

ernor's Message as relates to Sunday mails be referred to a select committee.

Mr. WRIGHT offered the following resolution:

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the law on the sale of school sections as to allow a majority of the persons present to sell the same.

Mr. FERRIS briefly advocated the resolution. By the present law it is necessary that a majority of the whole votes be given in favour of a sale before it can be authorized. Every individual who does not attend and vote is considered as being opposed to the sale. He thought the law should be so changed that a majority of those who vote shall be competent to authorize a sale.

After being amended, on motion of Mr. FINLEY, by adding the words, "due notice having been given of said election," the resolution was adopted.

Mr. LOGAN offered the following resolution:

Resolved, That the committee on Military Affairs be instructed to revise the militia laws of this state and add one additional company muster in each year, and that this House will provide by law for the printing, distribution, and delivery of such law to every officer in this state who by law may be entitled to a copy of the same.

Mr. CRUMM proposed to amend the resolution by striking out that part which provides for an additional muster. Mr. WALLACE of J. moved to lay it on the table for the present. He was not opposed to the object contemplated by the resolution; but as it was probable there would be a general revision of the laws, he thought it unnecessary to make provision for a part until the Legislature shall have determined with regard to the whole. Mr. WALLACE of F. was opposed to laying the resolution on the table, and he was also opposed to the proposed amendment. As to the revision and publishing of the militia laws, he did not think it was necessary to wait for the revision of the civil laws. They were distinct subjects. He spoke of the increase of officers in the state, of the scarcity of the militia laws and the demands for them, and of the necessity of revising and publishing them. He was in favour of an additional muster, and he hoped the House would now settle the question. Mr. Hall made some observations, the purport of which was that he considered it premature to act on the subject until some mode of revision was pointed out—until the Legislature should determine whether they would make the revision themselves, or procure it to be done. The motion to lie on the table having failed, the question was taken on the amendment proposed by Mr. Crumm, which was to strike out that part which provided for an additional muster, and was determined in the affirmative by the following vote:

Ayes—Messrs. Armstrong, Beard, Bentley, Bussell, Claypool, Coffin, Craig, Crane, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hankins, Hendricks, Hillis, Holman, Hoover, Kinney, Long, Lowry, McNary, Owens, Paddock, Pollock, Reed of D. & M., Semans, Skeen, Spier, Work, Worth, Wright, and Zeeb—38.

Nays—Messrs. Bell, Bance, Boon, Casey, Leverworth, Logan, Lynd, M. P. Parks, Parks, Pitcher, Reid of F., Riley, Roe, Russell, Schoonover, Smiley, Stewart, Wallace of F., Wallace of J., and Hawk Speaker—20.

The resolution as amended was then adopted.

Mr. ELLIOTT offered the following resolution which was adopted:

Resolved, That the military committee be instructed to inquire into the expediency of so amending the law regulating the collection of conscientious fines and militia fines as to take it from the sheriff and give it to township officers.

Mr. HOLMAN presented a joint resolution of the General Assembly for a turnpike road from Lawrenceburg to the southern bend of the St. Josephs; which was read and passed to a second reading.

Mr. HALL introduced a bill to repeal certain acts in Gibson country, which passed to a second reading.

Mr. HOOVER introduced a bill for the better securing to the several congressional townships the rents and profits of the 16th section therein, which passed to a second reading.

Mr. GARDNER introduced a bill to authorize the judge of the Vermillion Circuit Court to hold a special session, which was read three several times and passed.

Mr. GALLETELY introduced a bill for the appropriation of money to assist in building a bridge across Eel river and for other purposes, which passed to a second reading.

Mr. HARKINS introduced a bill to authorize the erection of a bridge across Whitewater river in Fayette county, which passed to a second reading.—[This bill provides for the appropriation of \$300 out of three per cent fund for the erection of a bridge under the authority of the board of commissioners.]

Two or three bills received a second reading, and were committed to a committee of the whole.

