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States."

Was read the second time, by title only, and referred to the Committee on Finance.

Senate bill No. 151, entitled "An act authorizing the Boards of Trustees of incorporated towns to demand and enforce a license from all keepers of coffee houses, or at those places where intoxicating liquors are drank within the limits of their respective jurisdictions."

Was read the second time, by title only, and referred to the Committee on Temperance.

Senate bill No. 152, entitled "An act to amend section 7 of an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof," &c.

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 153, entitled "An act creating a Board of Control of the Indiana State Prison, north and south, together with a President of the same, to be elected by the present General Assembly, and defining their powers and duties; and repealing all laws and parts of laws coming in conflict with the provisions of this bill, and declaring an emergency."

Was read the second time, by title only, and referred to the Committee on State Prisons.

Senate bill No. 154, entitled "An act authorizing Magnetic Telegraph Companies to construct and maintain lines in the State of Indiana along the lines of railroads, and to condemn lands therefor, or contract with individuals for the same."

Which was read by title only, and referred to a Select Committee of seven, which the President subsequently made to consist of Messrs. Dunning, Dykes, Cobb, Gifford, Hanna and Bonham.

Senate bill No. 155, entitled "An act to amend the fifth section of an act providing for an organization of Circuit Courts; the election of Judges thereof, and defining their powers and duties," approved June 1, 1852.

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 156, entitled "An act to amend the fourteenth section of an act entitled an act to limit the number of Grand Jurors and to point out the manner of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852, and to change the form of the oath of Grand Jurors.

Was read the second time, by title only, and referred to the Committee on Organization of Courts.

Senate bill No. 157, entitled "An act to repeal an act entitled an act to enforce the thirteenth article of the Constitution," approved June 18, 1852.

Was read the second time, by title only, and referred to the Committee on Rights and Privileges.

Senate bill No. 158, entitled "An act in relation to the sale of real estate at private sale by executors, administrators and guardians in certain cases."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No 159. Entitled "an act to authorize the erection and maintenance of Houses of Refuge or Schools of Reform, by Counties and Cities, and the confinement therein of certain persons."

Was read the second time, by title only, and referred to the Committee on Benevolent Institutions.

Senate bill No. 160. Entitled "an act ratifying the action of the Governor, in procuring an advance of two hundred and fifty thousand dollars from the President of the United States, for the preparation of troops, for the service of the United States, and for the defense of the State, and directing him to pay the unexpended balance thereof into the Treasury, and to account therefor, with the portion expended, to the President of the United States, as an advance to the State."

Was read the second time, by title only, and referred to the Committee on Finance.

Senate Joint Resolution, No 27. Entitled "a Joint Resolution in regard to the prosecution of the war."

Was read a second time, by title only, and referred to the Committee on Federal Relations.

Senate bill No. 5, entitled "an act to amend section 601, of the act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and provide for the administration of justice in an uniform mode of pleadings and practice, without distinction between law and equity,'" approved June 18, 1852.

Was read the second time, by title only, and ordered to be engrossed for a third reading to morrow.

Senate bill No. 20. Entitled "an act to amend sections one and two of an act entitled 'an act to fix the per diem and mileage of members of the General Assembly, Secretary's Clerks and Doorkeepers,'" approved June 4th, 1852.

Was read the second time and ordered to be engrossed for a third reading to morrow.

Senate bill No. 135. Entitled "an act to amend the 71st section of an act entitled 'an act granting to the citizens of the Town of Evansville in the County of Vanderburgh, a City Charter,'" approved January 27th, 1847, and to add supplemental sections to said act.

Was read the second time.

On motion by Mr. Dunning,

Section six was amended, by striking out the words "thirty-first of December" and inserting "thirty-first of March."

The bill was then ordered to be engrossed for the third reading to morrow.

Senate bill No. 34, entitled "an act to authorize incorporated cities within this State to purchase and hold parks, fair grounds, and grounds for public uses, outside of the corporate limits, and to prescribe rules and regulations for the government, control, and preservation of the same,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 50, entitled "an act providing for the redemption of real estate, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith,"

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 52, entitled "an act defining the offense of bastardy, and prescribing the punishment therefor, and declaring the powers and duties of Justices of the Peace therein,"

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 53, entitled "an act to allow County Commissioners to organize Turnpike Companies, where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and provide for the same to be free,"

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 80, entitled "an act to amend section eighteen of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'"

Was read the second time, and laid upon the table.

Senate bill No. 85, entitled "an act to amend section 23 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 9th, 1857, and supplemental to said act,"

Was read the second time, and laid on the table.

Leave being granted, Mr. Hanna introduced the following which was adopted by consent:

WHEREAS, a few weeks more time would enable the State of Indiana to fill her quota by volunteers under the late call of the President of the United States; therefore, be it

*Resolved by the Senate of the State of Indiana, (the House concurring,)* That the President of the United States be, and he is hereby requested, if not incompatible with the public welfare, to extend the time for filling the quota of the State of Indiana for the period of thirty days, or to grant such other extension of time as, to His Excellency, may seem expedient.

2. That His Excellency, Governor O. P. Morton, be requested to forward the above resolution to the President of the United States by telegraph.

Senate bill No. 88, entitled "an act repealing the second section of an act approved March 3d, 1852, entitled 'an act providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency,'"

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 91, entitled "an act to amend section 103 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,"

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 92, entitled "an act authorizing Street or Horse

Car Railway Companies to use State, county and township roads, or other public highways, for a track, under certain conditions and regulations,"

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 94, entitled, "an act to amend section 42 of 'an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto.'"

Was read the second time by title only, and on motion by Mr. Niles, this bill, and all other bills on the same subject, were recommitted to the Committee on Corporations.

Senate bill No. 101, entitled "an act to amend the second section of an act entitled, 'an act to amend the fifth and sixth sections of an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, for the compensation of such Reporter,' approved February 28, 1855; and also to amend the seventh section of an act entitled 'an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court for the compensation of such Reporter,'" approved Feb. 5th, 1852.

Which was read the second time, and passed to a third reading.

Mr. Cason gave notice that he would move to amend rule twenty-four, so as to read as follows:

"The previous question shall be put in this form—"Shall the main question be now put?" it shall only be admitted when demanded by eighteen members, and until it is decided, shall preclude all debate and the introduction of all further amendments. The main question shall be the first question in order, and its effects shall be to put an end to all debate, and bring the Senate to a direct vote on the questions then pending in their order, and then on the main question.

Mr. Ward asked and obtained leave of absence for Mr. Woods on account of sickness.

On motion of Mr. Moore,  
The Senate adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK, }  
 February 14, 1865. }

The Senate met.

The reading of the Journal was, on motion of Mr. Bennett, dispensed with.

Mr. Hord presented the proceedings of the Union Agricultural Society, composed of the Counties of Johnson, Shelby, Bartholomew and Brown, memorializing the Legislature to print the reports of the State Board of Agriculture for the years 1861, '62, '63 and '64, and annually thereafter.

Which was read and referred to the Committee on Agriculture.

Mr. Oyler presented a similar petition, which was referred to the same Committee, without reading.

Mr. Ward submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred the resolution of the Senate instructing them to inquire into the necessity and propriety of extending the provisions of an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares or grounds or any part thereof; the making out and recording of plots of such towns; and providing for the change of the names of such towns, approved March 20th, 1852," have had the same under consideration, and believe that the legislation contemplated by the resolution is necessary and expedient.

The Committee, to avoid any Constitutional objection, have directed me to report two bills, herewith submitted, and to recommend its passage.

The Committee on Corporations introduced,

Senate bill No. 163, entitled "an act touching the laying out of cities, and additions thereto, and the making and recording of plats thereof, and legalizing plats of such cities, and additions thereto heretofore made and recorded."

Was read the first time, and passed to a second reading.

The Committee on Corporations introduced,

Senate bill No. 164, entitled, "an act touching the disposition of lots, streets and alleys, public squares and grounds, within the cor-



porate limits of any incorporated city of this State heretofore vacated, or hereafter to be vacated."

Which was read the first time, and passed to the second reading.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed Joint Resolution of the Senate, without amendments, to wit :

"Senate Joint Resolution, No. 16, a Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States."

I am also directed by the Speaker of the House to inform the Senate that the House has concurred in the following resolution, to wit ;

*Whereas*, a few weeks more time would enable the State of Indiana to fill her quota by Volunteers, under the late call of the President of the United States.

Therefore, be it resolved by the *Senate of the State of Indiana, the House concurring*, that the President of the United States be, and he is hereby requested if not incompatible with the public welfare, to extend the time for filling the quota of the State of Indiana for the period of *thirty days*; or to grant such other extension of time as to his Excellency may seem expedient.

2nd. That his Excellency Gov. O. P. Morton, be requested to forward the above resolution to the President of the United States by telegraph.

Leave being granted,

Mr. Cobb offered the following :

WHEREAS, The amendment of the organic law of a great nation, is a question of very grave importance to the people thereof, and should not be passed upon by their Representatives without mature deliberation, and such amendment should be altogether correct in language, and every word should be used therein which is necessary to plainly set forth the meaning of the Legislature.

AND WHEREAS Senate Joint Resolution No. 16, ratifying the amendment proposed by Congress to the Constitution of the United

States, was passed by this Senate in great haste, and was imperfect in its language and in its dates, in this, that the word "State" was left out after the word "United," and *in this*, that the figures "1863" were used instead of "1865," and in this imperfect state it was ordered to be reported to the House; Therefore,

*Resolved*, That the House of Representatives be requested to return said Joint Resolution at an early day, in order that the Senate may perfect the same.

On motion by Mr. Dunning,

The special order for this hour, Senate bill 67, was postponed until 4 o'clock.

Mr. Richmond moved to lay the resolution of Mr. Cobb on the table.

The yeas and nays being demanded by Messrs. Cobb and Corbin,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Richmond, Terry, Thompson Van Buskirk, Ward and Wright—21.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Fuller, Hanna, Hord, Jenkins, Marshall, McClurg, Moore, Staggs, Vawter, Williams—18.

So the resolution lies upon the table.

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 14, called the "Soldiers' Relief bill," have had the same under consideration, and have ordered me to report the same back to the Senate with the following amendments, and after being so amended recommend its passage:

After the words "of the," in the 3d line, first section, insert "sick and wounded soldiers in hospital, and."

Also in the last line of the same section, after the word "families," "and sick and wounded Indiana soldiers in hospital."

Also amend the section, after the word "belong," in the last line, as follows: "And that one hundred thousand dollars of said fund be,

and the same is hereby appropriated annually, under the control and direction of the Governor, for the relief of sick and wounded Indiana soldiers in hospitals."

Also amend the seventh section by striking out all after the word "aforesaid," in the 19th line, to the word "final," in the 27th line.

Also amend the title of the bill in the second line, after the word "marines," by inserting "and sick and wounded Indiana soldiers in hospitals."

The report was concurred in.

Mr. Bennett submitted the following:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 120, introduced by Mr. Bradley, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment, proposed by the Committee, viz: Amend by striking out said section, and inserting the following instead:

"Section 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force and take effect from and after its passage."

The report was concurred in.

Mr. Cobb submitted the following:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 19, "an act to authorize the Boards of Commissioners of the several counties of the State of Indiana, and the authorities of any incorporated town or city in said State, to make appropriations to persons drafted, and persons furnishing substitutes, in the army of the United States," have had the same under consideration, and have instructed me to report the same back and recommend that it lay on the table.

The report was agreed to.

Leave being granted upon a division—affirmative 22, negative 15—Mr. Bennett offered the following:

*Resolved*, That the Senate hereby approve the action of A. T. S. J.—22

Whittlesey, Principal Secretary of the Senate, in reference to the engrossment of Senate Joint Resolution No. 16.

Mr. Hord moved to amend, by way of substitute, by striking out all after the word "resolved," and inserting the following :

"That the Joint Resolution reported from the House, purporting to be Senate Joint Resolution No. 16, be returned to the House, and that it be informed that the resolution, as it passed the House, and purporting to have originated in and passed the Senate, did not originate in or pass the Senate as reported from the House, and that it is not Senate Joint Resolution No. 16, inasmuch as it is different from the Senate Joint Resolution in this, to-wit: It has the word "States" after the word "United," and purports to have been approved in the year 1865, instead of the year 1863."

Mr. Dunning moved to lay the amendment on the table.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Thompson, Van Buskirk, Ward, and Wright—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Fuller, Hanna, Hord, Jenkins, Marshall, McClurg, Moore, Newlin, Staggs, Vawter and Williams—19.

So the amendment was laid on the table.

Mr. Brown, of Wells, moved to amend by striking out after the word "Resolved," and insert the following :

That in the vote of the Senate upon the resolution offered this afternoon by the Senator from Lawrence, no imputation was thereby intended to be cast against the purity of the Principal Secretary in the discharge of his duties in that office.

Mr. Bennett moved to lay the amendment upon the table.

The yeas and nays being demanded by Messrs. Brown of Wells, and Corbin,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton,

Cason, Chapman, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Oyler, Peden, Thompson, Van Buskirk, Ward and Wright—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown, of Wells, Carson, Cobb, Corbin, Douglas, English, Fuller, Hanna, Hord, Jenkins, Marshall, McClurg, Moore, Newlin, Staggs, Vawter and Williams—19.

So the amendment lies on the table.

Mr. Hanna moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Hanna and Bennett,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown, of Wells, Carson, Cobb, Corbin, Douglas, English, Hanna, Hord, Jenkins, Marshall, McClurg, Moore, Newlin, Staggs, Vawter and Williams—18.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Fuller, Hyatt, Milligan, Niles, Oyler, Peden, Thompson, Van Buskirk and Ward—20.

So the Resolution was *not* laid on the table.

Mr. Hanna moved to refer the Resolution to the Committee on Temperance.

On motion by Mr. Chapman,  
The motion to refer was laid on the table.

The question being on the adoption of the Resolution,

The ayes and noes being demanded by Messrs. Bonham and Corbin,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Culver, Davis, Dunning, Dykes, Finch, Fuller, Hyatt, Milligan, Niles, Oyler, Peden, Thompson, Van Buskirk, Ward and Wright—33.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown, of Wells, Carson, Cobb, Corbin, Douglas, English, Hanna, Hord, Jenkins, Marshall, McClurg, Moore, Newlin, Staggs, Vawter and Williams—18.

So the Resolution was adopted.

Leave being granted, Mr. Brown, of Wells, offered the following, which was adopted by consent:

*Resolved*, by the Senate (the House concurring), That a Committee of two from the Senate, and three from the House, be appointed to arrange for the commemorating, by this General Assembly, of the coming anniversary of Washington's Birth Day.

Mr. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested.

*Be it Resolved* by the House of Representatives, (the Senate concurring)

That Senate bill No. 55, entitled "an act to fix the time of holding the Court of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect," passed in the House Feb. 8th, 1865, be returned by the Governor to the House in which it originated, for further consideration.

The Senate proceeded to the consideration of the special order for this hour, to wit :

Senate bill No. 67, entitled "an act to regulate the fees of officers, and repealing former acts in relation thereto."

Which was read the second time.

Mr. Oyler moved to amend by striking out 30 cents in the ninth line, on page 7, and inserting 50 cents.

Mr. Wright moved to add, in the proper place, "For each Redemption Quietus, to be paid by the party redeeming, thirty cents."

The motion was agreed to.

Mr. Wright moved to amend by striking out of the fourth line of

the seventh section, "except County orders and papers returned by Township Assessors."

Mr. Richmond moved to strike out the entire section seven.

On motion by Mr. Brown, of Wells,

The further consideration of the bill was postponed until Thursday at 2½ o'clock.

The President announced that he had received a communication informing him that the House of Representatives had accepted an invitation from the Governor to visit the Military Prison to-morrow morning, at half past 9 o'clock.

On motion of Mr. Brown, of Wells,

It was resolved that the Senate accept the invitation of His Excellency, Governor Morton, to visit the Military Prisons near this city on to-morrow morning, at 9 o'clock, and that the Secretary of the Senate forward to his Excellency a copy of this resolution immediately.

On motion of Mr. Brown of Wells,

Senate bill No. 137. Entitled "an act prescribing the quality of Illuminating Gas, providing for the inspection thereof, declaring a forfeiture of bill therefor in certain cases, and declaring an emergency."

Was taken from the table, and referred to a Committee of three.

Leave being granted,

Mr. Bennett introduced the following, which was adopted by consent,

*Resolved*, That when the Senate adjourn, it will adjourn until to-morrow morning at 9 o'clock.

On motion by Mr. Corbin,  
The Senate adjourned.

WEDNESDAY FEBRUARY 15, 1865. }  
 9 O'CLOCK, A. M. }

The Senate met.

On motion by Mr. Brown of Wells,  
 The reading of the Journal of yesterday was dispensed with.

Mr Cason, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate Resolution No. 32, introduced by Mr. Cullen, in relation to the expediency of limiting the number of Justices of the Peace to one in each Township, and extending the jurisdiction in civil actions throughout the County, have had the same under consideration, and have directed me to report that, in the opinion of the Committee, there is no necessity of any change in the existing law upon this subject, and would therefore recommend that the same do lie on the table.

The report was concurred in.

Mr. Fuller introduced

Senate bill No. 165. Entitled "an act to amend the first and second sections of an act entitled 'an act to regulate the mileage of Sheriff's in conveying convicts to the State Prison, and of County Treasurers in making deposits and in their settlement with the Treasurer and Auditor of State, and the mileage of the members of the General Assembly,'"

Was read the first time, and passed to a second reading.

Mr. Bonham introduced

Senate bill No 166. Entitled "an act disqualifying certain persons from holding office under the laws of this State, and prescribing punishment for the violation of the same.

Which was read the first time, and passed to the second reading.

Mr. Carson introduced

Senate bill No. 167. Entitled "an act to amend section 21 of chapter six of the Revised Statutes of 1832, being 'an act prescribing the powers and duties of Justices of the Peace in State prosecutions,' " approved May 29, 1852.

Was read the first time, and passed to a second reading on to-morrow.



Mr. Wright introduced

Senate bill No. 168. Entitled "an act fixing the time of holding the Courts in the Twelfth Judicial Circuit."

Which was read the first time, and passed to a second reading.

Mr. Bennett introduced

Senate bill No. 169. Entitled "an act to amend section second of an act entitled 'an act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act,'" passed March 1859.

Was read the first time, and passed to a second reading.

Mr. Niles introduced

Senate bill No. 170. Entitled "an act to authorize trustees to sell and convey trust estates, and to re-invest the proceeds thereof."

Which was read the first time, and passed to a second reading.

The President announced that he had received a message from his Excellency Governor Morton, informing him that carriages were in waiting to convey members of the Senate and House to visit the Military Prisons in the suburbs of this City.

On motion of Mr. Moore,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The following resolution from the House of Representative was concurred in by consent:

*Be it resolved by the House of Representatives, (the Senate concurring,) That Senate bill No. 55, entitled "an act to fix the time of holding the Court of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect," passed in the House February 8th, 1865, be returned by the Governor to the House in which it originated, for further consideration.*

House bill No. 19, entitled "an act to amend an act entitled 'an act in relation to witnesses,' and to repeal section 238 of article 13 of the act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18th, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force," which took effect and went into force March 17th, 1861.

Was read the first time, and passed to a second reading.

House bill No. 84, entitled "an act to legalize the action of the Board of County Commissioners of Vermillion county, and of the District and State Boards of Equalization, in adopting the appraisement of real estate of 1859 as the basis of the assessment of taxes for the year 1864, and each year thereafter till a new appraisement shall be made,"

Was read the second time, by title only, and referred to the Committee on Finance.

House bill No. 7, entitled "an act to amend the first section of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12th, 1855, so as to authorize the formation of Ferry Companies, approved February 16th, 1857; so as to authorize the survey, construction, maintenance and repair of harbors, docks, and piers upon Lake Michigan, and other navigable waters, and to assess and collect tolls for the use thereof,"

Was read the second time, by title only, and referred to the Committee on Corporations.

House bill No. 45, entitled "an act to legalize the acts of certain civil officers in the State who have entered the military service, and have accepted a commission in the armies of the United States, and whose duties have been discharged by deputies during their absence in said service,"

Was read the second time, by title only, and referred to the Committee on Military Affairs.

House bill No. 63, entitled "an act relating to corporations for mechanical, manufacturing, mining and quarrying purposes,"

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 161, entitled "an act requiring the Boards of County Commissioners in the several counties of the State of Indiana to examine the books, papers and vouchers of any county officer in their respective counties, who may be charged with having received

a greater amount of fees than he is legally entitled to receive; to determine the amount thereof, if any, and to cause suit to be brought for its recovery, and declaring an emergency,"

Was read the second time, by title only, and referred to the Committee on County and Township Business.

Senate bill No. 162, entitled "an act to amend an act entitled 'an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 9th, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, 1857," approved March 1, 1857,

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 104, entitled "an act to amend the second section of an act entitled 'an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant,' approved May 29th, 1852,"

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 108. Entitled "an act to amend the 6th section of an act entitled 'an act, regulating divorces, nullification of marriages, and decree and order of Court incident thereto,'" approved May 13th, 1852.

Was read the second time, and ordered to be engrossed for third reading.

Senate bill No. 114. Entitled "an act to amend section 38 of an act, entitled 'an act to provide for the incorporation of Railroad Companies,'" approved May 11, 1852.

Was read the second time, and ordered to be engrossed for a third reading to morrow.

Senate bill No. 127. Entitled "an act to amend sections thirty-seven and forty-six of an act, entitled 'an act dividing the State into Counties, defining the jurisdiction of such as border on the Ohio and Wabash Rivers,'" approved June 7th, 1852, and defining the boundaries of the Counties of Jackson and Lawrence.

Was read the second time, and ordered to be engrossed for a third reading.

Senate Joint Resolution No. 9. Entitled "a Joint Resolution instructing our Senators and requesting our Representatives in Congress to labor to increase the pay of Private Soldiers, and Non-Commissioned Officers."

Was read the second time.

Mr. Oyler moved to strike out Thirty, and insert Twenty as the pay of private soldiers.

Mr. Hanna moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Brown of Wells and Oyler.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Douglas, English, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, McClurg, Newlin, Staggs, Thompson, Van Buskirk, Vawter, and Williams—28.

Those who voted in the negative were,

Messrs. Chapman, Davis, Dunning, Dykes, Finch, Gifford, Hyatt, Moore, Noyes, Oyler, Peden, Richmond, Terry, Ward, Woods and Wright—16.

So the amendment was laid on the table.

The Joint Resolution was ordered to be engrossed for a third reading.

The hour for the consideration of the special order having arrived, the Senate proceeded, Mr. Richmond in the chair, to consider the bill known as the "Morgan Raid bill."

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

On motion by Mr. Brown of Wells,

The Committee had leave to sit again at 9 o'clock on Friday morning.

Mr. Gaff asked, and obtained leave of absence for Mr. Van Buskirk, on account of sickness in his family, until Friday next.

The President announced the following Select Committee, on the part of the Senate, to make preparations for the celebration of Washington's Birth Day, viz.—Messrs. Brown of Wells, Beeson and Bennett.

Mr. Bennett gave notice that he would on to morrow, or some future day, introduce the following resolution,

*Resolved*, That the first Standing Rule of the Senate be amended as follows ; after the word "precisely" in the first line thereof, add the words "at nine o'clock in the forenoon and."

On motion of Mr. Bonham,  
The Senate adjourned.

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THURSDAY AFTERNOON, 2 o'clock, }  
February 16, 1865. }

The Senate met.

The reading of the Journal of yesterday was, on motion of Mr. Bonham, dispensed with.

Mr. Allison asked and obtained leave of absence for Mr. Davis, on account of sickness in his family.

The President presented a petition from citizens of \_\_\_\_\_ County, Indiana, praying that the General Assembly may adopt resolutions instructing our Senators, and requesting our Representatives, to vote for an amendment of the Constitution of the United States, acknowledging Almighty God as the source of authority and power in civil Government, the Lord Jesus Christ as the Ruler among the Nations, and his revealed will as of Supreme authority, &c.

Which was read and referred to the Committee on Rights and Privileges.

Mr. Van Buskirk submitted the following :

MR. PRESIDENT :

The Committee on Enrolled Bills have examined Senate Joint Resolution No. 16, touching the amendment of the Constitution of the United States, and find the same accurately and correctly enrolled.

Mr. Downey submitted the following report from the Committee on Phraseology, &c.,

MR. PRESIDENT :

The Committee on Phraseology, &c., have examined Engrossed Senate Bills Nos. 104, 127, 114, 108, 135, and Senate Joint Resolution No. 9, and find them carefully and correctly engrossed.

Mr. Bonham submitted the following :

MR. PRESIDENT :

The Finance Committee, to whom was referred Senate Bill, No. 160, entitled, " an act ratifying the action of the Governor, procuring the advance of two hundred and fifty thousand dollars from the President of the United States, have had the same under consideration, and direct me to report the same back, and recommend its passage.

The report was concurred in.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to which was re-committed Senate bill No. 47, with instructions to enquire into the expediency of so amending said bill as to provide a remedy for past injuries committed by mobs and riots, have given the matter a proper consideration, and instructed me to return it as heretofore reported to the Senate, with the several amendments there made by this Committee, and when the same is so amended, recommend its passage. The Committee does not deem it expedient to amend the bill in such a way as to impose a liability in cities and Counties for past injuries, inasmuch as the bill is purely a police regulation, intended to create a sentiment and influence against riotous behavior by making it the interest of every citizen to prevent and suppress it. And as the Committee do not believe that the proposed amendments would subserve the purposes of the bill, though regretting the past, and sympathizing with those who may have received injuries from the violence of riotous outbreaks, do not deem it proper to provide for those injuries in this measure.

The report was concurred in.

Mr. Beeson submitted the following :

MR. PRESIDENT :

The Finance Committee, to whom was referred Senate bill No. 149, entitled, " an act ratifying the action of the Governor in settling and discharging the State's quota of the direct tax," have had the same under consideration, and direct me to report the same back, and recommend its passage.

The report was concurred in.

Mr. Bradley offered the following :

MR. PRESIDENT :

The Finance Committee, to whom was referred Senate bill No. 123, have had the same under consideration, and direct me to report the same back, and recommend that it may lie upon the table, as legislation upon the subject is inexpedient.

The report was concurred in.

Mr. Richmond submitted the following :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 121, introduced by Senator Peden, have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend that it do pass.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee to whom was referred Senate bill No. 150, being an act to amend sections 7, 9 and 20 of an act relating to the destruction of records, &c., have had the same under consideration, and have directed me to report the same bill back to the Senate, and recommend its passage, as the same has been in a few particulars clerically amended by them.

The report was concurred in.

Mr. Milligan submitted the following :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred the communication from W. C. Mank, asking that he be appointed an agent to open an office in Frankfort on the Main, to encourage emigration to this State, have instructed me to recommend said communication to lie on the table.

The report was concurred in.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 87, introduced by Mr. Hord, have instructed me to report the same back to the Senate and recommend its passage without amendment. The title of said bill is as follows: "An act to amend the 17th section of an act entitled 'an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof,' approved May 31, 1852."

The report was concurred in.

Mr. Cason offered the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 146, introduced by Mr. Hord, have had the same under consideration, and have directed me to report said bill back, with the recommendation that it do lie upon the table.

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT

The Judiciary Committee, to whom was referred Senate engrossed bill No. 62, introduced by Mr. Hord, in relation to limited copartnerships, have had the same under consideration, and directed me to report the same back with the recommendation that the same be recommended to the Committee on Corporations, with instructions to strike out section five of said bill, the same being that part of said bill relating to joint debtors.

The report was concurred in.

Mr. Williams offered the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred the claims of stationery, &c., furnished the Secretary of the Senate for the use of the same, have had it under consideration, and direct me to report the same back and recommend that it be referred to the Committee on Claims.

The report was concurred in.



Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 153, entitled "an act in relation to the sale of real estate at private sale by executors, administrators and guardians, in certain cases," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage, with the following amendments :

1st. In the 8th and 9th lines strike out the word "five," and insert the words "one thousand." 2d. Strike out section 3.

The report was concurred in.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 106, having duly considered the same, have instructed me to report the same back to the Senate with the following amendment, to-wit :

Add at the foot of the bill as follows : "When the decision of the court below is decided to be erroneous, the appellee may, in the discretion of the Supreme Court, be required to pay the cost of the appeal;" and after the bill is so amended the Committee recommend its passage.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 31, entitled "an act relative to the insurance on life for the benefit of widows and orphans," have had the same under consideration, and recommend that it be amended by striking out the words "one hundred and fifty," in line 22 of section one, and inserting in lieu thereof the words "two hundred;" and when so amended they recommend its passage.

The report was concurred in.

Mr. Hord submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No.

43, having had it under consideration, have instructed me to report it back to the Senate and recommend that it lie on the table.

The report was concurred in.

Mr. Terry presented the following :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 98, entitled "an act to amend an act providing for the election or appointment of Supervisors, and their duties," approved March 5th, 1859, have had the same under consideration, and have instructed me to report the same to the Senate, and recommend that it lie on the table.

The report was concurred in.

The President presented a petition from J. D. G. Nelson, President of the Allen County Agricultural and Horticultural Society, praying that the General Assembly may order the printing of thousand copies of the unpublished Reports of the Indiana State Board of Agriculture, for distribution among the several Agricultural Societies of this State, &c.

Which was read, and referred to the Committee on Agriculture.

Messages from the House, by Mr. Nixon their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following Enrolled Joint Resolution of the Senate, to wit :

Senate Joint Resolution No. 16. A Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States.

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed House Bills, to wit : No. 158 and 160.

House bill No. 158. "An act to provide for the Appraisalment for Taxation of the property of Railroad Companies within this State, prescribing the duties of officers in relation thereto, and repealing all laws in contravention thereof or inconsistent therewith."

House bill No. 160. "An act to raise revenue for State purposes for the years 1865 and 1866, and declaring an emergency."

In the passage of which bills, the concurrence of the Senate is hereby respectfully requested.

Mr. Dunning submitted the following,

MR. PRESIDENT :

The Committee on Elections to whom was referred the papers and depositions in the contest of Kennedy Brown against James H. Vawter, to a seat in the Senate of the State of Indiana, have had the same under consideration ; the Committee have patiently and carefully examined all the evidence in said cause, they have also examined the law bearing upon the points arising out of the evidence therein, have patiently listened to the counsel in behalf of the contestor and contestee, and after mature deliberation, the Committee have instructed me to report that in their opinion James H. Vawter, the sitting member, has been duly elected to the office of Senator from the district composed of the Counties of Jennings and Jackson. Also the Committee are of opinion as plausible grounds of contest existed, they recommend that the contestor be allowed his *per diem* and mileage up to this date inclusive. The Committee further recommend that the contestor and contestee each be allowed one hundred dollars for attorney's fees, and that the costs of taking depositions except for the attendance of witnesses be allowed. The Committee therefore recommend the adoption of the following resolutions.

*Resolved*, That Kennedy Brown, contestor, is not entitled to a seat in the Senate of the State of Indiana, as Senator from the Counties of Jennings and Jackson.

*Resolved*, That James H. Vawter, the sitting member, is entitled to his seat as Senator from the Counties of Jennings and Jackson.

*Resolved*, That the sum of one hundred dollars, be and the same is hereby allowed to Kennedy Brown, and James H. Vawter, each, for Attorney's fees in said contest, and that the Auditor of State be directed to draw his warrant on the Treasury of the State of Indiana in their favor for said sums.

*Resolved*, That the claims for taking depositions in said contest, be referred to the Committee on Finance, with a recommendation to incorporate said allowance, as indicated in this report.

*Resolved*, That the sum of one hundred and twenty-nine dollars, *per diem* allowance for forty-three days, and the further sum of fifteen dollars and thirty-seven cents, mileage, be allowed to Kennedy Brown, and that the Auditor of State be directed to draw his war-

rant on the Treasurer of the State of Indiana for said sums in his favor.

All of which is respectfully submitted.

Mr. Cobb moved to reconsider the vote on concurring in the vote of the Committee, and to lay that motion on the table.

The motion was agreed to.

Mr. Hord submitted the following :

MR. PRESIDENT :

I am instructed by the Special Committee, to whom was referred Senate bill No. 30, entitled "An act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporations, and to exercise corporate powers and privileges; to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same," to report that they have had the same under consideration; that they recommend the following amendments, to-wit :

1st. Amend section 3 by adding the following proviso: "*And provided further, That such corporation, when so formed and organized, shall, in suing and being sued, and incorporating such railroad, be subject to the general laws of the State not inconsistent with the original charter of said road and the amendments thereto.*"

2d. Amend section 5 by adding after the word "State," in the 18th line, these words: "On the line of such roads." And when so amended, they recommend its passage.

The report was concurred in.

The Senate proceeded to consider the special order, known as the Fee and Salary bill, the question being on striking out section seven of the bill.

Mr. Richmond demanded the previous question.

The demand was seconded by twenty-six Senators.

The question being, shall the main question be now put?  
It was so ordered.

The ayes and noes being demanded by Messrs. Bennett and Beeson,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Brown of Hamilton,

Carson, Chapman, Cobb, Corbin, Finch, Fuller, Hyatt, Jenkins, Marshall, Milligan, Moore, Niles, Noyes, Richmond, Terry, Ward and Williams—22.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bradley, Brown of Wells, Cason, Culver, Douglas, Dunning, Dykes, English, Gaff, Gifford, Hanna, McClurg, Newlin, Peden, Staggs, Thompson, Woods and Wright—20.

So the seventh section was stricken out.

Mr. Milligan moved to strike out the second section.

Mr. Wright moved to indefinitely postpone the whole bill.

Mr. Brown of Wells moved to lay the motion to postpone on the table.

The yeas and nays being demanded by Messrs. Terry and Moore,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Chapman, Cobb, Corbin, Douglas, Dunning, Dykes, English, Fuller, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Milligan, Newlin, Niles, Noyes, Peden, Richmond, Staggs, Thompson, Vawter, Ward, Williams, and Woods.—36.

Those who voted in the negative were,

Messrs. Barker, Moore, Terry and Wright—4

So the motion to “indefinitely postpone,” was laid on the table.

The question being, on striking out the second section, relating to clerks,

And the yeas and nays being demanded by Messrs. Bennett and Brown of Wells,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Carson, Chapman, Cobb, Corbin, Finch, Fuller, Hyatt, Jenkins, Marshall, Milligan, Moore, Niles, Noyes, Richmond Staggs, Terry, Thompson, Vawter, Ward, Williams and Woods—26.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bradley, Brown of Wells, Cason, Douglas, Dunning, Dykes, English, Gaff, Gifford, Hanna, Newlin, Peden, and Wright—15.

So the second section was stricken out.

On motion by Mr. Corbin,

All of the first section, after the enacting clause, and the third and fourth sections, relating to clerk's fees were stricken out.

Mr. Wright moved to strike out the fifth section, relating to Sheriff's fees.

Mr. Vawter moved to lay the motion to strike out on the table.

Messrs. Brown of Wells and Gifford demanding the yeas and nays,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Douglas, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Milligan, Newlin, Niles, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams and Woods—36.

Those who voted in the negative were,

Messrs. Culver, Dykes, Moore, Noyes, Peden and Wright—5.

So the motion to strike out was laid on the table.

Mr. Williams moved to strike out all of the fifth section, except the fourth, fifteenth, the eighteenth, and the thirty-second section to, and including, the word "and."

The yeas and nays being demanded by Messrs. Cason and Beeson,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Brown of Hamilton, Carson, Cobb, Finch, Fuller, Hyatt, Jenkins, Marshall, Milligan, Moore, Noyes, Richmond, Terry, Vawter, Williams, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Allison, Bonham, Bradley, Brown of Wells, Cason, Chapman, Corbin, Culver, Douglas, Dunning, English, Gaff, Gifford, Hanna, Newlin, Niles, Peden, Staggs, Thompson and Ward—20.

So the motion to strike out was agreed to.

Mr. Richmond moved to strike out the sixth section, relating to Recorder's fees.

The motion upon a division, was agreed to.

Mr. Terry moved to strike out the eighth section, relating to Treasurer's fees.

The motion was agreed to.

Mr. Cason moved to amend, by inserting the law of 1855 in relation to Treasurer's fees.

Leave being granted,

Mr. Vawter offered the following Resolution, which was adopted by consent:

*Resolved*, That when the Senate adjourns, it adjourn to meet tomorrow morning at nine o'clock.

Mr. Richmond moved to lay the motion of Mr. Cason's on the table.

The yeas and nays being demanded by Messrs. Cason and Thompson,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Brown, of Hamilton, Carson, Chapman, Corbin, Finch, Fuller, Hyatt, Jenkins, Marshall, Milligan, Moore, Niles, Noyes, Richmond, Terry, Thompson, Vawter, Ward, Williams and Woods—24.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bradley, Brown of Wells, Cason, Culver, Douglas, Dykes, English, Gaff, Gifford, Hanna, Newlin, Peden, Staggs and Wright—16.

So the amendment was laid upon the table.

On motion by Mr. Bonham,  
The Senate adjourned.

FRIDAY, FEBRUARY 17TH, 1865. }  
 9 O'CLOCK, A. M. }

The Senate met.

The reading of the Journal of yesterday was, on motion of Mr. Gifford, dispensed with.

On motion of Mr. Richmond,  
 The Senate went into Committee of the Whole, on the Morgan Raid bill—Mr. Richmond in the chair.

The question being on the amendment, striking out from the bill all that relates to the appropriation of money from the Treasury,

After a considerable time spent therein,

On motion by Mr. Chapman,  
 The Committee arose and asked leave to sit again.

On motion by Mr. Vawter,  
 Leave was granted for 2 o'clock this afternoon.

The President announced the Committee on the bill in relation to illuminating gas, to wit:

Messrs, Brown of Wells, Allison and Hanna.

On motion by Mr. Richmond,  
 The Senate adjourned.

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2 O'CLOCK, P. M

Mr. Vawter demanded a call of the Senate.

It was ordered, and being taken, the following Senators answered to their names:

Messrs. Allison, Barker, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Douglas, Dunning, Dykes, English,



Finch, Gifford, Hyatt, Jenkins, Milligan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—27.

On motion by Mr. Vawter,  
The doorkeeper was ordered to bring in the absentees.

The President having, by mistake, appointed three instead of two members on the concurrent resolution passed on motion of Mr. Brown of Wells, to arrange for the commemoration by the General Assembly of the approaching anniversary of Washington's Birth-day, was approved by the Senate.

On motion by Mr. Dunning,  
Mr. English and Mr. Richmond were added to the Committee on the State Prison.

Mr. Dunning asked and obtained leave of absence for Mr. Dykes until Wednesday next; and also for Mr. Moore from to-morrow until Tuesday afternoon.

Mr. Richmond moved

That all those Senators who have not had an opportunity of giving their views upon the proposed amendment to the Constitution of the United States, be permitted to write them out, and that they appear in the "Brevier Legislative Reports."

The motion was agreed to, and it was so ordered by unanimous consent.

A message from the Governor, by Wm. H. Schlater, his Private Secretary :

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }  
Indianapolis, Pebruary 16, 1865. }

*To the President of the Senate :*

I am directed by the Governor to inform the Senate that he has this day approved and deposited in the office of the Secretary of State,

"Joint Resolution No. 16, Senate, entitled, "A Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States proposed by Congress to the Legislatures of the several States.

On motion by Mr. Terry,  
Further proceedings under the call were dispensed with.

Mr. Richmond asked and obtained leave of absence for Mr. Hyatt from to-night until Wednesday morning.

The President presented a claim of David Stevenson for fifty sets of Gavin and Hood's edition of the Revised Statutes of Indiana; which, on motion of Mr. Chapman, was referred to the Committee on Claims.

On motion by Mr. Bradley,

The vote was reconsidered by which the Senate was allowed to go into Committee of the whole at this hour upon the Morgan Raid bill.

Mr. Bradley moved,

That the bill be recommitted, with instructions to amend,

1st, By inserting at the proper place, "for the adjudicating of all claims for property taken or destroyed by our State troops, or troops under State authority, and that the same be paid out of the State Treasury."

2d, By inserting at the proper place, "For the taking of testimony with reference to all property taken and destroyed, and remaining unpaid, by the forces of the United States, and also all property taken and destroyed by the rebel forces, and that all the claims be officially certified by our officers of State to the General Government, with a request that it pay the same.

Mr. Vawter moved to lay the motion to re-commit on the table.

The yeas and nays being demanded by Messrs. Vawter and Brown of Wells,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Cason, Cobb, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Newlin, Peden, Richmond, Staggs, Terry, Vawter, Ward, Williams and Wright—26.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Chapman, Corbin, Culver, McClurg, Milligan, Moore, Niles, Noyes, Oyler, Thompson and Woods—18.

So the motion to re-commit was laid upon the table.

On motion of Mr. Vawter,

The regular order was suspended, and the Senate proceeded to consider the Morgan Raid bill.

Messages from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested :

*Resolved, by the House, (the Senate concurring therein,) That a Joint Committee, consisting of three members of the Committee on Corporations of the House, and three members of the Committee on Corporations of the Senate, be appointed, and that all bills to amend the general law providing for the incorporation of cities be referred to said Joint Committee, with instructions to inquire into the expediency of enacting a new law to take the place of the act of 1857, and embodying all amendments subsequently made to said act, and all amendments which, in the judgment of said Committee ought to be made thereto, and the Speaker makes said Committee on the part of the House to consist of Messrs. Hamrick, Buskirk and Foulke.*

I am also directed to inform the Senate that the House has passed the following Concurrent Resolution of the Senate, to-wit :

*Resolved, by the Senate, (the House concurring), That a Committee of three on the part of the Senate, and a like number on the part of the House, be appointed to arrange for the commemorating by this General Assembly, of the coming anniversary of Washington's Birthday, and the House appoints Messrs. Newcomb, Gregg and Lane on said Committee.*

I am also directed to inform the Senate that the House of Representatives has passed the following Engrossed Bills of the House, in which the concurrence of the Senate is respectfully asked, to-wit : House bills Nos. 8, 10, 15 and 122.

House bill No. 8. A bill providing for the taxing of dogs, and providing a fund for the payment of damages sustained in the maiming or killing of sheep by dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852.

House bill No. 10. A bill to amend an act entitled "An act to provide for the compensation of Township Assessors."

House bill No. 15. A bill authorizing Supervisors of Roads to remove fences standing near public highways on streams and water

courses, and to turn public roads and highways, on water courses, to the rear of buildings, where such buildings stand too near the stream, to give room for said roads or highways, and assess damages for losses occasioned thereby.

House bill No. 122. A bill to amend sections six and ten of an act entitled "An act to provide for and regulate the inspection of tobacco throughout the State of Indiana," approved Feb. 12, 1857.

Mr. Niles moved to amend by inserting after the word "testimony," in the second line of section 9th, the following words: "Dividing the claims so established into two classes, namely: 1st. Such as were for property taken or impressed by the forces of this State, with the description and value thereof, belonging to each claimant. 2d. Such as were for property taken or destroyed by the rebel forces." 3d. After the word "each," in the seventh line of the 9th section, insert the following: "For the sums so allowed such claimants respectively, for property so taken by the forces of this State."

Mr. Vawter moved to lay the amendment and the amendment to the amendment on the table.

Mr. Chapman demanded a division of the question.

The question being, shall the amendment to the amendment lie on the table?

The ayes and nays being demanded by Messrs. Vawter and Chapman,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Cobb, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Newlin, Oyler, Peden, Richmond, Staggs, Vawter, Ward, Williams and Wright—26.

Those who voted in the negative were,

Messrs. Beeson, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Culver, Milligan, Moore, Niles, Noyes, Terry, Thompson and Woods—17.

So the amendment was laid on the table.

The question then being, shall the amendment lie on the table?

The ayes and nays were demanded by Messrs. Chapman and Vawter.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Bradley, Cobb, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Newlin, Oyler, Peden, Staggs, Vawter, Ward, Williams and Wright—25.

Those who voted in the negative were,

Messrs. Beeson, Bonham, Brown of Wells, Brown of Hamilton, Carson, Cason, Chapman, Corbin, Culver, Marshall, Milligan, Moore, Niles, Noyes, Richmond, Terry, Thompson and Woods—18.

So the amendment lies on the table.

Section nine being read, it was adopted upon a division—affirmative 26, negative 13.

Section ten being read, Mr. Bennett moved to strike out “five” and insert “ten,” as the per diem of the Commissioners.

Mr. Oyler moved to amend the amendment by striking out “ten dollars” and inserting “eight,” as the compensation of the Commissioners.”

The ayes and nays being demanded by Messrs. Bennett and Oyler,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cobb, Douglas, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Milligan, Moore, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—34.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Cason, Chapman, Corbin, Culver, and Dunning—7.

So the amendment was laid on the table.

The question being on the amendment as amended, and,

The ayes and nays being demanded by Messrs. Brown, of Wells, and Moore,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of

Hamilton, Bradley, Cason, Chapman, Cobb, Culver, Douglas, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Carson, Corbin, Fuller, Jenkins, Marshall, Moore and Terry—9.

So the amendment to the amendment was adopted.

The question then occurred on the adoption of the tenth section as amended.

The section was adopted.

Section eleven being read, it was adopted by consent.

Section twelve being read, Mr. Chapman moved to strike out *three* and insert "one hundred thousand dollars," or the aggregate to be allowed to claimants.

Mr. Vawter moved to lay the amendment on the table.

Messrs. Corbin and Vawter demanded the yeas and nays.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Cobb, Culver, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Oyler, Peden, Staggs, Vawter, Ward, Williams and Wright—25.

Those who voted in the negative were,

Messrs. Beeson, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Milligan, Moore, Niles, Noyes, Richmond, Terry, Thompson and Woods—16.

Mr. Corbin moved to amend section 12 by adding to it the following:

— "And any acceptance by any person of the pro-rata share of their said claim to which they may be entitled, under the provisions of this act, shall be deemed and considered a full satisfaction of their said claims."

Section thirteen being read, it was adopted by consent.

Section fourteen being read, it was adopted.

Mr. Bennett moved to reconsider the vote by which the Senate agreed that there should be but one Commissioner.

Mr. Vawter moved to lay the motion to reconsider on the table.

Messrs. Cason and Thompson demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Bradley, Carson, Cobb, Douglas, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Moore, Newlin, Niles, Oyler, Staggs, Vawter, Ward, Williams and Wright—26.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Culver, Dunning, Milligan, Noyes, Peden, Richmond, Terry, Thompson and Woods—17.

So the motion to reconsider was laid on the table.

Mr. Vawter moved to amend by inserting the county of Warrick.

The amendment was adopted by consent.

Mr. Bennett moved to amend by providing that no claim shall be allowed for the destruction of, or damage done to property of any Railroad Company, or other corporation.

Mr. Vawter moved to lay the amendment on the table.

The question being, shall the amendment lie upon the table?

Messrs. Vawter and Bennett demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Bowman, Bradley, Douglas, Dunning, English, Finch, Gaff, Hanna, Newlin and Vawter—10.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Ham-

ilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Dykes, Fuller, Gifford, Hyatt, Jenkins, Marshall, Moore, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Ward, Williams, Woods and Wright—32.

So the motion to lay upon the table was rejected.

The question occurred on the adoption of the amendment offered by Mr. Bennett.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Culver, Dykes, English, Fuller, Gifford, Hyatt, Jenkins, Marshal, Milligan, Moore, Niles, Noyes, Oyler, Richmond, Staggs, Thompson, Ward, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Barker, Bowman Bradley, Cobb, Douglas, Dunning, Finch, Gaff, Hanna, Newlin, Peden, Terry, Vawter and Williams—14.

So the amendment was adopted.

Mr. Terry moved to amend by including in the proviso "owners of flouring mills and factories."

Mr. Hanna moved to lay it on the table.

The yeas and nays being demanded by Messrs. Hanna and Terry.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Bradley, Cobb, Culver, Douglas Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Newlin, Oyler, Peden, Richmond, Staggs, Vawter, Williams, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Milligan, Moore, Niles, Noyes, Terry, Thompson and Ward—16.

So the amendment was laid on the table.

Mr. Bennett offered the following, which was agreed to by consent :



“Amend by providing that no claim shall be allowed to any person or persons other than those to whom the loss or damage originally accrued, or to their legal heirs, executors, or administrators, and that such fact shall be established by affidavit of claimant.”

Mr. Terry moved to reconsider the vote by which the eighth section was adopted,

Mr. Vawter moved to lay the motion to reconsider on the table.

The motion was agreed to.

Mr. Corbin moved to amend, by adding the following sections,

SEC. 14. Any and all persons appointed by the Commissioners or Governor, under the provisions of this act shall take the same oath, required of the Commissioners in the first section of this act, and all oaths or affirmations required to be taken by the Commissioners or Appointees, of this act shall be entered upon the record required to be made by said Commissioners.

SEC. 15. Any Officer or Appointee under this act, who shall receive any fee or reward directly or indirectly from any party owning an interest in any claim presented to said Commissioners for allowance, or from any other person on behalf of said claimant, or interested party, or shall in any other manner violate any of their duties, as prescribed by this act, shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, nor more than one thousand dollars, be imprisoned in the State Prison, not less than one nor more than five years and be disfranchised, and rendered incapable of holding any office of trust or profit, for the period of five years.

Mr. Cobb moved to lay the amendments on the table,

The yeas and nays being demanded by Messrs. Corbin and Terry,

Those who voted in the affirmative were,

Messrs. Allison, Bowman, Cobb, Culver, Douglas, Dykes, English Finch, Gaff, Hanna, Hyatt, Jenkins, Marshall, Oyler, Staggs, Vawter, Ward and Wright—18.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Dun-

ning, Fuller, Gifford, Milligan, Moore, Newlin, Noyes, Peden, Richmond, Terry, Thompson, Williams and Woods—24.

So the motion to lay on the table was rejected.

The sections 14 and 15 were then adopted.

On motion by Mr. Vawter,

The bill was ordered to be engrossed for the third reading to-morrow.

Mr. Brown of Wells, offered the following, which was adopted,

*Resolved*, That when the Senate adjourns, it be to meet at 9 o'clock, A. M. to-morrow.

Leave being granted,

Mr. Carson offered the following, which was adopted.

*Resolved*, "That the Committee on Agriculture be, and they are, hereby, instructed to inquire into the expediency of authorizing the reports of the State Agricultural, and the State Horticultural Societies, to be published by State authority, and report by bill or otherwise."

Mr. Bonham offered the following, which was adopted:

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of reporting, at as early a day as possible, a bill making additional appropriations for the Legislative expenses of the present session of the General Assembly.

Mr. Vawter asked and obtained leave of absence for Mr. McClurg during next week.

Mr. Cobb asked and obtained leave of absence for Mr. Carson until the last of next week.

Mr. Hanna asked and obtained leave of absence for Mr. Hord until next Tuesday, on account of sickness in his family.

On motion of Mr. Oyler,  
The Senate adjourned.

SATURDAY, 9 O'CLOCK, A. M. }  
 February 18, 1865. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Wright moved that the Senate proceed to consider the orders of the day.

The motion was agreed to.

On motion by Mr. Chapman,  
 House bill No. 14, entitled "An act for the relief of the families of soldiers, seamen and marines in the State and United States' service, and of those who have died or been disabled in such service, and sick and wounded Indiana soldiers in hospitals, and prescribing the duties of certain officers therein named."

Which was read the second time.

Mr. Corbin moved to lay the bill on the table, and that three hundred copies thereof be printed.

The yeas and nays being demanded by Messrs. Chapman and Oyler,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Culver, Douglas, Finch, Fuller, Gaff, Gifford, Hanna, Jenkins, Newlin, Niles, Staggs, Vawter and Williams—20.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Chapman, English, Milligan, Noyes, Oyler, Richmond, Terry, Thompson, Ward, Woods and Wright—16.

So the motion was agreed to.

Mr. Downey submitted the following:

MR. PRESIDENT:

The Committee on Phraseology, &c., have examined Senate bills Nos. 30, 31, 38, 104, 108, 114, 127, 146 and 158, and also Senate Joint Resolutions Nos. 9, 11, 12 and 14, and find the same accurately and correctly engrossed.

S. J.—24

Mr. Hanna moved to suspend the previous order of the day in order to take up Senate bill No. 30—in relation to Rail Roads.

The motion was agreed to, and

Senate bill No. 30, entitled, “an act to authorize, regulate and confirm the sale of Railroads, to enable purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, powers and privileges; to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same,”

Was read the second time, and ordered to be engrossed, and read the third time to-morrow.

House bill No. 158, entitled “An act to provide for the appraisalment, for taxation, of the property of railroad companies within this State, prescribing the duties of officers in relation thereto, and repealing all laws in contravention thereof, or inconsistent therewith,”

Was read the first time, and passed to a second reading to-morrow.

House bill No. 8, entitled “An act providing for the taxing of dogs and providing a fund for the payment of damages sustained in the maiming and killing of sheep by dogs, and providing penalties for the violation of any of the provisions of said act by officers and others; and, also, repealing an act to license dogs, approved March 9, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled ‘an act for the protection of sheep,’ approved Jan. 5, 1852,”

Was read the first time, and passed to the second reading.

House bill No. 10, entitled “An act to amend an act entitled ‘an act to provide for the compensation of Township Assessors,’”

Was read the first time and passed to a second reading to-morrow.

House bill No. 15, entitled “An act authorizing Supervisors to remove fences standing near public highways, on streams and water courses, to the rear of buildings, where such buildings stand too near the streams to give room for said roads or highways, and assess damage occasioned thereby,”

Was read the first time, and passed to a second reading.

House bill No 122, entitled “An act to amend sections six and ten of an act entitled ‘an act to provide for and regulate the inspection of tobacco throughout the State of Indiana,’” approved February 12, 1857,

Was read the first time, and passed to a second reading to-morrow.

House bill No. 160, entitled “An act to raise revenue for State

purposes for the years 1865 and 1866, and declaring an emergency,"  
Was read the first time, and passed to a second reading.

House bill No. 19, entitled "An act to amend an act entitled 'an act in relation to witnesses, and to repeal section 238 of article 13 of the act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force,' which took effect and went into force March 17, 1861,"

Was read the second time by title only, and referred to the Committee on the Judiciary.

A message from the Governor to the Senate, submitting for consideration a communication, with an accompanying letter from the Secretary of State of the United States, enclosing one from the Hon. Justin S. Morrill, inviting the Governor's attention to the second section of the act of Congress of the 2d of July, 1864, on the subject of "Statues for the old Hall of the House of Representatives at Washington," inviting the various States to furnish statues in marble or brnze, not exceeding two in number for each, of deceased persons, illustrious for their historic renown, &c.,

Was read, and referred to a Select Committee of three.

Senate bill No. 163, entitled "An act touching the laying out of cities and additions thereto, and the making and recording of plats thereof, and legalizing plats of such cities, and additions thereto, heretofore made and recorded,"

Was read the second time, and ordered to be engrossed for the third reading to-morrow.

Senate bill No. 164, entitled "An act touching the disposition of lots, streets, alleys, public squares and grounds within the corporate limits of any incorporated city of this State, heretofore vacated, or hereafter to be vacated,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 165, entitled "An act to amend the first and second sections of an act entitled an act to regulate the mileage of Sheriffs in carrying convicts to the State Prison; and of County Treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of members of the General Assembly.

Was read by title only, and referred to a select committee of one from each Congressional District.

Senate bill No. 166, entitled "An act disqualifying certain persons from holding office under the laws of this State, and prescribing the punishment for the violations of the same."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 167, entitled "An act to amend section 21 of chapter 6 of the Revised Statutes of 1852, being 'an act prescribing the powers and duties of Justices of the Peace in State prosecutions,' approved May 29, 1852."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 168, entitled "An act fixing the times of holding the Courts in the 12th Judicial Circuit."

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 169, entitled "An act to amend section 2 of an act entitled an act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act," passed March, 1859.

Was read the second time, by title only, and referred to the Committee on Printing.

Senate bill No. 170, entitled "An act to authorize Trustees to sell and convey trust estates, and to reinvest the proceeds thereof."

Was read the second time, by title only, and referred to the Committee on the Judiciary.

Senate bill No. 31, entitled "An act relating to insurance on life for the benefit of widows and orphans."

Was read the second time, and ordered to be engrossed for a third reading.

Senate bill No. 38, entitled "An act providing for the election and appointment of officers for the Benevolent Institutions of this State, prescribing some of their powers, duties and other matters properly connected therewith; repealing all laws in conflict with this act, and declaring an emergency for the immediate taking effect of the same."

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate

that the House has passed the following engrossed bills thereof, in which the concurrence of the Senate is respectfully requested.

Engrossed House bill No. 59. A bill to authorize railroad companies to occupy and use for railroad purposes the property of canal companies, with their consent, and to secure them in such occupation and use, and for the protection of the hydraulic power of such canals, and to authorize the lessees of the water privileges of such canal to organize a company, or companies, for the maintenance thereof, in case of the failure of such canal company to maintain the same.

Engrossed House bill No. 89. A bill to allow cities and towns to permit the location of railroads on the streets and alleys, for the purpose of conveying coal into and through said cities and towns.

Senate bill No. 103, entitled "an act to amend the 35th section of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9th, 1857,"

Was read a second time, by title only, and referred to the Joint Committee on Corporations.

The President announced Messrs. Ward, Hanna and Peden as the Committee on the part of the Senate, under the concurrent resolution for the appointment of a Joint Committee on Corporations.

Senate Joint Resolution No. 14, entitled "a Joint Resolution concerning the exchange of the Indiana officers and soldiers held as prisoners of war in Southern prisons,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate Joint Resolution No. 12, entitled "a Joint Resolution authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State, under the provisions of the General Swamp Land Act,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate Joint Resolution No. 11, entitled "a Joint Resolution requesting the Governor to appoint a suitable person to correct the Swamp Land Books of the State of Indiana in the office of the Auditor of State,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 158, entitled "an act in relation to the sale of real estate by executors, administrators and guardians, in certain cases,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 146, entitled "an act to amend section 90 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,' approved June 17th, 1852,"

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 143, entitled "an act to amend the 2d, 6th and 7th sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12th, 1855,"

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 141, entitled "an act to amend the 2d, 5th and 6th sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12th, 1865,"

Was read the second time, by title only.

Mr. Bennett moved to re-consider the vote by which Senate bill No. 143 was ordered to be engrossed.

On motion by Mr. Bennett,

Senate bills Nos. 141 and 143 were referred to a Special Committee of four, consisting of Messrs. Bennett, Cobb, Corbin and Bradley.

Senate bill No. 120. Entitled "an act empowering District Prosecuting Attorneys to administer oaths in the discharge of their duties."

Was read the second time, and ordered to be engrossed for the third reading to morrow.

Mr. Vawter offered the following, which was adopted by consent.

*Resolved.* That when the Senate adjourns this morning, that it adjourn to meet Monday next at 2 o'clock P. M.

Mr. Bennett offered the following:

*Resolved,* That leaves of absence shall be granted to Senators, only upon sufficient cause to be stated in writing, and by a vote of two thirds of the Senators present, which was adopted by consent.



Leave being granted, Mr. English introduced,

Senate bill No. 171. Entitled "an act to reimburse Samuel H. Patterson, late Lessee of the Indiana State Prison, for money expended by him on account of work and labor rendered by sundry convicts during said Patterson's lease of said Prison."

Was read the first time, and passed to a second reading.

Leave being granted, Mr. Corbin introduced

Senate bill No 172. Entitled "an act supplemental to an act, entitled 'an act for the incorporation of Towns, defining their powers and providing for the election of the officers therefor, and declaring their duties,'" approved June 11, 1852, providing therein for the levy and collection of taxes, for certain purposes therein specified upon the real and personal property of all Railroads, including road beds, plank roads, turnpike roads, telegraph and bridge companies, and banks being in the corporate limits of incorporated towns within this State.

Was read the first time, and passed to the second reading.

Mr. Chapman asked and obtained leave of absence for Mr. Oyler, on account of sickness.

On motion by Mr. Chapman,

The vote ordering 200 copies of the Soldiers' Relief Bill [H. B. 14] printed, was reconsidered.

Mr. Allison submitted the following :

MR. PRESIDENT :

I ask leave of absence on Monday afternoon, for the reason that I am compelled to go home to-day, and desire to go direct from Madison to Jeffersonville, instead of returning and going by the way of Indianapolis.

Leave of absence was granted.

On motion of Mr. Moore,  
The Senate adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, }  
February 20, 1865. }

The Senate met.

On motion by Mr. Gifford,  
The reading of the Journal of Saturday was dispensed with.

Mr. Vawter presented a petition on Temperance, which was referred to the Committee on Temperance, without reading.

Mr. Oyler presented a similar petition, which took the same course.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 18, offered by Mr. Hôrd, entitled "an act to authorize the County Commissioners to appoint Commissioners to lay out and establish free Turnpike Roads, and authorizing the creation and appropriation of taxes for the construction and repair of the same, and making the said Commissioners a corporation, by a name to be designated by the County Board," have duly considered the same, and have instructed me to report the bill back to the Senate, with the recommendation that the bill be laid on the table, for the reason that a bill upon the same subject, and covering all the main principles of this bill, has been passed to its engrossment by the Senate.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Committee upon Phraseology have examined Senate Bills Nos. 47, 164, 163 and 168, and find them accurately and correctly engrossed.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 156. introduced by Mr. Downey, entitled, "an act to amend the 14th section of an act entitled 'an act to limit the number of Grand Jurors, and to point out the manner of their selection, defining their jurisdiction, and repealing all laws inconsistent

therewith, approved March 4th, 1852, and to change the form of the oath of Grand Jurors," have had the same under consideration, and have, after deliberation, instructed me to report the bill back to the Senate with the full and unanimous approval of the Committee, and a recommendation that the bill pass without amendment.

The report was concurred in.

Mr. Beeson submitted the following :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred a petition of numerous persons, on the subject of free turnpike roads, have directed me to report the same back to the Senate, with a recommendation that the same be referred to the Committee on Roads.

The report was concurred in.

House bill No. 89, entitled "an act to allow cities and towns to permit the location of railroads on the streets and alleys, for the purpose of conveying coal into and through said cities and towns."

Was read the first time, and passed to a second reading.

House bill No. 8, entitled "an act providing for the taxing of dogs, and providing a fund for the payment of damages sustained in the maiming and killing of sheep by dogs, and providing penalties for the violation of any of the provisions of said act by officers and others;" and also repealing "an act to license dogs," approved March 9th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of "an act for the protection of sheep," approved June 15th, 1852.

Was read the second time, by title only, and referred to the Committee on the Judiciary.

House bill No. 10, entitled "a bill to amend an act entitled 'an act to provide for the compensation of Township Assessors.'"

Was read the second time, by title only, and referred to the Committee on Township Business.

House bill No. 15, entitled "An act authorizing Supervisors to remove fences standing near public highways on streams and water courses, and to turn public roads and highways on water courses to the rear of buildings, where such buildings stand too near the streams to give room for said roads or highways, and assess all damages occasioned thereby."

Was read the second time.

On motion by Mr. Oyler, the word "and" was inserted after the word roads in the next to the last line of the 3d section

The bill was ordered to be engrossed for the third reading to-morrow.

House bill No. 122, "An act to amend sections six and ten of an act entitled 'an act to provide for and regulate the inspection of tobacco throughout the State of Indiana, approved February 12 1857.'"

Was read the second time, by title only, and referred to the Committee on Manufactures.

House bill No. 158, entitled "An act to provide for the appraisalment for taxation of the property of Railroad Companies within this State, prescribing the duties of officers in relation thereto, and repealing all laws in contravention thereof."

Was read the second time, and referred to the Special Committee on Railroad Appraisements.

House bill No. 150, entitled "An act to raise revenue for State purposes for the years 1865 and 1866, and declaring an emergency."

Was read the second time, by title only, and referred to the Committee on Finance.

House bill No. 59, entitled "An act to authorize Railroad Companies to occupy and use, for railroad purposes, the property of Canal Companies, with their consent, and to secure them in such occupation and use; and for the protection of the hydraulic power of such canals, and to authorize the lessees of the water privileges on such Canal to organize a company or companies for the maintenance thereof in case of the failure of such Canal Company to maintain the same."

Was read the first time, and passed to the second reading.

Senate bill No. 171, entitled, "An act to reimburse Samuel H. Patterson, State Lessee of the Indiana State Prison, for money expended by him on account of work and labor rendered by sundry convicts during said Patterson's lease of said prison."

Was read the second time, by title only, and referred to the Committee on Claims.

Senate bill No. 172, entitled "An act supplemental to an act entitled an act for the incorporation of towns, defining their powers and providing for the election of the officers therefor, and declaring their duties, approved June 11, 1852, providing therein for the levy and collection of taxes for certain purposes therein specified upon the road and personal property of all railroads, including road beds, plank roads, turnpike roads, telegraph and bridge companies and

banks lying in the corporate limits of any incorporated town within this State."

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 47, entitled, "An act providing for the compensation to persons whose property may be destroyed, or whose persons or property may be injured in consequence of mobs or riots."

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 5, entitled "An act to amend section 601 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity,'" approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown, of Hamilton, Cason, Chapman, Cobb, Corbin, Douglas, Downey, Dunning, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Oyler, Peden, Staggs, Terry, Thompson, Van Buskirk, Ward and Williams—33.

Those who voted in the negative were,

Messrs. English, Vawter and Wright—3.

So the bill passed.

Senate bill No. 20, entitled "an act to amend sections one and two of an act entitled 'an act to fix the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers,'" approved June 4, 1852,

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Cason, Cobb, Douglas, Downey, Dunning, Gifford, Hord, Marshall, Mason, Newlin, Niles, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—23.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Chapman, Culver, English, Finch, Fuller, Gaff, Jenkins, Milligan, and Williams—14.

So the bill failed to pass for want of a constitutional majority.

Senate bill No. 30, entitled "an act to authorize, regulate and confirm the sale of railroads; to enable purchasers of the same to form corporations, and to exercise corporate powers; and to define their rights, powers and privileges; to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same,"

Was being read, when,

On motion by Mr. Cobb,

The same was laid on the table.

Senate bill No. 31, entitled "an act relating to insurance on life for the benefit of widows and orphans,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—36.

Mr. Staggs voted in the negative.

So the bill passed.

Senate bill No. 34, entitled "an act to authorize incorporated cities within this State to purchase and hold parks, fair grounds and grounds for public uses, outside of the corporate limits, and to prescribe rules and regulations for the government, control and preservation of the same,"

Was read the third time.

On motion by Mr. Niles,

The words, "limiting to cities incorporated under the general laws of the State," were stricken out by unanimous consent.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown, of Hamilton, Cason, Chapman, Cobb, Corbin, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—37.

Noes, none.

So the bill passed.

Senate bill No. 38, entitled “an act providing for the election and appointment of officers for the Benevolent Institutions of this State, prescribing some of their powers, duties, and other matters properly connected therewith, repealing all laws in conflict with this act, and declaring an emergency for the immediate taking effect of the same.”

Was read the third time, and re-committed to Committee on Benevolent Institutions, with instructions to report back to-morrow morning.

Senate bill No. 50, entitled “an act providing for the redemption of real estate, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith.”

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Bradley, Brown, of Hamilton, Cason, Chapman, Cobb, Corbin, Downey, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Oyler, Peden, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams and Wright—32.

Those who voted in the negative were,

Messrs. Bennett and Vawter—2.

So the bill passed.

Senate bill No. 53, entitled “an act to allow County Commissioners to organize turnpike companies, where three fifths of the persons representing the real estate within prescribed limits petition for the

same, and to levy a tax for its construction, and provide for the same to be free.”

Was partially read, when,

On motion of Mr. Carson,  
The same was laid on the table.

Senate bill No. 88, entitled “an act repealing the second section of an act approved March 3d, 1853, entitled “an act providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency.’”

Was read the third time.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Cason, Chapman, Corbin, Downey, Dunning, Finch, Gifford, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—24.

Those who voted in the negative were,

Messrs. Barker, Bradley, Cobb, Douglas, English, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Staggs and Williams—13.

So the bill failed from want of a Constitutional majority.

Senate bill No. 91, entitled “an act to amend section 103 of an act entitled ‘an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State.’”

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Chapman, Downey, Fuller, Milligan, Niles, Oyler, Terry, Thompson, Van Buskirk and Williams—13.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Hamilton, Cason, Cobb, Corbin, Culver, Douglas, Dunning, English, Finch, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Newlin, Noyes, Peden, Staggs, Vawter, Ward and Wright—26.



So the bill failed to pass from want of a constitutional majority.

On motion by Mr. Bennett,

Senate bill No, 88, which failed a few minutes ago for the want of a Constitutional majority, was again put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Culver, Douglas, Downey, Dunning, Finch, Gifford, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—27.

Those who voted in the negative were,

Messrs. Barker, Bradley, English, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, Staggs and Williams—12.

So the bill passed.

Senate bill No. 93, entitled "an act authorizing street or horse-car railway companies to use State, County or Township roads, or other public highway, for their railway track, under certain conditions and regulations."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Cason, Chapman, Corbin, Culver, Douglas, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Bradley and Vawter—2.

So the bill passed.

Senate bill No. 52, entitled "An act defining the offense of bastardy, prescribing the punishment therefor, and declaring the powers and duties of Justices of the Peace therein,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Culver, Douglas, Downey, Dunning, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Milligan, Newlin, Niles, Noyes, Oyler, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Barker, English, Marshall and Mason—4.

So the bill passed.

On motion by Mr. Dunning,  
Senate bill No. 30 was taken from the table, where it was laid a short time ago, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Bradley, Cason, Cobb, Corbin, Culver, Douglas, Dunning, English, Finch, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Oyler, Staggs, Van Buskirk, Vawter, Ward and Williams—29.

Those who voted in the negative were,

Messrs. Beeson, Brown of Hamilton, Chapman, Downey, Fuller, Noyes, Peden, Terry and Thompson—9.

So the bill passed.

On motion by Mr. Culver,  
Senate bill No. 53 was taken from the table, where it was laid a short time ago, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Culver, Douglas, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Peden,

Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—37.

Those who voted in the negative were,

Messrs. Barker and Finch—2.

So the bill passed.

Mr. Bennett made an ineffectual motion to consider his resolution in regard to session hours, of which he gave notice last Wednesday.

Mr. Culver asked and obtained leave of absence for Mr. Oyler for next Tuesday and Wednesday.

Mr. Cobb moved to suspend the order of business, in order that he might move to reconsider Mr. Bennett's resolution concerning the absence of Senators, adopted on Saturday.

The yeas and nays being demanded by Messrs. Bennett and Cobb,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Cobb, Corbin, Culver, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Niles, Oyler, Staggs, Vawter, Ward and Williams—22.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Carson, Chapman, Dunning, Hanna, Milligan, Newlin, Noyes, Peden, Terry, Thompson, Van Buskirk and Wright—17.

So the order of business was suspended.

Mr. Cobb moved to reconsider the vote adopting that resolution.

Mr. Bennett moved to lay this motion on the table.

The yeas and nays were demanded by Messrs. Bennett and Vawter.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Dunning, Hanna, Milligan, Niles, Noyes, Peden, Terry and Thompson—14.

S. J.—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Hamilton, Cobb, Corbin, Culver, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Newlin, Oyler, Staggs, VanBuskirk, Vawter, Ward, Williams and Wright—25.

So the motion to lay on the table was rejected.

The question being, shall the vote on the passage of this resolution be reconsidered.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Hamilton, Cobb, Corbin, Culver, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Newlin, Oyler, Staggs, Vawter, Ward and Williams—23.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Dunning, Hanna, Milligan, Niles, Noyes, Peden, Terry, Thompson, Van Buskirk and Wright—16.

So the vote was reconsidered.

Mr. Cobb moved to lay the resolution on the table.

The ayes and nays being demanded by Messrs. Bennett and Peden,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Hamilton, Cobb, Corbin, Culver, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Newlin, Oyler, Staggs, Vawter, Ward and Williams—23.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Dunning, Hanna, Milligan, Niles, Noyes, Peden, Terry, Thompson, Van Buskirk and Wright—16.

So the resolution was laid on the table.

Leave being granted, Mr. Gifford introduced

Senate bill No. 173, entitled "an act to enable the Board of incor-

porated towns to authorize the use of portions of streets for shade and ornamental purposes.

Which was read the first time, and passed to the second reading.

Mr. Douglas moved that the Doorkeeper be directed to have a flag erected on the dome of the Capitol on Washington's birth day, provided the same can be done for a sum not exceeding fifty dollars.

Which motion was referred to the Committee on that subject.

Leave being granted, Mr. Cason offered the following :

*Resolved*, That when the Senate adjourns, that it do so until to-morrow morning at 9 o'clock A. M.

The ayes and nays were demanded by Messrs. Bennett and Peden.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Downey, Gaff, Gifford, Hanna, Jenkins, Mason, Milligan, Niles, Noyes, Peden, Staggs, Thompson, Van Buskirk, Ward, Williams and Wright—25.

Those who voted in the negative were,

Messrs. Cobb, Corbin, Culver, Douglas, Dunning, English, Finch, Fuller, Marshall, Newlin, Oyler and Vawter—12.

So the resolution was adopted.

On motion by Mr. Corbin,  
The Senate adjourned.

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WEDNESDAY AFTERNOON, 2 o'clock, }  
February 21, 1865. }

The Senate met.

The journal of yesterday was partially read, when,

On motion by Mr. Nelson,

The further reading was dispensed with.

On motion by Mr. Williams,

The regular order of business was dispensed with, and bills on third reading were ordered to be taken up for consideration.

On motion by Mr. Wright,

Senate bill No. 150, entitled, "An act to amend sections 7, 9 and 20, of an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records or other writings, of any county in this State, any Circuit, Probate, Commissioners' or other inferior Courts of Record therein, or filed with, or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed," approved January 12, 1852.

Was read a second time, and passed to a third reading.

Leave being granted, Mr. Niles introduced

Senate bill No. 174, entitled, "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith and declaring an emergency."

Which was read the first time, and passed to the second reading.

Leave being granted, Mr. Niles introduced

Senate bill No. 175, entitled "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felonies, and for mutual protection, and repealing all laws inconsistent herewith.

Which was read the first time, and passed to the second reading.

Leave being granted, Mr. Bennett submitted the following :

Mr. PRESIDENT :

The Committee on Military Affairs, to whom was referred House bill No. 45, entitled "an act to legalize the acts of certain civil officers in the State who have entered the service, and have accepted commissions in the armies of the United States, and whose duties have been discharged by Deputies during their absence in said service," have had the same under consideration, and instructed me to report the same back to the Senate, and recommend that the same be referred to the Committee on the Judiciary, as the subject matter of its provisions are purely of a judicial character, and not military.

The report was concurred in.

Mr. Vawter demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—33.

On motion by Mr. Cobb,  
The Doorkeeper was directed to bring in the absent members.

Mr. Corbin submitted the following :

MR. PRESIDENT :

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 38, have had the same under consideration, and have instructed me to report the same back with the following amendment :

In the 5th line of the first section, by striking out "1867," where it occurs, and insert instead thereof "1869."

The report was concurred in.

Mr. Chapman submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 160, for the purpose of raising revenues for the years 1865 and '66, have had the same under consideration, and have instructed me to report the same back and recommend that it do pass.

The report was concurred in.

Mr. Chapman submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 84, legalizing the Board of County Commissioners of Vermillion county, and of the District and State Board of Equalization, in adopting the appraisement of real estate of 1859 as the basis for the assessment of taxes for the year 1864, and thereafter," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

The report was concurred in.

Mr. Beeson submitted the following :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred the memo-

rial of the State Board of Agriculture, have had the same under consideration, and direct me to report that they deem it inexpedient to make such appropriation. The fact of the large demands that will necessarily have to be made from the Treasury, admonishes them that economy should be practiced at every point that will best subserve the public interest.

On motion by Mr. Cason,  
The report was laid on the table.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Committee on Military Affairs, to whom was referred the petition of John D. Wihan, and other citizens of Pleasant Township, in Laporte county, asking for the enactment of a law authorizing Township Trustees to issue bonds for the purpose of raising volunteers, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it lie upon the table, as the Committee are of the opinion that such legislation would be unwise and inexpedient.

The report was concurred in.

Mr. Corbin, for Mr. Carson, introduced

Senate bill No. 176, entitled "an act authorizing the assessment and levy of taxes in the several towns and cities in this State, upon the real and personal property of all railroad companies within the jurisdiction of such towns and cities,"

Was read the first time, and passed to a second reading.

Mr. Dunning introduced

Senate bill No. 177, entitled "An act for the relief of persons who have paid certain claims to the State, or to the proper officer, under color of judicial proceedings, and to subrogate such persons to the rights of the State."

Which was read the first time, and passed to a second reading.

Mr. Dunning moved that the rules be suspended and that the bill be read by title, for the purpose of reference.

The constitutional provision demanding the yeas and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley,



Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

No Senator voting in the negative.

So the rules were suspended, the bill read by title, and referred to a Special Committee, consisting of Messrs. Dunning, Niles and Downey.

Mr. Dunning, for the Lieutenant Governor, introduced

Senate bill No. 178, entitled "An act to authorize the formation of companies for the construction of water works in and for incorporated cities; to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof."

Which was read the first time, and passed to a second reading.

Mr. Dunning moved that the rules be suspended that the bill may be read a second time by title, for the purpose of reference.

A constitutional provision demanding the ayes and noes,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—34.

No Senator voting in the negative.

So the rules were suspended, the bill read by title only, and

On motion of Mr. Niles, it was referred to the Committee on Corporations, with the following instructions. Amend as follows:

"Any railroad company of this State is authorized, with the consent of such company, to subscribe for, and own stock therein, and shall be entitled to all the rights and privileges of other stockholders."

Mr. Thompson introduced

Senate bill No. 179, entitled "An act fixing the salaries of the Superintendent of the Insane, the Superintendent of the Deaf and

Dumb, and the Superintendent of the Blind in this State, and repealing parts of laws in conflict therewith.”

Which was read the first time, and passed to a second reading.

Mr. Wright moved that Senate bill No. 150, read the second time this morning, be considered as engrossed and read the third time now.

The constitutional provision demanding the ayes and noes,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—34.

No Senator voting in the negative.

So the rules were suspended, and the bill was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 38, entitled “ An act providing for the election and appointment of officers for the Benevolent Institutions of this State, prescribing some of their powers, duties and other matters properly connected therewith, repealing all laws in conflict with this act, and declaring an emergency for the immediate taking effect of the same,”

Which was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Chapman, Niles and Noyes—5.

Those who voted in the negative were.

Messrs. Barker, Bennett, Bowman, Bradley, Cason, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—30.

So the bill was rejected.

Senate bill No. 47, entitled "An act providing for compensation to parties whose property may be destroyed, or whose persons or property may be imperiled in consequence of mobs or riots,"  
Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 93, entitled "An act defining certain felonies and prescribing punishment therefor,"  
Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Cullen, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—34.

Senator Culver voted in the negative.

So the bill passed.

Senate bill No. 99, entitled "An act requiring Clerks of the Cir-

cuit Courts and Courts of Common Pleas to make indexes to the record books of their respective offices,"

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Ward and Woods—32.

Those who voted in the negative were,

Messrs. Vawter, Williams and Wright—3.

So the bill passed.

Senate bill No. 101, entitled " An act to amend the second section of an act entitled ' an act to amend the fifth and sixth sections of an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter,' approved February 28, 1855 ; and, also, to amend the seventh section of an act entitled ' an act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter,' " approved February 5, 1852,

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—35.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 104, entitled " An act to amend the second section of an act entitled ' an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for

the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29, 1852,

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—35.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 108, entitled "An act to amend the sixth section of an act entitled 'an act regulating divorces, nullifications of marriages, and decree and order of Court incident thereto,'" approved May 13, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

No Senator voting in the negative.

So the bill passed.

Senate bill No. 144, entitled "An act to amend section 38 of an act entitled 'an act to provide for the incorporation of Railroad Companies,'" approved May 11, 1852.

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bradley, Bonham, Bowman,

Carson, Cason, Chapman, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—36.

Mr. Vawter voted in the negative.

So the bill passed.

Leave being granted, Mr. Dunning submitted the following :

MR. PRESIDENT :

The Select Committee to whom was referred Senate bill No. 177, entitled "An act for the relief of persons who have paid certain claims to the State or to the proper officer under color of judicial proceedings, and to subrogate such persons to the rights of the State, have had the same under consideration and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

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

Mr. Dunning moved that the rules be suspended, and the bill read a third time now.

A Constitutional provision requiring the ayes and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

None voting in the negative.

So the rules were suspended, and the bill was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall,

Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—36.

No Senator voted in the negative.

So the bill passed.

Senate bill No. 168, entitled, "An act fixing the times of holding the Courts in the Twelfth Judicial Circuit."

Was read the third time.

A Constitution provision requiring the ayes and nays,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Cullen, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

So the bill passed.

On motion by Mr. Cobb,

Further proceedings under the call were dispensed with.

Senate bill No. 118, entitled "an act to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors; and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditor of State," approved June 21st, 1852,

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Cullen, Culver, Douglas, Dunning, English, Finch, Fuller, Gaff, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Woods—34.

Those who voted in the negative were,

Messrs. Downey and Wright—2.

So the bill passed.

The President announced the following Select Committee of one from each Congressional District on Senate bill No. 165, to-wit:

Messrs. Cobb, Fuller, Bradley, Gifford, Beeson, Oyler, Moore, Milligan, Wright, Noyes and Richmond.

The President announced the following Committee on Stationery:

Messrs. Dunning, Van Buskirk, and Downey.

On motion by Mr. Chapman,  
The Soldiers' Relief bill, (H. R. No. 14,) was taken from the table and made the special order for this afternoon, at 2½ o'clock.

On motion of Mr. Van Buskirk,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Senate bill No. 122, entitled "an act in regard to weights and measures, the custody thereof, and fees for using the same,"  
Was read the third time.

Mr. Bennett demanded a call of the Senate.

It was ordered, and the following Senators answered to their names:

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Carson, Casson, Chapman, Cobb, Corbin, Cullen, Douglas, Downey, Dunning, English, Finch, Gaff, Hanna, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—35.

On motion by Mr. Van Buskirk,  
The further call of the Senate was dispensed with.

The question being, shall bill No. 122 pass?



Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Douglas, Downey, Dunning, English, Finch, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—35.

Mr. Vawter voted in the negative.

So the bill passed.

Senate bill No. 127, entitled "an act to amend sections 37 and 46 of an act entitled 'an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers,' approved June 7th, 1852, and defining the boundaries of the counties of Jackson and Lawrence,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—35.

Mr. Richmond voted in the negative.

So the bill passed.

Leave being granted, Mr. Ward submitted the following:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 178, authorizing the formation of companies to supply cities with pure and wholesome water, have had the same under consideration, and recommend its passage with the following amendment:

Amend, by inserting after the word "company," in line eight of section seven, the following words, to-wit: "And any Railroad Company of this State may subscribe for and own stock in such company, and shall be entitled to all the rights and privileges of other stockholders."

The report was concurred in.

On motion by Mr. Dunning,  
The bill was read a second time, and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 133, entitled "an act fixing the time of holding the Courts in the Third Judicial Circuit,"  
Was read the third time, and,  
On motion by Mr. Cobb,  
Laid on the table.

On motion by Mr. Chapman,  
The Senate resolved itself into Committee of the Whole on House bill No. 14, for the relief of soldiers' families, Mr. Downey in the Chair.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

On motion by Mr. Van Buskirk,  
Leave was granted for Thursday morning at 9 o'clock.

On motion by Mr. Williams,  
Senate bill No. 133, laid on the table just before the Senate went into Committee, was taken therefrom.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Culver, Downey, Dunning, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—34.

No Senator voted in the negative.

So the bill passed.

Leave being granted,  
Mr. Cobb offered the following:

*Resolved*, That Samuel G. Thompson of Wabash County be and he is hereby allowed six dollars per day for six days' services as Doorkeeper in organizing the Senate at the session of 1863; and for 174 miles traveled at the rate per mile allowed members of the General Assembly.

On motion by Mr. Williams,  
The Resolution was referred to the Committee on Claims.

Senate bill No. 135, entitled "an act to amend the 71st section of an act entitled 'an act granting to the citizens of Evansville, in the County of Vanderburgh, a city charter,' approved January 27, 1847, and to add supplemental sections to said act."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Downey, Dunning, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Mason, Milligan, Noyes, Richmond, Staggs, Terry, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—34.

No Senator voted in the negative.

So the bill passed.

Mr. Bennett offered the resolution respecting session hours, of which he gave notice last Wednesday, proposing that the Senate shall hereafter meet at 9 o'clock A. M., instead of 2 P. M., as provided by the existing rule on the subject.

The resolution failed to pass upon a division—affirmative 15, negative 14—no quorum voting.

WASHINGTON, D. C., Feb. 21, 1865. }  
2.20 P. M. }

Gov. MORTON:—

The department has received the official report of Major General Gilmore, announcing the surrender of the city of Charleston, South Carolina, to the United States forces under his command, at nine (9) o'clock Saturday morning, the 18th inst. Among the captured property are two hundred (200) pieces of good artillery, and supplies of fine ammunition.

The enemy burned their cotton, warehouses, arsenals, quartermaster's stores, railroad bridge, two iron-clads, and some vessels in the ship yard.

(Signed)

EDWIN M. STANTON,  
Secretary of War.

On motion of Mr. Cobb,  
The Senate adjourned.

S. J.—26

WEDNESDAY, FEBRUARY 22, 1865. }  
 9 O'CLOCK, A. M. }

The Senate met.

The Journal of yesterday was partially read, when,

On motion of Mr. Bonham,  
 The further reading was dispensed with.

Mr. Wright presented a petition from citizens of Jasper County on the subject of licenses, for the retail of intoxicating liquors.

Which was referred to the Committee on Temperance, without reading.

Mr. Cobb demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Beeson, Bennett, Bonham, Bowman, Bradley, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Milligan, Moore, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—31.

On motion by Mr. Dunning,  
 The further proceeding under the call was dispensed with.

Mr. Chapman presented a similar petition.  
 Which was referred to the same Committee, without reading.

Mr. Downey submitted the following report from the Committee on Phraseology, &c.:

MR. PRESIDENT :

The Committee on Phraseology, &c., have examined Senate bills Nos. 120 and 178, and find them carefully and correctly engrossed.

Mr. Corbin presented a petition from John G. Osborne and other Justices of the Peace of Marshall County, praying for the passage of an act increasing the fees of Justices of the Peace.

Which was read, and referred to the Committee on Fees and Salaries.

Mr. Thompson presented a memorial from James H. Woodburn,

late Superintendent of the Insane Hospital, praying that he may be remunerated for two months' services, and to have his expenses reimbursed, &c.

Which was read, and referred to the Committee on Claims.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 148, to amend the 76th and the 88th sections of the act in reference to the settlement of decedents' estates, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Milligan submitted the following :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred bill No. 177, "A bill to repeal the act enforcing the 13th article of the Constitution of the State of Indiana," have instructed me to report back said bill, and recommend its passage.

The question being on concurring in the report,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Davis, Dunning, Hyatt, Milligan, Niles, Noyes, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Moore, Staggs, Vawter and Ward—19.

So the report was concurred in.

Mr. Milligan submitted the following :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred bill No. 124—"An act to enforce the 13th article of the Constitution of the State of Indiana"—have instructed me to report back this bill and recommend it to lie on the table.

The question being on concurring in the report of the Committee,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Cason, Chapman, Cullen, Davis, Dunning, Hyatt, Milligan, Niles, Noyes, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—19.

Those who voted in the negative were,

Messrs. Baker, Bowman, Bradley, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Moore, Newlin, Staggs, Vawter and Williams—20.

So the report was not concurred in.

Mr. Chapman moved to take from the table the report of the Joint Select Committee, appointed to investigate the receipts and disbursements of public moneys made by his Excellency, Governor Morton, submitted to the Senate on the 31st ultimo.

The motion was rejected.

Mr. Cullen submitted the following :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 136, would respectfully report that they have had the same under consideration and recommend its passage.

The report was concurred in.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 7, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

The report was concurred in.

Mr. Richmond submitted the following :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 10, entitled "a bill to amend an act entitled an act to provide for the compensation of Township Assessors," have had the same under consideration and recommend that it do lie upon the table.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to which was referred House bill No. 19, making changes in the law in regard to witnesses, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments; and when so amended to recommend its passage :

In line 7, section 1, of old section, after the word "other," insert "or as to communications made to each other." And in line 7, of new section, after word "other," insert the words "or as to communications made to each other." In line 13, section 1, of new law, insert the words "their profession; clergymen concerning any confessions made to them in the course of." In the seventh line from the last, in the section as amended, after the word "witness," insert the words "as to any matter which occurred prior to the death of such ancestor."

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 167, entitled "An act to amend section 21 of chapter 6, of the Revised Statutes of 1852, being an act prescribing the powers and duties of the Justices of the Peace in State prosecutions, approved May 29, 1852," have had the same under consideration, and have directed me to report said bill back and recommend that it do lie on the table.

The report was concurred in.

Mr. Richmond submitted the following :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 140, entitled "an act to amend an act entitled "an act dividing the State into Counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio River," approved June 7, 1852, have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend that it do pass.

The report was concurred in.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 170, to authorize trustees to sell and convey trust estates, and to re-invest the proceeds thereof, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

The report was concurred in.

Mr. Williams submitted the following,

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 54, "an act to amend sections 2 and 13 of an act entitled 'an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto,'" approved Dec. 21, 1858, have had the same under consideration, and have directed me to report the same back, and recommend that it be laid on the table.

The report was concurred in.

Mr. Milligan submitted the following :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred a petition of citizens of Jefferson County, asking compensation for damage done by the Morgan raid, have instructed me to report it back, and recommend that it lie upon the table, as a bill is now before the Senate on the same subject.

The report was concurred in.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No 45, entitled "an act to legalize the acts of certain civil officers in the State who have entered the military service, and have accepted commissions in the armies of the United States, and whose duties have been discharged by deputies during their absence in said service," have had the said bill under consideration, and have directed me to



report that in the opinion of the Committee, under the decision of the Supreme Court, that said bill is unconstitutional, and would have no legal force if passed; and would therefore recommend that the same do lie on the table.

The report was concurred in.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Committee on Military Affairs, to whom was referred Senate bill No. 112, entitled "an act to aid in the enforcement of the Draft," have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie on the table.

The report was concurred in.

Mr. Milligan submitted the following :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred a petition of citizens of Harrison County, asking compensation for damage done by John Morgan, have instructed me to report the same back to the Senate, and recommend it to lie on the table, as a bill is now pending in the Senate on the same subject.

The report was concurred in.

Mr. Richmond submitted the following :

MR. PRESIDENT :

The Special Committee, to whom was referred Senate Bill No. 138, entitled "an act amending section 30 of an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855, have had the same under consideration, and have instructed me to report the following amendment, to wit :

Amend by striking out in the 15th line of the 1st section the word "the," where it occurs after the words "expense of," and insert the word "such," so as to make it read, "expense of such County," and when so amended, the Committee recommend its passage.

The report was concurred in.

Mr. Dunning submitted the following :

MR. PRESIDENT :

The Special Committee of one from each Congressional District, on Fees and Salaries, to whom was referred petition No. 38, a petition from certain officers of the county of Ohio, asking that, on account of the unusual prices of everything in the way of living, and the advance of all kinds of labor, that the fees of county officers should be increased in proportion to other prices; also, petition No. 2, a petition from the officers of Vermillion county, asking "that the fees of county officers be increased to a rate fairly remunerative, and corresponding with prices so largely advanced since the enactment of the law regulating the fees of officers in 1855, and which are now so generally prevailing," have had the same under consideration, and have instructed me to report that as the Committee have heretofore reported a bill regulating the fees of county officers, it is the opinion of the Committee that further legislation is unnecessary, and recommend that the petition be laid on the table.

The report was concurred in.

Mr. Dunning submitted the following :

MR. PRESIDENT :

The Special Committee, to whom was referred Senate bill No. 24, entitled "an act amending section one of an act providing for the allowance of compensation to the clerks of the Circuit and Common Pleas Courts, and Sheriffs, for extra services, and to repeal all laws inconsistent therewith," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend the passage of the same.

The report was concurred in.

Leave being granted, Mr. Van Buskirk presented a petition of citizens of Morgan county, Monroe township, praying for an amendment to the law granting license for the retail of spirituous liquors, &c., which, without reading, was referred to the Committee on Temperance.

House bill No. 59, entitled "a bill to authorize Railroad Companies to occupy and use for railroad purposes the property of Canal Companies, with their consent, and to secure them in such occupation and use, and for the protection of the hydraulic power of such Canals; and to authorize the lessors of the water privileges on such canal to organize a company, or companies, for the maintainance thereof, in case of the failure of such Canal Company to maintain the same,"

Was read a second time, by title only.

Mr. Bradley moved to refer the bill to a Select Committee, consisting of Messrs. Bennett, Beeson and Cobb.

On motion of Mr. Bennett, Mr. Cullen was added.

On motion by Mr. Cobb, Mr. Gaff was added.

The question being on agreeing to the original motion, as amended,

Mr. Dunning moved to amend it by referring it to the Committee on Corporations.

Mr. Bradley moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Dunning and Hord.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Corbin, Cullen, Davis, Downey, Hyatt, Niles, Noyes, Richmond, Terry, Van Buskirk, Vawter, Williams and Woods—19.

Those who voted in the negative were,

Messrs. Barker, Bowman, Cobb, Douglas Dunning, English, Finch, Fuller, Gaff, Hanna, Hord, Jenkins, Marshall, Milligan, Moore, Newlin, Staggs, Thompson, Ward and Wright—20.

So the motion to lay on the table was rejected.

On motion by Mr. Bennett,

The bill was referred to the Committee on Canals and Internal Improvements.

A message from the Governor, by B. R. Sulgrove, his private Secretary.

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }  
*Indianapolis, February 21, 1865.* }

*To the Senate and House of Representatives of the General Assembly of the State of Indiana :*

I have received the following communication from sundry citizens of Tippecanoe county, making a proposition in regard to the establishment of an Agricultural College, under the donation of lands for that purpose by Congress, at the Tippecanoe Battle Ground, with an accompanying plan or map of the ground :

“INDIANAPOLIS, IND., Feb. 18, 1865.

“*Gov. O. P. Morton :*

“The undersigned, citizens of Tippecanoe county, propose, upon the condition that the State of Indiana will locate and permanently establish the Agricultural College provided for under the act of Congress, July 5, 1862, at the Tippecanoe Battle Ground, in said county, on the premises now occupied by the ‘Battle Ground Institute,’ embracing eight acres in the plat on which the building stands, and forty acres owned by the ‘Institute,’ situate in Tippecanoe county, some distance from the Battle Ground; also near two hundred acres of land adjacent to, and in the immediate vicinity of the Battle

of the College as above provided. and the ten thousand dollars to be paid concurrently with the location title to the real estate donated, to vest in the State in fee simple, State of Indiana, together with ten thousand dollars in money, the Ground, and one hundred acres of land in the northern part of the

“In making this proposition, we act as a committee on behalf of Joseph Cooper and others, whose written guaranty, with accompanying map or chart exhibiting the College grounds and surrounding country, including the lands proposed to be donated in the vicinity of the Battle Ground, we hold in our hands, ready to be placed at the disposal of the proper authorities.