The bill for the appropriation of money to aid in building a bridge across the Big Fork of Walnut, and to improve the navigation of Eel river, was read a

second time. Mr. WALLACE of J. moved to commit the bill to a committee of the whole for the purpose of amending it. This motion was opposed by Messrs. McNary, Reed of D. & M., Dumont and Boon, and supported by Messrs. Wallace of J., Pitcher, and Ferris.—The motion was supported on the ground that several demands would be made for appropriations and it would be good economy to combine all into one bill; and it was opposed on the ground that every proposition ought properly to stand or fall on its merits, and that the effect of committing it would be to have it clogged with such amendments as would inevitably defeat it, however meritorious it might be. It was contended that the bill under consideration had merits, and that its demands were reasonable. The bill was, on motion of Mr. Finley, laid on the table.

The bill providing for the appropriation of \$300 to the building of a bridge across Indian Creek in Switzerland county, was read a second time. Mr. Hillis moved to commit the bill to a committee of the whole. Mr. Ferris moved to lay it on the table, for the purpose of having it taken up with the other bill on the same subject which had been laid on the table. Mr. Dumont opposed the commitment of the bill. It was laid on the table.

IN SENATE.

SATURDAY, Dec. 11.

The President laid before the Senate the following communication from the Governor:

Indianapolis, Ind., Dec. 10.

Hon. MILTON STAPP

President of the Senate:

SIR: In answer to your letter of this date, enclosing a resolution of the Senate on the subject of a codification, compilation and revision of the laws, permit me to say, that I have procured a blank book at my own expense, and framed in it, one hundred articles of law; but as what is done forms a part of an entire system, it cannot be attached to the revision and compilation in contemplation by the Senate,—it can have no connection with it. In the future I shall only promise what I have in the past—my intentions and exertions to do all in my power to give a code of laws to the people of Indiana. The great road which has heretofore been made upon my time by increased official duties, sickness, domestic concerns, and by my common intercourse with the world, leaving me but a small portion to be devoted to the work in hand, causes me to fear, that my own labours, unaided even by a clerk, will be inadequate to the completion in a year, of the work of years.

This is a subject about which no positive promise ought to be made, by one in my situation; having several thousand executive acts to perform in a course of a year, besides being subject to other unavoidable losses of time, as other men. Neither am I in this service under the employment of the state. My undertaking is a voluntary one, and if circumstances shall render it improper for me ever to submit a code to the Legislature, I shall hold myself accountable to the people for satisfactory reasons for my course. All may be assured of this—that I will not at any time place it in hands that will abuse it. A work which is commenced in advance, by the interested, is not likely to pass the ordeal of a fair examination, when placed under their supervision. I have had much to discourage, and but little to encourage me to prosecute my original design. I shall refrain at this time, from allusion to causes, which have operated to dissipate me from feeling without a prospect of effecting my object. Though I shall never lose sight of being instrumental, in whole or in part, of providing a code of laws for the state,—it will be equally as certain, that until motives shall cease to operate against any thing which comes from me, my fears will be stronger than my hopes for its fate.

Whatever course the Legislature may think proper to take, as to a system of laws, they may rely upon my best exertions to aid them to the extent of my abilities.

I have the honor to be, sir, very respectfully, your obt. servant,

J. BROWN RAY.

The President laid before the Senate the annual report of the Agent of the three per cent fund, giving a statement of the receipts and expenditures of the present year on roads, &c; which was referred to the committee on Roads.

Mr. LINTON from the select committee to whom was referred the petition of Jacob Vantrave and others, reported a bill providing for the relocation of said road, which was read the first time.

Mr. EWING from the select committee to whom was referred the petition of William Lindsey and others, reported a joint resolution in favour of said petitioners; which was read a first time, and on motion of Mr. GRAMM, the name of William Owens was inserted in said joint resolution.

The President laid before the Senate the annual report of the Treasurer of State; which was read and referred to the committee of Ways and Means.

The engrossed bill from the House of Representatives, supplemental to an act appropriating money to build a bridge over Plum creek, was read a third time and passed.

The Senate adopted a resolution to go

into an election of United States' Senator on Saturday the 18th inst.

The Senate then resolved itself into committee of the whole, on the joint resolution relative to compiling and revising the laws, when after some time spent therein the committee rose, reported progress and asked leave to sit again.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

The Speaker laid before the House a report from the agent of the three per cent fund.