“The aggregate value of the lands and money hereby offered is, in our opinion, one hundred thousand dollars.

“Please communicate this offer to the two branches of the Legislature, and oblige your humble servants.

“JAMES D. SHAW,  
 “HIRAM SHAW,  
 “WILLIAM MITCHELL,  
 “GEORGE D. WAGNER,  
 “JOHN ROSSER,  
 “JOSEPH COOPER,  
 “H. D. RIDDALL,  
 “CHAUNCY JONES,  
 “WILLIAM MOORE,  
 “JOHN H. HULL.”

The site of Tippecanoe Battle Ground is a beautiful and healthful one, with a pleasant admixture of timber and prairie lands surrounding it. The citizens are generally wealthy and intelligent, and the agricultural interests well developed and progressive. The historic associations are honorable and gratifying. The proposition is a liberal one, and doubtless well secured. I trust it will receive your careful consideration, among the other propositions relating to the same subject.

House bill No. 84, entitled "An act to legalize the action of the Board of County Commissioners of Vermillion county, and of the District and State Boards of Equalization in adopting the appraisal of real estate of 1859, as to the basis for the assessment of taxes for the year 1864, and each year thereafter till a new appraisal shall be made."

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

House bill No. 160, entitled "An act to raise revenue for State purposes for the years 1865 and 1866, and declaring an emergency."

Was read a second time.

The Senate then resolved itself into Committee of the Whole on House bill 160, to raise revenue for State purposes for the years 1865 and 1866, Mr. Bennett in the chair.

After some time spent therein, the Committee rose, reported progress, through Mr. Bennett, its chairman, and recommended the passage of the bill.

The report was concurred in.

The bill was ordered to be engrossed for a third reading to-morrow.

House bill No. 89, entitled "An act to allow cities and towns to permit the location of railroads on the streets and alleys, for the purpose of conveying coal into and through said cities and towns."

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 173, entitled "An act to enable the Board of incorporated towns to authorize the use of portions of streets for shade and ornamental purposes."

Was read the second time.

Mr. Niles moved that the rules be suspended so that the bill may be read a third time now.

The Constitutional provision requiring the suspension of the rules.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Milli-

gan, Moore, Newlin, Niles, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—37.

None voting in the negative.

So the rules were suspended and the bill read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—40.

None voting in the negative.

So the bill passed.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate, that the House has passed Engrossed Senate bill No. 3, with the accompanying engrossed amendment of the House thereto, in which the concurrence of the Senate is respectfully requested.

I am also instructed to inform the Senate, that the House has passed the following :

Engrossed House bill No. 47, entitled " A bill to increase the power of the Board of Sinking Fund Commissioners, and to authorize said Board to loan any monies belonging to said Fund, and to invest any monies belonging to said Fund in Indiana State Bonds or Stocks, and providing for the cancelling of such Bonds or Stocks, and the revising of new non-negotiable Bonds or Stocks, payable to said Fund," in which the concurrence of the Senate is respectfully requested.

Senate bill No. 174, entitled " An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency."

Was read the second time, by title only, and referred to the Committee on Agriculture.

Senate bill No. 175, entitled "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons and for mutual protection, and repealing all laws inconsistent herewith."

Was read the second time, by title only, and referred to the Committee on Agriculture.

Senate bill No. 176, entitled "An act authorizing the assessment and levy of taxes in the several towns and cities, in this State, upon the real and personal property of all Railway Companies within the jurisdiction of such towns and cities."

Was read the second time, by title only, and referred to the Committee on Corporations.

Senate bill No. 179, entitled "an act fixing the salaries of Superintendent of the Insane, the Superintendent of the Deaf and Dumb, and the Superintendent of the Blind, in this State and repealing parts of laws in conflict therewith."

Was read the second time, by title only, and referred to the Committee on Benevolent Institutions."

On motion by Mr. Bennett,

The previous order of business was suspended in order to take up bills on their their third reading.

Leave being granted, Mr. Cason introduced the following, which was adopted by consent.

*Resolved*, That the Judiciary Committee be instructed to inquire into, and report at what time the State has to put in operation the Agricultural College from and after the passage of the act of Congress appropriating lands for the endowment of such a College.

Senate bill No. 120, entitled "An act empowering District Prosecuting Attorneys to administer oaths in the discharge of their duties,"

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshal, Milligan, Moore, Newlin, Niles, Noyes, Rich-

mond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—40.

No Senator voting in the negative.

So the bill passed.

Senate bill No. 145, entitled "An act providing compensation for Judges holding Courts of Common Pleas in certain cases,"  
Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Milligan, Newlin, Niles, Noyes, Richmond Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—37.

Those who voted in the negative were,

Messrs. Bowman, Moore, Vawter and Williams—4.

So the bill passed.

Senate bill No. 158, entitled "An act in relation to the sale of real estate by executors, administrators and guardians in certain cases,"  
Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Dunning, Dykes, Finch, Hord, Hyatt, Milligan, Newlin, Niles, Noyes, Richmond, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—28.

Those who voted in the negative were,

Messrs. Bowman, Culver, Downey, English, Fuller, Gaff, Jenkins, Marshall, Moore, Staggs and Vawter—11.

So the bill passed.

Senate bill No. 163, entitled "An act touching the laying out of cities and additions thereto, and the making and recording of plats



thereof, and legalizing plats of such cities, and additions thereto, heretofore made and recorded,"

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—39.

No Senator voted in the negative.

So the bill passed.

On motion by Mr. Wright,  
Senate Joint Resolution No. 11, entitled "a Joint Resolution requesting the Governor to appoint a suitable person to correct the Swamp Land Books of the State of Indiana in the office of the Auditor of State,"

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bowman, Cason, Chapman, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hyatt, Jenkins, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Barker, Hord and Vawter—3.

So the bill passed.

Joint Resolution No. 12 was, by unanimous consent, changed into Senate bill No. 180, entitled "An act authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State, under the provisions of the General Swamp Land Act."

Leave being granted, Mr. Beeson offered the following resolution :

*Resolved*, That when the Senate adjourn, it adjourn until to-morrow morning at 9 o'clock.

Which was adopted.

Leave being granted,

Mr. Thompson introduced

Senate bill No. 188, entitled "an act to amend section 1 of an act to incorporate the Trustees of the Indiana Female College."

Which was read the first time, and passed to a second reading.

Senate bill No. 180, entitled "an act authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State, under the provisions of the General Swamp Land act."

Was read a third time.

The question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hyatt, Jenkins, Marshall, Milligan, Moore, Niles, Noyes, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—37.

No Senator voted in the negative.

So the bill passed.

On motion by Mr. Williams,

The Senate proceeded to the consideration of the House amendments to Senate bill No. 3, entitled "an act to legalize the issuing of bonds and making of appropriations and the levy and assessment of taxes, in certain cases."

Mr. Williams moved to refer the bill and amendments to a select committee of five.

Mr. Milligan moved that the bill and amendments be laid on the table and printed.

The yeas and nays being demanded by Messrs. Williams and Bennett,

Those who voted in the affirmative were,

Messrs. Bonham, Corbin, Cullen, Davis, Downey, Dunning, Hyatt,

Milligan, Moore, Niles, Noyes, Richmond, Terry, Ward and Wright—15.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bennett, Bowman, Cason, Chapman, Culver, Douglas, Dykes, English, Finch, Fuller, Gaff, Jenkins, Marshall, Newlin, Staggs, Thompson, Van Buskirk, Vawter, Williams and Woods—22.

So the motion was rejected.

The bill and amendments were then referred to a Select Committee of five, consisting of Messrs. Williams, Niles, Bennett, Richmond, and Beeson.

Mr. Culver submitted the following :

MR. PRESIDENT :

The Committee on Manufactures, to whom was referred Senate bill No. 122, "an act to amend sections 6 and 10 of an act entitled 'an act to provide for and regulate the inspection of tobacco throughout the State of Indiana, approved Feb. 12, 1851,'" have had the same under consideration, and report the bill reported back and recommend its passage.

The report was concurred in.

On motion by Mr. Bennett,

The Senate adjourned.

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THURSDAY AFTERNOON, 2 o'clock, P. M., }  
February 23d, 1865.

The Senate met.

The Journal of yesterday was partially read; when,

On motion of Mr. Mason,

The further reading was dispensed with.

Mr. Hord presented a petition from citizens of the Whitewater Valley, praying for the enactment of a law by which a railroad may  
S. J.—27.

be constructed on the line of the Whitewater Valley canal, not impairing the present hydraulic power.

Which was referred to the Committee on Canals and Internal Improvements.

Similar petitions on the same subject were presented by Messrs. Richmond, Hord, Downey, English, Chapman, Vawter, Gaff and Hyatt.

Which were referred to the same Committee, without reading.

Mr. Milligan presented a petition from citizens of White County, praying that the law licensing the retailing of spirituous and intoxicating liquors may be so amended as to require the signatures of a majority of the voters of any incorporated city, or town, or township to petitions before licenses are granted.

Which was referred to the Committee on Temperance without reading.

Mr. Woods presented a similar petition, which was referred to the same Committee, without reading.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee on Corporations to whom was referred House bill No. 63, have had the same under consideration, and have directed me to return the same to the Senate without amendment, and recommend its passage.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee recommend that House bill No. 8 be amended in the following particulars, and when so amended, that it be passed :

Amend the title as follows :

Instead of the first clause of the title, insert the following :

“ An act to discourage the keeping of useless and sheep-killing dogs.

In the last line of section one, strike out the word “ other.”

In line 6, from the end of section 2, strike out the words, “ the

sums so charged ;” and in line 5, from end of same section, strike out the words “for other purposes.”

The report was concurred in.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Special Committee, to whom was referred a bill entitled “a bill accepting the provisions of an act of the Congress of the United States of America, entitled ‘an act donating lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts,’ and providing for the receipt, investment and management of said donation,” have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation of the Committee to amend section two of the act by striking out all after the word “and,” in the first line of said section, to the word “and,” in the third line of said section, and in lieu thereof insert, between the words mentioned, the following: “Alfred Poland, of Gibson, Smith Vawter, of Jennings, Henry Taylor, of Tippecanoe, Lewis Burk, of Wayne;” and when so amended the Committee recommend the passage of the bill.

The report was concurred in.

On motion by Mr. Van Buskirk,  
The bill was read the second time.

On motion by Mr. Williams,  
The bill was committed to the Committee on the Judiciary.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 14 and 143, on the subject of voluntary associations, with instructions to consolidate the same into one bill, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend the passage of both bills, as they cannot be conveniently consolidated.

The report was concurred in.

Mr. Williams submitted the following :

MR. PRESIDENT :

A majority of the Select Committee, to whom was referred en-

grossed amendments of the House to Senate bill No. 3, have had the the same under consideration, and have agreed to concur with the following amendments :

Add to section three as follows: "For a greater amount in the aggregate than two hundred dollars."

Add section 4 to the bill. Change section 4 to 5; change section 5 to 6:

"Section 4. *And be it further enacted,* That all orders and obligations, for the purpose aforesaid, made or entered into by any Township Trustee, and all taxes which have heretofore, or which may hereafter be levied for the payment of such indebtedness by the Township Trustee, with the approval of the Board of Commissioners of the county, be, and the same are hereby, legalized and authorized."

Add to the title, as amended by the House, the words, "for a greater amount in the aggregate than two hundred dollars."

Mr. Bennett demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

Further proceedings under the call were dispensed with.

Mr. Williams moved to postpone the consideration of the special order for this hour, being the Soldiers' Relief bill—House bill No. 14—till 11 o'clock, A. M.

Mr. Richmond moved to lay the motion to postpone on the table.

The ayes and nays being demanded by Messrs. Williams and Richmond,

Those who voted in the affirmative were,

Messrs. Bonham, Cason, Chapman, Corbin, Cullen, Culver, Davis, Hord, Milligan, Niles, Noyes, Oyler, Richmond, Terry, Thompson, Vawter, Ward, Woods and Wright—19.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bennett, Bowman, Bradley, Cobb, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hyatt, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Van Buskirk and Williams—24.

So the motion to lay upon the table was rejected.

Mr. Niles asked and obtained leave of absence from to-morrow until Monday night.

The motion to postpone the special order was then agreed to.

The question recurring on concurring in the amendments to Senate bill No. 3,

Mr. Bradley moved to lay on the table that part of the Committee's report, adding additional words to section three of the bill.

The yeas and nays being demanded by Messrs. Vawter and Williams,

Those who voted in the affirmative were,

Messrs. Bennett, Bradley, Chapman, Corbin, Cullen, Culver, Davis, Dykes, English, Finch, Hyatt, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Thompson, Van Buskirk, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bonham, Bowman, Cobb, Douglas, Downey, Dunning, Fuller, Gaff, Hanna, Jenkins, Terry, Vawter and Williams—15.

So the motion was agreed to.

Mr. Richmond moved to lay on the table the fourth section proposed by the Committee.

The ayes and noes were demanded by Messrs. Williams and Richmond.

Those who voted in the affirmative were,

Messrs. Barker, Corbin, Cullen, Davis, Hanna, Hyatt, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Ward and Wright—16.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Bradley, Chapman, Cobb, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Jenkins, Marshall, Terry, Thompson, Van Buskirk, Vawter, Williams and Woods—24.

So the motion to lay upon the table was rejected.

The remainder of the Committee amendments, except the amendment to the title, were concurred in.

Mr. Cullen moved to amend so as to strike out so much of section one as legalizes the payment of bounties or moneys to drafted men.

Mr. Bennett moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Richmond and Cullen,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Cobb, Corbin, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Moore, Newlin, Noyes, Staggs, Thompson, Van Buskirk, Vawter, Ward and Williams—34.

Those who voted in the negative were,

Messrs. Cullen, Davis, Milligan, Oyler, Terry and Wright—6.

So the amendment lies upon the table.

Mr. Downey moved to amend as follows :

Amend the second section so the taxes shall not be collected in any township which has, by voluntary contributions or otherwise, by its own action, raised its quota of volunteers ; and where any such township has raised, in such manner, a part of the number of men required from it, it shall be exempted in that proportion.

Mr. Bennett moved to lay the amendment on the table.

Messrs. Cullen and Terry demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bradley, Cason, Chapman, Cobb,



Corbin, Culver, Douglas, Dunning, Fuller, Gaff, Hanna, Marshall, Mason, Newlin, Niles, Staggs, Thompson, Vawter, Ward and Williams—22.

Those who voted in the negative were,

Messrs. Barker, Bonham, Bowman, Cullen, Davis, Downey, Dykes, English, Finch, Hyatt, Jenkins, Milligan, Moore, Noyes, Oyler, Richmond, Terry, Van Buskirk, Woods and Wright—20.

Mr. Richmond moved to amend by adding the following additional section :

SECTION —. It is hereby provided that in all cases of taxes assessed and charged to pay all such debts as are named in this act, on the property of persons who have been, or are now in the naval, marine or military service of the United States, in the present war for suppressing the Southern rebellion, or their families or descendants, not including substitutes, or those who have not served one year, or those who received bounties from counties to the amount of three hundred dollars or over, the service of such person so being or having been in the service, shall be deemed equal to such taxes, and said taxes shall be satisfied and discharged on the order of the Board of Commissioners of the proper county, or in vacation of said Board, on the order of the County Auditor.

Mr. Williams moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Oyler and Richmond,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bowman, Cobb, Culver, Douglas, Dunning, Fuller, Gaff, Hanna, Marshall, Newlin, Staggs and Williams—14.

Those who voted in the negative were,

Messrs. Bennett, Bonham, Bradley, Cason, Chapman, Corbin, Cullen, Davis, Downey, Dykes, English, Finch, Hord, Hyatt, Jenkins, Mason, Milligan, Moore, Niles, Noyes, Oyler, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—29.

So the motion was not agreed to.

The ayes and noes were demanded by Messrs. Bonham and Richmond.

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Bradley, Cason, Chapman, Corbin, Cullen, Davis, Downey, Dunning, Dykes, Finch, Hord, Hyatt, Jenkins, Mason, Milligan, Moore, Niles, Noyes, Oyler, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bowman, Cobb, Culver, Douglas, Fuller, Hanna, Marshall, Newlin, Staggs and Williams—12.

So the amendment was agreed to.

Mr. Richmond moved to reconsider the vote just taken, and to lay that motion on the table.

On motion of Mr. Culver,  
The Senate adjourned.

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2 O'CLOCK, P. M

The Senate met.

Mr. Vawter moved to suspend the regular order of business for the purpose of taking up Senate bill No. 15, known as the Morgan Raid bill.

The motion was agreed to.

Mr. Vawter demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—45.

Mr. Gifford asked and obtained leave for Mr. Peden on account of sickness.

The Doorkeeper was ordered to bring in the absentees.

On motion by Mr. Vawter,  
Further proceedings under the call was dispensed with.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Cobb, Cullen, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Newlin, Oyler, Staggs, Van Buskirk, Vawter, Ward, Williams and Wright—28.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Davis, Milligan, Moore, Niles, Noyes, Richmond, Terry and Woods—17.

So the bill passed.

On motion by Mr. Vawter,  
The title was amended so as to read as follows :

“An act to appoint Commissioners to adjust the claims of citizens of Indiana for damages sustained by reason of the raid of the rebel forces under the command of John Morgan, in July, 1863, and caused by organizing and equipping troops to repel the threatened invasion of the State by the rebel forces under the command of Adam Johnson, in the summer of 1864; prescribing some of their powers and duties, and providing for the payment of the claims adjusted by said Commission, and matters properly connected therewith.”

Leave being granted,  
Mr. Richmond submitted the following :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 174, introduced by Senator Niles, have directed me to report that they have had the same under consideration, and recommend that the bill do pass.

The report was concurred in.

On motion by Mr. Cobb,  
House bill No. 8, entitled “an act providing for the taxing of dogs, and providing a fund for the payment of damages sustained in the maiming and killing of sheep by dogs; and providing penalties for the violation of any of the provisions of said act by officers and oth-

ers; and also repealing 'an act to license dogs,' approved March 9th, 1861; and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled 'an act for the protection of sheep,' approved June 15th, 1852,"

Was taken up and read the second time.

Mr. Cobb moved that the bill be considered as engrossed, and the rules be suspended, and the bill read a third time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Hanna, Hord, Hyatt, Mason, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Terry, Van Buskirk, Ward, Williams, Woods and Wright—36.

Those who voted in the negative were,

Messrs. Barker, Finch, Fuller, Gifford, Jenkins, Marshall, Moore, and Vawter—8.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Gaff, Hord, Hyatt, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Van Buskirk, Ward, Williams, Woods and Wright—37.

Those who voted in the negative were,

Messrs. Barker, Finch, Fuller, Gifford, Hanna, Jenkins, Marshall, and Moore—8.

So the bill passed.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to

inform the Senate that the House has passed engrossed Senate bill No. 41, to-wit: "An act appointing Commissioners to sell certain real estate therein named; to provide a residence for the Governor of the State and his successors, and to make an allowance in lieu thereof until the same is provided, and matters properly connected therewith," which is returned herewith.

On motion by Mr. Bennett,

The Senate resolved itself into Committee of the Whole, Mr. Downey in the chair, and proceeded to consider House bill No. 14, for the relief of soldiers' families.

After some time spent therein the Committee rose, and Mr. Downey submitted the following report as to the action of the Committee:

MR. PRESIDENT:

The Committee of the whole Senate, to whom was referred House bill No. 14, have had said bill under consideration and have directed me to report the same back to the Senate, with the following amendments:

Amend section 4 by striking out the last three words of said section, to-wit: "or any substitute."

Amend section 7 by adding the words, "and if the said child be motherless, four dollars per month."

Amend section 8 so as "to require the Township Trustee, as the disbursing officer of said fund, to give bond to the acceptance of the County Commissioners in the sum of double the amount which may come into his hands."

Amend section 9 by inserting after the word "years," in said section, the words "and such other times as the Commissioners may require." Amend further by striking out section ten entirely.

Amend section 12 by inserting the words "and required" before the words "to borrow," in said section.

The Committee also recommend that that portion of section 7 which was stricken out in the recommendation of the Finance Committee, to-wit: "who have not otherwise sufficient means for their comfortable support, such fact to be determined by the disbursing officer; but any applicant dissatisfied with his decisions may refer the same to the Board of County Commissioners, whose determination shall be final," shall be reinstated in the said section of the bill. All of which is respectfully submitted for the consideration of the Senate.

The report was concurred in, except the part striking out the 10th section, and the recommendation for the reconsideration of the vote striking from the House bill the words discriminating between needy and other families of soldiers.

The question being on concurring in the report of the Committee striking out the 10th section,

The yeas and nays being demanded by Messrs. Bennett and Oyler,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Douglas, Downey, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, Williams, and Wright—23.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

So the report was not concurred in.

The question being on reconsidering the vote striking from the House bill the words discriminating between needy families and those that are not,

The ayes and noes were demanded by Messrs. Bennett and Dunning.

Those who voted in the affirmative were,

Messrs. Barker, Bonham, Bowman, Brown of Wells, Cobb, Corbin, Cullen, Douglas, Downey, Dunning, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Noyes, Oyler, Richmond, Staggs Terry, Thompson, Van Buskirk, Vawter, Woods, and Wright—31.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dykes, Hyatt, Milligan, Niles, Ward and Williams—14.

So the vote was reconsidered.

Mr. Brown, of Wells, made an ineffectual motion to adjourn.

The question recurring on the adoption of the amendment proposed by the Committee on Finance, striking out that portion of the bill making a distinction or discriminating between the families of soldiers who need assistance and those who do not.

The yeas and nays being demanded by Messrs. Bennett and Cason,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bowman, Brown of Hamilton, Cason, Chapman, Culver, Dykes, Gifford, Hyatt, Newlin, Ward and Williams—14.

Those who voted in the negative were,

Messrs. Barker, Bonham, Bradley, Brown of Wells, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dunning, Finch, Fuller, Gaff, Jenkins, Mason, Milligan, Moore, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Woods and Wright—30.

So the amendment was not concurred in.

On motion by Mr. Cullen,  
The Senate adjourned.

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FRIDAY AFTERNOON, 2 o'clock, }  
February 24, 1865. }

The Senate met.

The Journal of yesterday was partially read; when,

On motion by Mr. Gifford,  
The further reading was dispensed with.

Mr. Ward asked and obtained leave to employ a clerk for the Joint Committee on Corporations, to date from the 21st instant.

On motion by Mr. Bennett,

A call of the Senate was ordered; when the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Downey, Dunning, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams and Woods—37.

On motion by Mr. Cullen,

The absent Senators were sent for.

Mr. Burnett offered the following :

*Resolved by the Senate, the House of Representatives concurring therein,* That there shall be appointed a committee consisting of one member on the part of the Senate, and two on the part of the House of Representatives, to be denominated an Auditing Committee, whose duty it shall be to meet at Indianapolis monthly, and examine and audit the accounts of the Commissary General and Quartermaster General, and all other accounts either for the pay of men, or material of any kind purchased and designed to be paid for out of appropriations heretofore made, or which may hereafter be made, for military purposes, including payment of the Indiana Legion, if an appropriation has been, or shall be made therefor, and that the Auditor of State be expressly prohibited from paying any claim of the description aforesaid, until said claim has been audited and certified by said Auditing Committee, or a majority of it.

2. *Resolved,* That said committee shall make out a regular balance sheet each month, which, together with the proper vouchers, shall be carefully preserved. They shall have power to direct the proper forms to be used for accounts and vouchers, and require all to be made in accordance with such forms.

3. *Resolved,* That said committee shall each receive the sum of three dollars for each day they may be necessarily employed in the discharge of their duties, and five cents per mile for the distance traveled going to and returning from their attendance upon such duties, the same to be paid out of the money appropriated for the payment of the legislative expenses of the present General Assembly, and that the Auditor is hereby directed to audit the accounts for the services of such committee, upon the certificate of a majority of the committee.

4. *Resolved,* That said committee shall examine and determine all claims presented to them for allowance without delay; and that said



committee shall only be entitled to receive pay for the time during which they shall have been actually employed.

5. *Resolved*, That a majority of said committee shall constitute a quorum for business, but no allowance of such majority of any claim or account shall be valid, so as to authorize its payment, unless such allowance be made by a number of said committee equal to a majority of the whole.

6. *Resolved*, That said committee shall only be authorized to sit as long as the duties herein imposed upon them may demand; and whenever said claims and accounts shall be fully examined and audited, said committee shall be and is hereby discharged.

Mr. Dunning moved to strike out three, and insert "five dollars," as the per diem of the Auditing Committee, and to strike out five and insert "three dollars" for every twenty-five miles travel.

On motion by Mr. Dunning,

The concurrent resolution and pending amendments were referred to a Select Committee of three, which the President made to consist of Messrs. Dunning, Bennett and Cobb.

Mr. Dunning laid before the Senate a letter from Ex-Governor Jos. A. Wright, accompanied by an affidavit, in relation to the claim of Messrs. Morrison & Ray against the State for legal services, and recommending its payment.

Which was read, and referred to the Committee on Claims.

Mr. Dunning submitted the following :

MR. PRESIDENT :

The Special Committee on Fees and Salaries to whom was referred a petition from certain Justices of the Peace in Marshall county, "asking that the fees of Justices of the Peace be increased," have had the same under consideration and have instructed me to report the same back, and as a bill regulating the fees of Justices has been reported, recommend that the petition be laid on the table.

The report was concurred in.

Mr. Dunning submitted the following.

MR. PRESIDENT :

The Special Committee on Fees and Salaries to whom was referred Senate bill No. 126, entitled "A bill to amend section one of an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5th, 1859, have had the same

under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

The question being on concurring in the report of the Committee.

Messrs. Moore and Dunning demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Gaff, Milligan, Oyler, Richmond, Thompson, Van Buskirk, Ward and Woods—23.

Those who voted in the negative were,

Messrs. Bowman, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Moore, Newlin, Noyes, Staggs, Terry, Vawter and Williams—22.

So the report was concurred in.

Mr. Thompson submitted the following :

MR. PRESIDENT :

A majority of the Committee on Printing, to whom was referred Senate bill No. 169, have had the same under consideration and directed me to report the bill back, to the Senate, and recommend its passage.

Mr. Hord moved to re-commit the bill with the following instructions :

“That it be so amended as to pay J. J. Bingham, the former State Printer, at the same rates, provided in the bill, for all printing done by him as such State Printer for the past two years.

Mr. Bennett moved to lay the motion of the gentleman from Bartholomew on the table.

The ayes and nays were demanded by Messrs. Perry and Oyler.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Noyes, Oyler, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Cobb, Corbin, Douglas, English, Finch, Fuller, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs and Williams—17.

So the motion to lay on the table was agreed to.

The question being on concurring in the report, and the ayes and noes being demanded by Messrs Cobb and Vawter,

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Oyler, Richmond, Terry, Thompson and Ward—15.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown, of Wells, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Noyes, Staggs, Van Buskirk, Vawter, Williams, Woods and Wright—30.

So the report was not concurred in.

Mr. Cobb moved to indefinitely postpone the bill.

The ayes and noes being demanded by Messrs. Bennett and Cullen,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown, of Wells, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Noyes, Staggs, Van Buskirk, Vawter and Williams—27.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Newlin, Oyler, Richmond, Terry, Thompson, Ward, Woods and Wright—19.

So the motion was agreed to.

On motion by Mr. Bennett,  
Further proceedings under the call were dispensed with.

On motion by Mr. Cullen,

Senate bill No. 20, entitled "an act to amend sections 1 and 2 of an act entitled 'an act to fix the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers,' approved June 4th, 1852."

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown, of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Davis, Douglas, Dunning, Dykes, Gaff, Gifford, Hanna, Hord, Marshall, Mason, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—29.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bowman, Bradley, Chapman, Corbin, Culver, Downey, English, Finch, Fuller, Hyatt, Jenkins, Moore, Williams and Woods—16.

So the bill passed.

Leave being granted,

Mr. Richmond presented a remonstrance from eight citizens of Fayette County against the passage of any bill intended to divert the White Water Valley Canal from its present purposes, &c.

Which was referred to the Committee on Canals and Internal Improvements.

Similar remonstrances were presented from Messrs. Chapman, Oyler, Brown of Hamilton, Culver, Bonham, Fuller and Corbin.

Which were referred to the same Committee.

Leave being granted,

Mr. Oyler submitted the following:

MR. PRESIDENT:

The Committee on Rights and Privileges of the inhabitants of the State, to whom was referred a proposed amendment to the Constitution of the State, and to request our Representatives and instruct our Senators, to use their influence to have the same amendments incorporated into the Constitution of the United States, said proposed amendments acknowledging Almighty God as the source of all

authority and power in civil government, the Lord Jesus Christ as the ruler among the nations, and his revealed will as of supreme authority, have had the same under consideration, and have instructed me to report thereon.

First, as regards our State Constitution, the recognition of the great Creator is full and ample in the preamble, and that, as a general principle, the Christian religion has as full and complete a recognition in our laws, both primary and secondary, as is practicable or desirable, while your Committee are of the opinion that it might be for the better for all the people to be Christian in faith and practice, and in addition to this fact, it is the lesson of experience, that it is a very doubtful question if the cause of pure religion ever was, or in the nature and fitness of things, ever can be, properly advanced by connecting and wedding it to and with the civil government. A union of Church and State, is full of unmixed evil to both organizations; paralyzing to and destructive of the highest and greatest good of both; and as far as may be, to be prevented. There ought not to be, of right, any other qualification for office in a free people, than that of citizenship, and a freedom from crime; and errors of faith are not crimes, and of right ought not to be made so, by human enactment. Civil and religious liberty are the safeguards of individual liberty, harmonious and competent to effect the end aimed at in human government, while moving and operating in their appropriate spheres, but crippled and hindered whenever and wherever they are improperly joined together. Your Committee are of opinion that any legislation upon the subject is unwise and inexpedient, and they ask to be discharged from any further consideration of the subject.

They cannot lose sight of the great truth that such is not the fact, and that the rights of conscience, and of faith, are rights which are not, and of right ought not, to be restrained, coerced or imperiled by human legislation. That these rights are above and beyond the dictum or arbitration of human law, and that for the use, or even the abuse of them, the individual is responsible to God alone. That while our Government, both State and National, is, both in theory and in fact, Christian, and known as such in all the world. There are thousands upon thousands of citizens of the State, and the nation, that are not Christian; and in all human probability the proposed change would not in any degree tend to aid or assist their conversion or change of faith, however desirable such change may be; and it must be remembered that all of this class, or classes, have the same inalienable rights by the endowment of the great Creator; that the genius and spirit of our institutions absolutely forbid any and all interference, either direct or indirect, with these God-given rights upon principle.

The report was concurred in.

Mr. Richmond submitted the following :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 161, introduced by Senator Allison, have had the same under consideration, and have directed me to report the bill back to the Senate with the following amendment, and when so amended recommend its passage :

Amend by adding to the second section the following, to-wit :  
 "Provided, further, that if such officer shall be the County Sheriff, said copies shall be served by the County Auditor."

The report was concurred in.

Mr. Cobb presented the petition of five or six hundred persons, enclosing resolutions, which were read, in favor of constructing a railroad on the bed of the Whitewater Valley Canal ; which petition, without being read, was referred to the Committee on Canals and Internal Improvements.

Mr. Van Buskirk presented six petitions from citizens of the Whitewater Valley, on the same subject ; which were referred, without reading, to the same Committee.

Similar petitions were presented by Messrs. Douglas, Bowman, Newlin and Milligan, which were referred to the same Committee without reading.

Leave being granted, Mr. Van Buskirk offered the following :

*Resolved*, That the Committee on Canals and Internal Improvements, to whom was referred House bill No. 59, be discharged from the further consideration of said bill, and that they are hereby respectfully requested to return the same to the Senate at once.

Mr. Bennett demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has passed the following Engrossed House Bill thereof, to-wit :

Engrossed House Bill No. 20. A bill for the encouragement of agriculture, authorizing the Indiana State Board of Agriculture to purchase, hold and sell real estate, legalizing the purchase by said Board of certain lands in Marion County, exempting the property of said Board from taxation, authorizing the County Treasurer of Marion County and the Treasurer of State to refund certain taxes, and making an annual appropriation for the use of said Board, in which the concurrence of the Senate is respectfully requested.

Mr. Bradley moved to lay the resolution on the table.

Mr. Oyler demanded a call of the Senate, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

The question being on laying the resolution on the table,

The ayes and noes were demanded by Messrs. Van Buskirk and Beeson.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Chapman, Corbin, Cullen, Downey, Finch, Fuller, Moore, Noyes, Oyler, Richmond, Terry, Thompson, Vawter, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Cason, Cobb, Culver, Davis, Douglas, Dunning, English, Gaff, Gifford, Hanna, Hord, Hyatt, Jen-

kins, Marshall, Mason, Milligan, Newlin, Staggs, Van Buskirk, Ward and Williams—24.

So the resolution was not laid on the table.

Mr. Bennett moved to adjourn.

The ayes and noes being demanded by ten Senators,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Chapman, Corbin, Cullen, Davis, Fuller, Oyler and Terry—11.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Noyes, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—35.

So the motion was not agreed to.

Mr. Richmond moved a reconsideration of the vote just taken.

Mr. Hord moved to lay that motion on the table.

The ayes and noes were demanded by Messrs. Bennett and Richmond.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Chapman, Corbin, Cullen, Davis, Noyes, Oyler, Richmond, Terry and Woods—13.

So the motion was laid upon the table.

Mr. Hanna moved the previous question.



The demand was seconded by twenty-seven Senators.

Mr. Richmond moved that the Senate adjourn.

The yeas and nays were demanded by ten Senators.

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Bradley, Brown of Wells, Chapman, Corbin, Cullen, Davis, Fuller, Noyes, Oyler, Richmond, Terry and Woods—14.

Those who voted in the negative were,

Messrs. Allison, Barker, Bennett, Bowman, Brown of Hamilton, Cason, Cobb, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—32.

So the Senate did not adjourn.

Mr. Bennett moved to reconsider the vote just taken.

The President decided this motion not to be in order.

Mr. Bennett moved a call of the Senate.

It was ordered, and the following Senators answered to their names :

Pending the roll call, further proceedings under the call were dispensed with, on motion by Mr. Cobb.

Mr. Bennett moved to adjourn.

The ayes and noes were demanded by ten Senators.

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Bradley, Brown of Wells, Chapm Corbin, Cullen, Davis, Finch, Fuller, Oyler and Terry—12.

Those who voted in the negative were.

Messrs. Allison, Barker, Bennett, Bowman, Brown of Hamilton, Cason, Cobb, Culver, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Mill-

gan, Moore, Newlin, Noyes, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—32.

So the motion was not agreed to.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Bennett and Richmond.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Cason, Cobb, Cullen, Culver, Douglas, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Staggs, Thompson, Van Buskirk, Vawter, Williams, Woods and Wright—32.

Those who voted in the negative were,

Messrs. Bennett, Bonham, Bradley, Brown of Wells, Corbin, Davis, Dykes, Noyes, Oyler and Terry—10.

So the main question is ordered.

The main question being on the adoption of the Resolution,

The ayes and noes were demanded by Messrs. Bennett and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Cason, Cobb, Culver, Douglas, Dunning, English, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Staggs, Van Buskirk, Vawter, Ward and Williams—25.

Those who voted in the negative were,

Messrs. Bradley, Brown of Wells, Davis, Downey, Dykes, Finch, Fuller, Moore, Richmond, Terry, Thompson, Woods and Wright—13.

So the Resolution was adopted.

Mr. Hanna moved to reconsider the vote on the adoption of the resolution, and to lay that motion on the table.

Mr. Bennett moved to adjourn.

The ayes and noes being demanded by ten Senators,

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Bradley, Brown of Wells, Chapman, Cullen, Davis, Dykes, Finch, Noyes, Oyler, Richmond, Terry, Vawter, Woods and Wright—16.

Those who voted in the negative were,

Messrs. Allison, Barker, Bennett, Bowman, Brown of Hamilton, Carson, Cobb, Culver, Douglas, Downey, Dunning, English, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Staggs, Thompson, Van Buskirk, Ward and Williams—28.

So the Senate refused to adjourn.

Mr. Bennett moved to reconsider the vote just taken.

The ayes and noes were demanded by Messrs. Cullen and Bennett.

Mr. Bennett demanded a call of the House.

It was ordered, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Noyes, Oyler, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—42.

Mr. Bennett moved to send for the absentees.

Mr. Dunning moved to lay his motion on the table.

The ayes and noes were demanded by Messrs. Oyler and Bennett.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Chapman, Cobb, Corbin, Culver, Douglas, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin,

Staggs, Thompson, Van Buskirk Vawter, Ward, Williams and Wright  
—34.

Those who voted in the negative were,

Messrs. Beeson and Oyler—2.

So the motion was laid upon the table.

On motion of Mr. Beeson,  
The Senate adjourned.

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SATURDAY AFTERNOON, }  
February 25, 1865, 2 o'clock, P. M. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Bonham presented two petitions on the subject of temperance, which were referred to the Committee on Temperance without reading.

Mr. Bonham asked and obtained leave of absence for Mr. Chapman until Wednesday morning next.

Mr. Ward submitted the following :

**MR. PRESIDENT :**

The Joint Committee on Corporations, to whom was referred the various bills introduced into the Senate and House, amendatory of the general law for the incorporation of cities, have had the same under consideration, and as the result of their labors beg leave to report the following bill, which embraces all the legislation necessary on the subject, and codifies all previous legislation relating thereto.

They, therefore, recommend that engrossed Senate bill No. 103, (which, with other Senate bills on the subject, is herewith reported back,) be amended so as to strike out all after the enacting clause, and insert the bill herewith reported in lieu thereof. The Committee further recommend that Senate bills Nos. 80, 94, 85, 139, 162, and 176, be laid upon the table. The Committee also recommend that in

case of the passage of the bill, as recommended to be amended, the title be changed to read as follows :

“An act repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified.”

The Committee's amendment, being a new enactment from the enacting clause, was read through.

So the report was concurred in.

Messrs. Vawter and Allison asked and obtained leave of absence until Monday next, at 2 o'clock, P. M.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of R. S. McOuatt & Co., to-wit :

Jan. 24th.—To one dozen spittoons.....	\$6 00
Taking down and putting up Furnace Pipe.....	3 75
Jan. 27th.—Rent of stove for Committee Room.....	5 00
Cutting hole in flue.....	75
Three Coal Buckets.....	5 25
Two Drayages.....	1 00
	<hr/>
Total .....	\$21 75

Have had the same under consideration, and instruct me to report the same back to the Senate and recommend that it be referred to the Committee on Finance, and that \$19.75 of said claim be placed in the Specific Appropriation bill, and that such amount of \$19.75 be allowed.

The report was concurred in.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on the organization of Courts, to whom was referred sundry petitions and memorials upon the propriety and expediency of a change in the judicial system of the State, offered by Mr. Moore and others, have had the same under consideration, and have instructed

me to report that a change is desirable, and that a change which would result in a full and complete separation of the probate business from the civil and criminal practice and business of the courts is much to be desired, and that to effect this the Committee have instructed me to prepare and present, for the action of the Senate, a series of bills, by virtue of which judicial districts are formed in the State, in each of which is to be elected by the people one Judge of the Circuit Court and one Probate Judge; a Circuit Court and a Probate Court to be established in each county, the Probate Court to have original jurisdiction in all matters of probate, in the settlement of decedents' estates, appointments of Executors, Administrators and Guardians, the care and control of the estates of minors and insane persons, with the exception that in all cases in said Court where jury trials are granted, said causes, after issue joined, are to be docketed in the Circuit Court, and tried there as other causes, and the result certified to the Probate Court; the Circuit Court to have jurisdiction and take cognizance of all civil suits, and criminal prosecutions for crimes and misdemeanors. And the Committee recommend the passage of the bill reported.

The report was concurred in.

Senate bill No. 182, entitled "An act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties."

Was read the first time, and passed to the second reading.

On motion by Mr. Oyler,

The bill was read by title only, and referred to the Judiciary Committee.

Senate bill No. 183, entitled "An act to establish a Probate Court in each county in the State, for the election of Probate Judges, fixing the jurisdiction of such Courts, the officers thereof, its powers and duties, for the transfer of business in the Common Pleas Courts, and to repeal all laws conflicting with this act.

Was read the first time, and passed to a second reading.

On motion by Mr. Oyler,

The bill was read now by title only, and referred to the Judiciary Committee.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives, to inform the Senate, that he has signed enrolled Senate act No. 41, entitled

“ An act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State and his successors, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith, which is herewith returned for your signature.

I am also directed by the Speaker of the House of Representatives to inform the Senate, that the House has passed House bill No. 137, to-wit :

“ A bill providing for voting by electors of the State absent in the military or naval service of the United States, or in consequence thereof, directing the methods by which it shall be done, and prescribing punishment for violating any of the rights or privileges secured by this act, in which the concurrence of the Senate is respectfully requested.

Mr. Hyatt submitted the following :

MR. PRESIDENT :

The Committee on Corporations to whom was referred House bill No. 89, “ A bill to allow cities and towns to permit the location of railroads on the streets and alleys for purpose of conveying coal into and through said cities and towns ” have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in.

Mr. Terry submitted the following :

MR. PRESIDENT :

The Committee on Temperance to whom was referred Senate bill No. 27, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

Mr. Brown, of Hamiton, submitted the following :

The Committee on Benevolent Institutions, to whom was referred Senate bill 179, having had the same under consideration have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in.

Mr. Hanna submitted the following :

MR. PRESIDENT :

Senate bill No. 62, which was originally referred to the Committee on Corporations, and reported back and its passage recommended, having been recommitted to the Committee on the Judiciary, and the last named committee having reported the bill back to the Senate, with the recommendation that it be recommitted to the Committee on Corporations, with instructions to strike out the 5th section of the bill, and the Senate having concurred in this report, and the Committee on Corporations having again had the bill under consideration, beg leave to report that they have, in obedience to the instructions of the Senate, stricken out the 5th section of the bill. Upon further consideration of the bill, the Committee are of the opinion that the subject of the bill is not properly expressed in the title. The title of the bill is "an act, supplemental to an act, entitled 'an act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them.' approved March 5th, 1859, authorizing compromises by partners and joint debtors."

The Committee respectfully submit that the bill is in no proper sense supplemental to the act named, as it is general in its provisions and applies to all copartnerships, general or limited, and therefore the title of the bill should be changed. The Committee is also of the opinion that so much of the second section of the act as proposes to change the general practice of the courts, by allowing affirmative matter to be given in evidence, under general denial without specially pleading it, should be stricken out. Your Committee therefore return the bill with the recommendation that it be recommitted to the Judiciary Committee, with instructions to amend the title and second section as above directed.

The report was concurred in.

Mr. English submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 172, entitled "an act supplemental to an act for the incorporation of towns, &c.," approved June, 11, 1852, providing therein for the levy and collection of taxes, &c., beg leave to report that they have had the same under consideration, and recommend the following amendments, viz.:

1st, Immediately after the word "incorporated," in the 9th line of the 1st section, insert the words "city or." Also add same words in 12th line, after the word "incorporated." Also, same words in the 14th line, after the word "said."



2d, Strike out the words, "to which this is a supplement," in the 15th and 16th lines of same section.

3d, In the 2d section and 7th line, insert after the word "any," the word "such," and in the 8th line, after the word "incorporated," insert the words "or city," and the same words in the 14th line after the word "said;" also, the same words in the 13th line after the word "incorporated."

4th, Insert in the 1st line of 3d section, after the word "any," the word "such," and in the same line, after the word "incorporated," the words "or city."

5th, Amend the title so as to read as follows :

"An act prescribing the manner in which taxes shall be levied and collected by the authorities of incorporated cities and towns upon the property of Railroads, Banks and other Corporations, situated or being within such cities or towns."

The effect of these amendments would be to make the provisions of the bill applicable to all the incorporated towns and cities of this State.

When these amendments are made, the Committee recommend the passage of the bill.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred Senate bill No. 171, have had the same under consideration, and directed me to report the same back, and recommend its passage.

The report was concurred in.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 64, "an act entitled 'an act to provide for a registry of voters, and to declare their residence, and punish fraudulent practices touching elections, have had the same under consideration, and have instructed

me to report the same back with amendment, and when so amended, to recommend its passage.

Amend section one, in the seventh line, by striking out the figures "30," and inserting the figures "10" in lieu thereof.

Amend section 2, by striking out of the seventh and eighth lines the words "male tax-payers of the age of twenty-one years and upwards," and inserting in lieu thereof, the word "voters"; and amend the same section, in the eleventh line, by striking out "fourth," and inserting "second."

Amend section 3, in the second and third lines, by striking out the words "on the second Wednesday next preceding the day of the October elections," and inserting in lieu thereof the words "on the Wednesday next following the Monday named in preceding section; and amend the affidavit in the same section, by striking out "30," where it occurs, and inserting "10" in lieu thereof; and further amend said affidavit, by adding after the word "Indiana," the following: "a qualified voter, and entitled to vote in said township;" and further amend, by striking out, in the fifth line on the fifth page, the word "five," and insert "ten" in lieu thereof; and further amend said section, by striking out, in the seventh line, on the fifth page, the word "precincts," and inserting "places of voting."

In the last line of section 4, amend by striking out the word "precincts," and inserting "places of voting."

11

Amend section 5, in the second and third lines thereof, by striking out, where the same occurs, the word "precincts," and inserting "places of voting" in lieu thereof; and further amend said section, by striking out all of said section, after the word "provided," in the fourth line, down to and including the word "register," in the tenth line.

Add to section 6 the words "*Provided*, That the appearance of the voter's name upon the register shall be presumptive evidence of his right to vote."

Amend section 7, by striking out, in the fifth line the words "ceased to be voters," and inserting in lieu thereof the words "removed from the township, or deceased, so far as known."

Amend section 8, by striking out, in the sixth line, the words "tax-payers of the age of twenty-one years and upwards," and inserting the word "voters;" and amend the oath required by said section, by adding after the word "Indiana," the words "a qualified voter, and entitled to vote in said ward."

Amend section 9, by striking out all of said section after the word "provided," in the sixth line, down to and including the word "register," in the eleventh line.

Amend section 10, by striking out, in the third and fourth lines, the words "tax-payers of the age of twenty-one years and upwards," and inserting the word "voters." Fill the blank in the eighth line of said section with the word "fifty," and the blank in the ninth line with the words "five hundred."

Fill the blank in the seventh line of section 11 with the word "fifty," and in the eighth line with the words "five hundred."

Fill the blank in section 19, in next to the last line, with the word "fifty," and in the last line with the words "five hundred."

Add the following additional section :

SECTION 14. The Clerk of the Registry Board shall receive for his services as such Clerk, the sum of fifteen cents for each one hundred words, counting three figures as one word, to be paid out of the County Treasury, upon the certificate of the Board of Registry.

Add the following additional section :

SECTION 15. The County Auditors shall purchase, at the expense of their respective counties, the necessary books to be used as registers, and shall deliver the same to the Trustees of the several townships; and the necessary books for registry of cities shall be provided by the Common Council or Trustees of said cities.

Amend the title by adding the words "and defining the duties of certain officers therein named, and providing compensation for the service of such officers."

On motion by Mr. Brown, of Wells,

The bill and report were laid on the table, and 200 copies ordered printed for the use of the Senate.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Warden & Co., to-wit :

January 27—3 quires Manilla Paper at 50 cts.....	\$1 50
“ 20—1 ball Twine.....	50
February 3—2 quires Wrapping Paper at 50 cts... ..	1 50
“ 1 ball Twine.....	40

\$3 90

Have had the same under consideration, and instructed me to report the same back to the Senate and recommend it be referred to the Committee on Finance, and the amount be placed in the Specific Appropriation Bill, and that said claim be allowed.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Merrill & Co., to-wit :

January 25—1 ream of P. O. Paper.. .....\$15 00

Have had the same under consideration, and directed me to report the same back to the Senate and recommend that it be referred to the Committee on Finance and allowed.

The report was concurred in.

Mr. Bowman submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 152, an act to amend section 7 of an act entitled "an act touching the laying out and locating towns, streets, alleys, public squares and grounds, or any part thereof, &c.," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it lie on the table.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of the Cabinet Makers' Union, to wit :

Feb. 1. 1 dozen bent rim chairs, \$32.00,

Have had the same under consideration, and directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance, and allowed.

The report was concurred in.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 125, an act entitled "an act providing for the registration of electors of this State; prescribing the powers, pay and duties, in connection therewith, of township trustees, Justices of the Peace, County Commissioners, and officers of elections, affixing a penalty for the violation of any of the provisions of this act, and declaring an emergency, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that it be laid on the table, as the Committee have reported back to the Senate a bill upon the same subject, the passage of which is recommended.

The report was concurred in.

Mr. Milligan submitted the following :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred Senate bill No. 95, "an act to repeal an act to enforce the 13th article of the Constitution as provided June 18, 1852, and recommend it to lie on the table, as a bill on the same subject is now before the Senate.

The report was concurred in.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 83, introduced by Mr. Cason, entitled "an act providing for the exercise of the elective franchise by legal voters of the State of Indiana who may be temporarily absent therefrom on military service, and making necessary regulations therefor, and providing for the violations thereof," and also, Senate bill No. 58, introduced by Mr. Oyler, entitled "an act to authorize voters of the State of Indiana, absent from their residence and in the army or navy of the United States, or in the military service of the State of Indiana, to vote at any general or special election, and to provide the means therefor, and defining the crime and misdemeanors for a violation of the same, for the repeal of all laws conflicting with this act, and declaring the time when this act shall take effect," have had the same under consideration, and have instructed me to report the same back to the Senate with the statement that the Committee concur in and endorse the

change to the law proposed by these bills, but as the House of Representatives has passed House bill No. 137, entitled "a bill providing for voting by electors of the State, absent in the military or naval service of the United States, directing the method by which it shall be done, and prescribing punishment for violating any of the rights and privileges secured by this act, and as the House bill contains all of the main features of the bills under consideration, it is the opinion of the Committee that there is no necessity for further action in regard to said Senate bills on part of the Senate; the Committee recommend that said bills be laid on the table.

The report was concurred in.

Mr. Dunning introduced the following:

Bill No. 184, entitled "an act to amend section 5 of an act entitled 'an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.'"

Which was read the first time, and passed to the second reading.

Mr. Dunning, for the Lieutenant Governor, introduced the following bill:

Senate bill No. 185, entitled "an act for the incorporation of Hotel Companies."

Which was read the first time, and passed to a second reading.

Mr. Niles introduced

Senate bill No. 186, entitled "an act to define the rights of parties to joint contracts in cases in which judgments have been rendered against a part of the makers of such contracts, but not against all."

Which was read the first time, and passed to a second reading.

Mr. Allison introduced

Senate bill No. 187, entitled "An act to amend sections 3 and 53 of an act entitled an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto into one act and to amend the same," approved February 14, 1848, and declaring an emergency.

Which was read the first time, and passed to the second reading.

On motion by Mr. Allison,

The bill was read a second time by title only, and referred to the Committee on Corporations.

Mr. Allison introduced

Senate bill No. 188, entitled "An act to amend the 1st and 2d sections of an act entitled an act fixing the time of holding the Circuit Court in the 1st Judicial Circuit, and repealing all laws in conflict therewith, and making all writs, summons and process, returnable thereto," approved March 7, 1851, so far as relates to the county of Jefferson.

Which was read the first time and passed to a second reading.

On motion by Mr. Allison

The bill was read by title, and referred to the Committee on Organization of Courts.

Mr. Moore presented the memorial of Aquilla Jones.

Which was referred to the Committee on Claims.

Leave being granted, Mr. Niles submitted the following which was adopted.

*Resolved*, That the Committee on Benevolent Institutions, be instructed to ascertain and report to the Senate, by what authority a street has been opened through the grounds of the Asylum for the Blind, and what action if any is proper to be taken in relation to said street, with leave to the Committee to report by bill or otherwise.

Leave being granted, Mr. Williams introduced the following :

*Resolved*, That each member of the Senate be, and they are hereby authorized to retain the two volumes of Gavin & Hord's Statutes, furnished them at the commencement of this session as their own property.

Which was adopted.

Mr. Dunning moved that an additional number be added to the Special Committee on the organization of Telegraph Companies.

Which was agreed to, and Mr. Ward was added to the Committee.

Mr. Oyler introduced

Senate bill No. 189, entitled, "An act to apportion Senators and Representatives for the next four years.

Which was read the first time, and passed to the second reading.

Mr. Richmond moved to adjourn.

The ayes and noes were demanded by seven Senators.

Those who voted in the affirmative were,

Messrs. Bonham, Corbin, Cullen, Davis, Niles, Noyes, Oyler, Richmond and Terry—9.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cobb, Culver, Downey, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Staggs, Van Buskirk, Williams and Wright—37.

So the motion was not agreed to.

Mr. Oyler demanded a call of the Senate.

The ayes and nays being demanded by Messrs. Cullen and Richmond,

Those who voted in the affirmative were,

Messrs. Bonham, Corbin, Cullen, Davis, Dykes, Noyes and Richmond—7.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cobb, Culver, Downey, Dunning, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Oyler, Staggs, Terry, Van Buskirk, Williams and Wright—29.

So the Senate refused to order a call.

Mr. Hanna withdrew his motion to re-consider, and to lay that motion on the table, made late in the session yesterday evening.

Mr. Richmond moved to adjourn, and the ayes and noes being demanded by one-tenth of the Senators present,

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Brown of Hamilton, Corbin, Cullen, Culver, Davis, Dykes, Fuller, Hord, Hyatt, Moore, Niles, Noyes, Oyler, Richmond, Terry, Van Buskirk and Wright—19.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Cobb, Downey, Dunning, English, Finch, Gifford, Hanna, Jenkins, Marshall, Mason, Milligan, Newlin, Staggs and Williams—17.

So the Senate adjourned.



MONDAY AFTERNOON, 2 O'CLOCK, P. M. }  
 February 27, 1865. }

The Senate met.

The Journal of Saturday was partially read, when,  
 On motion of Mr. Milligan,  
 The further reading was dispensed with.

Mr. Beeson submitted the following :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 175, have had the same under consideration, and direct me to report the bill back and recommend that it do pass.

The report was concurred in.

Mr. Bonham submitted the following :

MR. PRESIDENT :

The Committee on Claims, to which was referred the account of J. H. Reed, for coal furnished Committee Rooms, have had the same under consideration, and have instructed me to report the same back and recommend that it be allowed.

The report was concurred in.

Mr. Bonham submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of C. Kinder for keys, rollers, &c., amounting to \$4.85, have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be allowed.

The report was concurred in.

Mr. Bonham presented the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Messrs. Hume & Adams, for sundry articles furnished for use of the

Senate, amounting in all to \$7.03, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it be allowed.

The report was agreed to.

Mr. Bonham submitted the following:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Elder, Harkness & Bingham, for Daily Sentinel furnished members and officers of the Senate, as per contract with Doorkeeper, have had the same under consideration, and have instructed me to report the same back and recommend that it be allowed.

The report was concurred in.

Mr. Beeson submitted the following:

MR. PRESIDENT:

The Finance Committee, to whom was referred Senate bill No. 96, for the relief of Alfred Williams, of Brown county, for the moneys stolen from the County Treasurer's office, belonging to the State, asking that the same be refunded to said Williams, or that he be released from the payment of the same, have had the same under consideration, and have instructed me to report the same back and recommend it lay upon the table.

The Committee are clearly of the opinion that allowing claims of the character of those of Alfred Williams, Treasurer of Brown county, upon *ex parte* evidence, would be a precedent that would tend to open the door to frauds upon the revenue of the State, that would be disastrous to the best interests of the State.

The report was concurred in.

Mr. Oyler submitted the following:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 131, introduced by Mr. Hord, entitled "an act to create and establish the Fourteenth Judicial Circuit; to provide for the appointment and election of a Prosecuting Attorney, and Judges therein; and also providing for holding the terms of courts therein, and the return of all process, recognizances, and notices of publication heretofore or hereafter issued, and declaring when this act shall take effect," have had the same under consideration, and have in-

structed me to report the same back to the Senate, with the statement that the Committee have under consideration a bill to re-district the State for judicial purposes, and therefore the Committee recommend that the bill be laid on the table.

The report was agreed to.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on the organization of Courts, to whom was referred Senate bill No. 66, introduced by Mr. Peden, entitled "an act to fix the times of holding the Common Pleas Court in the several Counties in this State, creating a new district, providing for the election of a Judge therein, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5th, 1859," have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that, as the Committee has, in answer to certain petitions, reported a bill to abolish the Common Pleas Court, the bill be laid on the table.

The report was concurred in.

Mr. Bonham submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Messrs. Speigel, Thoms & Co., for wash stands, stools, tables, &c., furnished for the use of the Senate, have had the same under consideration, and recommend that the account be allowed.

The report was concurred in.

Mr. Brown, of Wells, introduced

Joint Resolution No. 18, entitled "a Joint Resolution upon the subject of Federal Relations of the States, the existing National difficulties, and matters properly connected therewith.

Which was read the first time, and passed to the second reading.

Mr. Cobb submitted the following.

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claims of

Enos and Miles for "Post Office for Senate," have had the same under consideration, and directed me to report the same back to the Senate, and recommend that \$22.65 of the same be allowed.

The report was concurred in.

Mr. Marshall introduced

Senate Joint Resolution, No. 19, entitled "a Joint Resolution instructing our Senators, and requesting our Representatives in Congress, to favor amendment of the Conscription law so as to require eight hundred dollars to be paid by conscientious exempts."

Which was read the first time, and passed to a second reading.

Mr. Allison introduced

Senate bill No. 190, entitled "an act providing for the completion of the unfinished business of any regular session of the General Assembly by the next succeeding extra session of the same General Assembly, and declaring an emergency."

Was read the first time, and passed to a second reading.

Mr. Allison moved that the rules be suspended, and the bill be read a second time now.

A Constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Culver, Davis, Downey, Dunning, Dykes, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams and Wright—38.

Those who voted in the negative were,

Mr. Cullen—1.

So the rules were suspended, and the bill read a second time, and,

On motion by Mr. Cullen,  
It was referred to the Committee on the Judiciary.

Mr. Peden introduced

Senate bill No. 191, entitled "an act to amend the 16th and 47th

sections of an act entitled 'an act to provide for the opening, vacating and changing of highways,' approved June 17, 1852.

Which was read the first time, and passed to the second reading.

Mr. Peden moved that the rules be suspended, and the bill read a second time now.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward and Williams—39.

No Senator voted in the negative.

So the rules were suspended, and the bill read a second time now.

Mr. Peden moved,

That the rules be suspended, and the bill be read the third time.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Oyler, Peden, Pichmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—40.

No Senator voted in the negative.

So the rules were suspended, and the bill read the third time,

The question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles,

Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, and Wright—41.

No Senator voted in the negative.

So the bill passed.

A message from the Governor, by B. R. Sulgrove, his private Secretary.

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }  
Indianapolis, February 27, 1865. }

*President of the Senate :*

SIR :—I am directed by the Governor to inform the Senate that he approved on the 26th inst., Enrolled bill of the Senate No. 41, entitled “An act appointing Commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State and his successors, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith,” and that the same has been deposited in the Office of the Secretary of State, according to law.

On motion by Mr. Williams,

House bill No. 20, entitled “an act for the encouragement of agriculture, authorizing the Indiana State Board of Agriculture to purchase, hold, and sell real estate, legalizing the purchase by said Board of certain lands in Marion county, exempting the property of said Board from taxation, authorizing the County Treasurer of Marion county, and the Treasurer of State to refund certain taxes, and making annual appropriation for the use of said Board,”

Was read the first time, and passed to a second reading.

Leave being granted, Mr. Dunning submitted the following :

*Resolved,* That the Committee on Finance be instructed to allow James G. Bryant six dollars and fifty cents for one copy of “Cushing’s Manuel,” furnished for the use of the Senate at its present session, and that said Committee place the same in the specific appropriation bill.

Which was agreed to by consent.

Mr. Peden presented two petitions on the subject of temperance, one from the citizens, and the other from the mothers, wives and sisters of the citizens of Henry county, Indiana, praying for the enactment of a law that will suppress the sale of intoxicating liquors, and eradicate the evil of intemperance from the State.

Which was read, and referred to the Committee on Temperance.

On motion by Mr. Culver,  
House bill No. 14, entitled "An act for the relief of the families of soldiers and marines in the State and United States, service, and of those who have died, or been disabled in such service, and of prescribing the duties of certain officers therein named."

Was read the second time.

Mr. Moore moved to strike out "three mills" and insert "two."

Mr. Culver moved to lay the amendment on the table.

The ayes and nays being demanded by Messrs. Oyler and Moore.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward and Wright—38.

Those who voted in the negative were,

Messrs. Barker, Moore, and Williams—3.

So the amendment was laid on the table.

Mr. Culver moved to reconsider the vote by which the Senate agreed to the amendment of the Committee of the Whole, to section four, striking out the words "any substitute."

Mr. Van Buskirk moved the postponement of the further consideration of the bill until Wednesday next at 9 o'clock.

Messrs. Oyler and Cullen demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cobb, Davis, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Jenkins, Marshall, Mason, Moore, Newlin, Niles, Peden, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward Williams and Wright—28.

Those who voted in the negative were,

Messrs. Beeson, Bonham, Brown of Hamilton, Cason, Corbin, Cullen, Culver, Dykes, Finch, Hyatt, Milligan, Noyes, Oyler and Richmond—14.

So the motion was agreed to.

Mr. Cobb moved to suspend the order of business, and take up House bill No. 59, viz: The White Water Valley Canal bill.

Mr. Richmond moved to lay the motion on the table.

The ayes and nays being demanded by Messrs. Oyler and Peden,

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Corbin, Dykes, Finch, Niles, Noyes, Oyler, Richmond, Terry and Wright—11.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cason, Cobb, Cullen, Culver, Davis, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Staggs, Thompson, Van Buskirk, Vawter, Ward and Williams—29.

So the motion was rejected.

Mr. Cullen moved to reconsider the vote just taken.

Mr. Bonham demanded a call of the Senate.

It was ordered, and being proceeded with,

Mr. Brown, of Wells, moved to dispense with further proceedings under the call.

Mr. Corbin moved to lay that motion on the table.

Messrs. Cullen and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bonham, Davis, Downey, Finch, Noyes, Oyler, Richmond, Vawter and Wright—9.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cason, Cobb, Cullen, Culver, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Staggs, Terry, Thompson, Van Buskirk, Ward and Williams—28.

So the motion was not agreed to.



Mr. Cullen moved a reconsideration of the vote just taken.

The ayes and noes being demanded by Messrs. Cullen and Corbin,

Those who voted in the affirmative were,

Messrs. Corbin, Cullen, Davis, Oyler, Peden, Richmond, Terry, and Vawter—9.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Culver, Dunning, English, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Noyes, Staggs, Van Buskirk, Ward and Williams—26.

So the motion to reconsider did not prevail.

Mr. Cason moved the previous question.

Mr. Richmond moved to adjourn.

The ayes and noes being demanded by one-tenth of the members present.

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Cullen, Culver, Davis, Noyes, Oyler, Richmond and Terry—9.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Staggs, Thompson, Van Buskirk, Ward and Williams—30.

So the Senate did not adjourn.

Mr. Allison moved the previous question, and the demand was seconded by twenty-seven Senators.

And the question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Cullen and Oyler.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of

Wells, Cason, Cobb, Culver, Davis, Downey, Dunning, Dykes, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Oyler, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—32.

Those who voted in the negative were,

Messrs. Beeson, Bonham, Corbin, Cullen, Finch, Noyes, Richmond, and Terry—8.

So the motion was agreed to.

Mr. Richmond moved that the Senate do now adjourn.

The ayes and noes being demanded by one-tenth of the members present,

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Cullen, Davis, Finch, Noyes, Oyler, Richmond and Terry—9.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Culver, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—30.

So the motion was rejected.

Mr. Oyler moved a reconsideration of the vote by which it was determined that the main question shall be now put.

Mr. Allison moved that the motion lie on the table.

The ayes and noes were demanded by Messrs. Oyler and Allison.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cason, Cobb, Cullen, Culver, Davis, Downey, Dykes, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Richmond, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—32.

Those who voted in the negative were,

Messrs. Beeson, Bonham, Brown of Hamilton, Finch and Oyler—5.

So the motion was laid on the table.

Mr. Richmond moved that the Senate do now adjourn.

The ayes and noes were demanded by one-tenth of the Senators present.

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Corbin, Cullen, Davis, Finch, Noyes, Oyler, Peden, Richmond and Terry—11.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Culver, Downey, Dunning, Dykes, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Staggs, Thompson, Van Buskirk, Ward, Williams and Wright—30.

So the Senate refused to adjourn.

The President announced that the first question was to dispense with the further call of the Senate.

Mr. Brown, of Wells, withdrew his motion to suspend the further call.

After the call was being proceeded with, Mr. Cobb moved to dispense with further proceedings under the call.

Mr. Cobb moved to adjourn.

The ayes and noes being demanded by one-tenth of the Senators,

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Corbin, Cullen, Davis, Dykes, Finch, Fuller, Noyes, Oyler, Peden, Richmond, Terry and Thompson—14.

Those who voted in the negative were,

Messrs. Allison, Barker, Brown of Hamilton, Brown of Wells, Cason, Cobb, Culver, Downey, Dunning, English, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Staggs, Van Buskirk, Ward and Williams—25.

So the Senate refused to adjourn.

Mr. Corbin moved to lay the motion to suspend the further call on the table.

S. J.—30

The ayes and noes were demanded by Messrs. Corbin and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Corbin, Cullen, Davis, Finch, Oyler and Richmond—7.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bonham, Brown of Wells, Cason, Cobb, Culver, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Staggs, Thompson, Van Buskirk, Ward and Williams—27.

So the motion was not agreed to.

Mr. Richmond moved  
That the Senate do now adjourn.

The ayes and noes being demanded by one tenth of the Senators present,

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Corbin, Cullen, Davis, Finch, Fuller, Moore and Peden—9.

Those who voted in the negative were,

Messrs. Allison, Barker, Brown of Wells, Cason, Cobb, Culver, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Staggs, Thompson, Van Buskirk, Ward and Williams—25.

So the motion to adjourn was not concurred in.

Mr. Beeson moved to reconsider the vote by which the Senate refused to lay the motion of the Senator from Lawrence on the table.

Mr. Gifford moved to lay the motion to reconsider on the table.

The ayes and noes being demanded by Messrs. Corbin and Cullen,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cason, Cobb, Corbin, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles,

Peden, Staggs, Thompson, Van Buskirk, Vawter, Ward and Williams—29.

Those who voted in the negative were,

Messrs. Beeson, Cullen, Finch, Noyes, Oyler and Richmond—6.

So the motion was agreed to.

Mr. Richmond moved that the Senate do now adjourn.

The ayes and noes being demanded by one tenth of the Senators present,

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Corbin, Cullen, Finch, Fuller, Gaff, Moore, Noyes, Oyler, Thompson and Vawter—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cason, Cobb, Downey, Dunning, English, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Peden, Staggs, Van Buskirk, Ward and Williams—24.

So the Senate refused to adjourn.

The question being on dispensing with further proceedings under the call,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Peden, Staggs, Thompson, Van Buskirk, Vawter, Ward and Williams—30.

Those who voted in the negative were,

Messrs. Beeson, Bonham and Corbin—3.

Present, and not voting :

Messrs. Cullen, Oyler and Richmond.

So the motion was agreed to.

Pending the roll-call, it was announced that there was not a quorum voting.

Mr. Beeson moved that the Senate adjourn.

The motion was rejected on a division—affirmative 12, negative 16.

On motion by Mr. Vawter,  
It was ordered that the absentees be sent for.

Subsequently, Messrs. Cullen, Richmond and Oyler appeared in their seats.

Mr. Van Buskirk moved that the further proceedings under the motion to send for absent Senators be dispensed with.

Mr. Corbin moved to lay that motion on the table.

Mr. Van Buskirk withdrew his motion.

The President then announced the result as recorded above, namely, that the motion to suspend further proceedings under the call was agreed to.

Mr. Corbin moved to adjourn.

The motion was rejected on a division—affirmative 14, negative 19.

The question being on the motion of the Senator from Lawrence, to suspend the order of business, that House bill No. 59 be taken up.

The ayes and nose being demanded by Messrs. Corbin and Cullen,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Peden, Staggs, Van Buskirk Ward and Williams—29.

Those who voted in the negative were,

Messrs. Beeson, Corbin and Vawter—3.

Messrs. Cullen and Woods refused to vote.

So the motion was agreed to.

Pending the roll call, it was announced that no quorum was present, and Mr. Cason moved that the absentees be sent for.

It was so ordered.

Subsequently, Messrs. Cullen and Woods appeared in their seats.

The President then announced the result as recorded above.

Mr. Corbin demanded a recount.

Mr. Cullen moved to adjourn.

One tenth of the Senators present demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Corbin, Cullen, Finch, Moore, Vawter and Williams—8.

Those who voted in the negative were,

Messrs. Allison, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Davis, Downey, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Staggs, Van Buskirk and Ward—23.

So the Senate refused to adjourn.

Mr. Brown of Wells demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Davis, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Staggs, Terry, Van Buskirk, Vawter, Ward and Williams—31.

The following Senators failed to answer to their names :

Messrs. Bennett, Bonham, Bradley, Carson, Chapman, Cullen, Culyer, Douglas, Dykes, Hord, McClurg, Niles, Noyes, Oyler, Peden, Richmond, Thompson, Woods and Wright—19.

Messrs. Niles and Thompson had leave until to-morrow morning, on account of sickness.

Mr. Corbin moved that the absent Senators have leave of absence until to-morrow morning.

The motion was rejected.

Mr. Williams moved that the names of the absentees be noted on the Journal.

The motion was agreed to.

On motion by Mr. Brown of Wells,  
Further proceeding under the call was dispensed with.

On motion by Mr. Brown of Wells,  
The Senate adjourned.

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TUESDAY AFTERNOON, 2 O'CLOCK, P. M., }  
February 28, 1865. }

The Senate met.

The Journal of yesterday was partially read, when,

On motion by Mr. Allison,  
The further reading was dispensed with.

Mr. Dunning introduced the following, which was adopted :

*Resolved*, That each member of the Committee on the State Prison be allowed three dollars for every twenty-five miles traveled in visiting the Southern and Northern Prisons of this State, and that the Auditor draw his warrant on the Treasurer of State for said several amounts, upon the certificate of the President of the Senate that said services were rendered.

Leave being granted, Mr. Van Buskirk offered the following :

*Resolved*, That when this Senate adjourn, it adjourn till to-morrow morning, at 9 o'clock.

Mr. Terry presented two petitions on the subject of temperance,  
Which were referred to the Committee on Temperance, without reading.



Mr. Terry presented the petition of citizens of Fulton County in the State of Indiana, praying that an act may be passed to relieve the heirs of Henry W. Mann from the payment of \$2,800.78 92-100, being the amount stolen by burglars from the said Mann, on the 26th of July, 1863, while Treasurer of said county,

Which was read, and referred to the Committee on Claims.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee report to the Senate that they have carefully considered Senate bill No. 190, providing for the completion of unfinished business of a session of the General Assembly, in certain cases, and recommend that it be amended, in a few particulars, by adopting the words of the Constitution, and so as to make it more general in its application, as shown by a memorandum hereto attached. The Committee recommend that the bill, when so amended, be passed.

The Committee are not able to see any constitutional objection to the bill, and are of opinion that in all cases when special sessions of the General Assembly may be necessary, its provisions will work a great saving of time, labor and expense.

A special session of the General Assembly is as completely a continuation of the same legislative body previously convened, as if, instead of the session having been terminated by limitation or by adjournment *sine die*, it had only adjourned over a holiday. It may sometimes occur that at the close of the session much important business will have been prepared, reported on by Committees, and only awaiting a final vote. Measures may have passed one House and have been on their passage through the other. It is obvious that for the General Assembly, under such circumstances, to proceed as if there had been no adjournment, would generally facilitate the business of legislation. The Committee are of opinion that the bill under consideration will effect that desirable object.

Amend as follows :

1st. In line 2 of the title, strike out the word "regular."

2d. In line 4 of the title, strike out the word "extra," and insert in lieu thereof the word "special."

3d. In line 3 of section 1, after the word "regular," insert the words "or special."

4th. In line 7, strike out the word "extra," and insert the word "special."

5th. In line 11, after the word "regular" insert the words "or special."

6th. In line 12, strike out the word "extra," and insert in lieu thereof the word "special."

7th. In line 16, after the word "such," insert the word "preceding;" and in the same line, after the word "regular," insert the words "or special."

The report was concurred in.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims have had the claim of Wm. R. Holloway & Co., for three copies of the Daily Journal for each member of the Senate, and three copies of each for five officers during the session, as per bill and agreement with the Doorkeeper of the Senate, and recommend that he be allowed \$728.75, and recommend the same to be referred to the Committee on Finance, and be allowed.

The report was concurred in.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims have had the claim of J. H. Jordan under consideration, and recommend that he be allowed \$145.75, as per bill and agreement with Doorkeeper of the Senate, under date February 18, 1865, and recommend that the same be referred to the Committee on Finance, and be allowed.

The report was concurred in.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims have had the claim of E. J. Metzger, publisher of the Indiana Free Presse, under consideration, and recommend that he be allowed \$34.65, as per bill, and recommend the same to be referred to the Committee on Finance, and be allowed.

The report was concurred in.

Mr. Allison submitted the following :

MR. PRESIDENT :

The Committee on the State Prison North, in discharge of their duty, have visited said Prison and made due examination of its management, condition and accounts.

Your Committee desire to bear testimony to the management and control thereof, and have no hesitation in saying that the present Warden, Thomas Woods, Esq., evinces those qualities which are necessary to a proper and efficient control of those whose temptations and crime have placed them outside of the pale of good society ; and amidst the degrading circumstances of prison life, energy, order, firmness and watchfulness upon his part, and those assisting him, demand from us this testimony in his behalf. In view of the fact that it is necessary, for proper government of an institution of this kind, that the Warden becomes conversant with the temper, habits and disposition of those committed to his keeping, your Committee deprecate the idea of frequent changes being made in the person of Warden, or that his fitness for said position be ever based upon political character.

We find from the last report of the Directors of said institution, sustained by the report to the House in 1863, and confirmed by our examination of the books and accounts of the Prison, that the indebtedness of the Prison to March 10th, 1863, was, of principal, \$64,105.91, for which scrip has been issued under the signature of the Warden and Clerk, and countersigned by the Board of Control. Your Committee find that the indebtedness of the Prison from the 10th of March, 1863, until the 15th December, 1864, for which scrip has not been issued, amounts to \$13,510.88 ; and they ask that provisions to pay this be made in the General Appropriation bill.

We further recommend that the Warden be allowed the sum of two thousand dollars per annum, the residence upon the prison grounds, and the necessary pasturage and garden land, but no other perquisites. We feel free in saying that the present salary allowed to the Warden is inadequate. We further recommend that such legislation be adopted as is necessary to abolish the office of Deputy Warden. He is a useless officer, except to draw a salary and live off the State. His place can be much better supplied by the Guard.

Your Committee further state that it has been the constant practice of the Warden and Deputy Warden to have employed about their private business convicts, whose labor and time belongs to the State, without charging themselves for the same. We ask that this practice be prohibited by the Legislature. There is no more justice in the Warden, or his Deputy, using the labor of the State, without compensation to the State, than there is in appropriating the money or property belonging to the State to their private use without accounting for the same.

Your Committee further report, from a hasty examination of the books and accounts in the Warden's office, they appear in the main

to be correct; but as the time allotted to us to make said examination was so short, we could not make an investigation which was satisfactory to ourselves, or to the interests of the State. It would require the careful attention of a competent book-keeper, with ample time to make a satisfactory report as to the condition of the books. In consequence of not having time to fully investigate the books and accounts, we do not feel warranted in saying there are any serious errors contained in the same. We do, however, call the attention of the Senate to the following discrepancy:

The Warden charges himself with amount received from all sources, in 1863, \$20,689.55; when the actual amount received, as shown by the report of the Warden, amounts to the sum of \$20,995.42, making a difference in favor of the State, and against the Warden, of \$305.87.

Your Committee have examined with care the present condition of the prison buildings, and regret to say that from two to four feet of the main wall on the east side, enclosing the prison grounds, will have to be taken down, owing to the improper material used and the manner the same was erected. They believe the amount asked for the completion of parts of the Northern Prison, by the Board of Control, as stated in their report, to be correct. But we regret to say that, under existing circumstances, we cannot recommend an appropriation by this Legislature for said purpose.

The State has ample prison room in the Southern Prison for all the prisoners now confined in both prisons, and we do not feel that the people of the State ought to be burthened with additional taxation at this time to complete the Northern Prison, however desirable it may be at some future time. It may cost the State a small additional amount for grounds in the present unfinished condition of the prison; yet it is better to pay this additional amount than at this time to lay the heavier burthen upon the people of taxing them to raise \$160,000 to complete the work asked for, as all kinds of labor and materials are double in price now to what they will be in two years hence.

Your Committee made a careful examination into the manner in which the prisoners had been kept and treated for the past two years. We take pleasure in bearing testimony to the faithfulness of the Warden. The prisoners uniformly say their treatment is as good as under the circumstances they could ask. They have plenty of plain food, well prepared. We found the Prison in a clean, healthy condition.

The Committee would further report, that all the shops, tools and machinery belonging to the Prison seem to be kept in good order, and the work made by the prisoners of excellent quality.

It is claimed by Silver that in consequence of the delay of the State in failing to pay him that he is entitled to damages for such delay. The Committee find, on examination, that he contracted with a full knowledge that he was not to receive his pay until the Legislature made an appropriation for the same, and put in his bill according, by reason of which he is not entitled to damages.

Your Committee also recommend that an appropriation of \$30,000 be allowed for the support of the Prison for the ensuing two years. Your Committee would further state that the Prisons, north and south, are each, as at present, conducted at an expense to the State, costing from \$15,000 to \$20,000 per annum each over and above all receipts; and as the Committee are informed and believe that said Prisons can each be leased to responsible parties, who will pay all expense of the same, and pay the State \$10,000 per annum for the use of the Prisons and the convict labor of each Prison. We therefore recommend the speedy passage of Senate bill No. 153, which bill provides for the government and leasing of said Prisons.

The Committee would recommend that a Joint Committee of three, one from the Senate and two from the House of Representatives, be appointed, with leave to sit at any time during the adjournment of the Legislature, with authority to send for persons and papers; whose duty it shall be to make a full investigation into the accounts, contracts and management of the Prisons, north and south, and report their proceedings, when completed, to the Governor, who shall lay the same before the sessions of the Legislature next ensuing after said report.

All of which is respectfully submitted.

The question being on concurring in the report of the Committee,

The yeas and nays being demanded by Messrs. Vawter and Corbin,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Cullen, Davis, Dykes, Gifford, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Thompson, Van Buskirk, Ward, Woods, and Wright—22.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Culver, Downey, Finch, Fuller, Gaff, Hanna, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—20.

So the report was concurred in.

Mr. Downey submitted the following :

Mr. PRESIDENT :

The Judiciary Committee, to whom was referred the Resolution of the Senate instructing them to enquire into and report at what time the State has to put in operation the Agricultural College, from and

after the passage of the act by Congress appropriating lands for the endowment of such a College, have had the same under consideration, and have directed me to make the following report :

The third subdivision of section five of the act of Congress provides that any State which may take and claim the benefit of the provisions of the act, shall provide, within five years, at least, not less than one College, as described in the fourth section of the act, or the grant to such State shall cease, and said State shall be bound to pay the United States the amount received for any lands previously sold, and that the title of purchasers under the State shall be valid. The seventh subdivision of said section requires the State to accept the donation within two years from the date of the approval of the act by the President. By a subsequent act, approved April 14, 1864, this time is extended for two years from the approval of that act.

It will be thus seen that the point of time from which the period of five years is to be computed, is not expressly fixed by the act, but the two years within which the grant must be accepted must be reckoned from the date of the approval of the original act in the one case, and of the second act in the other.

It seems to the Committee pretty clear, viewing the third subdivision alone, that the reasonable inference would be that the time within which the condition must be complied with, is five years from the date of the approval of the first act of Congress by the President. But when the other provisions of the act above recited are considered, there would be no reasonable ground to doubt that such is the proper construction of the law. Congress would hardly fix the date of the approval of the act as the time from which the period of two years should be reckoned, without intending, in the absence of any declaration to the contrary, that the period of five years mentioned in the same section of the act should, also, be computed from the same date.

The report was concurred in.

Leave being granted,

Mr. Oyler offered the following:

*Resolved*, That no attache of the Senate, or the clerk or attache of any committee of the Senate, be allowed to draw for, or have certified to them, any per diem or other allowance, so that their pay or reward shall, in any way or manner, be duplicated, but that a certificate or pay for service as such clerk or attache for one committee shall be in full for all services by such person for the same time.

The resolution was adopted.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 187, have had the same under consideration, and have directed me to return the same to the Senate, and recommend its passage.

The report was concurred in.

Mr. Allison submitted the following :

MR. PRESIDENT :

The Prison Committee, to whom was referred Senate bill No. 153, entitled "an act creating a Board of Control of the Indiana State Prison, North and South, together with a President of the same, to be elected by the present General Assembly, and defining their powers and duties, and repealing all laws and parts of laws coming in conflict with the provisions of this bill, and declaring an emergency," have had the same under consideration, and direct me to report the same back, and recommend its passage without amendment.

On motion by Mr. Brown of Wells,  
The report was laid on the table.

Mr. Allison submitted the following :

MR. PRESIDENT :

The Prison Committee, to whom was referred Senate bill No. 33, a bill repealing sections 1, 7, 9, 10 and 12 of an act entitled "an act to provide for the erection of a new prison north of National Road, election of officers thereof, making appropriations, and for the regulation of the same, approved March 5th, 1859, and an act supplemental thereto, providing for the election of officers for the Northern Prison, prescribing some of their duties, providing for the government of said prison, and other matters properly connected therewith, and continuing in force all laws applicable thereto, and not inconsistent therewith," have had the same under consideration, and direct me to report the same back, with the recommendation that it lie upon the table, as Senate bill No. 153 is upon the same subject, and intended to take the place of the same.

The report was concurred in.

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee to whom was referred claim of Mr. C. Kindler for sundry articles furnished the door keeper of the Senate for \$5.00, have had the same under consideration, and have directed me to report the same back, and recommend that it be allowed, and referred to the Committee on Finance.

The report was concurred in.

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred claim of Messrs. Enos and Miles for \$5.50 for towels, rollers, &c., furnished the Senate, have had the same under consideration, and have directed me to report the same back and recommend that \$3.50 be allowed thereon, and that it be referred to the Committee on Finance.

The report was concurred in.

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred a claim of Messrs. Bowen, Stewart & Co., for stationery, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be allowed, the amount being \$86.28.

The report was concurred in.

Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred claim of Charles E. Hawthorn, for three dozen No. 1 Bennington spittoons, and two dozen No. 2 Bennington spittoons, \$27.00, have had the same under consideration, and have directed me to report the same back, and recommend that it be allowed, and ask that it be referred to the Committee on Finance.

The report was concurred in.



Mr. Cobb submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Boetticher for furnishing to the Senators and officers one copy of the *Weekly Indiana Volksblatt*, enveloped and stamped, for nine weeks, 55 copies, at seven cents each, \$34.65, have had the same under consideration, and directed me to report the same back and recommend that it be allowed and referred to the Committee on Finance.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the following claims of Merrill & Co. for stationery :

One, January 26, 1865, amounting to.....	\$159 60
“ February 9, 1865, “ .....	249 80
“ February 24, 1865, “ ..	167 10
“ February 25, 1865, “ .....	232 25

Have had the same under consideration, and directed me to report the same back to the Senate and recommend they be referred to the Committee on Finance and allowed.

The report was concurred in.

The Committee on the Organization of Courts introduced Senate bill No. 192, entitled “An act prescribing the time within which persons elected to the office of Judge of the Circuit, Common Pleas, or Probate Courts shall qualify, and that in default of their qualifying within the prescribed time, that there shall be a vacancy in the office, and declaring an emergency.”

Was read the first time, and passed to a second reading.

On motion by Mr. Thompson,

Senate bill No. 181, entitled “A bill to amend section one of an act to incorporate the Trustees of the Indiana Female College,”

Was read the second time, by title, and referred to the Committee on Corporations.

On motion by Mr. Niles,

House bill No. 7, entitled “An act to amend the first section of an act to amend the second section of an act entitled ‘an act concerning the organization of voluntary associations, and repealing former

laws in reference thereto,' approved February 12, 1855, so as to authorize the formation of Ferry Companies,' approved February 16, 1857, so as to authorize the survey, construction, maintenance and repair of harbors, docks and piers upon Lake Michigan and other navigable waters, and to assess and collect tolls for the use thereof,"

Was taken up, and read the second time.

Mr. Niles moved that the rules be suspended, that the bill may be read the third time now.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Baker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Dunning, Downey, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—47.

No Senator voted in the negative.

The rules were suspended, and the bill read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—47.

No Senator voted in the negative.

So the bill passed.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has concurred in the Engrossed Amendments of

the Senate, to House bill No. 8, entitled "A bill providing for the taxing of dogs, and providing a fund for the payment of damages sustained in the maiming and killing of sheep by dogs, and providing penalties for the violation of any of the provisions of said act, by officers and others, and also repealing an act to license dogs, approved March 9th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled 'an act for the protection of sheep,' " approved June 15th, 1852.

I am also directed to inform the Senate that the House has passed the following Engrossed bills thereof.

Engrossed House bill No. 140. A bill ratifying the action of the Governor in settling and discharging the State quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States.

Engrossed House bill No. 153. A bill ratifying the action of the Governor in procuring an advance of two hundred and fifty thousand dollars from the President of the United States for the preparation of troops for the service of the United States, and for the defence of the State, and directing him to pay the unexpended balance thereof into the Treasury, and to account therefor, with the portion expended, to the President of the United States as an advance to the State.

In which passage of said bills, the concurrence of the Senate is respectfully requested.

On motion by Mr. Bennett,

The Senate proceeded to consider House amendments to Senate bill No. 3.

Mr. Bradley moved to reconsider the vote adopting Mr. Richmond's amendment, made on last Thursday morning, adding a new section to the bill.

Mr. Cason moved to lay the motion to reconsider on the table.

Messrs. Hanna and Allison demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Carson, Cason, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Bradley, Brown of Wells, Cobb, English, Finch, Fuller, Gaff, Gifford, Hanna, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—18.

So the motion to reconsider lies upon the table.

The first section being read, Mr. Terry offered the following amendment :

*Provided*, That volunteers and substitutes procured or furnished by such bonds, orders or appropriations, shall have been equitably credited and apportioned, *pro rata*, to the several townships composing the county where such appropriations have been made.

Mr. Bennett moved to lay the amendment on the table.

The ayes and nays were demanded by Messrs. Terry and Newlin.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Cobb, Cullen, Culver, Dunning, Gaff, Hyatt, Marshall, Newlin, Peden, Staggs, Thompson, Van Buskirk, Vawter and Williams—23.

Those who voted in the negative were,

Messrs. Brown of Wells, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Jenkins, Mason, Moore, Noyes, Oyler, Richmond, Terry, Ward, Woods and Wright—19.

So the amendment lies upon the table.

The second section being read, the ayes and noes were demanded by Messrs. Richmond and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Cobb, Cullen, Culver, Davis, Dunning, Dykes, Fuller, Gaff, Gifford, Hyatt, Jenkins, Marshall, Mason, Newlin, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward and Woods—34.

Those who voted in the negative were,

Messrs. Brown of Wells, Downey, English, Finch, Moore, Richmond, Williams and Wright—8.

So the second House amendment was concurred in.

Section three being read, (it being the third amendment of the House,) the ayes and noes were demanded by Messrs. Cullen and Williams.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cullen, Culver, Dykes, Finch, Gaff, Gifford, Hyatt, Marshall, Mason, Moore, Newlin, Noyes, Oyler, Peden, Richmond, Staggs, Thompson, Van Buskirk, Woods and Wright—27.

Those who voted in the negative were, -

Messrs. Allison, Beeson, Bonham, Bowman, Cobb, Davis, Downey, Dunning, English, Fuller, Jenkins, Terry, Vawter, Ward and Williams—15.

So the third House amendment was agreed to.

The repealing clause being read was concurred in by the Senate by consent.

The emergency clause being read,

Mr. Williams offered an amendment providing for the publication of the act in the Indiana Journal and the Indiana Sentinel.

Which was concurred in.

The Senate amendments, being sections four and five, having been read,

The Senate then concurred in the amendments of the House as amended by the Senate.

On motion by Mr. Cason,

House bill No. 160, entitled "An act to raise revenue for State purposes for the years 1865 and 1866, and declaring an emergency,"

Was taken up, and read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hyatt, Jenkins, Marshall, Mason, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—43.

So the bill passed.

Mr. Vawter moved that the Senate proceed to consider the orders of the day.

Mr. Beeson moved to amend by taking up Senate bill No. 160.

Mr. Vawter moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Vawter and Beeson.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Corbin, Cullen, Culver, Davis, Dykes, Hyatt, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward and Woods —22.

So the amendment was laid on the table.

Mr. Richmond moved to amend the motion of the gentleman from Jennings by taking up Senate bill No. 126, relating to the compensation of Judges.

Mr. Hanna moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Hanna and Richmond,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Culver, Downey, Dunning, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, Williams and Wright—27.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Cullen, Davis, Dykes, Hyatt, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward and Woods—19.

So the amendment was laid on the table.

Mr. Vawter demanded the previous question.

The demand was seconded by twenty-six Senators.

The main question was then seconded, and the Senate proceeded to consider the orders of the day.

Mr. Brown, of Wells, moved that the Senate take up House bill No. 159, and, upon the motion, demanded the previous question.

The demand was seconded by twenty-six Senators.

On motion by Mr. Dunning,

The vote was reconsidered by which the main question was ordered to be put.

Mr. Cullen submitted the following :

MR. PRESIDENT :

The Committee on Canals and Internal Improvements, to whom was referred House bill No. 59, together with petitions and remonstrances, beg leave to report that said bill was in our hands less than twenty-four hours, and said petitions and remonstrances less than four hours—the Senate being in session during that time—they had no time to consider the same until a resolution was passed by the Senate, taking the same out of the hands of the Committee; and now in pursuance of said Senate resolution the Committee return said bill, petitions and remonstrances to the Senate, without any recommendation in regard thereto.

On motion by Mr. Dunning,

House bill No. 59, entitled "a bill to authorize Railroad Companies to occupy and use for railroad purposes the property of Canal Companies, with their consent, and to secure them in such occupation and use; and for the protection of the hydraulic powers of such Canals, and to authorize the lessees of the water privileges on such Canal to organize a company or companies for the maintainance thereof, in case of the failure of such Canal Company to maintain the same,"

Was taken up and read the second time.

On motion by Mr. Bennett,

The further consideration of the bill was postponed until to-morrow, at 2 o'clock, P. M.

On motion by Mr. Cason,

House bill No. 153, entitled "an act ratifying the action of the

Governor in procuring an advance of two hundred and fifty thousand dollars from the President of the United States for the preparation of troops for the service of the United States, and for the defence of the State; and directing him to pay the unexpended balance thereof into the Treasury, and to account therefor, with the portion expended, to the President of the United States, as an advance to the State,"

Was read the first time, and passed to a second reading.

On motion by Mr. Cason,  
The bill was read by its title.

On motion by Mr. Dunning,  
It was referred to the Committee on Finance.

On motion by Mr. Cason,  
House bill No. 140, entitled "an act ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States,"

Was taken up and read a second time by title, and referred to the Committee on Finance.

Leave being granted, Mr. Peden introduced

Senate bill No. 193, entitled "an act to amend sections four and eight of an act entitled 'an act to incorporate the town of Knightstown, in Henry county, in the State of Indiana,' approved February 2d, 1857,"

Was read the first time, and passed to a second reading.

On motion by Mr. Peden,  
The bill was read the second time by title, and referred to the Committee on Corporations.

Leave being granted, Mr. Williams introduced

Senate bill No. 194, entitled "an act requiring the State Board of Agriculture to publish semi-annual reports of their proceedings, and making appropriation therefor."

Which was read the first time, and passed to a second reading.

On motion by Mr. Willinms,  
It was read a second time by title, and referred to the Committee on Agriculture.

Leave being granted, Mr. Gaff introduced

Senate bill No. 195, entitled "an act to legalize and declare valid and effectual all the orders, judgments, and other proceedings, made,



rendered and had by and before the Court of Common Pleas of Dearborn county, in the State of Indiana, held in the Court-house of said county, in the month of February, in the year one thousand eight hundred and sixty-five, and then and there by and before the several judges of the said court."

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Terry presented a remonstrance from citizens of Fulton county, Indiana, against granting a petition praying for the release of the estate of Dr. H. W. Mann, late Treasurer of said county.

Which was referred to the Committee on Claims.

On motion by Mr. Bennett,

Senate bill No. 184, entitled "an act to amend section 5 of an act entitled 'an act regulating the fees of officers, and repealing former acts in relation thereto,' approved March 2d, 1855,"

Was read the second time.

On motion by Mr. Bennett,

An emergency clause was added.

The bill was then ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Milligan,

The Senate adjourned.

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WEDNESDAY MORNING, 9 O'CLOCK, A. M., }  
March 1, 1865. }

The Senate met.

The Journal of yesterday was partially read; when,

On motion of Mr. Gifford,

The further reading was dispensed with.

Mr. Gifford presented sundry petitions from citizens of the Whitewater Valley, and from the Trustees and Lessees of the Whitewater Canal, and also the proceedings of a meeting of citizens of Connersville, all relating to the Whitewater Valley Canal. The proceedings

of the meeting, and also one of the petitions favoring the passage of the bill, were read and laid on the table.

Mr. Ward submitted the following :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 181, "an act to amend section first of an act entitled 'an act to incorporate the Trustees of the Indiana Female College,' approved February 13th, 1856, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in.

Mr. Peden submitted the following :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate bill No. 193, in reference to amending the charter of the town of Knightstown, in Henry county, in this State, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Bonham submitted the following :

MR. PRESIDENT :

The Committee on Finance to whom was referred House bill No. 140, entitled "An act ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States," have had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

The report was concurred in.

Mr. Oyler submitted the following :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 188, entitled "An act to amend the first and second sections of an act entitled an act fixing the time of holding the Circuit Court in the first Judicial Circuit, and repealing all laws in conflict therewith, and making all writs, summons, and process,

returnable thereto, approved March 7th 1861, so far as relates to the county of Jefferson," offered by Mr. Allison, have had the same under advisement, and being fully advised in regard to the same, have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

The report was concurred in.

On motion by Mr. Bennett,

The Senate proceeded to consider the special order for this hour, being House bill No. 14, entitled "An act for the relief of the families of soldiers and marines in the State and United States service, and of those who have died or been disabled in such service, and of prescribing the duties of certain officers therein named."

Which was read the second time.

On motion by Mr. Oyler,

The bill was ordered to be engrossed and read a third time.

Mr. Dunning, by unanimous consent, amended the tenth section by limiting the tenure of the Commissioners to a period not exceeding two years.

On motion by Mr. Cullen, and by unanimous consent,

The power of the Commissioners was limited to the appointment of one person for each county.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hyatt, Jenkins, Marshall, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

Mr. Moore voted in the negative.

So the bill passed.

Mr. Cason submitted the following:

MR. PRESIDENT:

The undersigned beg leave to submit the following protest in relation to the action of the Senate in refusing to concur in the amendment of the Finance Committee to House bill No. 14, commonly called the Soldiers' Relief Bill, so as to make its application general

instead of discriminating between the families of our soldiers as done by said bill. Our objections to the bill with this discriminating feature in it are: First, it forces the wives and children of our soldiers to become objects of charity before they can receive the benefits of the bill; a demand which humiliates the recipients of its favors, and degrades them to the level of paupers.

In our opinion that if this feature of the bill becomes a law, it will disgrace the fair fame of Indiana, and will be spurned and spit upon by her patriotic soldiers. The second objection to said bill is that it that it is impracticable, and cannot be carried out so as to render its operation uniform and just. Its execution being left to township officers, its operation will be as varied as the number of officers dispensing its favors. Some townships acting upon the presumption that all soldiers families are entitled to share the benefits of the measure, when other townships will decide that none except the most indigent and extremely needy families, come under the provisions of the bill, and it will be beyond doubt, in many instances, made the means of dispensing favors on the one hand, and on the other of making petty spite and malice of the officers, on some poor and unfortunate soldier's family.

The third objection to the bill is, that by its discrimination between the soldier's families, it will encourage idleness and thriftlessness among such families of our soldiers who have but little pride of character and are disposed to avoid the hardships of labor. The benefits of the measure are disbursed as a reward for these vices, instead as an encouragement for industry and economy.

For these reasons, as well as others not enumerated, we most solemnly and sincerely protest against the passage of the bill with these features engrafted up it, believing that the worst of consequences must arise thereupon. We would therefore ask that this, our protest, be spread upon the Journal.

J. Y. ALLISON,	THOMAS GIFFORD,
C. W. CHAPMAN,	E. G. ENGLISH,
T. J. CASON,	THOMAS WARD,
J. D. WILLIAMS,	JOS. MILLIGAN,
T. W. BENNETT,	GEO. W. MOORE,
D. R. BROWN,	OTHNIEL BEESON.

Mr. Cullen asked and obtained leave of absence for Mr. Culver.

Mr. Oyler gave notice that an answer to this protest would be presented to-morrow, or at some future day.

Mr. Beeson submitted the following:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No.

153, have had the same under consideration, and direct me to report the same back without amendment and recommend its passage.

Mr. Bennett demanded a call of the Senate, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Niles, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—43.

Mr. Williams moved to dispense with the further call of the Senate.

The motion was rejected.

The Senate ordered the absentees to be sent for.

Pending which,

On motion by Mr. Dunning,  
Senate bill No. 181, entitled "A bill to amend section first of an act to incorporate the Trustees of the Indiana Female College," approved February 13, 1851,"  
Was read the second time.

Mr. Dunning moved that the rules be suspended and the bill be read a third time now.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—39.

Those who voted in the negative were,

Messrs. Cullen, Hanna and Moore—3.

So the rules were suspended.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Niles, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—42.

No Senator voted in the negative.

So the bill passed.

On motion by Mr. Peden,

Senate bill No. 193, entitled "An act to amend sections four and eight of an act entitled 'an act to incorporate the town of Knightstown, in Henry County, in the State of Indiana,'" "

Was taken up, and read the second time, and ordered to be engrossed for the third reading to-morrow.

On motion by Mr. Bennett,

Bill No. 184, entitled "An act to amend section five of an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855,

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—40.

No Senator voted in the negative.

So the bill passed.

On motion by Mr. Bradley, and by unanimous consent,

Senate bill No. 143, entitled "An act to amend the second, sixth, and seventh sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855,

Was taken up, and read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

In the negative, none.

So the bill passed.

On motion by Mr. Oyler,  
Further proceedings under the call were dispensed with.

The question recurring on concurring in House bill No. 153,

Mr. Vawter moved to adjourn till to-morrow morning at 9 o'clock.

The motion was rejected.

Mr. Vawter moved to postpone the further consideration of the subject until to-morrow morning at 10 o'clock.

Mr. Vawter moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Vawter and Fuller.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Davis, Dunning, Dykes, Hyatt, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Jenkins, Marshall, Moore, Staggs, Vawter and Williams—18.

So the motion was laid upon the table.

Mr. Vawter moved a call of the Senate.

The motion was rejected.

Mr. Corbin moved to adjourn.

The motion was rejected.

The question recurring on concurring in the report of the Committee on House bill No. 153.

The ayes and noes being demanded by Messrs. Vawter and Williams,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton Cason, Chapman, Davis, Dunning, Dykes, Hyatt, Noyes, Oyler, Pe den, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Jenkins, Marshall, Moore Staggs, Vawter and Williams—17.

So the report was concurred in.

Mr. Bennett moved to read the bill a second time now.

The ayes and noes being demanded by Messrs. Vawter and Williams.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Bennett, Brown of Hamilton Cason, Chapman, Davis, Dunning, Dykes, Hyatt, Noyes, Oyler, Pe den, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Cobb, Corbin, Douglas, Downey, English, Finch, Gifford, Jenkins, Marshall, Moore, Staggs, Vawter and Williams—15.

So the motion was agreed to, and the bill read a second time.

Mr. Bennett moved that the bill be ordered to the third reading and made the special order for to-morrow morning at 9 o'clock.



The ayes and noes were demanded by Messrs. Vawter and Williams.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Davis, Dunning, Dykes, Hyatt, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Cobb, Corbin, Douglas, Downey, English, Finch, Gifford, Jenkins, Moore, Staggs, Vawter and Williams—14.

Messrs. Hanna and Culver paired off.

So the motion was concurred in.

Leave being granted,  
Mr. Beeson offered the following, which was adopted:

*Resolved*, That the State Librarian be directed to report to the Senate the amount of stationery furnished by him for the use of the Senate for the present session,

Leave being granted,  
Mr. Corbin introduced the following:

*Resolved*, That the doorkeeper be, and is hereby authorized to pay each member of the Senate the sum of six dollars, the amount of stamps heretofore ordered to be furnished under resolution to furnish 50 copies each of the reports of each of the Benevolent Institutions, the State Prison north and South, and the Governor's Message, all properly wrapped and stamped, and the Auditor of State is hereby authorized to draw his warrant upon the Treasury for such sum.

Mr. Beeson moved to lay the resolution on the table.

The yeas and nays were demanded by Messrs. Oyler and Hyatt.

On motion by Mr. Richmond,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Leave being granted,

Mr. Gaff called up Senate bill No. 195, entitled "an act to legalize and declare valid and effectual all orders, judgments and other proceedings made, rendered and had by and before the Court of Common Pleas of Dearborn County, in the State of Indiana, held in the court house of said County, in the month of February, in the year one thousand eight hundred and sixty-five, and then and there, by and before the several judges of the said Court."

Which was read the second time.

Mr. Gaff moved to suspend the rules, that the bill may be read a third time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Corbin, Cullen, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Mason, Milligan, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams and Wright—35.

No Senator voted in the negative.

So the rules were suspended, and the bill read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cobb, Corbin, Cullen, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Mason, Milligan, Niles, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams and Wright—38.

No Senator voted in the negative.

So the bill passed.

Mr. Cullen moved to take from the table, Senate bill No. 66, entitled "an act to amend section 11 of an act entitled 'an act to fix the times of holding the Common Pleas Court

in the several Counties of this State; creating a new district, providing for the election of a Judge therein, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith,' approved March 5th, 1859," and the bill was read the second time, and ordered to be engrossed for a third reading.

The Senate proceeded to the consideration of the special order set apart for this hour, being the White Water Canal bill (H. R. No. 59).

Mr. Bradley moved that the bill be committed to the Judiciary Committee, with instructions to report whether the exception intended to be made of the Wabash and Erie Canal would be held valid or Constitutional in a suit at law. And said Committee be requested to report immediately.

Mr. Hanna moved to lay the motion to re-commit on the table:

The ayes and noes were demanded by Messrs. Bradley and Oyler.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Hamilton, Carson, Cobb, Davis, Dunning, English, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Mason, Milligan, Moore, Peden, Staggs, Vawter, Ward and Williams—22.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Chapman, Corbin, Cullen, Douglas, Downey, Dykes, Finch, Hyatt, Noyes, Oyler, Richmond, Terry, Thompson, Woods and Wright—20.

So the motion was laid on the table.

The bill H. R. 59, entitled "an act to authorize railroad Companies to occupy and use for railroad purposes the property of Canal Companies, with their consent, and to secure them in such occupation and use; and for the protection of the hydraulic power of such canals, and to authorize the lessees of the water privileges on such canal to organize a company or companies for the maintenance thereof, in case of the failure of such canal company to maintain the same."

Was read the second time.

Mr. Cobb demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—45.

On motion of Mr. Cobb,  
The absentees were sent for.

On motion by Mr. Williams,  
House bill No. 20, entitled "an act for the encouragement of agriculture, authorizing the Indiana State Board of Agriculture to purchase, hold and sell real estate, legalizing the purchase by said Board from taxation; authorizing the County Treasurer of Marion County and the Treasurer of State to refund certain taxes, and making an annual appropriation for the use of said Board."

Was read the second time.

Mr. Williams moved to suspend the rules, that the bill may be read a third time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—44.

No Senator voted in the negative.

So the rules were suspended, and the bill read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs,

Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—44.

Mr. Moore voting in the negative.

So the bill passed.

Mr. Beeson, on leave, submitted the following report from the Committee on Agriculture :

Mr. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 194, "a bill requiring the State Board of Agriculture to publish semi-annual reports of their proceedings, and making appropriation to defray the expenses thereof," have had the same under consideration, and direct me to report the same back to the Senate, for its action, without any recommendation from the Committee, and ask to be discharged from the further consideration thereof.

On motion by Mr. Oyler,

The report was so amended as to discharge the Committee from the further consideration of the subject.

On motion by Mr. Cobb,

Further proceedings under the call were dispensed with.

Leave being granted, Mr. Van Buskirk offered the following :

*Resolved*, That when the Senate adjourn, it adjourn to meet tomorrow morning at 9 o'clock.

The resolution was adopted.

Messages from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof :

House bill No. 29. A bill to amend section 15 of an act entitled "an act concerning inclosures, trespassing animals and partition fences," approved June 4th, 1852.

House bill No. 43. A bill to repeal an act entitled "an act to establish Courts of Conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11th, 1852.

In the passage of which said bills the concurrence of the Senate is respectfully requested.

I am also directed by the Speaker to inform the Senate that he has signed the following enrolled acts of the House of Representatives, to-wit:

Enrolled Act No. 7. An act to amend the first section of an act entitled "an act to amend the second section of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12th, 1855, so as to authorize the formation of Ferry Companies," approved February 16th, 1857; so as to authorize the survey, construction, maintainance and repair of Harbors, Docks and Piers upon Lake Michigan, and other navigable waters, and to assess and collect tolls for the use thereof.

Enrolled Act No. 8. An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others; and also repealing 'an act to license dogs,' approved March 11th, 1861; and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "an act for the protection of sheep," approved June 15th, 1852.

And to respectfully ask the signature of the President of the Senate to the same.

Thereupon the President of the Senate affixed his signature to Enrolled bills Nos. 7 and 8.

The Senate resumed the consideration of House bill No. 59.

Mr. Cullen moved to amend the bill as follows :

Amend section one as follows: Strike out the words in the sixth line, "on such terms and conditions, and for such compensation as shall be mutually agreed on between such Railroad and Canal Company."

And in line seventeen strike out the words "with which a Canal Company may contract," and insert in lieu thereof the following words: "So purchasing such Canal, its realty, or any part thereof, its rights of way, privileges or appurtenances."

Add the following as section two :

"Section 2. In making sale of any Canal in this State, or of its real or personal estate, its right of way, or any part thereof, the Board of Directors of the said Canal shall first give public notice for

four weeks in the newspapers published in the counties through which said Canal runs, of the time and place of said sale, which shall be at public outcry, as real estate is sold on execution; and the proceeds shall be applied in liquidation of all lien debts of said Canal Company, in their order according to law, and the surplus, if any, applied *pro rata* to the general debts of said company."

Mr. Corbin moved to postpone the further consideration of the bill until to-morrow at half-past ten o'clock, and to make it the special order for that hour.

Mr. Cobb moved to lay the motion of the Senator from Marshall on the table.

The motion was agreed to.

On motion by Mr. Corbin,  
The message from the House, just received, was considered, as follows:

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred in the passage of Senate bill No. 30, entitled "an act to authorize, regulate and confirm the sale of railroads; to enable purchasers of the same to form corporations, and to exercise corporate powers, and to define their rights, powers and privileges; to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same."

And that the House has amended said bill by adding to the seventh section thereof the accompanying engrossed amendment, in which the concurrence of the Senate is respectfully requested:

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled act of the House No. 160, entitled "an act to raise revenue for State purposes, for the year one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-six," to which the signature of the President is requested.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof, in which the concurrence of the Senate is respectfully requested.

House bill No. 178, a bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the

fees for certain officers therein named, and for the establishment and regulation of Township Librararies, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

The House amendments were concurred in.

Mr. Oyler proposed the following amendment:

Sec. All rights, franchises or privileges, granted or conferred by this act shall be forfeited, and the same shall revert to the original owners of any such canal, if the Railroad company or any other corporation or person purchasing such right of way, or privileges, or any part thereof fail to build, and complete such railroad, within three years from the date of such purchase.

Mr. Cullen offered the following:

The board of directors of any canal company in this State (subject to the exceptions and provisions of this act) shall have the power and authority to lease or sell the right of way of the toe-path, of said canal, or over the road owned by said canal company, adjacent thereto, to any Railroad company for Railroad purposes, but no sale, grant or convey shall be made to any person, or corporation, of the water-bed, of said canal or of the Real Estate of the same, or any part thereof, unless the purchaser shall be bound under a penalty of a forfeiture of all rights which this bill provides, to keep up and maintain, the present hydraulic power for manufacturing and milling purposes, giving the present lessees the right to renew their leases on fair and reasonable terms and in accordance, with the conditions and terms of their present leases.

No lease, sale, or grant or conveyance, shall be made to any person whatever, which shall authorize the purchaser to injure or impair the free flow of water for hydraulic purposes, or that shall injure or impair the feeder dams, and feeders of said canal, or injure or impair the bridges across said canal or the right of way thereof; but said purchaser shall be liable for all damages done by him therein to the person so injured or damaged."

Mr. Cason moved to make the bill the special order after the special order for to-morrow morning is disposed of.

The motion was agreed to.

On motion by Mr. Downey,

Senate bill No. 56, entitled "An act to amend the twentieth and twenty-first section of an act entitled an act providing for the election or appointment of Supervisors of highways, and prescribing cer-



tain of their duties, and those of county and township officers in relation thereto, and to make additional provisions on the subject.”

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Bowman, Brown of Hamilton, Brown of Wells, Cason, Carson, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Mason, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Vawter, Van Buskirk, Ward and Williams—37.

Those who voted in the negative were,

Messrs. Barker, Bowman, Fuller, and Moore—4.

So the bill passed.

On motion of Mr. Brown of Wells,

The Senate adjourned.

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THURSDAY, MARCH 2, 1865. }  
9 o'clock, A. M. }

The Senate met.

The Journal of Saturday was partially read, when,

On motion of Mr. Dunning,  
The further reading was dispensed with.

Mr. Vawter, asked and obtained leave to change his vote on the last vote taken yesterday, on Senate bill No. 56, relating to highways.

Mr. Terry submitted the following:

MR. PRESIDENT:

The Committee on Swamp Lands, to whom was referred the peti-

tion of Joseph E. Smith and others, praying that said Joseph E. Smith be empowered to relinquish his title to certain swamp lands in lieu thereof, have had the same under consideration, and being of unanimous opinion that this General Assembly is not authorized to trade in lands, have instructed me to report the petition to the Senate and recommend that it lay on the table.

The report was concurred in.

Mr. Van Buskirk, from the Committee on Enrolled Bills, submitted the following:

MR. PRESIDENT:

The Joint Committee on Enrolled bills have examined the following Enrolled Acts of the Senate.

Enrolled Senate Act No. 3. "An act to legalize the issuing of bonds and making appropriations and the levy and assessment for taxes in certain cases, and making it unlawful, after the quota of the State on the present call, is filled, for Boards of County Commissioners, or the municipal authorities of incorporated towns and cities, to pay any money out of their Treasuries, or to issue any bonds, orders, or evidences of indebtedness, to give bounties to volunteers, drafted men or substitutes."

Enrolled Senate Act No. 30. "An act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same."

Enrolled Senate Act No. 184. "An act to amend section five of an act entitled an act regulating the fees of officers and repealing all former laws in relation thereto."

Mr. Downey submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 142, defining the crime of drunkenness, and prescribing the penalty therefor, have had the same under consideration, and a majority have instructed me to report the same back with the following amendments, and when so amended they recommend its passage:

Strike out the bill from the enacting clause, and insert the following:

“Every person who shall, on any street, sidewalk or highway, or in any railroad car, railroad depot, or other public building or place, be found intoxicated with liquor, so as to be noisy, insulting or quarrelsome, or so as to stagger or fall in consequence thereof, shall be deemed guilty of public drunkenness, and on conviction thereof shall be fined in any sum not exceeding ten dollars.”

The report was concurred in.

Mr. Dunning submitted the following :

MR. PRESIDENT :

The Select Committee to whom was referred the message of the Governor, and accompanying documents, in reference to furnishing Statues by the State of Indiana, not exceeding two in number, for a “National Statuary Hall” in the old Hall of the House of Representatives at Washington City, D. C., have had the same under consideration. The Committee have instructed me to report that they appreciate the importance of the subject matter referred to them, and believe that Indiana numbers amongst her deceased statesmen, who are illustrious for their historic renown, and also for their “civic and military services,” many names worthy the high standing of Indiana amongst her sister States of the Union, who are worthy of the high honor contemplated by the act of Congress. Nevertheless, the late period of the session at which the message was received, and the great press of unfinished business now before the Legislature, as well as the difficulty and delicacy in making a selection, admonish the Committee that it would be proper to report the message and accompanying documents back to the Senate, and ask that the further consideration of this matter be postponed for the action of a future Legislature. The Committee recommend that the subject be laid upon the table.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 109, recommend that it be amended, as shown by a memorandum hereunto annexed.

In 4th line, section two, strike out the words “during good behavior;” and in lieu of section three insert the following :

“Section 3. Said Henry Taylor and Lewis Burke shall hold said office for two years, and said Alfred Poland and Smith Vawter shall

hold the same for four years, provided they so long behave well; and at the expiration of each period of two years from the passage of this act, the Governor and the remaining Trustees shall choose by ballot two citizens of this State, to fill the vacancy caused by the expiration of the terms of office of such preceding Trustees; who shall hold their office for the term of four years, provided that they so long behave well; and whenever any other vacancy shall occur among said Trustees, they shall in like manner choose some citizen of this State to fill the same, who shall hold his office during the residue of the unexpired term of his predecessor, provided he so long behave well."

The report was concurred in.

On motion by Mr. Williams,  
The bill was read a second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Noyes submitted the following:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Henry Reese & Co., dated February 17th, 1865, amounting to five dollars and sixty cents, have had the same under consideration, and directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance and allowed.

The report was concurred in.

Mr. Noyes submitted the following:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of C. W. Brown, dated February 14th, 1865, amounting to twelve dollars, have had the same under consideration, and directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance, and allowed.

The report was concurred in.

Mr. Noyes submitted the following:

MR. PRESIDENT:

The Committee on Claims to whom was referred the claim of Jones, Vinnedge & Jones, as follows:

Jan. 18th, 1865, 1 doz. brooms.....\$5 00

Have had the same under consideration and have directed me to report the same back to the Senate and recommend that it be referred to the Committee on Finance and allowed.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims to whom was referred the claims of Tousey, Byram & Co., as follows :

One dated Jan. 16th, 1865.....	\$44 28
“ “ 28th, “ .....	3 25
“ Feb. 13th, “ .....	2 35

Have had the same under consideration and directed me to report the same back to the Senate and recommend that they be referred to the Committee on Finance, and allowed.

The report was concurred in.

Mr. Staggs submitted the following :

MR. PRESIDENT :

The Select Committee to whom was referred Senate bill No. 102, have had the same under consideration, and have instructed me to report the same back with instructions that further legislation is inexpedient at present and ask leave to be discharged from further action on the same.

The report was concurred in.

Message from the House of Representatives, by Mr. Nixon their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed bills thereof.

Engrossed House bill No 32. A bill to provide for taking the affidavits, depositions, acknowledgments of deeds and powers of attorney, of persons in the military and naval service of the United States, and for administering oaths to such persons.

Engrossed House bill No. 52. A bill to render uniform the assessments of personal property in the several townships of the different counties.

Engrossed House bill No. 53. A bill to amend section 14 of an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict with this act," approved February 18th, 1859.

Engrossed House bill No. 55. A bill authorizing persons therein named, to dig a canal from the Calumet River to Lake Michigan, for the purpose of draining a portion of the Swamp Lands of Lake and Porter counties.

Engrossed House bill No. 57. A bill to amend section seven hundred and eighty-four of an act entitled "An act to revise, simplify and abridge, the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June, 18th, 1852.

Engrossed House bill No. 58. A bill to amend the 5th and 6th sections of an act regulating interest on money, and to repeal an act entitled "An act concerning interest on money, approved May 27th, 1852" the fifty-first section of the act defining misdemeanors and prescribing the punishment therefor, approved June 14th, 1852, and all other laws, and parts of laws in conflict with this act, approved March 7th, 1861.

Engrossed House bill No. 62, a bill empowering incorporated cities and incorporated towns to plant and maintain shade trees along the streets, alleys, public squares and commons thereof, and to provide for the protection of the same at the expense of the adjoining property holders.

Engrossed Joint House Resolution No. 11, a Joint Resolution for the relief of George W. Archer, refunding to him the purchase money and interest thereon, paid for certain real estate sold as swamp land by the State when the title was in one Michael John.

In the passage of which said bills the concurrence of the Senate is respectfully requested.

I am also directed to inform the Senate that the House has concurred in engrossed amendments of the Senate to Senate bill No. 3, with the accompanying engrossed amendment of the House of Representatives thereto.

I am also directed by the Speaker to inform the Senate that he has signed enrolled House act No. 20, entitled "an act for the encouragement of agriculture and authorizing the Indiana State Board

of Agriculture to purchase, hold and sell real estate; legalizing the purchase by said Board of certain lands in Marion County, exempting the property of said Board from taxation; authorizing the County Treasurer of Marion County, and the Treasurer of State, to refund certain taxes; and making an annual appropriation for the use of said Board."

To which the signature of the President is requested.

Mr. Oyler moved that the Judiciary Committee be instructed to report back the bills proposing to abolish the Court of Common Pleas, and reform the Judiciary system of the State, and that the said bills be laid on the table.

The motion was agreed to.

On motion of Mr. Hanna,  
House amendments to Senate bill No. 3, was taken up

The question being, shall the House amendment to Senate bill No. 3 be concurred in?

The ayes and noes being demanded by Messrs. Richmond and Bennett,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Cobb, Douglas, Downey, Dunning, Dykes, Fuller, Gaff, Gifford, Hanna, Jenkins, Marshall, Mason, Moore, Newlin, Oyler, Staggs, Thompson, Van Buskirk, Vawter, Williams, Woods and Wright—31.

Those who voted in the negative were.

Messrs. Allison, Brown of Wells, Chapman, Corbin, Cullen, Davis, English, Finch, Hord, Hyatt, Milligan, Niles, Noyes, Richmond, Terry and Ward—16.

So the amendment was concurred in.

Mr. Richmond moved to call up House bill No. 47, entitled "an act to increase the powers of the Board of Sinking Fund Commissioners, and to authorize said Board to loan any moneys belonging to said Fund in Indiana State bonds or stocks, and providing for the cancelling of such bonds or stocks, and the re-issuing of new negotiable bonds or stocks, payable to said Fund."

Was read the first time.

Mr. Dunning being in the chair,

Mr. Cason moved to suspend the rules, that the bill may be read the second time now.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Corbin, Davis, Downey, Dykes, English, Finch, Fuller, Gaff, Gifford, Hyatt, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Oyler, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Barker, Bowman, Cobb, Cullen, Douglas, Hanna, Hord, Moore, Newlin and Staggs—10.

So the rules were not suspended.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred in the passage by the Senate of Senate Engrossed bill No. 184, entitled "a bill to amend section 5 of an act entitled 'an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855.

On motion by Mr. Richmond,

The bill was read by title, and referred to the Committee on Finance.

On motion of Mr. Hanna,

The Senate proceeded to consider the special order fixed for this hour—Senate bill 153, entitled "a bill ratifying the action of the Governor in procuring an advance of two hundred and fifty thousand dollars from the President of the United States, and for the defence of the State, and directing him to pay the unexpended balance thereof into the Treasury, and to account therefor, with the portion expended, to the President of the United States, as an advance to the State."

Which was read the third time.

On motion by Mr. Richmond,  
The Senate adjourned.



2 O'CLOCK, P. M.

The Senate met.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed also by the House of Representatives to inform the Senate that the House has concurred in the "engrossed Senate bill No. 14," a bill for the relief of the families of soldiers, seamen and marines, and sick and wounded Indiana soldiers in hospitals in the State and United States service, and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named.

A message from the House of Representatives by Mr Nixon their clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following concurrent Resolution in which the concurrence of the Senate is respectfully requested.

*Be it resolved by the House, (the Senate concurring,)* That the Clerks of each Circuit Court in this State be directed to distribute the Senate and House Journals, Documentary Journals, and Acts of the General Assembly, on hand in his office, for each year, giving to each Township Trustee and each County Commissioner one copy of each said Journals and Acts, and shall distribute the balance as his discretion may suggest, to the citizens of his county: *Provided,* That he reserve two copies of each, for the use of his office, for each year.

Mr. Cullen demanded a call of the House.

It was ordered, and being taken, the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milli-

gan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—44.

On motion by Mr. Van Buskirk,  
The absentees were sent for.

Mr. Downey moved to recommit the bill, with instructions to amend as follows :

1st. Strike out the whole of the preamble.

2d. Strike out the bill from the enacting clause, and insert in lieu thereof the following :

That the expenditure of the sum of one hundred and thirty-four thousand five hundred and twelve dollars and seventy-two cents, (\$134,512.72) made by O. P. Morton, Governor of this State, out of the two hundred and fifty thousand dollars (\$250,000) advanced to him by the President of the United States, for the purposes of the State, be, and the same is hereby ratified and legalized. That the said O. P. Morton, Governor of this State, be, and he is hereby authorized, by the consent of the President of the United States, to pay into the Treasury of the State the sum of one hundred and fifteen thousand four hundred and eighty-seven dollars and twenty-eight cents, (\$115,487.28) balance of said sum of two hundred and fifty thousand dollars, to be accounted for to the President, or other proper authority of the United States, with the said sum expended as aforesaid. But nothing in this act shall be construed so as to imply the existence of rebellion in this State, at any time, or any unwillingness on the part of this State to provide for the full payment of all her obligations, and the discharge of all her duties as a loyal State of the Union.

Mr. Cobb demanded the previous question.

On motion of Mr. Williams,  
The further call of the Senate was dispensed with.

The demand for the previous question was not seconded.

Mr. Bennett moved to lay the motion of the Senator from Ohio, with instructions to amend, upon the table.

The ayes and noes were demanded by Messrs. Bennett and Cullen.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan,

Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Allison—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, Williams and Corbin—24.

So the motion to recommit was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—24.

So the bill failed for want of a Constitutional majority.

Mr. Bennett moved to take up the bill again.

Mr. Cobb moved to lay that motion on the table.

The ayes and noes being demanded by Messrs. Cobb and Bennett,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Moore, Newlin, Staggs, Vawter and Williams—21.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden,  
S. J.—33

Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—28.

So the motion to lay on the table was not agreed to.

The question recurring on taking up the bill again,

The ayes and noes were demanded by Messrs. Cobb and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—27.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, and Williams—22.

So the motion was agreed to.

Mr. Downey moved to reconsider the vote by which his motion to recommit was laid on the table.

Mr. Oyler moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Cullen and Richmond.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—2 .

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, and Williams—24.

So the motion was laid on the table.

Messages from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the Senate, to-wit:

Enrolled Senate Act No. 3. An act to legalize the issuing of bonds, and making appropriations, and the levy and assessment for taxes in certain cases; and making it unlawful, after the quota of the State in the present call is filled, for Boards of County Commissioners, or the municipal authorities of incorporated towns and cities, to pay any money out of their treasuries, or to issue any bonds, orders or evidences of indebtedness, to give bounties to volunteers, drafted men or substitutes.

Enrolled Senate Act No. 30. An act to authorize, regulate and confirm the sale of railroads; to enable purchasers of the same to form corporations, and to exercise corporate powers; and to define their rights, powers and privileges; to enable such persons to purchase and construct connecting and branch roads, and to operate and maintain the same.

Enrolled Act No. 184. An act to amend section five of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855.

Leave being granted, Mr. Van Buskirk introduced the following:

*Resolved*, That when the Senate adjourn, it adjourn to meet to-morrow morning at 9 o'clock.

Mr. Vawter asked and obtained leave of absence to-morrow on account of sickness in his family, in case he should find it necessary.

On motion of Mr. Cullen,  
The Senate adjourned.

FRIDAY MORNING, 9 o' CLOCK, }  
 March 3, 1865. }

The Senate met.

The Journal of yesterday was partially read, when,  
 On motion by Mr. Williams,  
 The further reading was dispensed with.

A message from the House of Representatives, by Mr Nixon their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 187. A bill authorizing and requesting the Commissioners of the State debt Sinking Fund, to make settlement with the Sinking Fund Commissioners for \$422,000, War Loan Bonds purchased by Sinking Fund Commissioners with monies belonging to the Common School Fund; also the sum of \$165,000 monies belonging to the Common School Fund, advanced by the Sinking Fund, to pay interest on the State debt. also the sum of \$33,536.09 Saline Funds and \$22,947.00 Bank Tax Fund directing the transfer to the Common School Fund of the State of Indiana of so much of the two and one half and five per cent certificates of the stocks of the State, as will, at the price paid for the same, amount to the aggregate of the sums mentioned in this act, authorizing and directing the proper officers of State to issue a bond of the State for the amount thereof, bearing six per cent. interest, payable semi-annually, and principal payable and redeemable at the pleasure of the State, directing the Treasurer of State to pass to the credit of the General Fund the several amounts herein specified and declaring that an emergency exists for the immediate taking effect of this act.

Engrossed House bill No. 79. A bill to amend an act entitled "an act providing for the election or appointment of Supervisors of Highways and prescribing certain of their duties, and those of County and Township officers, in relation thereto," approved March 5th, 1859.

Engrossed House bill No. 64. A bill to amend the 406th section of an act entitled "an act to revise, simplify, and abridge, the rules, practice, pleadings and forms, in civil cases, in the Courts of this State; to abolish distinct forms of action at law, and to provide for

the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Engrossed House bill No. 199. A bill to provide for the distribution of the interest on the School Sinking and Trust Funds of this State held for the support of Common Schools, to repeal all laws in conflict therewith and declaring an emergency.

Engrossed House bill No. 75. A bill to empower Railroads to build branches to neighboring coal mines.

Engrossed House bill authorizing Boards of County Commissioners in this State, to make donations and receive subscriptions for the purpose of erecting a monument to the memory of those from their several Counties, who have lost their lives and who *may* lose their lives, in the present war for the restoration of the Union.

Engrossed House bill No. 67. A bill to entitle attorneys to hold liens on judgments.

Engrossed House bill No. 202. A bill to fix the times of holding the Common Pleas Courts in the county of Grant, and repealing all laws inconsistent herewith.

In the passage of which the concurrence of the Senate is respectfully requested.

Mr. Bennett explained the reason why he was not here on last Monday night, and stated that it was owing to the badness of the roads.

Mr. Bradley made a similiar statement, and gave similar reasons for his absence on that evening.

They were both excused.

Mr. Peden announced that he had previous leave of absence, as the Journals show, arising out of sickness.

He was excused.

On motion by Mr. Cullen,  
House bill No. 55, entitled "An act authorizing persons therein named, to dig a canal from the Calumet River to Lake Michigan for the purpose of draining a portion of the Swamp Lands of Lake and Porter counties."

Was read the first time, and,

On motion by Mr. Cullen,

It was read by title only, and referred to the Judiciary Committee.

On motion by Mr. Peden,  
Senate bill No. 193, entitled "An act to amend sections 4 and 8 of an act entitled an act to incorporate the town of Knightstown, in Henry county in the State of Indiana," approved February 2, 1837.  
Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Mason, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—43.

No Senator voted in the negative.

So the bill passed.

On motion of Mr. Allison,

Senate bill 190, entitled "An act providing for the completion of the unfinished business of any regular session of the General Assembly, and declaring an emergency."  
Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Gifford, Hyatt, Mason, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—32.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cason, English, Fuller, Gaff, Hord, Jenkins, Marshall, Staggs, Vawter and Williams—14.

So the bill passed.

On motion by Mr. Culver,  
Senate bill No. 141, entitled a bill to amend the 2d, 5th and 6th sections, of an act, entitled "An act concerning the organization of



voluntary associations and repealing former laws in reference thereto," approved February 12, 1865.

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Hanna, Hyatt, Jenkins, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—42.

Mr. Mason voted in the negative.

So the bill passed.

On motion by Mr. Fuller,

House bill No. 89, entitled a bill to allow cities and towns to permit the location of railroads on the streets and alleys for the purpose of conveying coal into and through said cities and towns.

Was read the third time.

Mr. Fuller moved to suspend the rules, that the bill may be read the third time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—44.

No Senator voted in the negative.

So the rules were suspended and the bill read the third time now.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, English,

Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, O'ylar, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—45.

No Senator voted in the negative.

So the bill passed.

On motion by Mr. Bennett,

House bill No. 187, entitled "a bill authorizing and requiring the Commissioners of the State debt Sinking Fund to make settlement with the Sinking Fund Commissioners for \$422,000 War Loan bonds purchased by Sinking Fund Commissioners with monies belonging to the Common School Fund. Also, the sum of \$165,000, monies belonging to the Common School Fund, advanced by the Sinking Fund, to pay interest on the State debt, also the sum of \$33,536.09 Saline Fund, and \$22,947.00 Bank Tax Fund, directing the transfer to the Common School Fund of the State of Indiana of so much of the two and one half per cent. certificates of the stocks of the State as will, at the price paid for the same, amount to the aggregate of the sums mentioned in the act, authorizing and directing the proper officers of the State to issue a bond of the State for the amount thereof, bearing six per cent. interest, payable semi-annually, and principal payable and redeemable at the pleasure of the State, directing the Treasurer of State to pass to the credit of the Fund the several amounts herein specified, and declaring that an emergency exists for the immediate taking effect of this act.

Was read the first time.

On motion by Mr. Bennett,

The bill was read by title, and referred to the Committee on Finance.

On motion by Mr. Brown of Hamilton,

House bill No. 19, entitled "an act to amend an act entitled 'an act in relation to witnesses, and to repeal section 238 of Article 13 of the act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852," and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force, which took effect and went into force March 17, 1861.

Was taken up and read the second time.

Mr. Cobb moved to suspend the rules.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams and Woods—44.

Mr. Vawter voted in the negative.

So the rules were suspended, and the bill read a third time now.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligrn, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—44.

Those who voted in the negative were,

Messrs. Bradley and Vawter—2.

So the bill passed.

On motion by Mr. Fuller,

House bill No. 15, entitled a bill authorizing Supervisors to remove fences standing near public highways on streams and water-courses and to turn public roads and highways on water courses to the rear of buildings, where such buildings stand too near the streams to give room for said roads or highways, and assess damages occasioned thereby.

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch,

Fuller, Gifford, Hanna, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—43.

So the bill passed.

Messages from the Governor, by B. R. Sulgrove, his private Secretary.

MR. PRESIDENT :

I am directed by His Excellency the Governor to inform your honorable body that he has approved and signed Senate bill No. 3, entitled "an act to legalize the issuing of bonds and making appropriations, and the levy and assessment for taxes in certain cases; and making it unlawful, after the quota of the State on the present call is filled, for Boards of County Commissioners, or the municipal authorities of incorporated towns and cities, to pay any money out of their treasuries, or to issue any bonds, orders, or evidences of indebtedness, to give bounties to volunteers, drafted men or substitutes," and that the same has been deposited in the office of the Secretary of State.

MR. PRESIDENT :

I am directed by His Excellency the Governor to inform your honorable body that he has approved and signed Senate bill 184, entitled "an act to amend section 5 of an act entitled 'an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855,'" and that the same has been deposited in the office of the Secretary of State.

MR. PRESIDENT :

I am directed by His Excellency the Governor to inform your honorable body that he has approved and signed Senate bill No. 30, entitled "an act to regulate and confirm the sale of Railroads, to enable purchasers of the same to form corporations, and to exercise corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same," and that the same has been deposited in the office of the Secretary of State.

Leave of absence was asked and obtained for Messrs. Jenkins and Finch, after to-day.

On motion by Mr. Cason,  
Senate bill No. 103, entitled "an act repealing all general laws

now in force for the incorporation of cities, prescribing their powers, rights and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified.

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

Mr. Bradley voted in the negative.

So the bill passed.

Messages from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to wit:

“An act for the relief of the families of soldiers, seamen and marines, and sick and wounded Indiana soldiers in hospitals in the State and United States service; and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named.

I am also directed by the House to inform the Senate that the House has passed engrossed House bill No. 78. A bill to provide for the sale of certain lands belonging to the State of Indiana, in the counties and Jasper and Newton, and to give pre-emption to actual settlers thereon. Also,

Engrossed House bill No. 12. A bill to amend the first section of an act entitled “an act for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people,” approved March 3d, 1859.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Bonham,  
Senate bill No. 126, entitled "an act to amend section first of an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5th, 1859,

Was read the second time.

Mr. Van Buskirk moved to amend as follows:

Amend by making the salary of Superintendent of Public Instruction two thousand dollars.

The ayes and noes being demanded by Messrs. Cobb and Van Buskirk,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Cason, Corbin, Dunning, Dykes, Newlin, Niles, Thompson, Van Buskirk, Ward, Woods and Wright—13.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Oyler, Richmond, Staggs, Terry, Vawter and Williams—31.

So the amendment was rejected.

Mr. Williams moved to amend as follows: "Common Pleas Judge, twelve hundred and fifty dollars."

Mr. Richmond moved to amend section one by inserting at the 38th line the following, to-wit:

"18. To the Judges of the Court of Common Pleas, each fifteen hundred dollars." Strike out the word "eighteenth," in the 38th line, and insert the word "nineteenth." Strike out the word "nineteenth," in the 39th line, and insert the word "twentieth."

"Section 2. All acts or parts of acts now in force, and not in conformity with this act, are hereby repealed."

Section 3. Emergency clause.

Mr. Wright moved to lay both amendments on the table.

Mr. Williams demanded a division of the question.

The question being on laying the amendment to the amendment on the table,

Messrs. Allison and Brown, of Wells, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowman, Bradley, Chapman, Corbin, Dykes, Finch, Fuller, Gaff, Gifford, Hyatt, Jenkins, Mason, Milligan, Moore, Noyes, Oyler, Staggs, Terry, Vawter, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Cullen, Culver, Douglas, Downey, Dunning, English, Hord, Hanna, Marshall, Newlin, Peden, Richmond, Thompson, Van Buskirk, Ward and Woods—26.

So the amendment to the amendment does not lie upon the table.

The question recurring on laying the original amendment on the table,

The ayes and noes being demanded by Messrs Oyler and Cullen,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Cullen, Culver, Douglas, Downey, Dunning, Dykes, English, Finch, Hanna, Hord, Jenkins, Marshall, Newlin, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Barker, Bradley, Cason, Chapman, Corbin, Davis, Fuller, Gaff, Gifford, Hyatt, Mason, Milligan, Moore, Vawter and Williams—15.

So the amendment was laid on the table.

The question recurring on the adoption of Mr. Richmond's amendment, and

The ayes and noes being demanded by Messrs. Vawter and Richmond,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of

Hamilton, Brown of Wells, Carson, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Hord, Marshall, Newlin, Noyes, Peden, Richmond, Staggs, Thompson, Van Buskirk, Ward and Woods—29.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Corbin, Finch, Fuller, Gaff, Gifford, Hyatt, Jenkins, Mason, Milligan, Moore, Oyler, Terry, Vawter, Williams and Wright—17.

So the amendment was adopted.

Mr. Oyler moved to amend so as to read as follows :

“President of the Sinking Fund Board, \$2,000.”

Mr. Cason moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Oyler and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hord, Mason, Milligan, Newlin, Peden, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—34.

Those who voted in the negative were,

Messrs. Barker, Bradley, Fuller, Hyatt, Jenkins, Marshall, Moore, Noyes, Oyler, Richmond, Staggs, Terry and Vawter—13.

So the amendment was laid upon the table.

Mr. Van Buskirk moved to amend by making the salary of the Superintendent of Public Instruction fifteen hundred dollars.

The amendment was adopted.

Mr. Cobb moved to amend by making the salaries of the Supreme Judges three thousand dollars.

The ayes and noes being demanded by Messrs. Moore and Peden.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton,



Brown of Wells, Carson, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, Gaff, Hanna, Hord, Marshall, Milligan, Newlin, Noyes, Peden, Richmond, Thompson, Van Buskirk, Ward, Woods and Wright—30.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Culver, English, Fuller, Gifford, Hyatt, Jenkins, Mason, Moore, Oyler, Staggs, Terry, Vawter, and Williams—16.

So the amendment was agreed to.

Mr. Corbin moved to amend by raising the salaries of the Wardens of the Penitentiaries, North and South, to two thousand dollars.

Mr. Cullen moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Corbin and Brown, of Wells,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—37.

Those who voted in the negative were,

Messrs. Allison, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Dykes and English—8.

So the amendment was laid on the table.

Mr. Cobb moved to suspend the rules, and read the bill a third time now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hord, Hyatt, Mason, Milligan, Newlin, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—38.

Those who voted in the negative were,

Messrs. Bowman, Fuller, Jenkins, Marshall, Moore, Staggs, Vawter and Williams—8.

So the rules were suspended, and the bill read the third time now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, Gaff, Hord, Mason, Milligan, Newlin, Peden, Richmond, Staggs, Thompson, Van Buskirk, Ward, Woods and Wright—30.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jenkins, Marshall, Moore, Noyes, Oyler, Terry, Vawter and Williams—17.

So the bill passed.

Mr. Bennett moved to reconsider the vote just taken.  
The motion was agreed to.

Mr. Bennett moved to amend by striking out all relating to the salaries of the Adjutant General and Quartermaster General.

The motion was agreed to by unanimous consent.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Cobb, Corbin, Davis, Downey, Dunning, Dykes, Gaff, Hanna, Milligan, Peden, Richmond, Thompson, Van Buskirk, Ward and Woods—21.

Those who voted in the negative were,

Messrs. Bowman, Bradley, English, Finch, Hyatt, Jenkins, Moore, Noyes, Vawter and Williams—10.

So the bill failed to pass for want of a constitutional majority.

Mr. Cason demanded a call of the Senate.

On motion by Mr. Richmond,  
The Senate took a recess until 2 o'clock.

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2 O'CLOCK, P. M.

The Senate met.

The Lieutenant Governor being absent, the Senate was called to order by the Principal Secretary.

On motion by Mr. Vawter,  
Mr. Dunning was called to the chair.

Mr. Oyler demanded a call of the Senate.

It was ordered, and the following Senators answered to their names to-wit:

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Carson, Cason, Cullen, Davis, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hord, Hyatt, Jenkins, Mason, Milligan, Newlin, Oyler, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, and Woods—34.

On motion of Mr. Cullen,  
The absentees were sent for.

Mr. Vawter submitted the following:

MR. PRESIDENT:

The Select Committee to whom was referred House bill No. 58, relative to the appraisement of railroads, would beg leave to report that in their opinion the constitutionality of said bill is doubtful, and they would therefore recommend the adoption of the accompanying amendments, and when the same is adopted they recommend the passage of the bill.

The report was concurred in and the amendment was ordered engrossed.

Report of the Senate Committee on military affairs on the Adjutant General's Office.

MR. PRESIDENT :

The Committee on Military Affairs, at the request of Adjutant General Terrell, have made an examination of his office and beg leave to submit the following report :

“The Adjutant General's Office is one of the most important in the State Government, especially to the soldiers in the field, and to their representatives, relatives and friends. The business of this office and properly belonging to it, has been and will continue to be immense, and the records for years to come will be of the greatest value. Independent of the State militia, Indiana has furnished (not including the volunteers raised under the present call of the President) over 165,000 soldiers for the defense of the Union. All the records appertaining to this large force properly belong to the Adjutant General's Office, as well as of recruits, drafted men and substitutes sent to the old regiments and batteries, discharges, musters out, &c., &c.

Every vacancy, whether occurring by resignation, dismissal, death, discharge or expiration of term of service, must be filled, and new commissions issued ; a complete record must, or at least should be made, of every muster roll of each company mustered into the United States service, so that a record, authentic and complete, would always be found from which the friends of the soldiers of Indiana, would always, for all time to come, be able to trace the history of their friends who have contributed to put down the rebellion.

We find that a vast amount of unfinished and deferred work has accumulated, much of it running back to the beginning of the war, the records and rolls being incomplete, and the papers and files of the office being in a state of derangement and confusion. This condition of things is mainly attributable to the great amount of business transacted through the office, and the emergencies which have existed, rendering it impracticable to systemize, arrange and complete the records promptly at the time. When the fact, even that independent of the Legion, Indiana has furnished so large a number of volunteers for this war, and that all the records appertaining thereto, belong to this office, it will not be regarded as strange that so large an amount of important work should have been laid over for future arrangement and record.

Your Committee would therefore recommend to the Legislature that proper provision be made, to enable the Adjutant General, not only to keep up the current work, of the office, but to bring up and complete the deferred work and also to make out and cause to be published, as other public documents are published, a full and complete report of his office, which shall embrace a history of every officer and soldier from the State who has enlisted in the army of the United States during this war, and to this end, for the proper dis-

charge of the labors of the office, and for the proper security of the papers in charge of the Adjutant General, your Committee would respectfully suggest, that more suitable rooms be provided for this important branch of the Executive Department, and that such additional force be furnished as may be necessary to discharge the duties of the office as herein indicated.

Under the present law, the rank and pay of the Adjutant General are not defined. This we think should be provided for. All appropriations from which money can be drawn for salaries and expenses of the office, have been exhausted. It is absolutely necessary therefore that the Legislature make immediate provision for these demands.

Your Committee ask that this report be referred to the Committee on Finance, with instructions to investigate the matters herein referred to, and report by bill or otherwise.

G. TRUSLER,  
JAMES HARRISON,  
JOHN SIM,  
E. COX,

W. W. FOULKE,  
ROB'T PERRIGO,  
JOHN B. MILROY,

*House Committee on Military Affairs.*

February 22d, 1865.

On motion by Mr. Oyler,

Senate bill No. 64, entitled "an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and providing compensation for the services of such officers."

Was read a second time, and ordered to be engrossed.

On motion by Mr. Bennett,

Further proceedings under the call of the Senate, ordered before the recess for dinner, were dispensed with.

Mr. Cason obtained unanimous consent to amend Senate bill 126, by inserting after the provision in relation to the salaries of the Common Pleas Judges, the following:

"To be paid in the same manner now provided by law."

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Fuller, Gaff, Hord, Mason, Milligan, Oyler, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, English, Finch, Hyatt, Jenkins, Marshall, Moore, Noyes, Staggs, Vawter and Williams—14.

So the bill passed.

On motion by Mr. Thompson,  
Senate bill No. 178, entitled "an act to authorize companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof."

Was read the third time.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, Finch, Fuller, Gaff, Gifford, Hord, Hyatt, Marshall, Mason, Milligan, Newlin, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—39.

Those who voted in the negative were,

Messrs. Barker, Bradley, English, Jenkins, Moore and Staggs—6.

So the bill passed.

On motion by Mr. Bennett,  
House bill No. 140, entitled "a bill ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States."

Was read the third time.

Mr. Bennett moved to suspend the rules, and read the bill a third time now.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gaff, Gifford, Hyatt, Jen-

kins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Oyler, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—39.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Carson, Douglas, Hord and Staggs—6.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Newlin, Niles, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—44.

Those who voted in the negative were,

Messrs. Brown of Wells, and Fuller—2.

So the bill passed.

Mr. Williams moved to take up the White Water Canal Railroad bill (H. R. 59).

Mr. Bennett demanded a call of the Senate.

The call was ordered, and the following Senators answered to their names:

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—49.

Mr. Bennett moved to amend by taking up House bill No. 153.

Mr. Cobb moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Oyler and Bennett

Those who voted in the affirmative were,

Messrs. Barker, Brown of Wells, Carson, Cobb, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—20.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, and Wright—27.

So the motion to lay on the table was not agreed to.

Mr. Cullen demanded a call of the Senate.

It was ordered, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—47.

Leave being granted,

Mr. Richmond submitted the following, which was adopted by consent :

*Resolved*, That when the Senate adjourn, it adjourn to meet at 7½ o'clock this P. M., for the purpose of reading bills a first and second time, and referring the same when necessary, and also for the purpose of receiving reports of Committees.

Leave being granted,

Mr. Bennett offered the following :

*Resolved*, That a Committee of three Senators be appointed to inquire into and report to the Senate the amount of stationery drawn by the Committees and officers of the Senate, specifying the Committee and officers, and the amount so drawn by each.

On motion by Mr. Williams,

The Resolution was amended by providing that the elective officers



of the Senate shall report the number, names and employment of their respective appointees.

The Resolution, as amended, was adopted.

The President subsequently made the Committee to consist of Messrs. Dunning, Downey and Cason.

Consent being given,  
Mr. Williams introduced the following,

*Resolved, by the Senate,* (the House concurring therein) that the Constitution gives power to the General Assembly to pass bills until Saturday night, the 4th inst.

On motion by Mr. Cason,  
The resolution was referred to the Judiciary Committee.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following Engrossed bill thereof :

Engrossed House bill No. 119. A bill to establish and create a State Normal School, and matters connected therewith.

And that the House has concurred in the passage of Senate bill No. 190, without amendments, entitled as follows, to-wit: "An act for the completion of the unfinished business of any session of the General Assembly, by the next succeeding special session of the same General Assembly, and declaring an emergency."

In the passage of which the concurrence of the Senate is respectfully solicited.

The further call of the Senate was then dispensed with.

The question recurring on Mr. Bennett's amendment to Mr. Cobb's motion, and

The ayes and noes being demanded by Messrs. Cullen and Bennett,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—27.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Downey, English, Finch, Fuller, Gaff, Gifford, Jenkins, Marshall, Mason, Moore, Staggs Vawter and Williams—19.

So the amendment was adopted.

Mr. Brown, of Wells, made an ineffectual demand for the previous question.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, and Williams—24.

So the bill failed for want of a constitutional majority.

Mr. Brown, of Wells, moved to take up House bill No. 59, and demanded the previous question.

Which was not seconded.

Mr. Bennett moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Bennett and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Finch, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward and Woods—27.

Those who voted in the negative were.

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Corbin, Downey, English, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Staggs, Vawter, Williams and Wright—22.

So the motion was laid on the table.

Mr. Bennett moved to proceed to the regular order of business.

Mr. Cobb moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Bennett and Cullen,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Moore, Newlin, Staggs Vawter, Williams and Wright—17.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Hyatt, Jenkins, Marshall, Mason, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward and Woods—32.

The question recurring on Mr. Bennett's motion to proceed to the orders of the day.

The ayes and nays were demanded by Messrs. Cobb and Williams.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Hyatt, Jenkins, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—31.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, English, Fuller, Gaff, Gifford, Hanna, Hord, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—18.

So the motion was agreed to.

On motion by Mr. Van Buskirk.

The Senate proceeded to the consideration of bills on their third reading.

Senate bill No. 24, entitled, "An act amending section one of an act providing for allowance of compensation to Clerks of the Circuit

and Common Pleas Courts, and Sheriffs, for extra services and to repeal all laws in conflict therewith," approved March 11, 1861.

Was read a third time, and,

On motion by Mr. Niles,

Was laid on the table.

Mr. Chapman moved to suspend the order of business that he might submit a report from the Committee on Finance.

The ayes and nays being demanded by Messrs. Cobb and Cason,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Terry, Thompson, Ward, Williams, Woods and Wright—21.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Cullen, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Oyler, Peden, Richmond, Staggs, Van Buskirk, and Vawter—27.

So the motion did not prevail.

A message from the House of Representatives by Mr. Nixon their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House has passed the Engrossed bill of the Senate No. 126, entitled "A bill to amend section 1 and 4, of an act entitled an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5th, 1859, with the accompanying Engrossed Amendments thereto, in the passage of which amendment the concurrence of the Senate is respectfully requested.

A Message from the Governor, to the Senate of the State of Indiana:

The Constitution of the State limits the Legislative term to sixty-one days. In counting these days heretofore, Sundays have been included. I am satisfied, however, from a careful examination of the Constitution in connection with several usages and principle of law,

that are well recognized, that the practice has been erroneous, and that sixty-one working days are meant.

By common consent in this and other States, Sunday is not considered a Legislative day, and it is especially excepted from the three days, during which the Governor has time to consider a bill.

In analogy to this, Sunday is not considered as a judicial day, to be counted in the term of Court in any State where the Common Law prevails. It will not be deemed by any one that the legislation term established by the Constitution, as heretofore construed, is too short for the dispatch of the necessary business of the State; and if, by proper construction, it can be extended for a few days, it will be of great importance to the public interest. Accordingly, I have asked the opinion of the four Judges of the Supreme Court upon the question, which they have given to me in writing:

“INDIANAPOLIS, March 3d, 1865.

*To His Excellency, O. P. MORTON, Governor:*

SIR:—In response to your request for our opinion, whether the term of sixty-one days, to which the session of the Legislature is limited by the Constitution, includes intervening Sundays, we beg to say that we have given the subject such consideration as time would permit, and that we deem the better opinion to be that business days only are embraced. Various considerations tend so strongly to support this view, that if a contrary practice had not heretofore prevailed, we would hardly entertain a doubt upon the subject.

If the Legislature should now be of the opinion above indicated, and should act upon it, of course it would go far to annul the influence of the former practice of that body as a precedent; and at any rate, if the question be deemed a doubtful one, the Courts would not, it is well settled, be justified in holding void the action of a co-ordinate department.

This being simply a question of public importance, which cannot, as we suppose, involve any party consideration, or mere private or personal interests, we have felt no delicacy in giving our view upon it. We have not meant, however, to depart from that rule of silence which we have prescribed to ourselves as to measures of legislation which may be pending.

CHARLES A. RAY,  
J. T. ELLIOTT,  
JAS. S. FRAZIER,  
R. C. GREGORY.”

I have also consulted the President of the Senate, and the Speaker of the House of Representatives, both able and learned lawyers, and find that they concur in the opinion expressed by the Judges of the Supreme Court.

In view of the importance of the subject, and the present condition

of the business of the Legislature, I have thought it proper to call your attention to the subject in a special message.

O. P. MORTON,  
*Governor of Indiana.*

Senate bill No. 119, entitled "a bill accepting the provisions of an act of the Congress of the United States of America, entitled 'an act donating lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts,' and providing for the receipt, investment and management of said donation,"

Was read the third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—45.

No Senator voted in the negative.

So the bill passed.

Mr. Bennett moved to take up the message of the Governor.

Mr. Cobb moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Bennett and Cullen.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, Finch, Fuller, Gaff, Gifford, Hord, Jenkins, Marshall, Mason, Moore, Newlin, Richmond, Van Buskirk, Vawter, and Williams—23.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, English, Hanna, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Staggs, Terry, Thompson, Ward, Woods and Wright—26.

So the motion to lay on the table was not concurred in.

The question recurring on the motion to take up the Governor's message,

The ayes and noes were demanded by Messrs. Cobb and Carson.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hyatt, Jenkins, Mason, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Finch, Hord, Marshall, Moore, Newlin, Staggs, Vawter and Williams—14.

So the motion prevailed.

Mr. Bennett moved to refer the message from the Governor to the Judiciary Committee.

The ayes and nays being demanded by Messrs. Cobb and Carson,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gaff, Gifford, Hanna, Hyatt, Jenkins, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Hord, Marshall and Staggs—5.

So the motion was agreed to.

Message from the House of Representatives, by Mr. Nixon their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the passage of Senate bill No.

20, entitled "a bill to amend sections 1 and 2 of an act entitled 'an act fixing the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers,'" approved June 4th, 1852.

Mr. Brown, of Wells, moved to take up House amendment to Senate Bill 126.

The ayes and noes were demanded by Messrs. Cobb and Newlin.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Finch, Fuller, Gifford, Hanna, Hyatt, Mason, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—35.

Those who voted in the negative were,

Messrs. Barker, Bowman, Cobb, English, Gaff, Hord, Jenkins, Marshall, Moore, Newlin, Staggs, Vawter and Williams—13.

So the motion was agreed to.

Mr. Vawter moved to reconsider the vote by which the Senate resolved to meet to-night.

The motion was agreed to.

Mr. Bennett moved to amend the resolution so as to read to-morrow morning, at 9 o'clock.

The ayes and noes were demanded by Messrs. Cobb and Brown of Wells.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gifford, Hanna, Hyatt, Jenkins, Marshall, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—42.



Those who voted in the negative were,  
Messrs. Brown of Wells, Fuller, Gaff and Hord—4.

So the amendment was agreed to.

The resolution as amended was adopted.

Leave being granted,  
Mr. Moore introduced the following report :

MR. PRESIDENT :

The Committee on Claims would respectfully report that they have examined the claim of David Stephenson for 50 sets of Gavin & Hord's Statutes amounting to \$500.00, have had the same under consideration, and find the claim correct, and would recommend that the same be referred to the Committee on Finance, to be inserted in the Specific Appropriation bill.

The report was concurred in.

On motion by Mr. Hord,

The Senate adjourned.

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SATURDAY, MARCH 4, 1865. }  
9 o'clock, A. M. }

The Senate met.

On motion of Mr. Van Buskirk,  
The reading of the Journal was dispensed with.

Mr. Van Buskirk moved that the rules be suspended, and that House bill No. 178, entitled "an act to provide for a general system of Common Schools, the officers thereof, and their respective duties and powers, and matters properly connected therewith; and for the establishment and regulation of Township Libraries, and to repeal

all laws inconsistent therewith," be read the second time by title only.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Davis, Downey, Dunning, Gaff, Gifford, Hanna, Hyatt, Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—31.

Those who voted in the negative were,

Messrs. Bowman, Carson, Douglas, English, Hord, Marshall, Staggs, Terry and Vawter—9.

So the rules were suspended, and the bill read the first time by title.

Mr. Van Buskirk moved that the rules be suspended and the bill be read the second time now, by title only.

A Constitutional provision requiring the ayes and nays,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dunning, Dykes, Gaff, Gifford, Hanna, Hyatt, Marshall, Mason, Newlin, Niles, Noyes, Oyler, Peden, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—32.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cason, English, Hord, McClurg, Moore, Staggs and Vawter—10.

So the rules were suspended and the bill read the second time by title only.

On motion by Mr. Van Buskirk,

The Senate resolved itself into a Committee of the Whole, Mr. Van Buskirk in the Chair, and proceeded to the consideration of House bill No. 178, the Common School bill.

After some time spent therein, the Committee rose, reported progress and asked to be excused from the further consideration thereof.

A message from the House of Representatives, by Mr Nixon their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the passage of Senate bill No. 15, entitled "An act appointing Commissioners to adjust the claims of Citizens of Indiana, for damages sustained by reason of the raid of the rebel forces under the command of John Morgan, in July 1863, and caused by organizing and equipping troops to repel the threatened invasion of the State, by the rebel forces under the command of Adam Johnson, in the summer of 1864," with the accompanying engrossed amendments of the House of Representatives thereto, in which said amendments, the concurrence of the Senate is respectfully requested.

I am also directed to inform the Senate, that the House has concurred, without amendments, in the passage of Engrossed Senate bill No. 195, entitled "An act to legalize and declare valid and effectual, all the orders, judgments and other proceedings made, rendered and had, by and before, the Court of Common Pleas of Dearborn county in this State, held in the Court House of said county, in the month of February, in the year 1865, and then and there, by and before the several Judges of the said Court.

I am also directed to inform the Senate that the House has passed the following engrossed bill thereof.

Engrossed House bill No. 176. A bill making general appropriations for the years 1865 and 1866.

In the passage of which the concurrence of the Senate is respectfully requested.

I am also directed by the Speaker of the House of Representatives to inform the Senate, that he has signed Enrolled Act of the House of Representatives No. 140, entitled "An act ratifying the action of the Governor, in settling and discharging the State's quota of the direct taxes levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States. Also,

Enrolled act of the House of Representatives No. 89, entitled "an act to allow cities and towns to permit the location of railroads on the streets and alleys, for the purpose of conveying coal into and through said cities and towns."

To which acts the signature of the President of the Senate is requested.

Leave being granted, Mr. Williams offered the following, which was adopted :

*Resolved*, That the House of Representatives be requested to return to the Senate, House bill No. 158, which was transmitted to the House, as having passed the Senate, by mistake.

Mr. Cason moved to suspend the rules, and read the bill a third time now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gifford, Hanna, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Van Buskirk, Ward, Williams and Wright—37.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Brown of Wells, Carson, Moore, and Vawter—6:

So the rules were suspended, and the bill ordered to be read the third time. Pending which,

Messages from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has concurred in the amendments of the Senate to engrossed House bills Nos. 15 and 19, to-wit :

House bill No. 15. A bill authorizing Supervisors to remove fences standing near public highways on streams and water courses, and to turn public roads and highways on water courses to the rear of buildings, where such buildings stand too near the streams to give room for said roads or highways, and assess damages occasioned thereby.

House bill No. 19, entitled "an act to amend an act entitled 'an act in relation to witnesses, and to repeal section 238 of Article 13 of the act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the ad-

ministration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852," and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force, which took effect and went into force March 17, 1861.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the Senate, to-wit :

Enrolled Act of the Senate, No. 20. An act to amend sections one and two of an act entitled "an act fixing the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Door-keepers," approved June 4th, 1852.

Enrolled Act of the Senate, No. 126. An act to amend section one of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5th, 1859.

Enrolled Act of the Senate, No. 190. An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly.

Whereupon the President of the Senate affixed his signature to the bills last above described, to-wit : Senate engrossed bills Nos. 20, 126 and 190.

I am also directed to return to the Senate, House bill No. 158, as per resolution of the Senate.

On motion by Mr. Corbin,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The third reading of House bill No. 178 was resumed and completed.

Mr. Van Buskirk demanded a call of the Senate.

A call was ordered, and the following Senators answered to their names :

Messrs, Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Culver, Davis, Downey, Dunning, Dykes, English, Hanna, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Niles, Noyes, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

On motion by Mr. Van Buskirk,  
The absentees were sent for.

Mr. Dunning asked and obtained leave of absence for Mr. Fuller, until the middle of next week, if the session should continue so long.

On motion by Mr. Van Buskirk,  
Further proceedings under the call were dispensed with.

Mr. Carson moved to re-commit the bill to a Special Committee of one from each Congressional District, with instructions to amend by striking out of section 1 the words "sixteen cents," and inserting the words "ten cents;" and upon the question I demand the ayes and noes.

Mr. Richmond moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Richmond and Carson.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Gaff, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Niles, Noyes, Richmond, Thompson, Van Buskirk, Ward, Woods and Wright—31.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, English, Moore, Staggs, Vawter and Williams—11.

So the motion was not agreed to.

Mr. Cullen moved that the bill be re-committed, with instructions to insert the following :

“The teachers in the common schools of the State shall teach the principles of the National and State Governments, so far as the same may be practicable, and shall inculcate in the minds of the people the love of country.”

On motion by Mr. Cason,  
The motion was laid on the table.

Leave being granted,  
Mr. Niles introduced the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred House bill No. 55, recommend that the same be amended as shown by the memorandum hereto attached, and when so amended, that it be passed.

The report was concurred in.

Leave being granted,  
Mr. Chapman submitted the following:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 47, increasing the powers of the Board of Sinking Fund Commissioners, and authorizing said Board to loan monies belonging to said Fund in Indiana State bonds or stocks, and providing for the canceling of such bonds or stocks, and re-issuing of new non-negotiable bonds and stocks, payable to said fund, have had the same under consideration, have instructed me to report the same back to the Senate with the following amendments, and after being so amended, recommend its passage as follows:

Strike out all after the word “discretion,” in the 7th line of 1st section, to the word “discretion,” inclusive, in the 14th line of same section. Also, strike out, in the 24th line, the words “the same,” and insert the words “at the,” and after the words “rate of,” insert “six per cent. per annum.”

The report was concurred in.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate, that the House has concurred in the passage of the following Engrossed Senate bills, to wit :

Engrossed Senate bill No. 150, an act to amend sections 7, 9 and 20 of an act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records or other writings of any County in this State.

Engrossed Senate bill No. 173, an act to enable the Boards of Incorporated Towns to authorize the use of portions of streets for shade and ornamental purposes.

Engrossed Senate bill No. 100, a bill fixing the compensation of Township Assessors.

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed bill thereof :

Engrossed House bill No. —. A bill making special appropriations for the year 1865.

To the passage of which the concurrence of the Senate is respectfully requested.

I am also directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following Enrolled Act thereof.

Enrolled Act of the Senate No. 195. An act to legalize and declare valid and effectual, all the orders, judgments, and other proceedings made, rendered and had, by and before the Court of Common Pleas of Dearborn county, in this State, held in the Court House of said county in the month of February in the year 1865, and then and there, by and before, the several Judges of said Court.

In the passage of which the concurrence of the Senate is respectfully requested.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed bill thereof to-wit :

Engrossed House bill No. 27. An act to legalize the acknowledgment of all deeds, mortgages and other instruments required to be recorded, taken or certified by Notaries Public, who took or certified such acknowledgements after the expiration of their commissions.

I am further directed by the House of Representatives to inform



the Senate, that the House has passed, without amendments, the following Engrossed Senate bills to-wit :

Engrossed Senate bill No. 14. "An act to amend an act entitled an act in relation to County Treasurers," approved June 4th, 1852, and declaring an emergency.

Engrossed Joint Resolution No. 11. "A Joint Resolution requesting the Governor to appoint a suitable person to revise and correct the Swamp Land Books of the State of Indiana, in the office of the Auditor of State.

Engrossed Joint Resolution of the Senate No. 2. A Joint Resolution proposing an amendment to Article 8 of the Constitution so as to enable cities and towns to levy taxes for the support of Common Schools.

Engrossed Senate bill No. 10. A bill to amend section 322 of an act to revise simplify and abridge the rules, practice, pleading and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Engrossed Senate bill No. 168. A bill fixing the times of holding the Courts in the 12th Judicial Circuit.

I am further directed by the House of Representatives to inform the Senate, that the House has concurred in the passage of Engrossed Senate bill No. 23, entitled "An act prohibiting Circuit or Common Pleas Judges, County Clerks, Auditors, Recorders, Treasurers, Sheriffs, or any deputies of either of them, from practicing law in any Court of this State, and prescribing punishment for the violation of the same," and that the House has passed the accompanying amendments thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Niles,  
The House amendments to Senate bill No. 63. were taken up.

Mr. Williams moved to concur in the amendment striking out the words, "County Recorders" wherever it occurs in the bill.

Mr. Bennett moved to lay the motion on the table.

The ayes and nays being demanded by Messrs. Williams and Bonham,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Hord, Hyatt, Mason, McClurg, Milligan, Niles, Richmond, Terry, Thompson, Van Buskirk and Ward—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Culver, English, Gaff, Gifford, Hanna, Marshall, Moore, Newlin, Noyes, Staggs, Vawter, Williams, Woods and Wright—17.

So the motion was laid on the table.

Mr. Williams moved to indefinitely postpone the bill.

Mr. Cullen moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Cullen and Hanna,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, Dunning, Hord, Hyatt, Mason, McClurg, Niles, Peden, Richmond, Terry, Thompson, Van Buskirk and Ward—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Culver, English, Gaff, Gifford, Hanna, Marshall, Milligan, Moore, Newlin, Staggs, Vawter, Williams, Woods and Wright—18.

So the motion lies upon the table.

The question recurring on concurring in the amendment of the House, and

The ayes and noes being demanded by Messrs. Bowman and Williams.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, Dunning, Dykes, Hord, Hyatt, Mason, McClurg, Niles, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward and Woods—27.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Culver, English, Gaff, Gifford, Hanna, Marshall, Moore, Noyes, Staggs, Vawter, Williams and Wright—15.

So the amendment was concurred in.

The question being, shall House bill No. 178 pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Gaff, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—37.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Carson, English, Gifford, Moore, Staggs, Vawter and Williams—9.

So the bill passed.

On motion by Mr. Marshall,

House bill No. 202, entitled "a bill to fix the times to hold the Common Pleas Court in the county of Grant, and repealing all laws inconsistent therewith,"

Was read the first time.

Mr. Marshall moved to suspend the rules, and read the bill a second time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter Ward, Williams, Woods and Wright—45.

No Senator voted in the negative.

So the rules were suspended, and the bill read the second time.

Mr. Cobb moved that the bill be read the third time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

None voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

No Senator voted in the negative.

So the bill passed.

Mr. Chapman moved that the rules be suspended, and that House bill No. 176 be taken up.

Mr. Hord moved to amend by taking up House bill No. 59.

Mr. Richmond moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Richmond and Cullen,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas

Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—28.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Downey, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—19.

So the amendment was laid on the table.

Mr. Vawter moved to amend by taking up Senate bill No. 15.

Mr. Cullen moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. Oyler and Richmond,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—18.

So the amendment was laid on the table.

Mr. Hord moved to lay the original motion on the table.

The ayes and noes being demanded by Messrs. Bennett and Cullen,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Douglas, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Moore, Newlin, Staggs and Vawter—18.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of

Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—29.

So the motion does not lie upon the table.

Mr. Cason demanded the previous question, which was seconded.

Mr. Hanna moved that the Senate adjourn.

The ayes and noes being demanded by more than one-tenth of the members present,

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Wells, Carson, Cobb, Douglas, English, Hanna, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—16.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Wells, Cason, Chapman, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, Gaff, Gifford, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—30.

So the Senate refused to adjourn.

The question being, shall the main question be now put?

The ayes and noes being demanded by Messrs. Brown, of Wells, and Cobb,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gifford, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Bowman, Brown of Wells, Carson, Cobb, Gaff, Hanna, Hord, Mason, McClurg, Moore, Newlin, Staggs and Vawter—13.

So the main question was ordered.

A message from the Governor, by B. R. Sulgrove, his private Secretary.

MR. PRESIDENT :

I am directed by His Excellency, the Governor, to inform your honorable body that he has approved and signed the following Senate bills :

Senate bill No. 126, entitled an act to amend section one of "an act entitled 'an act relative to the salaries of public officers and providing the manner of taxing the same, and the manner of reimbursing the State for an increase of salaries,'" approved March 5th, 1859.  
Also,

Senate bill No. 190 entitled "an act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."  
Also,

Senate bill No. 195, entitled "an act to legalize and declare valid and effectual, all the orders, judgments and other proceedings made, rendered and had by and before the Court of Common Pleas, of Dearborn county, in this State, held in the Court House of said county, in the month of February, in the year one thousand eight hundred and sixty-five, and then and there by and before the several Judges of the said Court." Also,

Senate bill No. 20, entitled an act to amend sections one and two of "an act entitled 'an act fixing the per diem and mileage of members of the General Assembly, Secretaries, Clerks and Doorkeepers,' approved June 4th, 1852.

And that the same have been deposited in the office of the Secretary of State.

The question recurring on the motion of Mr. Chapman, the motion was agreed to, and the bill No. 176, entitled "a bill making general appropriations for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six,"

Was read the first time.

Mr. Chapman moved that the rules be suspended and the bill read a second time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley,

Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Mason, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—31.

Those who voted in the negative were,

Messrs. Bowman, Brown of Wells, Carson, Cobb, Douglas, English, Gaff, Gifford, Hanna, Hord, Marshall, McClurg, Moore, Newlin, Staggs and Vawter—16.

So the rules were not suspended.

Mr. Williams moved that the bill be read a second time by title and referred to the Committee on Finance.

The motion was agreed to.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House has concurred, without amendments, in the following Engrossed Senate bills, to-wit:

Engrossed Senate bill No. 193. "An act to amend sections 4 and 8 of an act entitled an act to incorporate the town of Knightstown, in Henry county, in the State of Indiana," approved February 2, 1857.

Engrossed Senate bill No. 43. An act to amend the 2d, 6th and 7th sections of an act entitled "An act concerning organization of voluntary associations, and repealing former laws in reference thereto," approved February 12th, 1855.

Engrossed Senate bill No. 133. A bill fixing the time of holding the Courts in the 3d Indiana Circuit.

Engrossed Senate bill No. 135. An act to amend the seventy-first section of an act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburg, a city charter," approved January 27, 1847, and to add supplemental sections to said act.

I am also directed by the Speaker, to inform the Senate, that he has signed the following Enrolled Acts of the House of Representatives, to-wit:



Enrolled act No. 19 of the House of Representatives. An act to amend an act entitled "an act in relation to witnesses and to repeal section 238 of article 13, of the act entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force, which took effect and went into force March 17, 1861.

Enrolled act No. 15 of the House of Representatives. An act authorizing Supervisors of roads to remove fences standing near public highways on streams and water courses, and to turn public roads and highways on water courses to the rear of buildings where such buildings stand too near the stream to give room for said roads or highways, and assess damages for losses occasioned thereby.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed, without amendments, the following Engrossed Senate bills, to-wit:

Engrossed Senate bill No. 110. An act entitled an act to provide for the clothing and other personal expenses of the pupils of the Benevolent Institutions of the State, to provide for the manner of their removal to and from said Institutions in certain cases therein specified, and the manner of collecting the expenses therefor.

Engrossed Senate bill No. 158. An act in relation to the sale of real estate at private sale by executors, administrators and guardians in certain cases.

On motion by Mr. Williams,  
The bill was read by title and referred to the Committee on Finance.

Mr. Chapman asked leave for Committee of Finance to retire.  
Which was granted.

Mr. Cobb moved to take up the Morgan Raid bill, Senate bill, No. 15.

On motion by Mr. Cullen,  
The Senate took a recess until 7 o'clock this evening.

7½ O'CLOCK P. M.

The Senate met.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims have had the claim of M. H. Good, for goods furnished the Senate at the session of 1863, have had the subject under consideration and recommend that it be referred to the Committee on Finance, and be allowed.

The report was concurred in.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims to whom was referred the claim of Werden & Co., have had the same under consideration, and have directed me to report it back to the Senate and recommend that it be laid on the table.

The report was concurred in.

Leave being granted, Mr. Bown, of Wells, offered the following :

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to the Hon. Conrad Baker, Lieut. Governor, for the able and impartial manner in which he has, during the present session, discharged his duties to the Senate as its presiding officer.

The resolution was unanimously adopted.

On motion by Mr. Van Busirk,

House bill No. 199, entitled "An act to provide for the distribution of the School, Sinking and Trust Funds of this State, held for the support of the Common Schools, to repeal all laws in conflict therewith and declaring an emergency."

Was read the first time.

Mr. Van Buskirk moved to suspend the rules, and read the bill a second time now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Ham-

ilton, Brown of Wells, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dunning, Dykes, Gifford, Hyatt, Mason, Milligan, Moore, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Williams, Woods and Wright—32.

Those who voted in the negative were,

Messrs. Bradley, Carson, English, Gaff, Hanna, Hord, McClurg, Newlin and Vawter—9.

So the rules were suspended, and the bill read the second time.

Mr. Williams moved to amend the bill by striking out the word "funds," wherever it occurs, and inserting "monies."

The amendment was agreed to.

Mr. Van Buskirk moved to suspend the rules, and read the bill a third time now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Gaff, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Dunning, English, Gifford, Hanna, Hord, Mason, McClurg, Moore, Newlin, Staggs and Vawter—18.

So the Senate refused to suspend the rules.

Mr. Dunning moved to reconsider the vote just taken.

The ayes and noes being demanded by Messrs. Hord and Hanna,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dunning, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Terry, Thompson, Van Buskirk, Ward and Williams—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cason, Cobb, Corbin, English, Gaff, Gifford, Hanna, Hord, Mason, McClurg, Moore, Newlin, Staggs, Vawter, Woods and Wright—20.

So the vote was reconsidered.

Mr. Van Buskirk withdrew his motion.

Mr. Hanna moved to take up House bill No. 122. A bill to amend sections six and ten of an act entitled "an act to provide for, and regulate the inspection of tobacco throughout the State," approved February 12th, 1857.

The motion was agreed to, and the bill read the second time.

Mr. Hanna moved to suspend the rules, that the bill be read the third time now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—46.

No Senator voted in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—46.

No Senator voted in the negative.

So the bill passed.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed, without amendment, the following engrossed Senate bill, to-wit :

Engrossed Senate bill No. 119. A bill accepting the provisions of an act of the Congress of the United States of America, entitled "an act donating lands to the several States and Territories which may provide Colleges for the benefit of agriculture and mechanic arts," and providing for the receipt, investment and management of said donation.

I am also directed to inform the Senate that the House has passed the following engrossed Senate bill, to-wit :

Engrossed Senate bill No. 101. An act to amend the 2d section of an act entitled "an act to amend the 5th and 6th sections of an act to provide for the election of a Reporter, and the speedy publication of the decisions of the Supreme Court, and for the compensation of said Reporter," approved February 28th, 1855; and also to amend the seventh section of an act entitled "an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5th, 1852.

And have attached thereto the accompanying engrossed amendments of the House, in the passage of which the concurrence of the Senate is respectfully requested.

On motion by Mr. Bennett,

The Senate took up House amendment to Senate bill No. 101, entitled "an act to amend the 2d section of an act entitled 'an act to amend the 5th and 6th sections of an act to provide for the election of a Reporter, and speedy publication of the decisions of the Supreme Court, and for the compensation of said Reporter,' approved February 28th, 1855; and also to amend the seventh section of an act entitled 'an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter,' approved February 5th, 1852."

The amendments were concurred in.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed the following engrossed bills of the Senate, to-wit :

Engrossed Senate bill No. 68. An act to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the western line of the State of Indiana.

Engrossed Senate bill No. 181. An act to amend section one of an act to incorporate the Trustees of the Indianapolis Female College," approved February 13th, 1851.

The President announced the question before the Senate at the recess to be on the motion to take up the Morgan Raid Bill, (S. B. 15).

Mr. Cobb withdrew his motion to take up (S. B. 15).

Leave being granted,  
Mr. Chapman submitted the following :

MR. PRESIDENT :

The Finance Committee, to whom was referred House bill No. 176, making general appropriation for the years 1865 and 1866, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and after being so amended, recommend its passage.

Mr. Bennett moved to lay the amendments proposed by the Committee on the table.

The ayes and noes being demanded by Messrs. Cullen and Brown of Wells,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hyatt, Marshall, Mason, McClurg, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—36.

Those who voted in the negative were,

Messrs. Bradley, Brown of Wells, Carson, Corbin, Douglas, Downey, Hord, Moore and Williams—9.

So the amendments were laid on the table.

Mr. Bennett moved that the rules be suspended, and that the bill be read the second time.

A Constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Gaff, Gifford, Hyatt, Marshall, McClurg, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—40.

Those who voted in the negative were,

Messrs. Barker, Moore and Newlin—3.

So the rules were suspended.

Mr. Van Buskirk moved to suspend the rules, and read the bill a third time now.

The President having decided that the Senator from Marshall was not in order in the remarks he was submitting on the suspension of the rules,

Mr. Corbin appealed from the decision of the Chair.

The question being, shall the judgment of the Chair stand as the judgment of the House?

The ayes and noes being demanded by Messrs. Cullen and Corbin,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Culver, Davis, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

Those who voted in the negative were,

Messrs. Cullen, Hord and Moore—3.

So the decision of the Chair stands as the judgment of the House.

Mr. Allison demanded the previous question, which was seconded.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Corbin and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—39.

Those who voted in the negative were,

Messrs. Brown of Wells, Carson, Corbin, Douglas, Downey and Moore—6.

So the main question was ordered.

The question recurring on the motion to suspend the rules,

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Dunning, Dykes, English, Gaff, Gifford, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—40.

Those who voted in the negative were,

Messrs. Brown of Wells, Corbin, Downey and Moore—4.

So the rules were suspended, and the bill read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Dunning, Dykes, English, Gaff, Gifford, Hanna,



Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—42.

Those who voted in the negative were,

Messrs. Moore, Newlin and Williams—3.

So the bill passed.

Mr. English moved to take up the Morgan Raid bill.

Mr. Cobb moved to amend by taking up House bill No. 59.

Mr. Cullen moved to lay the bill upon the table.

The ayes and noes being demanded by Messrs. Cullen and Oyler,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, English, Hyatt, Moore, Niles, Noyes, Oyler, Richmond, Terry and Woods—22.

Those who voted in the affirmative were,

Messrs. Allison, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Dunning, Dykes, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Milligan, Newlin, Peden, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—25.

So the bill was not laid on the table.

A message from the House of Representatives, by Mr. Nixon, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has, without amendment, concurred in the passage of the following engrossed Senate bills, to-wit:

Engrossed Senate bill No. 148. An act to authorize companies for the construction of water works in and for incorporated cities to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof.

Engrossed Senate bill No. 88. An act repealing the second section of an act approved March 3, 1863, entitled "An act providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency."

Engrossed Senate bill No. 28. An act to amend the 25th section of an act defining felonies and prescribing punishments therefor, approved June 10, 1862.

Engrossed Senate bill No. 177. A bill for the relief of persons who have paid certain claims to the State, or to the proper officers, under color of judicial proceedings, and to subrogate such persons to the rights of the State.

Engrossed Senate bill No. 92. An act authorizing street or horse car railway companies to use State, county, or township roads, or other public highways, for their railway tracks, under certain conditions and regulations.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to which the signature of the President is requested:

Enrolled act of the House of Representatives No. 202. "An act to fix the times of holding the Common Pleas Courts in the county of Grant, and repealing all laws inconsistent herewith."

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled Senate acts, to-wit:

Senate Joint Resolution No. 2. A Joint Resolution proposing an amendment to article eight of the Constitution so as to enable cities and towns to levy taxes for the support of the Common Schools.

Enrolled Senate act No. 158. "An act in relation to the sale of real estate at private sale by executors, administrators and guardians in certain cases.

Enrolled Senate act No. 168. "An act fixing the times of holding Courts in the Twelfth Judicial Circuit.

I am further directed to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested.

*Resolved by the House of Representatives, (the Senate concurring therein,) That the Secretary of State be, and he is hereby empowered*

and directed to cause to be printed House bill<sup>s</sup> No. 8, known as the Dog Law, and that he send to the several County Auditors a number thereof sufficient to supply the Township Trustees and Assessors, to the end that the Assessors may perform the duties required of them by said act.

Mr. Gifford demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

The ayes and noes being demanded by Messrs. Cullen and Oyler,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—30.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Corbin, Cullen, Davis, Douglas, Hyatt, Noyes, Oyler, Richmond, Terry and Thompson—16.

So the main question was ordered.

The question recurring on the main question, viz: The amendment of Mr. Cobb, to take up House bill No. 59; and

The ayes and noes being demanded by Messrs. Cullen and Corbin,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Culver, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams and Wright—30.

Those who voted in the negative were,

Messrs. Bennett, Bonham, Bradley, Cason, Chapman, Corbin, Cullen, Davis, Douglas, Noyes, Oyler, Richmond, Terry, Thompson and Woods—15.

So the amendment was adopted.

Those who voted in the affirmative were,

The question being on the adoption of the motion, as amended, and

The ayes and noes being demanded by Messrs. Richmond and Cullen,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Culver, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Peden, Staggs Van Buskirk, Vawter, Ward, Williams and Wright—31.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Cason, Chapman, Cullen, Davis, Douglas, Niles, Noyes, Oyler, Richmond, Terry, and Woods—15.

So the motion, as amended, was adopted.

Mr. Cobb demanded the previous question, on the passage of the bill.

Which was seconded.

Mr. Cullen moved that the Senate adjourn.

The ayes and noes being demanded by one-tenth of the members present,

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Corbin, Cullen, Douglas, Noyes, Oyler, and Richmond—8.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—36.

So the Senate refused to adjourn.

The question being, shall the main question be now put?

The ayes and noes being demanded by Messrs. Cullen and Richmond,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Culver, Downey, Dunning, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Peden, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Bennett, Bonham, Bradley, Chapman, Cullen, Douglas, Niles, Noyes, Oyler and Richmond—10.

So the main question was ordered.

Mr. Cullen moved that the Senate adjourn.

The ayes and noes being demanded by one-tenth of the members present,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Cullen, Noyes, Oyler, Richmond and Thompson—8.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—37.

So the Senate refused to adjourn.

Messages from the House of Representatives by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed, without amendments, the following Engrossed bill of the Senate, to-wit:

Engrossed Senate bill No. 53. An act entitled "An act to allow

County Commissioners to organize turnpike companies, where three-fifths of the persons representing the real estate within prescribed limits, petition for the same, to levy a tax for its construction and provide for the same to be free."

I am also directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following Enrolled acts of the Senate, to-wit :

Enrolled Act of the Senate No. 193, entitled "An act to amend section 4 and 8 of an act entitled an act for the incorporation of the town of Knightstown, Henry county, Indiana, approved February 2, 1837.

Enrolled Act of the Senate No. 10. An act to amend section 322 of an act entitled an act to revise simplify and abridge the rules, practice pleading and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of Justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Enrolled Act of the Senate No. 63. An act prohibiting Supreme, Circuit or Common Pleas Judges, County Clerks, Auditors, Treasurers, Recorders, Sheriffs and their deputies, from practicing in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof.

Mr. Corbin moved to reconsider the vote on ordering the main question to be put.

Mr. Vawter moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Cullen and Corbin,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams and Wright—35.

Those who voted in the negative were,

Messrs. Bennett, Bradley, Brown of Hamilton, Cullen, Davis, Douglas, Noyes, Oyler, Richmond, Thompson and Woods—11.

So the motion was laid on the table.

Mr. Richmond moved that the Senate do now adjourn.

The ayes and noes being demanded by one tenth of the members present,

Those who voted in the affirmative were,

Messrs. Bonham, Cullen, Douglas, Noyes, Oyler, Richmond—6.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Peden, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

So the Senate refused to adjourn.

The question being on the adoption of the amendment offered by Mr. Cullen.

The ayes and noes being demanded by Messrs. Cullen and Oyler,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Douglas, Downey, Noyes, Oyler, Richmond, Terry, Thompson, and Woods—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams and Wright—34.

So the amendment was rejected.

Mr. Richmond, moved that the Senate adjourn.

The ayes and noes being demanded by one tenth the members present,

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Bradley, Cullen, Douglas, Oyler, Richmond and Thompson—8.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Noyes, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—37.

So the Senate refused to adjourn.

The question being on the second amendment offered by Mr. Cullen,

The ayes and noes were demanded by Messrs. Cullen and Richmond.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Douglas, Downey, Noyes, Oyler, Richmond, Thompson and Woods—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Peden, Staggs, Terry, Van Buskirk, Vawter, Ward, Williams and Wright—34.

So the amendment was rejected.

Mr. Richmond moved that the Senate adjourn.

The ayes and noes being demanded by one tenth of the members present,

Those who voted in the affirmative were,

Messrs. Beeson, Bradley, Corbin, Niles, Noyes, Oyler, Richmond, Terry and Thompson,—9.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Davis, Douglas, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Marshall, Ma-



son, McClurg, Milligan, Moore, Newlin, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—33.

So the Senate refused to adjourn.

Messages from the House of Representatives by Mr. Nixon their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendments, the following Engrossed bill of the Senate, to wit:

Engrossed Senate bill No. 180, "an act authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State under the provisions of the General Swamp Land Act.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled acts of the Senate, to wit:

Enrolled Senate act, No. 133, an act fixing the time of holding the Courts in the Third Judicial Circuit.

Enrolled act No. 101, an act to amend the second section of an act entitled an act to amend the fifth and sixth sections of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved February 28th, 1855, and also to amend the seventh section of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved Feb. 5th, 1852.

The question being on the third amendment offered by Mr. Cullen,

The ayes and noes were demanded by Messrs. Cullen and Oyler.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Chapman, Douglas, Dykes, Noyes, Oyler, Terry, Thompson and Woods—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Downey,

Dunning, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Niles, Peden, Richmond, Staggs, Van Buskirk, Vawter, Ward, Williams and Wright—35.

So the amendment was rejected.

Mr. Richmond moved that the Senate adjourn.

The ayes and noes being demanded by one tenth of the Senators present,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Corbin, Cullen, Douglas, Niles, Noyes, Richmond, Terry and Thompson—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Downey, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Oyler, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—34.

So the Senate refused to adjourn.

The question being on the adoption of the amendment offered by Mr. Bennett,

The ayes and noes were demanded by Messrs. Cullen and Bennett.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Chapman, Cullen, Douglas, Downey, Dykes, Noyes, Oyler, Thompson and Woods—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Culver, Davis, Dunning, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Milligan, Moore, Niles, Peden, Richmond, Staggs, Terry, Van Buskirk, Vawter, Ward, Williams and Wright—32.

So the amendment was not concurred in.

Mr. Oyler moved that the Senate adjourn.

The ayes and nays being demanded by one tenth of the members present.

Those who voted in the affirmative were,

Messrs. Bennett, Bradley, Brown of Hamilton, Carson, Chapman, Corbin, Cullen, Culver, Douglas, Downey, Niles, Oyler, Richmond, Terry and Thompson—15.

Those who voted in the negative were,

Messrs. Allison, Barker, Bonham, Bowman, Cobb, Davis, Dunning, Dykes, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Peden, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—30.

So the Senate refused to adjourn.

The question being, shall the bill be read a third time now?

And the ayes and noes being demanded by Messrs. Cullen and Richmond,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Cason, Cobb, Dunning, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Moore, Newlin, Richmond, Staggs, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—28.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Chapman, Culver, Davis and Noyes—7.

So the bill was ordered to be read a third time.

Mr. Richmond moved that the Senate adjourn.

The ayes and noes being demanded by one-tenth of the members present,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Culver, Davis, Dykes, Moore, Niles, Oyler, Peden, Richmond, Williams and Woods—13.

S. J.—37.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Dunning, English, Gaff, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, McClurg, Milligan, Newlin, Staggs, Vawter, Ward and Wright—24.

Messrs. Corbin, Cullen and Terry refused to vote, because it was just twelve o'clock.

So the Senate refused to adjourn.

Mr. Richmond moved to reconsider the vote by which the bill was ordered to be engrossed.

Mr. Dunning moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Cullen and Richmond,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cason, Chapman, Cobb, Culver, Davis, Dunning, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Milligan, Peden, Staggs, Vawter, Ward and Wright—24.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Richmond and Woods—7.

So the motion was laid upon the table.

Mr. Williams, consent being given, offered the following resolution, which was adopted :

*Resolved*, That when the Senate adjourn, it adjourn to meet on Monday morning at nine o'clock.

Mr. Williams demanded the previous question on the passage of the bill.

Mr. Bonham moved that the Senate adjourn.

The ayes and noes being demanded by one-tenth of the Senators present,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Chapman, Dykes, Niles, Oyler, Peden, Williams and Woods—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Cobb, Culver, Dunning, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Milligan, Newlin, Staggs, Vawter, Ward and Wright—21.

So the Senate refused to adjourn.

Messrs. Corbin and Cullen refused to vote, on the ground that it was Sunday morning.

Mr. Cullen demanded a call of the Senate.

The ayes and noes being demanded by Messrs. Richmond and Oyler,

Those who voted in the affirmative were,

Messrs. Bonham, Culver and Davis—3.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Brown of Wells, Carson, Chapman, Cobb, Dunning, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, Milligan, Newlin, Niles, Peden, Staggs, Thompson, Vawter, Ward, Williams and Wright—25.

So the motion did not prevail.

On motion by Mr. Thompson,  
The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
 March 6th, 1865. }

The Senate met.

President Baker in the Chair.

The reading of the Journal was commenced and,

On motion by Mr. Cobb,  
 Was dispensed with.

Mr. Dykes submitted the following:

*Resolved*, That the Secretary of State be authorized to procure and send to each member of the Senate and to the Officers and Reporters thereof, three copies of the Legislative Brevier Reports; also, two copies each of the Senate and House Documentary Journals, and two copies of the acts of the present session, all to be bound in full sheep.

The resolution was adopted.

Mr. Corbin offered the following:

*Resolved*, That the Auditor of State be and he is hereby authorized to draw his warrant on the Treasury in favor of A. E. & W. H. Drapier for fifteen hundred dollars or so much thereof as may be necessary to pay two thirds of one cent a page per copy for six hundred copies, being the usual number furnished the Senate every session since 1857 of the Brevier Legislative Reports, an equal number of copies to be sent by express to each Senator as soon as possible after the adjournment.

The yeas and nays being demanded by Messrs. Vawter and Cobb,

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Caison, Chapman, Corbin, Cullen, Culver, Douglas, Dunning, Dykes, Gifford, Hord, Marshall, McClurg, Newlin, Niles, Oyler, Peden, Staggs, Thompson, VanBuskirk, Williams, Woods and Wright—28.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bowman, Cobb, Davis, English, Gaff, Hyatt, Mason, Noyes, Richmond, Terry, Vawter and Ward—15.

So the resolution was adopted.

A message from the Governor, by B. R. Sulgrove his private secretary.

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to inform your Honorable body that he has approved and signed Senate Joint Resolution No. 2, entitled "a Joint Resolution proposing an amendment to article eight of the constitution so as to enable Cities and Towns to levy taxes for the support of Common Schools."

Also the following Senate bills:

Senate bill No. 10, entitled "an act to amend section 322 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" approved June 18th, 1852.

Also, Senate bill No. 28, entitled "an act to amend the 25th section of an act entitled 'an act defining felonies, and prescribing punishment therefor, approved June 10th, 1852.'"

Also, Senate bill No. 53, entitled "an act entitled 'an act to allow County Commissioners to organize turnpike companies, where three fifths of the persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free.'"

Also, Senate bill No. 63, entitled "an act prohibiting Supreme, Circuit or Common Pleas Judges, County Clerks, Auditors, Treasurers, Recorders, Sheriffs and their deputies, from practising law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof."

Also, Senate bill No. 68, entitled "an act to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the western line of the State of Indiana."

Also, Senate bill No. 88, entitled "an act repealing the 2d section of an act approved March 3, 1863, entitled 'an act providing for the colonization of Free Negroes, making appropriations therefor, and establishing a colonization agency.'"

Also, Senate bill No. 92, entitled "an act authorising street or horse-car railway companies to use State, County or Township roads, or other public highways, for their railway track, under certain conditions and regulations."

Also, Senate bill No. 100, entitled "an act fixing the compensation of township assessors."

Also, Senate bill No. 101, entitled "an act to amend the 2d section of an act entitled 'an act to amend the 5th and 6th sections of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter, approved February 28th, 1855; and also to amend the 7th section of an act entitled 'an act to provide for the election of a reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter, approved February 5th, 1852.'"

Also, Senate bill No. 110, entitled "an act to provide for the clothing and other personal expenses of the pupils of the Benevolent Institutions of the State, and providing for the manner of their removal to and from said institutions in certain cases therein specified, and the manner of collecting the expenses therefor."

Also, Senate bill No. 119, entitled "an act accepting the provisions of an act of the Congress of the United States of America, entitled 'an act donating lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts, and providing for the receipt, investment and management of said donation.'"

Also, Senate bill No. 133, entitled "an act fixing the time of holding the Courts in the Third Judicial Circuit."

Also, Senate bill No. 135, entitled "an act to amend the 71st section of an act entitled 'an act granting to the citizens of the town of Evansville, in the County of Vanderburg, a city charter,' approved January 27th, 1847, and to add supplemental sections to said act."

Also, Senate bill No. 143, entitled "an act to amend the 2d, 6th and 7th sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12th 1855.'"

Also, Senate bill No. 150, entitled "an act to amend sections 7, 9, and 20 of an act to provide against the consequences ensuing, or likely to ensue from the destruction of books pamphlets, papers, records or other writings of any County in this State, or any Circuit, Probate, Commissioners' or other inferior courts of record therein, or filed with or in the legal custody of any officer of any County in this State, and to provide for the perpetuation of testimony relative to the same; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed, approved January 12th, 1852."



Also, Senate Joint Resolution No. 11, entitled "A Joint Resolution requesting the Governor to appoint a suitable person to revise and correct the swamp land books of the State of Indiana in the office of the Auditor of State.

Also, Senate bill No. 14, entitled "An act to amend an act entitled 'an act in relation to County Treasurers,' approved June 4, 1852, and declaring an emergency."

Also, Senate bill No. 158 entitled "An act in relation to the sale of real estate at private sale by executors, administrators and guardians in certain cases."

Also, Senate bill No. 168, entitled "An act fixing the times of holding Courts in the Twelfth Judicial Circuit."

Also, Senate bill No. 173, entitled "An act to enable the Board of Trustees of incorporated towns to authorize the use of portions of streets for shade and ornamental purposes."

Also, Senate bill No. 177, entitled "An act for the relief of persons who have paid certain claims to the State, or to the proper officer, under color of judicial proceedings, and to subrogate such persons to rights of the State."

Also, Senate bill No. 178, entitled "An act to authorize the formation of companies for the construction of water works in and for incorporated cities to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof."

Also, Senate bill No. 180, entitled "An act authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State of Indiana, deeded by the General Government to the State, November 7, A. D., 1857, and known as the indemnity lands."

Also, Senate bill No. 181, entitled "An act to amend section one of an act entitled an act to incorporate the Trustees of the Indiana Female College, approved February 13, 1851."

Also, Senate bill No. 193, entitled "An act to amend sections four and eight of an act entitled 'an act for the incorporation of the town of Knightstown, Henry county, Indiana, approved February 2, 1837,' and that the same have been deposited in the office of the Secretary of State."

Mr. Niles submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred the Message of

the Governor in regard to the right to prolong the present session of the General Assembly, report that they have spent considerable time in consultation on the subject without having arrived at a unanimous conclusion.

But the Committee are of opinion that it is not advisable to depart from the established usage, and to now unsettle what has been for fourteen years the practical construction of the Constitution. The Committee, therefore, recommend that the session do not extend beyond sixty-one days, counting by revolutions of the earth on its axis.

The report was concurred in.

Mr. Downey submitted the following:

MR. PRESIDENT:

The majority of the Judiciary Committee, to whom was referred the question in regard to the length of the sessions under the Constitution, according to order report as follows:

This session of the General Assembly began on the 5th day of January, 1865, and the question is, where must it end? The language of the Constitution on the subject is found in section 29 of article 4, and is as follows: "No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days; nor any special session beyond the term of forty days."

Words are to be understood in their plain and ordinary sense. A "civil day," or a day when mentioned in a constitution or statute, means a period of twenty-four hours, beginning and ending at 12 o'clock at night. Sunday is a day as well as week days.

There is no difficulty in arriving at what is meant by the word "session." It means, in this instance, the time during which the Legislature sits, with occasional intermissions of a day or more, until its final adjournment.

The word "term," used in this clause of the Constitution, and as used in eight or ten other places in the same instrument, means a period, or length of time, from one given date to another. To find the true meaning of the word when it is used in the Constitution, we must look at other parts of that instrument as well as the one under consideration. All parts of it were made at the same time and by the same persons. A strange use may be made of a word in an instrument, but if you find the word used in many other places in the same paper, in the same sense, it must have the meaning which from the whole instrument the party intended it to have. We do not mean to say that the word is improperly used in this instance. We think it is not. Let us look to its meaning in other places in the Constitution. In article 2, section 6, the word "term" is used with reference to the term during which a person may hold office. In

article 4, section 3, it is said Senators shall be chosen for a term of four years and Representatives for the term of two years. In article 5, section 9, the official term of the Governor and Lieutenant Governor shall commence, &c. In the same article, section 22, it is provided that the Governor's salary shall not be increased or diminished during the term for which he shall have been elected; and in section 24, neither the Governor or Lieutenant Governor shall be eligible to any other office during the term for which he shall have been elected. In article 7, section 9, Circuit Judges shall hold their office for the term of six years, &c.; and in section 16 of the same article, no person elected to any judicial office shall, during the term for which he was elected, &c. In the fifth clause of the schedule the word is used, and in the 13th clause it is twice used in the same sense.

We cannot see that it can make any difference whether the period of time is to be computed by days, weeks, months or years. It is a continuous period, made up of successive days, in either case, and as Sundays are days, why should they be excluded, unless the language or words used and which a proper construction is sought, to expressly require.

Had the language of the Constitution been that the General Assembly should not sit, or not be in session, more than sixty-one days, it might then be construed to exclude all days where the Legislature was not actually in session or doing business, as well Sundays as other days.

At this session, the sixty-one days, if we include Sundays, expires on the 6th of March, now if the General Assembly shall be in session on the 10th of March, is not that beyond the term of sixty-one days from the time the session began?

We think that when a period of time is to be reckoned in days, months or years, that Sundays must be included, unless expressly excluded. If money is to be paid, or any other act performed, in thirty, sixty, or any other number of days, the Sundays following within that time must be counted. Such is the rule in computing the ten days notice to a party sued, and such is the rule where a party is required to appeal within a certain number of days. The Sundays are counted against him, and yet they are not days on which he should be engaged in preparing his defence, or perfecting his appeal.

Where it is intended that Sundays shall be excluded, it is so expressed in the Constitution, and in our Statutes, and as Sundays are excepted in the section in regard to the approval of bills by the Governor, it furnishes ground to suppose that if it had been intended in the other case it would have been so expressed.

Sundays and certain holidays are spoken of as non-legislative days; but we do not understand by this, that legislative business cannot be done on these days, but only that by a kind of common consent it is not done. It is expressly laid down in Cushing's Manual, that Legislative business may be done on Sunday, and instances can be cited where it has been done, but still he says Sunday is a non-legislative day. We must not be understood as saying that legislative business

ought to be done. But suppose the Legislature should sit on each successive day from the commencement of the session, and suppose bills to have one of their indispensable readings, or to be passed on Sunday, would the act be void? There is no provision in the State Constitution, which prevents the Legislature from being in session on Sunday. Legislation is not enumerated among the acts prohibited by the Sunday Law. If it was might it not in some plausible case become a work of necessity, and for that means be allowable?

There was a reason for fixing upon sixty-one days as the length of the session, rather than some more convenient and even number of days. By a previous section of the Constitution, the time when the session was to begin was fixed. It was fixed for Thursday after the first Monday in January, counting sixty days from that time and the sessions would always close or the time would expire on Sunday. We know from some who were members of the Convention, and that is pretty commonly understood, that sixty days was the term first agreed on, and that the odd day was added to prevent the termination of the period on Sunday. The Legislature had some kind of limitation of its session prior to the adoption of this Constitution, but as it was only by virtue of a Statute, it was subject to change, and as we now recollect, it operated only by way of reducing or cutting off pay after a certain lapse of time.

Contemporative construction of Constitutions and Statutes is of very great weight in ascertaining their true meaning; and by this we mean not only what occurred at the exact time, but also that which prevailed soon afterwards. The reasons for this are, that those who are acquainted with the causes, which induced the making of the provision, or enactment, and first had occasion to act upon it, are presumed to be better able to know its true construction, than those who live at a more remote period.

The first session of the Legislature under the present Constitution, was unlimited as to its duration. At the next session, that in 1853, very little legislation was necessary, and the term closed before the sixty-one days expired, Sundays included. But an able report on this subject in House Journal, page 449 and 450, in which it is shown that Sunday must be included.

At the session in 1857, the question was raised and was settled by a concurrent resolution passed by both Houses, which is found on page of the Journal of the House.

Then the session began on the 8th of January, and, according to the resolution, ended on the 9th day of March, which made just sixty-one days, Sundays included.

At the session in 1859, in House Journal, page 908, the opinion of the Judiciary Committee is given in accordance with our opinion.

At the session in 1861, the subject was referred, in the House, to the Judiciary Committee, and their report is found on page 961.

This session began on the 10th of January, and ended on the 11th of March, just sixty-one days, Sundays included.

At the session in 1863, and on the 12th day of February, 1863, resolutions were introduced and adopted, as found on page 330, of the Senate Journal.

Which shows that it was then believed the session ended in 61 days, Sundays included.

For these reasons we come to the conclusion that the session must end at the expiration of the term of sixty-one days, including Sundays, and that bills could only be presented to the Governor for approval as late as Saturday, the 4th inst. We recommend the adoption of the same resolution, which was adopted by both Houses in 1857, changing only the dates to make it apply to the present year, as follows :

*Resolved*, That this session of the General Assembly, which began on the 5th day of January, must end on the 6th of March, and that bills could be presented to the Governor as late as the 4th.

PARIS A. DUNNING,  
FRANCIS T. HORD,  
THOS. R. COBB.

Mr. Downey moved to reconsider the vote adopting the report made by Mr. Niles.

Mr. Chapman moved to lay the motion on the table.

The ayes and noes being demanded by Messrs. Carson and Williams.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Chapman, Cason, Culver, Davis, Dunning, Dykes, Hyatt, Milligan, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—23.

Those who voted in the negative were,

Messrs. Barker, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Ward and Williams—21.

So the motion lies upon the table.

Mr. Williams moved to adopt the report submitted by Mr. Downey.

Mr. Bennett moved to lay that motion on the table.

The ayes and noes being demanded by Messrs. Williams and Bennett,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dykes, Hyatt, Milligan, Niles, Noyes, Oyler, Peden, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, Dunning, English, Gaff, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Moore, Newlin, Staggs, Vawter and Williams—23.

So the motion was laid on the table.

The following resolution was reported from the House of Representatives, by Mr. Nixon their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the following resolution has just passed the House, in which the concurrence of the Senate is respectfully requested :

*Resolved*, (the Senate concurring) That the rooms now used in the State Capitol, by the Supreme Court and its Clerk, be hereafter used by the Adjutant General for his office, and that the Supreme Court be authorized to rent, at a reasonable rate, suitable rooms elsewhere, for their use, and for the use of the Clerk thereof, which rent shall be paid quarterly, upon certified accounts, out of the State Treasury, from any funds not otherwise appropriated.

Which was concurred in.

Mr. Cobb offered the following :

*Resolved*, That Holloway, Douglas & Co., of the "Journal," and Elder Harkness & Bingham, of the "Sentinel," be each allowed the sum of seven hundred and twenty-eight dollars and seventy-five cents, for copies of the "Daily Sentinel," and "Daily Journal," furnished this Legislature, out of the Legislative appropriation fund; that J. H. Jordan be allowed one hundred and fifty-five dollars and seventy-five cents (\$155.75), for copies of "the Gazette;" that Julius Boettcher be allowed thirty-four dollars and sixty-five cents for the "Volksblatt," and E. J. Metzger be allowed thirty-four dollars and

sixty-five cents for the "Free Press," furnished this legislature, out of the appropriation made for Legislative expenses.

Mr Peden moved to strike out the pay for the "Volksblatt."

Mr. Chapman moved to lay that motion on the table.

The motion was agreed to; and the resolution, as amended, was adopted.

Mr. Beeson submitted the following :

MR. PRESIDENT :

The select Committee on the subject of Agricultural fund and college, to whom was referred sundry bills on that subject, and having reported a bill accepting the grant, ask leave to return sundry bills to the Senate, and that said bills be placed on the files in their order.

The report was concurred in.

Mr. Vawter submitted the following :

MR. PRESIDENT :

The Committee on Railroad appraisement, to whom was referred Senate bill No. 35, beg leave to return said bill, with a recommendation that it lie on the table, for the reason, that a bill has been reported from the Committee, which was concurred in, and by mistake, sent to the House without passage of this Senate, and thus delayed in its final passage. In relation to delinquent taxes, the Committee would report that the bill reported by them contained necessary provision on that subject.

The report was concurred in.

Mr. Bonham submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred the petition of the Board of Trustees of the Indiana University, praying for the passage of an act authorizing the Board of Commissioners of the Sinking Fund to liquidate the debt of the Indiana State University to the Sinking Fund, incurred for the erection of the college building, &c., have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it

lay on the table, as legislation upon that subject is inexpedient at this time.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom were referred Senate bill, 182, being an act providing for the organization of Circuit Courts, &c., and Senate bill No. 183, being an act to establish Probate Courts, &c., report the same back to the Senate, and recommend that for want of time to pass said bills during the present session, they remain among the unfinished business of the session.

The report was concurred in.

Mr. Bennett submitted the following :

MR. PRESIDENT :

The Military Committee, upon the invitation of Col. W. H. Schlater, Military Secretary of the Governor, have examined the Military Secretary's office and would beg leave to make the following report :

They have examined the office of the Military Secretary, and take pleasure in reporting to the Senate that the arrangement and management of the same is complete in all its details, and that not only the soldiers in the field, but the State at large, is fortunate in having the services of so good an officer in that responsible position.

The report was concurred in.

Mr. Allison submitted the following :

MR. PRESIDENT :

The Committee on Prisons would respectfully report that we visited the Southern Prison and examined into the manner its books and accounts had been kept, the treatment of the prisoners, &c., for the last two years.

We cheerfully bear testimony to the faithfulness of the Warden and his competency for the position.

As to the government of the Prison, from the hasty examination we were compelled to give the books and accounts of the Prison, we are not prepared to give an opinion of their condition. They seem to be kept in a manner that would preclude a proper examination without evidence outside of the books themselves. For instance,



there is one item of expense, as follows: For corn \$1,994.22. We called the Warden's attention to the fact that the single item of corn seemed large. He then stated to us that that item embraced several other things besides corn. In that item, we were informed, was embraced potatoes, \$700, turnips and other vegetables. Now, if the accounts are allowed to be made up in this way, great frauds might be perpetrated in the hands of a dishonest man; for suppose you allow the item of corn, as set forth, to cover potatoes and other articles, a dishonest Warden might embrace in his corn account any item of his private expenses and not be detected; or he might be allowed for the amount of corn in one item and charge for the potatoes or other articles separately.

We would respectfully suggest that the Warden and Clerk be required to keep a carefully itemized account, charging himself with each sum received; for what, and of whom received, and for what expended.

Your Committee would further report that the Directors of said Prison have either acted fraudulently or with a total disregard to the interests of the State in the contracts of hiring the Prison labor. They made contracts to run until November, 1867, at 40 cents per day for each convict, when it cost more than that amount to feed and clothe them each, and when it must have been well known to the Directors that they could have hired the convicts at from 70 cents to \$1 per day. But if they could get but 40 cents per day, which is less than the cost of keeping, why incumber the State with contracts running to 1867?

Your Committee would also state that the same practice prevails at the Southern Prison that prevails at the Northern Prison—that of the Warden and his deputy using the convict labor about their private business without accounting to the State for the same, which we recommend be discontinued.

Your Committee found the Prison in a clean, healthy condition. The present contractors have put up a large amount of expensive machinery, thereby affording ample opportunity for employing all the convicts inside of the Prison walls; and many of the prisoners, we were informed, have learned useful trades since their confinement. This we think much more desirable than the old mode of allowing the convicts to be employed at day labor on the outside of the Prison.

Your Committee would further report, that the prisoners are not allowed any but corn bread. This, we think, is cruel, to confine even prison convicts on corn bread without a change.

Your Committee would further state, that the Directors of the Southern Prison have assured us, from time to time, that the Prison would be self-sustaining; and yet, this year, we are asked for an appropriation of \$15,675.14 to pay off the indebtedness of the Prison, and for \$25,000 to defray the expenses of the next two years, which the Committee think does not sustain the oft repeated promise of its being self-sustaining.

We, therefore, recommend the passage of Senate bill 153, which provides for the leasing of the Prisons, North and South, which, if carried into effect, will be a saving to the State of fifty thousand dollars per annum.

All of which is respectfully submitted.

Mr. Brown, of Wells, moved to lay the report on the table.

The ayes and noes being demanded by Messrs. Allison and Chapman,

Those who voted in the affirmative were,

Messrs. Bowman, Brown of Wells, Corbin, Hord, Marshall, Mason, and Williams—7.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Brown of Hamilton, Cason, Chapman, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Gifford, Hyatt, McClurg, Milligan, Niles, Noyes, Oyler, Peden, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—28.

So the motion was laid on the table.

The report was then concurred in.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has just passed the following resolutions, in which the concurrence of the Senate is respectfully requested:

*Resolved by the House of Representatives, (the Senate concurring,)*  
1st. That the people of the State of Indiana have observed, with pride and satisfaction, the gallant conduct of the officers and men in the volunteer service of the United States from this State, and that that they desire, through their representatives, to express their high approbation thereof, and to congratulate them upon the glorious record they have made for themselves, their State and their country.

2d. That the Secretary of State cause a sufficient number of the above resolution to be printed, and that the Adjutant General be required to forward the same to the several commanders of Indiana

volunteer regiments and batteries, who will order the same read upon parade of their respective commands.

Which resolutions were concurred in.

A message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has just passed the following resolution, in which the concurrence of the Senate is respectfully requested :

*Resolved by the House of Representatives, (the Sena'e concurring,)*

That the thanks of the people of the State are hereby tendered to the officers and men of the Indiana Legion for the gallant and efficient manner in which they have discharged the important duties which have been entrusted to them ; and that the Secretary of State cause to be printed a sufficient number of the above resolution, and that the Adjutant General be requested to forward the same to the several commanders of the Indiana Legion.

Which was concurred in.

Mr. Chapman submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 187, authorizing the Commission of the State debt Sinking Fund Commissioners, with moneys belonging to Common School Funds and also Saline Fund, and Bank Tax Fund, directing the transfer to the Common School Fund, of the State of Indiana of so much of the two and one-half and five per cent certificates of stocks of the States, and authorizing the proper offices to issue a bond of the State for such amount, and directing the Treasurer of State, to pass to the credit of the General Fund, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and unanimously recommend its passage.

The report was concurred in.

Mr. Van Buskirk submitted the following :

MR. PRESIDENT :

The Committee on Education, to whom was referred sundry bills on the subject of Common Schools, have had the same under consideration, and have instructed me to report the same back, and recom-

mend that they be placed among the unfinished business of the session, as there is not sufficient time to act upon them.

The report was concurred in.

On motion by Mr. Niles, it was,

*Resolved*, That a Committee of two on the part of the Senate, be appointed to act with a similar Committee on the part of the House to wait on the Governor and ascertain and report to the Senate if he has any further communication to make to the General Assembly.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Select Committee to whom was referred the following resolution thereof, to-wit :

*Resolved*, That a Committee of three Senators be appointed to inquire into and report to the Senate the amount of stationery drawn by the Committees and Officers of the Senate, specifying the Committee and Officers, and the amount so drawn by each ; and also the number, names, and employment of the appointees of the elective Officers of the Senate, have had the same under consideration.

They herewith submit a report from the Librarian of the amount of stationery drawn from him by Secretaries, Senators and Chairmen of Committees, marked A. The report of the Principal Secretary of the number of his employees marked B. and the report of the Assistant Secretary on the same subject, marked C. Also, the statement of the Secretary and Assistant Secretary as to the stationery got and used by them, marked D., and a batch of orders, &c., as to stationery given out by the Secretaries, in envelope marked E. The number of assistants of the Doorkeepers has already been reported to the Senate.

We have not had time to examine this matter in detail, and therefore submit the matter to the Senate upon the various statements and accompanying documents.

The report was concurred in.

Messrs. P. C. Dunning, A. C. Downey and T. J. Carson, submitted the following :

We reduce to writing our statement of amounts of stationery drawn by us for the use of the Senate during the present session, at your request.

At the commencement of the session, upon consultation with the Librarian, we ordered an amount of stationery that we supposed

would be sufficient to answer all the purposes of the session. We did this because we believed that there would be a saving of expense by the purchase of a large supply obtained at wholesale prices expecting to turn over to the Librarian the excess, if there should be any, at the end of the session. The first order we gave, which was the first week of the session, was in our judgment, sufficient in amount to have answered all our necessities, provided it had been filled, but such was not the case. A copy of this order, as given by us will be found in the statement made to the Senate by the Librarian. This statement represents us at that time, as having received 40 reams of letter paper, 40 reams of legal cap, and 10 reams of commercial note paper. Whereas we only received 19 reams of legal cap, 26 reams of letter paper, and 6 reams of commercial note. As we found use from time to time, for other articles, they were ordered, and we have to say that our orders were most generally cut down. That is, the amounts sent us not being equal to the amounts ordered. These orders it seems have been preserved by the Librarian, and are embodied in his report as having been entirely filled, thus charging us with large amounts of stationery which we never received. We particularly call the attention of the Committee to the items in the Librarian's report of the amounts of ink and mucilage charged as being drawn by us, we embraced these items in our order but the Librarian informed us that they could be obtained from the Secretary of State without purchase, and hence we countermanded our order as to ink and mucilage, and were only furnished two boxes of ink, (six bottles in each box) and twelve small bottles of mucilage, still the Librarian retained our written order, and we find the original order charged against us in the Librarian's report. We did not keep an account of the amounts of stationery ordered by us, nor of the deficiency in amount as the orders were filled. To have done so would have necessitated the opening of a book account, which we did not think it required, as we anticipated no trouble.

As near as we can determine, we are satisfied we did not receive during the whole session over 105 reams of paper of all kinds. By examination we find there are 40 reams on hand, reducing the amount used to 65 reams, of these 65 reams we have orders and memoranda in writing, showing that 33 reams or thereabouts were furnished to Committees, Senators and other employees of the Senate. We believed it our duty to furnish the employees, Doorkeepers &c., with stationery, they having frequent use for the same in the folding rooms, and they had no other mode of getting it. We may have exceeded our duty in this regard, but if so it was an error of opinion touching our duties.

We also have on hands the following articles of stationery which we propose to return to the Librarian:

5 boxes bank pens.

3 boxes gum bands delivered to us, a gross in a box.

6 paper knives.

6 erasers.

1 box ( $\frac{1}{2}$  dozen) ink.

480 lead pencils.

$2\frac{3}{4}$  boxes commercial envelopes, 1000 in a box.

$6\frac{1}{2}$  boxes letter envelopes, 500 in a box.

Five-sixths of all the blotting pad ordered.

3 rules.

7 bottles mucilage.

9 boxes metal clasps, with hammers and fixtures, various sizes.

Small quantities of pen holders, pens, mucilage, brushes, &c., &c.

The erasers charged against us in the last order sent the Librarian were never received. If they cost the State \$15 per dozen, as charged on the floor of the Senate, the person who purchased the few we did get was beautifully swindled, for the greater part were almost worthless.

The paper folders ordered and used by us were, several of them, broken up, and the balance were carried off; by whom we never knew, they being an article easily concealed. In this connection we may say that many of the smaller items of stationery, such a pencils, pens, gum bands, commercial note paper, &c., was carried from our room without our knowledge. It was, we found, impossible to keep such things, unless under lock and key; and to this end we found it necessary to have a new lock upon the door, about the middle of the session, as the old lock was found to be fitted by entirely too many keys. Of the paper ordered by us, we find there was used by us, and our clerks, about thirty-two reams, including amounts stolen from us, and that were taken from the room by Senators, and others, without written orders. We did not feel it our duty to deny a gentleman a few sheets of paper, when required for their accommodation; and hence we permitted all, this privilege, who asked the favor of us. We believe, however, this privilege was confined entirely to gentlemen connected with the Senate. In making up the journals of the session the Assistant Secretary has used from fifteen to twenty reams of letter paper. Of this a considerable quantity, with other articles of stationery, were necessarily kept at his desk all the time. On the adjournment all pens, inkstands, paper, &c., were all placed under lock and key; but in spite of all precautions a considerable quantity of pens, pen holders, paper, paper folders, &c., have been spirited away. Frequently the desk, always carefully locked the night before, has been found unlocked the succeeding morning, and all the stationery left there was carried away.

We can not arrive at the value of the stationery used by us. But if \$2,000, as was charged on the floor of the Senate, is the value of the whole amount of the orders charged up against us, we are satisfied, from an inspection of the facts, that the value of the whole amount used by us is less than one-fourth the sum named. Neither can we ascertain the amount of stationery used by former Secretaries; but we believe, after having consulted with the Secretary of the last

Senate, that the amount used by us this winter is not greater than has been used by former officers.

The statement that we ordered our stationery before the incoming of the present Librarian because of political differences with that gentleman, does us great injustice. Our principal orders were directed to the old Librarian before Mr. Foster was nominated to his present position; at a time when we were unacquainted with him.

We did not know when the election was likely to occur, nor did we think of it all, but made our order as soon as possible after our own elections, for our own convenience. Since Mr. Foster's election we have found him a pleasant and agreeable gentleman, and a faithful officer.

Very respectfully yours,

A. T. WHITTLESEY, *Prin. Sec'y*,  
JACOB S. BROADWELL, *Ass't Sec'y*.

GENTLEMEN OF THE COMMITTEE:

I have in my department the same number of Clerks, and no more, as in my report to the Senate. These the business of the Senate required, and are not in excess of the number employed at former sessions.

The names and duties of Clerks in my department are as follows:

W. H. DRAPIER,	Journal Clerk.
JOHN C. ROBINSON,	“ “
JOHN DOWLING,	“ “
E. A. HORTON,	“ “
JOHN H. HENDRICKS,	“ “
WM. S. WALKER,	Copying “

Jas. S. Read was appointed by Mr. Whittlesey, but during the greater part of the session, has assisted in making up the Journal,

JACOB S. BROADWELL,	Ass't Sec'y Senate
L. ANDERSON, }	Engrossing Clerks.
T. O. BARBOUR, }	

A. T. WHITTLESEY,  
*Prin. Sec'y Senate.*

Report of Clerks of Principal Secretary, with business of each:

M. A. O. PACKARD,	Reading Clerk,
E. P. SCHLATER,	Register “
J. B. NEWTON,	Messenger to House,
IRA A. FAIRCHILD,	in charge of stationery, and messenger generally,
I. GILL SHANKLIN, }	Enrolling Clerks.
LYCURGUS DALTON, }	

Mr. Oyler submitted the following :

*Resolved*, That Principal Secretary of the Senate—Whittlesey—be and is hereby instructed to turn over to the Librarian any and all stationery now in his possession or charge, taking an inventory thereof, and that the Librarian receipt to the Secretary for the amount so turned over.

The resolution was adopted.

On motion by Mr. Beeson,

House concurrent resolution empowering the Secretary of State to cause to be printed House bill No. 8, known as "the dog law," and send copies of the same to the different township trustees and assessors, to the end that the said assessors may perform the duties required of them by said act.

Was concurred in by the Senate.

Mr. Niles returned all the papers on file with the Judiciary Committee.

Mr. Cason submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 129, entitled "an act prescribing the number of Senators and Representatives of the General Assembly of the State of Indiana, have had the same under consideration, and have directed me to report that the Committee are in favor of the passage of the bill, but that we have not had time to perfect the same, and would therefore recommend that said bill lie on the table.

The report was concurred in.

Mr. Niles submitted the following :

MR. PRESIDENT :

The Committee appointed to wait on the Governor, have performed that duty, and respectfully report that His Excellency has informed them that he has no further communication to make to this General Assembly.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has concurred



in the Resolution of the Senate, appointing a Joint Committee of the two Houses, to wait upon His Excellency the Governor, and ascertain whether he has any further communication to make to the General Assembly and that the House has appointed Messrs. Miller, of Tippecanoe, and Buskirk, on said Committee.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following resolution, to wit :

*Resolved*, That the Senate be informed that the House has completed all the business and legislation that can be done at the present session, and that the House is now ready to adjourn.

Mr. Dunning submitted the following :

*Resolved*, That the following sums be allowed the persons named therein, for the services specified, to wit :

Samuel M. Dixon, Sheriff of Jennings Co.....	\$189	90
James M. Mayfield, Justice of the Peace .....	128	25
Henry C. Bruner, " " " .....	128	25
George Harman, Sheriff of Jennings Co.....	5	20
Samuel M. Dixon, " " " .....	23	60
W. W. Wamsley, " Jackson " .....	119	50
Aaron Stryker, Justice of the Peace,.....	56	45
Stiles W. Ewing, " " " .....	50	17

And that the Auditor of State be directed to issue his warrant on the State Treasurer in favor of said Samuel M. Dixon, James M. Mayfield, Henry C. Bruner, Geo. Hammond, W. W. Wamsley, Aaron Stryker and Stiles W. Ewing, for the amounts set forth in this resolution as due each.

Mr. Williams moved to amend as follows :

*Resolved*, That the sum of eight hundred and fifty-nine dollars and eight cents be paid Aquilla Jones for advance of salary to Governor Willard in the year 1858, to be paid out of the Legislative appropriations of the present session.

On motion by Mr. Bennett,  
The amendment was laid on the table.

The resolution was adopted.

On motion by Mr. Cason, it was

*Resolved*, That twenty-five hundred copies of the report of the Adjutant General of the State of Indiana be printed for the use of the members of the Senate.

Mr. Thompson offered the following, which was adopted:

*Resolved*, That Nicholas Shirley be allowed the sum of ten dollars for washing towels for the Senate.

Mr. Hanna offered the following:

*Resolved*, That the Principal and Assistant Secretaries of the Senate and their appointees, be each allowed the sum of sixty-one dollars, in addition to the per diem heretofore allowed.

Mr. Chapman moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Oyler and Chapman,

On motion by Mr. Williams,  
The Senate adjourned.

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MONDAY AFTERNOON, 2 o'clock, P. M. }  
March 6th, 1865. }

The Senate met.

On motion of Mr. Niles, it was

*Resolved*, That the Senate, having completed the business of the session, is now ready to adjourn, and that the House of Representatives be informed of the fact.

On motion of Mr. Allison, it was

*Resolved*, That the Secretary and Assistant Secretary of the Senate be allowed the sum of one hundred dollars each for preparing the Index of the Journal, and superintending the publication of the same.

On motion by Mr. Dunning, it was

*Resolved*, That Haskall & Co., be allowed the sum of eleven dollars for services in fixing street lamp, to be paid out of the Legislative fund.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Ely and Bruner, dated February 13th, 1865, for \$28.00, have had the same under consideration and directed to report the same back to the Senate and recommend that it be referred to the Committee on Finance, and twenty dollars of the same allowed.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of C. A. Woodbridge, agent, dated February 14th 1865, fifteen dollars, have had the same under consideration and directed me to report the same back to the Senate and recommend that it be referred to the Committee on Finance, and allowed.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the petition and remonstrance of sundry citizens of Fulton county, praying for and remonstrating against the relief of the late Treasurer of said county, have had the same under consideration and have directed me to report the same back to the Senate and recommend that they be laid on the table.

The report was concurred in.

Mr. Noyes submitted the following :

MR. PRESIDENT :

A majority of the Committee on Claims, to whom was referred the  
S. J.—39

claim of J. H. Woodburn, amounting to five hundred dollars, have had the same under consideration and directed me to report the same back to the Senate and recommend that it be laid on the table.

The report was concurred in.

On motion by Mr. Bennett,  
The report of the Committee on Stationery was laid on the table.

On motion by Mr. Chapman,  
The resolution was amended by including the accounts set forth in the following resolution:

*Resolved*, That David Stevenson be allowed the sum of five hundred dollars, for fifty copies of Gavin & Hord's Statutes furnished the Senate.

That Bowen, Stewart & Co., be allowed eighty-six dollars and twenty-eight cents, for stationery.

That Merrill & Co., be allowed eight hundred and twenty-three dollars and seventy-five cents for stationery.

Werden & Co., for stationery, three dollars and forty cents.

R. L. McOuatt & Co., articles for use of Senate, nineteen dollars and seventy-five cents.

Hume & Adams, merchandize for Senate, seventeen dollars and eight cents.

C. Kindler, articles for use of Senate, nine dollars and eighty-five cents.

J. H. Ross, coal for use of Committee Room, one hundred and forty-nine dollars.

Enis & Miles, articles for use of Senate, thirty-four dollars and seventy-five cents.

"Cabinet Makers Union" articles for use of Committee Rooms, thirty-two dollars.

Speigel, Thoms & Co., furniture for use of Senate, fifty-nine dollars and fifty cents.

Charles E. Hawthorn, articles for use of Senate, twenty-seven dollars.

Tousey, Byram & Co., for articles for use of Senate, forty-nine dollars and eighty-eight cents.

E. H. Brown for services in Senate, twelve dollars.

Jones, Vinnedge & Jones, articles for use of the Senate, five dollars.

Henry Reese & Co., articles for use of the Senate five dollars.

M. H. Good, for articles for use of the Senate, twelve dollars.

S. G. Thompson for services two years ago, fifty-six dollars and eighty-eight cents.

Wm. H. Drapier for organizing Senate, sixty-six dollars.

C. A. Woodbridge, agent, for crockery, fifteen dollars.

Ely & Bromer, articles for use of Senate, to be paid out of the Legislative fund, twenty dollars.

On motion by Mr. Bennett,

Wm. H. Drapier was allowed sixty-six dollars for organizing the present session of the Senate.

On motion by Mr. Williams, it was

*Resolved*, That the Auditor of State is hereby authorized and requested to report and have the same printed in the State *Sentinel* and State *Journal* the amount of money paid out to Secretaries and their Assistants, the Doorkeepers and their Assistants, giving the name and amount paid to each.

Mr. Niles moved that the Senate do now adjourn *sine die*.

Whereupon,

The Lieutenant Governor said: I desire to return to Senators my thanks for the kind consideration with which they have treated me during the present session of the Senate. I appreciate most highly their good opinion, and I assure them that I extend to each one upon this floor my kindest regards. I trust that they may have a prosperous journey to their respective homes; and they shall always have my best wishes for their happiness.

Mr. Niles said: I cannot well resist the impulse to reply, that the kind and respectful sentiments expressed by the President are undoubtedly reciprocated without distinction of party, by every Senator on this floor. I may add, that, during a laborious and exciting session, there has not existed one iota of personal unkindness among Senators. The memory of that fact will remain among the pleasantest recollections of my life.

The Lieutenant Governor then said: I now declare the Senate adjourned *sine die*.

Attest,

A. T. WHITTLESEY, *Secretary*.

JACOB S. BROADWELL, *Assistant Secretary*.

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BILLS OF THE SENATE.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
1	A bill appropriating \$200,000 for the expenses of the present session of the General Assembly, and providing the manner of the payment of the members and officers, and their assistants, and appointees of the Senate and House of Representatives.....	19	Hortl.....	19, 46, 114, 115	115	221	229, 300, 301, 302, 303, 307, 308, 309, 311	320
2	A bill regulating the practice in Circuit and Common Pleas Courts of this State, on appeals from judgments of Justices of the Peace.	19	Cobb.....	46, 103, 140	153			
3	A bill to legalize the issuing of bonds, and making of appropriations, and the levy and assessment for taxes in certain cases.....	20	Bennett.....	27, 38, 39	39	412	412, 415, 417, 420, 421, 423, 423, 424, 481, 482, 483, 508, 509, 515	522
4	A bill to provide for the making and authentication of transcripts from the Recorder's office in certain cases, and for the admissibility in evidence of the same, and certified copies of deeds and mortgages contained therein.....	20	Cobb.....	46, 77, 107	121			
5	A bill to repeal sections 601, 602, 603, and 604, of an act entitled "An act to recover the possession of real property, and to determine conflicting claims thereto."	20	Cobb.....	46, 135, 175, 200, 330	373			
6	An act to amend an act entitled "An act to amend section 7 of an act to amend an act to amend section 7 of an act to amend section 7 of an act to amend an act entitled 'An act to fix the times for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859,' so as to change the time of holding said Court in Jackson and Bartholomew counties, and declaring when this act shall take effect, approved March 9, 1861," so as to change the time of holding said Court in the counties of Jennings and Bartholomew, extending the time for holding said Court therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.....	20	Hord.....	46, 70, 71, 75	71	179	186, 207	269
7	A bill to amend section two of an act approved May 11 1861, entitled "An act to fix the times of holding the Court of Common Pleas in the several counties of the State, the duration of the terms thereof, and making all process returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.".....	20	Boulam.....	46, 107	124			

8	A bill to amend section 58 of "An act incorporating cities," to authorize them to borrow money for certain purposes.....	Thompson.....	45, 46, 95, 97, 98, 107	98	
9	A bill requiring the County Commissioners of the several counties of this State to make allowances, and issue orders therefor, in certain cases therein specified.....	Corbin.....	46, 86, 143, 144		
10	A bill to amend section 322 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases, in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	Corbin.....	47, 104, 140	154	572
11	A bill repealing section 10 of an act entitled "An act to establish Courts of Conciliation, to prescribe the rules and proceedings therein, and compensation of the Judges thereof," approved June 11, 1852, and declaring when the same shall take effect.....	Hord.....	47, 77, 78, 107	125	
12	A bill authorizing creditors in certain cases to bring action on their claims before they are due, and have attachment against the property of the debtor; to garnishee property, moneys, credits, and effects, and prescribing the manner of proceeding therein, and declaring when this act shall take effect.....	Hord.....	47, 105, 140	151	
13	A bill to amend the 17th section of an act entitled an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852.....	Vawter.....	31, 39, 57	39	
14	A bill to amend "An act in relation to County Treasurers," approved June 4, 1852, and declaring an emergency.....	Milligan.....	47, 96	125	551
15	A bill appointing a Commissioner to adjust the claims of citizens for damages and losses sustained by reason of the raid of the rebel forces under the command of John Morgan, in July, 1863, and occasioned by other or future raids, prescribing some of their powers and duties, and providing for the payment of the claims adjusted by said Commissioner, and matters properly connected therewith.....	Vawter.....	47, 88, 89, 90, 91, 132, 150, 227, 228, 346, 358, 360, 362, 363, 364, 365, 366, 367, 368, 424, 425	425	545
16	A bill to amend section 349 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	Brown, of Wells.....	47, 104, 140	155	
17	A bill authorizing County Auditors, with the consent of the Board of County Commissioners, to invest the Common School Fund on hand and unloaned, in county bonds of the county thus owning such School Fund, and providing for the enforcement of the payment of the same, and declaring when this act shall take effect.....	Hord.....	40, 53, 54		
18	A bill to authorize the County Commissioners to appoint Commissioners to lay out and establish free turnpike road, and authorizing the creation and appropriation of taxes for the construction and repair of the same, and making the said Commissioners a corporation by a name to be designated by the County Board.....	Hord.....	74, 214, 376		
19	A bill to authorize the Boards of Commissioners of the several counties of the State of Indiana, and the authorities of any in-				

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
20	incorporated town or city in said State, to make appropriations to persons drafting and persons furnishing substitutes in the army of the United States.....	45	Williams.....	45, 80, 337				
21	A bill to amend "An act to fix the per diem and mileage of members of the General Assembly, Secretaries, Clerks, and Door-keepers,".....	45	Bonham.....	78, 79, 80, 219, 220, 331, 380	431	542	547	557
22	A bill to amend sections 9, 10, and 33, of an act entitled "An act to incorporate the town of Vernon, Jennings county, Ind.".....	48	Vawter.....	80				
23	A bill to amend section ten of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties, in civil cases," approved June 9, 1852.....	49	Oyler.....	81, 104				
24	A bill to amend section 76 of an act entitled "An act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.....	49		81, 95, 131, 142	112	295	309	
25	A bill amending section one of "An act providing for the allowance of compensation to Clerks of the Circuit and Common Pleas Courts, and Sheriffs, for extra services, and to repeal all laws inconsistent therewith,".....	49	Mason.....	81, 107, 187, 408, 537, 538				
26	A bill to amend section one of an act entitled "An act prescribing certain misdemeanors, punishable only by a Justice of the Peace,".....	49	Bonham.....	81, 114, 140	154			
27	A bill to provide for the execution of real contracts, authorizing actions therefor; prescribing the proceedings therein, and authorizing the survivors in joint contracts, in certain cases, to make conveyance under order of court, and pass a good and sufficient title thereby.....	50	Hord.....	81, 175				
28	A bill to amend section four of an act entitled "An act prescribing certain misdemeanors punishable only by Justices of the Peace,".....	51	Douglas.....	81, 445				
29	A bill to amend the 25th section of an act entitled "An act defining felonies, and prescribing punishment therefor," approved June 10, 18 2.....	51	Noyes.....	75, 134, 178, 209	209	538		581
	A bill to authorize the Bank of the State of Indiana to reduce the capital stock of a branch, or close up the business of a branch or							

39	branches of said bank, under certain regulations; and amendatory of sections 62, and 74 of an act entitled "An act to establish a bank with branches," passed March 3, 1855.	57	Dunning.....	57, 68, 69, 70, 75.....	70	197	110
31	A bill relating to insurance on life for the benefit of widows and orphans.....	59	Hanna.....	75, 168, 261, 354, 370, 380	384	501	515
32	A bill giving to County Surveyors power to administer oaths to viewers of roads, and providing that where a surveyor is one of the viewers, he shall not be required to take an additional oath.....	59	Hord.....	75, 351, 372	380		
33	A bill repealing sections 1, 7, 9, 10, and 12, of an act entitled "An act to provide for the erection of a prison north of the National road, election of officers thereof, making appropriations and for the regulation of the same," approved March 5, 1859, and an act supplemental thereto, "providing for the election of officers of the Northern Prison, prescribing some of their duties, providing for the government of the said prison, and other matters properly connected therewith, and continuing in force all laws applicable thereto and not inconsistent therewith....."	59	Douglas.....	75, 91			
34	A bill to authorize incorporated cities within this State to purchase and hold parks, fair grounds, and grounds for public uses, outside of their corporate limits, and to prescribe rules and regulations for the government, control, and regulation of the same.....	60	Corbin.....	75, 477			
35	A bill to provide for the appraisalment and assessment of property in the cities of this State; the making out and delivering of tax duplicates in the cities of this State, and the assessment of property by the Treasurers of the cities of this State, incorporated under the General Laws of this State for the incorporation of cities.....	60	Gaff.....	81, 82, 148, 187	210		
36	A bill to divide the State into eleven Congressional districts.....	60	Williams.....	82, 95			
38	A bill providing for the election and appointment of officers for the benevolent institutions of this State, prescribing some of their duties and other matters properly connected therewith, repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof.....	60	Corbin.....	82, 191, 372, 381, 389, 392, 395			
39	A bill to amend an act entitled "An act to amend section 19 of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas Courts returnable to such terms, &c.," approved February 15, 1861.....	60	Douglas.....	82, 131, 140, 141	156	277	298
40	A bill to establish an Agricultural College, wherein shall be taught such branches of learning as are related to agriculture, including the mechanic arts and military tactics; also such other branches of science and literature as the General Assembly or the Trustees may direct, and to appropriate for its endowment, support, and maintenance, and to provide a Board of Trus. for its management	76	Dunning.....	76			

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## BILLS OF THE SENATE—Continued.

Number	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
41	A bill to provide for the sale and conveyance of certain real estate named therein.....	79	Beeson.....	118, 174, 175, 191, 192, 216, 217, 304, 305	305	427		400
42	A bill to amend section nine of "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.....	79	Moore.....	118, 141, 157	158	219	267	269
43	A bill authorizing injunctions against tenants and under tenants who shall unlawfully hold over, and regulating the proceedings hereon.....	79	Hord ..	118, 128, 351, 352				
44	A bill in relation to joint contracts, promises, and obligations, and declaring all such contracts, promises, and obligations, to be joint and several in their nature, so far as relates to the remedies to enforce the same.....	79	Niles.....	119, 135, 179, 180	211			
45	A bill to amend section 37 of an act entitled "An act defining misdemeanors, and prescribing the punishment therefor.".....	79	Bonham.....	119, 222, 223				
46	A bill to authorize the Secretary of State to cause to be printed, in pamphlet form, the laws of decedents' estates, and for the distribution of the same.....	80	Fuller ..	119, 149				
47	A bill authorizing proceedings to compensate parties whose property may be destroyed in consequence of mobs or riots.....	80	Hord ..	119, 224, 225, 261, 348, 379	333			
48	A bill declaratory of the law concerning contempt of Court.....	80	Hord ..	119, 136				
49	A bill to authorize the State Treasurer to refund to Winslow, Leamer & Co., moneys paid by them by request of the Governor, as interest on State Bonds, with interest on amounts so paid, and declaring an emergency.....	92	Chapman.....	92, 93, 96, 107, 108, 109, 110, 111, 112, 113	113	141	128, 176, 179	194
50	A bill providing for the redemption of real estate or any interest therein, sold on execution, or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith.....	93	Cobb.....	119, 290, 291, 331	381			
51	A bill to amend the 63d section of an act entitled "An act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly"							



✓ 62	connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.	Dykes .....	119, 120, 130, 118, 210		
✓ 63	A bill defining the offense of bastardy, prescribing the punishment therefor, and declaring the powers and duties of Justices of the Peace therein.	McClung .....	120, 183, 331, 363	334	
✓ 64	A bill to allow County Commissioners to organize turnpike companies where a majority of persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free.	Culver .....	120, 229, 221, 331, 381, 382, 384	385	572
✓ 65	A bill to amend sections 2 and 13 of an act entitled "An act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1858.	Cullen .....	120, 406		
✓ 66	A bill to fix the time of holding the Court of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.	Downey .....	120, 111	158	295, 310, 343
✓ 67	A bill to amend the 20th and 21st sections of the act entitled "An act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, and to make additional provisions on the same subject.	Downey .....	120, 119, 182, 218, 219	563	
✓ 68	A bill to amend section 611 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to regulate judicial pleadings in certain cases.	Hord .....	120, 121, 133, 131		
✓ 69	A bill to authorize voters of the State of Indiana absent from their residence, and in the army or navy of the United States, or in the military service of the State of Indiana, to vote at any general or special election, and to provide the means therefor; and defining the crime and misdemeanors for a violation of the same; for the repeal of all laws conflicting with this act, and declaring when this act shall take effect.	Oyler .....	124, 451, 452		
✓ 70	A bill to legalize appropriations, bonds, and warrants made, issued, drawn, or sold by incorporated cities in this State, for the purpose of procuring funds for the payment of bonds to volunteers to fill the quotas of said cities in the armies of the United States.	Thompson .....	121, 134		
✓ 71	A bill to amend the 21st section of an act entitled "An act to authorize a company to construct the Aurora and Laughey Turnpike," approved Feb. 15, 1848.	Gaff .....	121, 167, 182	211	
✓ 72	A bill to amend section four of "An act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 29, 1852.	Niles .....	121, 134, 175, 185	12	

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
✓ 63	approved March 5, 1859, authorizing compromises by partners and joint debtors.....	100	Hord.....	121, 168, 188, 212, 350, 446				
✓ 64	A bill prohibiting County Clerks, Auditors, Recorders, Treasurers, or their deputies, from practicing law in any Court of this State, and prescribing punishment for the violation of the same.....	100	Banham.....	121, 122, 135, 180, 181	212	551	551, 552, 553, 572	
✓ 65	A bill to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections.....	101	Thompson.....	122, 447, 448, 419, 531				
✓ 66	A bill to amend section 13 of an act approved May 12, 1852, entitled an act authorizing the construction of plank, macadamized, and gravel roads.....	122	Bradley.....	131, 136, 166, 181	213			581
✓ 67	A bill to amend section 11 of an act entitled "An act to fix the time of holding the Common Pleas Court in the several counties of this State," creating a new district, providing for the election of a judge therein, and the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.....	122	Federn.....	130, 131, 159, 187, 188, 457, 496, 497				
✓ 68	A bill to regulate the fees of officers, and repealing former acts in relation thereto.....	123	Dunning.....	123, 285, 286, 340, 341, 354, 355, 356, 357				
✓ 69	A bill to change the name of the Terre Haute and Richmond Railroad Company, and to give further time for the completion of the line of said road from Terre Haute to a point on the western line of the State of Indiana.....	123	Thompson.....	131, 149, 183, 207	320	564		581
✓ 70	A bill to repeal the 119th section of an act entitled "An act to provide for the valuation and appraisal of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of assessors and appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	123	Calver.....	138				
✓ 71	A bill for the relief of persons, plaintiff in execution, all officers to whom execution may be issued on any judgment, and sureties and co-sureties in certain cases.....	123	Hord.....	131, 167, 188	213			
	A bill to compel railroads, as common carriers, to carry freight.....	120	Mason.....	138				

72	A bill prescribing the form of deed that may be used by sheriffs and coroners.....	129	Gifford.....	138, 148	
73	A bill to create and establish the 1st, 2d, 3d, 5th, 6th and 14th Judicial Circuits, and fixing the times of holding Circuit Courts in the several counties therein, requiring all persons to take notice thereof, repealing all laws in conflict therewith, and declaring when this act shall take effect.....	129	Hord.....	138, 139, 145	
74	A bill to amend section ninety-seven of an act entitled "an act to provide for a general system of Common Schools, the officers thereof and their respective duties and powers, and matters properly connected therewith, and for the establishment and reorganization of township libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861.....	134	Vawter.....	139	
75	A bill to provide for the interest of married women in the real estate of their husbands, when sold upon execution.....	130	Thompson.....	139, 148	
76	A bill requiring County Recorders to make a marginal notice of all instruments recorded by them that require government stamps, and that such notice shall be evidence of the validity of the instruments so recorded.....	130	Culver.....	139, 148	
77	A bill to amend section one of an act entitled "An act to amend the 33d section of an act entitled 'an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved March 9, 1861.....	130	Hord.....	139, 167, 188	214
78	A bill to exempt certain real and personal property from taxation, in certain cases, and declaring an emergency for the immediate taking effect thereof.....	130	Bennett.....	139, 175, 176	
79	A bill to enable railroad companies to sell insurance tickets.....	133	Thompson.....	139, 169	
80	A bill to amend section 18 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.....	136	Vau Buskirk.....	152, 163, 332, 412	
81	A bill to accept the benefits of an act of Congress, approved July 5, 1862, entitled "An act donating public lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts, and to establish and locate a College for the promotion of general science, and the teaching of such branches of learning as are related to Agriculture and the Mechanic Arts, and Military Tactics, and for the acceptance of donations for the benefit of such Colleges.....	136	Culver.....	137, 144	
82	A bill to authorize cities to prepare, execute, negotiate, and sell bonds to provide means to complete unfinished school buildings, and to authorize the levy and collection of an additional special tax, to provide means for the payment of the interest and principal of such bonds.....	137	Niles.....	152, 174, 188, 189	214
83	A bill providing for the exercise of the elective franchise by legal				

## BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
84	voters of the State of Indiana who may be temporarily absent therefrom, on military service, and making necessary regulation thereof, and providing penalties for the violation thereof.....	137	Carson .....	451, 452				
85	A bill to amend section two of an act entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852, so as to authorize the service of a warrant throughout the State.....	138	Hord .....	152, 184	215			
86	A bill to amend section 23 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and supplemental to said act.....	137	Gaff .....	153, 332, 412				
87	A bill to create the Indiana Institution of Agriculture and Mechanic Arts.....	138	Van Buskirk.....	153				
88	A bill to amend the 17th section of an act entitled "An act prescribing who may make a will, the effect thereof, what may be divided, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.....	138	Hord .....	153, 350				
89	A bill repealing the second section of an act approved March 3, 1850, entitled "An act providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency".....	150	Bennett .....	176, 224, 332, 382	383	568		581
90	A bill to amend section five of "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting therewith,".....	150	Mason .....	177, 218				
	A bill to signify the assent of the State of Indiana to the conditions and provisions of an act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and to express the State's acceptance of said conditions and provisions, and for accepting the scrip offered by the act of Congress, and for its sale and invest-							

91	ment in the State of Indiana bonds or stocks, for the endowment of an Agricultural College.....	151	Carson.....	177				
92	A bill to amend section 103 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms, in criminal actions, in the courts of this State.".....	151	Bonham.....	177, 277, 278, 332, 382				
93	A bill authorizing street and horse railroad companies to use State, County, and Township roads for their railway under certain conditions and regulations.....	151	Thompson.....	177, 221, 222, 332, 333	383	568		
94	A bill defining certain felonies, and prescribing punishment therefor.....	151	Hord.....	177, 190, 205	393			
95	A bill to amend section 42 of an act entitled "An act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto.".....	151	Gaff.....	177, 227, 333, 412				
96	A bill to repeal "an act to enforce the 13th article of the Constitution," approved June 18, 1852.....	151	Van Buskirk.....	177, 451				
97	A bill for the relief of Alfred Williams, Treasurer of the county of Brown, in the State of Indiana.....	151	Hord.....	162				
98	A bill to amend section 18 of an act entitled "An act for the government of the Hospital for the Insane," approved January 15, 1852, and securing clothing to such of the Insane as are not otherwise provided, requiring the State of Indiana to pay for the same, providing for the reimbursement of the State by the collection of such sums expended by her, out of the estate of the patient, repealing all laws in conflict herewith, and declaring when the same shall take effect.....	172	Hord.....	178, 322				
99	A bill to amend section 10 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,".....	172	Van Buskirk.....	178, 352				
100	A bill requiring Clerks of the Circuit Courts and Courts of Common Pleas to make indexes to the Record Books of their respective offices.....	173	Ward.....	178, 191, 205, 393	394			
101	A bill fixing the compensation of Township Assessors.....	175	Richmend.....	187, 206, 207	308	550		
102	A bill to amend the 2d section of an act entitled "An act to amend the 5th and 6th sections of an act entitled an act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 28, 1855; and also to amend the 7th section of an act entitled "An act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852.....	176	Bennett.....	187, 276, 333	894	563	563, 575	
103	A bill for the relief of A. W. Loudermilk, and for the conveying of certain tracts of lands therein named.....	176	Staggs.....	187, 507				
	A bill to amend the 35th section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the							

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
104	same, and to regulate other matters as properly pertain thereto," approved March 9, 1857.....	185	Bennett.....	207, 224, 373, 442, 443, 522	523			
105	A bill to amend the second section of an act to regulate the sale of the Swamp Lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29, 1852.....	186	Terry.....	207, 808, 345, 394	395			
106	A bill to amend section two of an act entitled "An act fixing the per diem and mileage of the members of the General Assembly, Secretaries, Clerks, and Doorkeepers," approved June 4, 1852.....	186	Douglas.....	208, 219				
107	A bill to amend section 119 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions, in the Courts of this State," approved June 17, 1852, so far as to strike out so much thereof as requires the appeal to pay the costs of the appeal, when the decision of the Court below is decided to be erroneous.....	186	Hord.....	208, 351				
108	A bill authorizing certain persons therein named to dig and construct a certain canal.....	186	Wright.....	208, 226				
109	A bill to amend the 6th section of an act entitled "An act regulating divorces, nullification of marriages, and decrees and orders of Court incident thereto," approved May 13, 1852.....	186	Niles.....	223, 345	395			
110	A bill to amend section 160 of an act entitled "An act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,".....	186	Carson.....	207				
111	A bill to provide for the clothing and other personal expenses of the pupils of the Benevolent Institutions of the State, to provide for the manner of their removal to and from said Institutions in certain cases therein specified, and the manner of collecting the expenses therefor.....	189	Corbin.....	207, 320, 321	321	559		582
112	A bill to aid in the enforcement of the draft, prescribing the pen-	189	Brown, of Wells.....	208				

113	✓	113	195	Van Buskirk .....	208, 407		
114	✓	114	196	Bennett.....	196, 197, 282		
115	✓	115	197	Cobb.....	208, 222, 345, 395	396	
116	✓	116	197	Brown, of Wells.....	197, 198	198	
117	✓	117	199	Mason .....	209		
118	✓	118	199	Cobb.....	209		
119	✓	119	199	Williams.....	209, 264, 269	397	
120	✓	120	202	Williams.....	284, 419, 505, 506	540	582
121	✓	121	203	Bradley .....	284, 374	413	
			203	Peden .....	284, 349		

alty for evading the draft, or neglecting to report to the authorities when drafted, and declaring when the same shall take effect  
 A bill for the organization and regulation of the militia of the State of Indiana, dividing the same into active militia and militia of reserve, prescribing penalties for violation of said regulation, providing for the election and appointment of officers, defining the duties of military and civil officers in relation thereto, and providing for courts martial and military encampments and instructions in military tactics, making regulations for supporting said militia, repealing all laws heretofore enacted on that subject, saving certain acts therein named, and declaring an emergency for the immediate taking effect thereof.....  
 A bill to amend section 38 of an act entitled "An act to provide for the incorporation of railroad companies," approved May 11, 1852.....  
 A bill to amend section 11 of "An act concerning county prisons," approved May 2, 1852.....  
 A bill to repeal sections 1, 2 and 3 of an act supplementary to an act entitled an "An act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof," approved March 5, 1859, providing for appeals in case of persons applying for license to sell intoxicating liquors, and for those remonstrating against such applications under the provisions thereof, and to make a trial by jury, in suits in relation thereto, final.....  
 A bill to preserve the sovereignty the people, the purity of the ballot box, the free and untrammelled exercise of the elective franchise, and the free discussion of public measures and the conduct of public men, and to punish interference with or a violation of the elective franchise, or with the freedom of speech, or of the press, and providing penalties therefor.....  
 A bill to amend the 25th section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors and appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State, approved June 21, 1852.....  
 A bill accepting the provisions of an act of Congress of the United States of America, entitled "An act donating lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts, and providing for the receipt, investment, and management of said donation.....  
 A bill empowering District Prosecuting Attorneys to administer oaths in the discharge of their duties.....  
 A bill to amend section 14 of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith," approved February 18, 1859.....

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
✓ 12:	A bill in regard to weights and measures, the custody thereof, and fees for using the same.....	203	Downey.....	285, 398	399			
✓ 123	A bill to amend sections 22, 70, and 91, of "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and declaring an emergency for the immediate taking effect of this act.....	203	Cason..... Cobb.....	285, 349 285, 403, 404			547	
✓ 124	A bill to enforce the 13th Article of the Constitution.....	203						
✓ 125	A bill providing for the registration of electors of this State; prescribing the powers and duties in connection therewith, of Township Trustees, Justices of the Peace, County Commissioners, and officers of elections, affixing a penalty for a violation of any of the provisions of this act, and declaring an emergency.....	208	Brown, of Wells....	285, 451				
126	A bill to amend section one of an act entitled "An act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859.....	204	Bennett.....	285, 431, 432, 484, 524, 525, 526, 527, 528, 531	532	538		557
✓ 127	A bill to amend sections 37 and 46 of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852, and defining the boundaries of the counties of Jackson and Lawrence.....	204	Cobb.....	285, 345	3:99			
✓ 128	A bill making appropriation for the payment of interest on the State University Bonds for the years 1863 and 1864.....	261	Williams.....	262, 277	304			
✓ 129	A bill prescribing the number of Senators and Representatives of the General Assembly of the State of Indiana.....	262	Cason.....	286, 598				
✓ 130	A bill to authorize railroad companies to alter and determine the number of their directors; to authorize boards of directors to fill vacancies occurring in their boards; to provide for the meeting of stockholders, officers and directors of consolidated companies, in and without this State; to authorize consolidated railroad companies to consolidate again; to increase the capital stock of consolidated railroad companies; to authorize them to							



131	borrow money and to secure the payment thereof, and to explain and declare the powers of consolidated railroad companies formed by the consolidation of two or more railroad companies, under the laws of this State.....	262	Richmond .....	281		
132	A bill to create and establish the 14th Judicial Circuit; to provide for the appointment and election of a Prosecuting Attorney and Judge therein, and also providing for the holding of the terms of courts therein, and the return of all process, recognizances, and notices of publication heretofore or hereafter issued, and declaring when this act shall take effect.....	263	Hord.....	285, 457		
133	A bill to amend section one of an act entitled "An act to provide a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith." Approved March 14th, 1861.....	264	Van Buskirk.....	286		
134	A bill fixing the time of holding the Courts in the Third Judicial Circuit.....	264	Williams .....	286, 400	400	575
135	A bill to amend an act entitled "An act to provide for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.....	264	Terry.....	286, 287		
136	A bill to amend the 71st section of an act entitled "An act granting to the citizens of the Town of Evansville, in the county of Vanderburg, a city charter," approved January 27, 1847, and to add supplemental sections to said act.....	264	Dunning .....	287, 327, 331	401	558
137	A bill to amend sections eight and eleven of "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.....	268	Cason .....	287, 404		
138	A bill prescribing the quality of illuminating gas; providing for the inspection thereof; declaring a forfeiture of bills therefor in certain cases, and declaring an emergency.....	268	Brown, of Wells....	328, 329, 341, 358		
139	A bill amending section thirty of "An act regulating fees of officers, and repealing former acts relating thereto," approved March 9, 1855.....	269	Cason.....	287, 407		
140	A bill to amend the fifth section of an act entitled "An act to amend an act entitled 'An act, to repeal all laws now in force for the incorporation of cities, to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 9, 1857," which act was approved March 11, 1861, to provide for liens in certain cases, and how the same may be enforced, and declaring an emergency.....	271	Ward.....	287, 442		
	A bill to amend section eight of an act entitled "An act dividing the State into counties, defining the boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852.....	271	Bonham.....	287, 405		

BILLS OF THE SENATE—Continued.

Number	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
✓ 141	A bill to amend sections two, five and six, of an act entitled "An act concerning the organization of voluntary associations, and repealing former acts in reference thereto," approved February 17, 1855.....	271	Culver .....	287, 328, 374, 419	519			
✓ 142	A bill defining the crime of drunkenness, and prescribing the penalty therefor.....	271	Woods .....	288, 504, 505				
✓ 143	A bill to amend sections two, six and seven of an act entitled "An act concerning the organization of voluntary associations, and repealing former acts in relation thereto," approved February 12, 1855.....	272	Bradley .....	288, 327, 374, 419, 442	463	558		
✓ 144	A bill to provide for the sale of certain lands therein named; to provide for the erection and management of a house of correction, and for the conviction and punishment of juvenile offenders.	272	Downey .....	288				
✓ 145	A bill providing compensation for Judges holding Courts of Common Pleas in certain cases.....	272	Downey .....		414			
✓ 146	A bill to amend section 90 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.....	272	Hord .....	288, 350, 374				
✓ 147	A bill to amend sections 32 and 135 of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith,".....	272	Bouham.....	288				
✓ 148	A bill to amend sections 76 and 88 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement....."	272	Downey .....	288, 403				
✓ 149	A bill ratifying the action of the Governor, in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States.....	284	Cullen.....	329, 345				
✓ 150	A bill to amend sections 7, 9, and 20, of an "Act to provide against							

151	the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or any Circuit, Probate, Commissioners', or other inferior Courts of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators, and guardians, have been destroyed," approved January 12, 1852.	298	Wright .....	323, 349, 358, 392	292	550	582
152	A bill authorizing the boards of trustees of incorporated towns, or other places where intoxicating liquors are sold or drunk, within the limits of their respective jurisdictions	299	Cobb.....	329			
153	A bill to amend section seven of an act entitled "An act touching the laying-out and vacating towns, streets, alleys, public squares and grounds, or any part thereof"	299	Richmond .....	329, 450			
154	A bill creating a Board of Control of the Indiana State Prison, North and South, together with a President of the same, to be elected by the present General Assembly, and defining their powers and duties, and repealing all laws and parts of laws, coming in conflict with the provisions of this bill, and declaring an emergency	305	Allison.....	329, 477			
155	A bill authorizing magnetic telegraph companies to construct and maintain lines in the State of Indiana, along the lines of railroads, and to condemn lands therefor, or contract with individuals for the same	305	Dunning.....	329			
156	A bill to amend section five of "An act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852	306	Downey .....	329			
157	A bill to amend section 14 of an act entitled "An act to limit the number of grand juries, and to point out the manner of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852, and to change the form of oath of grand juries	305	Downey .....	330, 377			
158	A bill to repeal an act entitled "An act to enforce the 13th article of the Constitution," approved June 18, 1852	311	Peden .....	330, 403			
159	A bill in relation to the sale of real estate by executors, administrators, and guardians, in certain cases	322	Cobb.....	330, 351, 374	414	558	568
160	A bill to provide for the erection and maintenance of houses of refuge, schools of reform, by counties and incorporated cities, and for the confinement and detention therein of prostitutes and females given to habitual intoxication, and also minors convicted of felonies and misdemeanors	323	Thompson.....	330			
	A bill ratifying the action of the Governor in procuring an advance of \$250,000 from the President of the United States for the preparation of troops for the service of the United States, and for the defence of the State, and directing him to pay the unexpended balance thereof into the treasury, and to account therefor, with an advance to the State	323	Niles.....	330, 348, 484			

## BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
161	A bill requiring the Boards of County Commissioners in the several counties in the State of Indiana, to examine the books, papers and vouchers, of any county officer in their respective counties, who may be charged with receiving a greater amount of fees than he is legally entitled to receive; to determine the amount, if any, and to cause suit to be brought for its recovery, and declaring an emergency.	328	Allison .....	314, 345, 436				
162	A bill to amend an act entitled "An act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and "to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1857," approved March 1, 1857.	328	Thompson .....	345, 412				
163	A bill touching the laying out of cities and additions thereto, and the making and recording of plats thereof, and legalizing plats of such cities, and additions thereto heretofore made and recorded.	334	Ward .....	371, 414	415			
164	A bill touching the disposition of lots, streets and alleys, public squares and grounds, within the corporate limits of any incorporated city of the State heretofore vacated, or hereafter to be vacated.	334	Ward .....	371				
165	A bill to amend sections one and two of an act entitled "An act to regulate the mileage of Sheriffs in conveying convicts to the State Prison, and of County Treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of the members of the General Assembly."	342	Fuller .....	371, 398				
166	A bill disqualifying certain persons from holding office under the laws of this State, and prescribing punishment for the violation of the same.	342	Bonham .....	372				
167	A bill to amend section twenty-one, of chapter six, of the revised statute of 1852, being "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved March 29, 1852.	342	Carson .....	372, 405				

168	✓	A bill fixing the time of holding the Courts in the Twelfth Judicial Circuit.....	343	Wright.....	372	551	589
169		A bill to amend section two of an act entitled "An act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act," passed March, 1859.....	343	Bennett.....	372, 432, 433		
170	✓	A bill to authorize Trustees to sell and convey trust estates, and to reinvest the proceeds thereof.....	343	Niles.....	372, 406		
171	✓	A bill to reimburse Sam. H. Patterson, late lessee of the Indiana State Prison, for money expended by him on account of work and labor rendered by sundry convicts, during said Patterson's lease of said Prison.....	375	English.....	378, 447		
172	✓	A bill supplemental to an act entitled "An act for the incorporation of towns, defining their powers, and providing for the election of officers thereof, and declaring their duties," approved June 11, 1852, providing therein for the levy and collection of taxes for certain purposes therein specified, upon the real and personal property of all railroads, including road-beds, plank-roads, turnpike roads, telegraph and bridge companies, and banks being in the corporate limits of incorporated towns within this State.....	375	Corbin.....	378, 379, 446, 447		
173		A bill to enable the Board of Trustees of incorporated towns to authorize the use of portions of streets for shade and ornamental purposes.....	386	Gifford.....	411, 412	550	583
174	✓	A bill to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith.....	388	Niles.....	412, 413, 425		
175	✓	A bill to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and for mutual protection, and repealing all laws inconsistent herewith.....	388	Niles.....	413, 455		
176		A bill authorizing the assessment and levy of taxes in the several towns and cities in this State, upon the real and personal property of all railroad companies within the jurisdiction of such towns and cities.....	390	Corbin for Orson.....	413, 442		
177		A bill for the relief of persons who have paid certain claims to the State, or to the proper officer, under color of judicial proceedings, and to subrogate such persons to the rights of the State.....	390	Dunning.....	391, 396	568	583
178	✓	A bill to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof.....	391	Dunning for the Lt. Governor.....	391, 396, 400, 532	567	
179	✓	A bill fixing the salaries of the Superintendent of the Insane, the Superintendent of the Deaf and Dumb, and the Superintendent of the Blind, in this State, and repealing all laws and parts of laws in conflict herewith.....	391	Thompson.....	413, 415		
180		A bill authorizing the Auditor and Treasurer of State to sell certain swamp lands belonging to the State, under the provisions of the general swamp land act.....	415	Wright.....	415, 416	575	585

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
✓ 181	A bill to amend section one of "An act to incorporate the Trustees of the Indiana Female College, approved February 13, 1851,....."	416	Thompson.....	479, 488, 491	492	561		583
✓ 182	A bill providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties.....	444	Oyler.....	444, 508, 550				
✓ 183	A bill to establish a Probate Court in each county in the State, for the election of Probate Judges, fixing the jurisdiction of such courts, the officers thereof, its powers and duties, and for the transfer of business in the Common Pleas Courts, and to repeal all laws conflicting with this act.....	444	Oyler.....	444, 509, 590				
✓ 184	A bill to amend section five of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.....	452	Danning.....	487, 492	492	510		584
✓ 185	A bill for the incorporation of hotel companies.....	452	Danning for Lieut. Governor.....					
✓ 186	A bill to define the rights of parties to joint contracts in cases in which judgments have been rendered against part of the makers of such contracts, but not all.....	452	Niles.....					
✓ 187	A bill to amend sections three and fifty-three of an act entitled "An act to reduce the law incorporating the City of Madison, and the several acts amendatory thereto, into one act, and to amend the same," approved February 14, 1848, and declaring an emergency.....	452	Allison.....	452, 477				
✓ 188	A bill to amend sections one and two of an act entitled "An act fixing the time of holding the Circuit Court in the First Judicial Circuit, and repealing all laws in conflict therewith, and making all writs, summonses and process returnable thereto," approved March 7, 1851, so far as relates to the County of Jefferson.....	453	Allison.....	453, 488, 489				
189	A bill to apportion Senators and Representatives for the next four years.....	453	Oyler.....					
✓ 190	A bill providing for the completion of the unfinished business of any regular session of the General Assembly by the next succeeding extra session of the same General Assembly, and declaring an emergency.....	458	Allison.....	458, 471, 472	518	535	547	
✓ 191	A bill to amend sections 16 and 47 of an act entitled "An act to provide for the opening, vacating, and changing of highways," approved June 17, 1852.....	458	Peaton.....	459, 460	460			547

192	A bill prescribing the time within which persons elected to the office of Judge of the Circuit, Common Pleas or Probate Courts, shall qualify, and in default of their qualifying within the prescribed time, that there shall be a vacancy in the office, and declaring an emergency.....	479	Oyler.....				
✓ 193	A bill to amend sections four and eight of an act entitled "An act to incorporate the town of Knightstown, Henry county, Indiana,".....	486	Pedeh.....	486, 488, 492	518	.658	572
✓ 194	A bill requiring the State Board of Agriculture to publish semi-annual reports of their proceedings, and making appropriation therefor.....	486	Williams.....	486, 490			
195	A bill to legalize and declare valid and effectual, all the orders, judgments, and other proceedings made, rendered, or had, by and before the Court of Common Pleas of Dearborn county, in the State of Indiana, held in the court house of said county, in the month of February, in the year 1865, and then and there, by and before the several Judges of the said Court.....	486	Gift.....	496	496	545	550
							557

JOINT RESOLUTIONS OF THE SENATE.

Number	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Subsequent proceedings.	Approved.
1	A joint resolution proposing an amendment to the second section of article second of the Constitution, so that the Legislature may more effectually guard against fraudulent voting, and to enable electors to vote when absent from the State, serving in the army or navy of the United States.	23	Bonham.....	47, 48, 147, 148, 189, 191				
2	A joint resolution proposing an amendment to article eighth of the Constitution, so as to enable cities, townships, and towns, to levy taxes for the support of common schools.	32	Beeson.....	48, 102, 142	158	551	568	581
3	A joint resolution proposing an amendment to the 23d section of article four, of the Constitution, so as to provide for laws enabling cities, townships, and towns, to raise money for the support of common schools.	32	Beeson.....	48, 103, 142	159			
4	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence for the passage of an amendment to the Constitution, abolishing slavery in the United States.	73	Van Buekirk.....	82, 223				
5	A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law, placing certain persons upon the pension rolls.	73	Bennett.....	82, 100	100	277	295, 296	297
6	A joint resolution instructing our Senators and requesting our Representatives in Congress to call upon and urge the Secretary of War to order certain volunteers, and especially Company "M," Third Indiana Cavalry, to be immediately released and discharged from the service.	73	Cobb.....	74, 83, 84, 85, 86				
7	A joint resolution instructing our Senators and requesting our Representatives in Congress to endeavor to procure the passage of an act extending the time for the acceptance of the donation of land by Congress, for agricultural purposes.	74	Carson.....	83				
8	A joint resolution instructing our Senators and requesting our Representatives in Congress to cast their votes and use their influence, in favor of a law increasing the pay of non-commissioned officers, and privates, in the army of the United States, at least four dollars per month.	78	Barker.....	122				
9	A joint resolution instructing our Senators and requesting our Representatives in Congress, to labor to increase the pay of soldiers.	97	Barker.....	122, 292, 346, 316				



10	A joint resolution relative to the establishment of a Bonded Tobacco warehouse at Evansville, Indiana.....	116	Dunning .....	116, 117	117	295	309
11	A joint resolution requesting the Governor to appoint a suitable person to correct the swamp land books, in the Auditor of State's office .....	117	Wright .....	132, 201, 373	415	551	583
12	A joint resolution authorizing the Auditor and Treasurer of State, to sell certain swamp land* belonging to the State, under the provisions of the general swamp land act.....	132	Wright .....	132, 201, 373, 415			
13	A joint resolution tendering a vote of thanks to Major General Sherman, his officers and men, for the brilliant victories gained in the campaign of 1864.....	169	Peden .....	169			
14	A joint resolution concerning the exchange of the Indiana officers and soldiers, held as prisoners of war in Southern prisons.....	194	Hord.....	194, 195, 278, 279, 280, 281, 373			
15	A joint resolution requesting our Senators and Representatives in Congress, to adopt some more efficient mode of adjusting soldiers' claims.....	195	Bonham.....	209			
16	A joint resolution accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States.....	276	Bennett .....	[296, 297, 112, 313, 314, 315, 316]	315	335	352
17	A joint resolution in regard to the prosecution of the war.....	273	Bennett .....	288, 289, 290, 291, 292, 293, 294, 330			
18	A joint resolution upon the subject of Federal relations of the States, the existing National difficulties, and matters properly connected therewith.....	457					
19	A joint resolution instructing our Senators and requesting our Representatives in Congress, to favor an amendment to the conscription law, so as to require \$800 to be paid by conscientious exemptis	458	Marshal.....				

# BILLS OF THE HOUSE.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Subsequent proceedings.
3	A bill to legalize the proceedings of the Court of Common Pleas of the county of Jackson, had at the October term, 1864.	50	50, 51	51	98, 99
46	A bill to fix the times of holding the Circuit Court in the 11th Judicial circuit, and to regulate the return of process in said circuit.	145	156, 157	157	179
7	A bill to amend the first section of an act entitled, "An act to amend the second section of an act entitled 'an act concerning the organization of voluntary associations, and repealing all laws in reference thereto, approved February 12, 1855, so as to authorize the formation of ferry companies,' approved February 16, 1857, so as to authorize the survey, construction, maintenance and repair of harbors, docks and piers, upon Lake Michigan and other navigable waters, and to assess and collect tolls for the use thereof."				
14	A bill for the relief of the families of soldiers, seamen and marines, in the State and United States service, and of those who have died or been disabled in such service; and prescribing the duties of certain officers therein named.	118	204, 344, 404, 479, 480	480	500
84	A bill to legalize the action of the Board of County Commissioners of Vermillion county, and the District and State Board of Equalization, in adopting the reappraisal of real estate of 1859, as the basis for the assessment of taxes for the year 1864, and each year thereafter, till a new reappraisal shall be made.	218	281, 336, 337, 369, 398, 400, 420, 421, 427, 428, 429, 461, 462, 489, 490	489	511, 523
63	A bill relating to corporations for mechanical, manufacturing, mining and quarrying purposes.	268	284, 344, 389, 411		
45	A bill to legalize the acts of certain civil officers in the State, who have entered the military service and have accepted commissions in the armies of the United States, and whose duties have been discharged by deputies during their absence in said service.	268	281, 344, 418		
19	A bill to amend an act entitled "An act in relation to witnesses, and to repeal section 278 of the act entitled 'An act to revise, amend, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law,' and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1862, and to repeal all laws inconsistent therewith,	268	281, 344, 388, 406, 407		

158	A bill to provide for the appraisal for taxation of the property of railroad companies within this State, prescribing the duties of officers in relation thereto, and repealing all laws in contravention thereof, or inconsistent therewith.....	296	344, 371, 406, 520, 521	521	546, 559
160	A bill to raise revenue for State purposes, for the years 1865 and 1866, and declaring an emergency.....	352	370, 378, 529, 546		
8	A bill providing for the taxing of dogs, and providing a fund for the payment of damages sustained in the maiming or killing of sheep by dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing "An act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protect-on of sheep," approved June 15, 1852.....	352	370, 371, 378, 389, 411	483	501
10	A bill to amend an act entitled "An act to provide for the compensation of Township Assessors,".....	361	370, 377, 418, 419, 425, 426	426	480, 500
15	A bill authorizing Supervisors of roads to remove fences standing near highways on streams and water-courses, and to turn public roads and highways, on water-courses, to the rear of buildings, where such buildings stand too near the stream to give room for said roads or highways, and assess damages for losses occasioned thereby.....	361	370, 377, 378, 521	522	546, 559
122	A bill to amend sections six and ten of an act entitled "An act to provide for and regulate the inspection of tobacco throughout the State of Indiana," approved February 12, 1857.....	362	370, 378, 417, 562	562	
59	A bill to authorize railroad companies to occupy and use for railroad purposes, the property of canal companies, with their consent, and to secure them in such occupation and use, and for the protection of the hydraulic power of such canals, and for the protection of the water privileges of such canal, and to authorize the lessees of the company to maintain thereof, in case of the failure of such canal company to maintain the same.....	373	575, 576, 577, 578, 579 534, 535, 536, 569, 570, 571, 572, 573, 574, 468, 469, 474, 485, 487, 500, 501, 702, 533, 378, 408, 409, 462, 463, 464, 465, 466, 467,		
89	A bill to allow cities and towns to permit the location of railroads on the streets and alleys, for the purpose of conveying coal into and through said cities and towns.....	373	377, 411, 445, 519	520	545
47	A bill to increase the power of the Board of Sinking Fund Commissioners, and to authorize said board to loan any moneys belonging to said fund, and to invest any moneys belonging to said fund, in Indiana State bonds or stocks, and providing for the cancelling of such bonds or stocks, and the revising of new non-negotiable bonds or stocks, payable to said fund.....	412	509, 510, 549		
20	A bill for the encouragement of agriculture, authorizing the Indiana State Board of Agriculture to purchase, hold and sell real estate, legalizing the purchase by said board of certain lands in Marion county, excepting the property of said Board from taxation, authorizing the County Treasurer of Marion county and the Treasurer of State to refund certain taxes, and making an annual appropriation for the use of said Board.....	437	469, 498	498	508, 509
137	A bill providing for voting by electors of the State absent in the military or naval service of the United States, or in consequence thereof, direct-				

## BILLS OF THE HOUSE—Continued.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Subsequent proceedings.
140	ing the methods by which it may be done, and prescribing punishment for violating any of the rights or privileges secured by this act.....	445			
	A bill ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States. ....	481	486, 488, 532, 523	553	545
163	A bill ratifying the action of the Governor in procuring an advance of \$250,000 from the President of the United States, for the preparation of troops for the service of the United States, and for the defence of the State, and directing him to pay the unexpended balance thereof into the Treasury, and to account therefor, with the portion expended, to the President of the United States, as an advance to the State. ....	481	485, 486, 490, 493, 494, 495, 510, 512, 513, 514		
29	A bill to amend section fifteen of an act entitled "An act concerning enclosures, trespassing animals and partition fences," approved June 4, 1852.....	499			
43	A bill to repeal an act entitled "An act to establish courts of conciliation, to prescribe the rules and proceedings therein, and compensation of Judges thereof," approved June 11, 1852.....	499			
178	A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.....	502	53, 544, 546, 547, 548, 549, 553		
32	A bill to provide for taking the affidavits, depositions, acknowledgments of deeds and powers of attorney, of persons in the military and naval service of the United States, and of administering oaths to such persons.....	507			
52	A bill to render uniform the assessments of personal property in the several townships in the different counties.....	507			
53	A bill to amend section fourteen of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict with this act," approved February 18, 1859.....	508			
55	A bill authorizing persons therein named, to dig a canal from the Calu-				

57	A bill to amend section 784 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms, in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	517, 549
58	A bill to amend the fifth and sixth sections of "An act regulating the interest on money," and to repeal an act entitled "An act concerning interest on money," approved May 7, 1852, the 51st section of the "Act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, and all other laws and parts of laws in conflict with this act," approved March 7, 1851.....	508
62	A bill empowering incorporated cities and incorporated towns to plant and maintain shade trees along the streets, alleys, public squares and commons thereof, and to provide for the protection of the same, at the expense of the adjoining property holders.....	508
187	A bill authorizing and requesting the Commissioners of the State Debt Sinking Fund, to make settlement with the Sinking Fund Commissioners, with moneys belonging to the common school fund; also the sum of \$195,000, moneys belonging to the common school fund, advanced by the sinking fund, to pay interest on the State debt; also the sum of \$33,536 09 Saline funds, and \$22,947 bank tax fund, directing the transfer to the Common School Fund of the State of Indiana of so much of the 2% and 5 per cent. certificates of the stocks of the State as will, at the price paid for the same, amount to the aggregate of the sums mentioned in this act; authorizing and directing the proper officers of State to issue a bond of the State for the amount thereof, bearing 6 per cent. interest, payable semi-annually, and principal payable and redeemable at the pleasure of the State; directing the Treasurer of State to pass to the credit of the General Fund the several amounts herein specified, and declaring that an emergency exists for the immediate taking effect of this act.....	516
79	A bill to amend an act entitled "An act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1853.....	520, 593
64	A bill to amend the 466th section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	516
199	A bill to provide for the distribution of the interest on the School, Sinking, and Trust Funds of this State, held for the support of Common Schools, to repeal all laws in conflict therewith, and declaring an emergency.....	517
75	A bill to empower railroads to build branches to neighboring coal mines.....	50, 561, 582

## BILLS OF THE HOUSE—Continued.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Subsequent proceedings.
67	A bill authorizing Boards of County Commissioners in this State to make donations and receive subscriptions for the purpose of erecting a monument to the memory of those from their several counties who have lost their lives, and who may lose their lives, in the present war for the restoration of the Union.....	517			
202	A bill to enable attorneys to hold liens on judgments.....	517			
78	A bill to fix the times of holding the Common Pleas Courts in the county of Grant, and repealing all laws inconsistent herewith.....	517	553, 551	554	568
12	A bill to provide for the sale of certain lands belonging to the State of Indiana, in the counties of Jasper and Newton, and to give preemption to actual settlers thereon.....	523			
119	A bill to amend the first section of an act entitled "An act for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people," approved March 3, 1859.....	523			
176	A bill to establish and create a State Normal School, and matters connected therewith.....	535			
27	A bill making general appropriations for the years 1865 and 1866.....	545	554, 555, 556, 557, 558, 564, 565, 566	567	
	A bill making special appropriations for the year 1865.....	530			
	A bill to legalize the acknowledgement of all deeds, mortgages, and other instruments required to be recorded, taken, or certified by Notaries Public who took or certified such acknowledgements after the expiration of their commissions.....	550			

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Subsequent proceedings.
7	A Joint Resolution instructing our Senators and requesting our Representatives in Congress to endeavor to obtain an appropriation for the improvement of the harbor at Michigan City.....	115	126	126	160
12	A Joint Resolution on behalf of the Grand Rapids and Indiana Railroad Company, asking that an extension of time be granted by the Congress of the United States, to enable them to complete the construction of their roads.....	194	204, 205	205	218
11	A Joint resolution for the relief of George W. Archer, refunding to him the purchase money, and interest thereon, paid for certain real estate sold as swamp land by the State, when the title was in one Michael John.....	507			

## RESOLUTIONS OF THE SENATE.

## SUBJECT MATTER.

Introduced.	By what Senator.	Proceedings thereon.	Adopted.
Proposing plan for organization of the Senate.....	Bennett.....	5	8
Raising Committee on Rules.....	Williams.....	8	8
Orders for the Librarian.....	Bennett.....	8	10
Providing newspapers for members.....	Downey.....	8, 9, 10	
Touching the organization.....	Downey.....	11	
Appointing doorkeepers.....	Downey.....	11, 12	
Informing House of Senate organization.....	Bennett.....	12, 13, 14	
Postponing election of officers.....	Cullen.....	14	14
Providing doorkeepers.....	Downey.....	16, 17	
Providing stationery for members.....	Williams.....	17	
Concerning doorkeepers.....	Brown, of Wells.....	17, 18	18
Same subject, and general organization.....	Bradley.....	18	
Raising committee to wait upon the Governor.....	Downey.....	18, 19	19
Concerning railroad appraisements.....	Vavter.....	21, 27	21
Procuring postage stamps for members and officers.....	Cobb.....	22	22
Appointing page to wait upon the President.....	Douglas.....	22	22
Relating to the standing committees.....	Corbin.....	23	23
Adopting temporary rules of government.....	Hord.....	24	
Fixing time of adjournment.....	Van Buskirk.....	24	24
Appointing a page.....	Gifford.....	25	
Raising a committee on subject of stationery.....	Hord.....	25, 32, 52, 53	25
Printing 10,000 copies of Governor's message.....	Thompson.....	27	27
Providing compensation to William H. Montgomery.....	Cobb.....	29	29
Providing office rooms for use of Senate.....	Bennett.....	30	30
Touching compensation of employees of W. H. Henderson.....	Mason.....	30, 32	
Concerning the abolition of the Common Pleas Court.....	Mason.....	32	31
Appointing joint committee to inform Governor and Lieut. Governor of their election.....	Buskirk, in jt. con.	34	36
Returning thanks to Senator Dunning.....	Cobb.....	36	
Providing a room and stationery for the clerks of the Senate.....	Cobb.....	41	41
Relating to the receipts and expenditures of the Governor.....	Beeson.....	49, 57	49
Concerning documents for mailing.....	Corbin.....	49	49
To procure rooms for various committees.....	Van Buskirk.....	54	54
To prepare rooms for committees at Governor's house.....	Thompson.....	55	55
To go into election of certain State officers.....	Bennett.....	55	55
Refusing to allow claims the last 10 days of the session.....	Beeson.....	55	55



<b>Instructing Railroad Appraisalment Committee what to report.</b>	55	<b>Vavtor</b>	55
<b>Amending Standing Rules.</b>	55	Bennett	55, 56
Concerning incurably insane persons	61	Bradley	61
Preparing accommodations for the clerical force	70	Cobb	70
Touching the carrying of freights by railroads	70	Mason	70
Relative to increasing the pay of township assessors	70	Rowman	70
Relative to money borrowed by the Governor	72	Corbin	72, 73
Calling for information from State Treasurer	78	Beeson	78
Fixing time of adjournment	78	Hord	78
Naming the various committees requiring clerks	78	Van Buskirk	78
Relative to teaching the German language in Common Schools	92	Fuller	92, 102
Concerning the rights of negroes and mulattoes	92	Dunning	92
Allowing members \$109 for stationery	96	Van Buskirk	6
Fixing time of reception of House messages	97	Cobb	97
On subject of suspending national flag from dome of Capitol	116	Bennam	116
Fixing time of adjournment	116	Bennett	116
On subject of Governor's messages	116	Calver	116
Amending standing rules	117	Bennett	117, 118
Requiring door-keeper to prepare certain committee rooms	118	Thompson	118
Favoring exemption from execution of soldiers' property	132	Moore	132, 222, 276, 277
Favoring exemption from execution of \$500 worth of property of widows and orphans	132	Moore	132, 223, 328
Relating to uniformity of assessments	133	Downey	133, 2, 6
Concerning the payment of interest by Winslow, Lauier & Co.	133	Oyler	133
Ordering amended rules to be printed	142	Gifford	142
Concerning endorsements made at Indianapolis	142	Richmond	142
For establishing a general mustering office	142	Bennett	142, 267
On subject of licensing railroad engineers and conductors	143	Douglas	143
Concerning the taxing of dogs	143	Cobb	143
Referring various parts of Governor's message to appropriate committees	146	Downey	146, 147
Fixing time for election of certain officers	155	Bennett	155, 156
To furnish Senators with wrapping paper	159	Bennett	159
Informing House of election of certain officers	166	Bennett	166
Fixing time of adjournment	182	Bonham	182
To print 5,000 copies of documents accompanying Governor's message	182	Cullen	182
Concerning the management of the Benevolent Institutions	183	Corbin	183
Concerning the location of highways	189	Richmond	189, 227, 224
Relative to uniform pay for school teachers	189	Moore	189
Concerning insurance companies	196	Beeson	196
Relative to motions and resolutions on the state of the country	215	Chapman	215
In favor of purchasing spittoons that won't rattle	215	Cobb	215, 216
Relative to the time in which judges may qualify after election	273	Niles	273
Extending provisions of a certain law	273	Niles	2, 3
Concerning school examiners	273	Dykes	273
Relative to rescinding contract with State Sentinel for newspapers	273	Bonham	274, 275
Limiting the number and extending jurisdiction of justices	275	Cullen	27, 342
Asking information of Auditor of State	306	Cobb	306
Giving leave to Senators to address Senate on J. R. 16	316	Oyler	316
On subject of employees of secretaries and doorkeepers	322	Chapman	322
Contract for wood for use of Senate	324	Dunning	324
To procure postage stamps	326	Cobb	326

## RESOLUTIONS OF THE SENATE—Continued.

TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Approved.
Favorable to an extension of time for volunteering.....	332	Hanna.....	332	332
Recalling Senate joint resolution, 16, from the House.....	335	Cobb.....	335	335
Approving official conduct of principal secretary with reference to Senate joint resolution, 16.....	337	Bennett.....	338, 339	340
Respecting the anniversary of the birth of Washington.....	340	Brown, of Wells.....	340	340
Amending standing rules.....	347	Bennett.....	385, 401	354
Report of committee on contested election, case of Brown vs. Vawter.....	358	Dunning.....	385, 354	368
Concerning the printing of agricultural reports.....	368	Carson.....	368	368
Concerning additional legislative appropriations.....	368	Bonham.....	368	368
Touching leaves of absence for Senators.....	374	Bennett.....	374, 385, 386	374
Presenting claim of Samuel G. Thompson.....	400	Cobb.....	401	413
Relating to Agricultural College.....	413	Cason.....	413, 475, 476	413
On subject of appointing an auditing committee.....	430	Bennett.....	430, 431	440
Recalling House bill, 59, from Committee on Canals.....	436	Van Burskirk.....	437, 438, 439, 440	440
Relative to a street opened through Blind Asylum grounds.....	446	Niles.....	453	453
Permitting Senators to retain Gavin & Hord's statutes.....	453	Williams.....	453	453
Making allowance to State Prison committees.....	470	Dunning.....	470	470
Concerning pay of clerks and others.....	476	Oyler.....	476	476
Asking amount of stationery used present session.....	495	Beeson.....	495	495
Concerning postage stamps and public documents.....	495	Corbin.....	495	495
Touching the amount of stationery drawn by committees and officers of the Senate.....	534	Bennett.....	534, 535	535
Relative to time when bills may pass the General Assembly.....	535	Williams.....	535	580
Concerning the transmission of Journals, &c., to Senators.....	580	Dykes.....	580	580
Contracting for Brevier Legislative Reports.....	580	Corbin.....	588, 589	589
Paying for session newspapers.....	594	Cobb.....	594	594
Appointing committee to wait on the Governor.....	594	Niles.....	594	599
Paying money to various persons.....	599	Dunning.....	599	599
Concerning a claim of Aquila Jones.....	599	Williams.....	599	598
Instructing Secretary to turn over stationery to Librarian.....	598	Oyler.....	598	598
Ordering Adjutant General's report printed.....	600	Cason.....	600	600
To give extra compensation to officers.....	600	Hanna.....	600	600
Giving House notice of completion of business.....	600	Niles.....	600	600
Ordering pay for making indexes.....	600	Williams.....	600	600
Allowing claim of Haskell & Co.....	601	Albison.....	600	600
Allowing various claims.....	601	Dunning.....	600	600
Concerning pay of Secretaries, &c.....	602	Chapman.....	602, 603	603
.....	603	Williams.....	603	603







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