Mr. POLLOCK, Mr. HALL, Mr. BENCE, Mr. HOLMAN, Mr. McNary, Mr. Hankins, Mr. Stewart, and Mr. Hendricks presented petitions this morning.

The Speaker laid before the House the annual report of the Treasurer of State, and also his report in relation to the seminary funds; the 1st of which was referred to the committee of ways and means, and the latter to the committee on education; and one hundred copies of the whole were ordered to be printed for the use of the House.

Mr. REED of D. & M., from the committee of ways and means, to which was referred a resolution directing that committee to inquire into the expediency of reporting a bill to provide for a general assessment of taxable property in this state with its valuation, preparatory to the adoption of a general system of taxation according to the ad valorem plan of raising revenue, reported, that after mature deliberation they were of opinion that it would be inexpedient to legislate on that subject at the present session.

Mr. BOON moved to lay the report on the table.

Mr. REED explained the reasons by which the committee had been influenced in coming to the decision at which they had arrived. A majority, or at least a very respectable minority, of the committee were in favour of an ad valorem system of taxation. From what had taken place heretofore, however, the committee did not think it possible to adopt the system at present. After the next apportionment, when the new counties will have a full representation, and providing for the commencement of this system can probably be passed; and until that time, the committee conceived it would be a waste of time to legislate about it. He was himself decidedly in favour of the system, and was willing to commence it at any time.

Mr. FERRIS, who introduced the resolution directing the committee to inquire into the matter, observed, that on examination of the resolution it would be found to provide only for taking preparatory steps. It did not contemplate the immediate commencement of the system.

Mr. WALLACE of J. hoped the House would now determine the question, whether they would adopt the system or not. The question on concerning the resolution offered a fair opportunity to settle the question for the present session, and he hoped it would be embraced. He should vote for concurring in the report of the committee.

Mr. WALLACE of F. would also vote for concurring in the report of the committee. The difference of opinion on this subject, as he had occasion once before in this House to observe, will be as to the details of a bill. Perhaps a large majority of the House are in favour of the system, but there is no probability that a bill could be framed which would meet the approbation of a majority of the present Legislature. The members from the old counties would not accept a bill which would suit the views of those from the new counties, nor would the latter accept a bill which would be proposed by the former. It was therefore unnecessary to legislate on the subject at present. It had been correctly observed by the gentleman from Daviess and of Martin, (Mr. Reed,) that the new counties would soon have the power. When that shall be the case, as it undoubtedly will be before very long, we will be bound to take just such a bill as they think proper to give. Until that is the case however they will have to postpone the commencement of their favorite system, and submit to the old counties by whom the power is at present possessed.

Mr. FERRIS said that in offering the resolution he had nothing in view but exact justice. Nothing surely could be more fair than that every man should pay taxes according to the amount and value of his property. As to the question whether the House is now ready for the adoption of the system, that could only be determined by the vote of the members.

Mr. HOLMAN would vote for concurring in the report; but nevertheless, if a bill were presented which met his approbation, he would vote for it.

Mr. DUMONT observed that it was very strange that gentlemen should profess to be in favour of the system, and yet would take no steps to commence it. Reference to the original resolution would satisfy any gentleman that no particular features of a bill were proposed. He could not see the force or propriety of the remarks of gentlemen when they say they approve the ad valorem system of taxation, but yet because they think the measure will not carry they oppose it; nor was there much more consistency in the course of gentlemen who declare the system a just one, but for fear they may not like the

features of a bill, they will vote down all preparatory measures. How is it known that the proposition will not succeed? And how is it known that the details of a bill cannot be agreed upon? It cannot be known without trying the experiment. He hoped gentlemen would vote their real sentiments on the abstract system, and let the vote on concurring in this report determine whether there be a majority of the House for or against the system.

Mr. WALLACE of J. made some objections to the measure contemplated by the resolution on account of the expense to which the state would be subjected, without any certainty, and in deed without much probability, that the system would be adopted. If he were certain that the system would be adopted next year, he would be willing, so far as Jefferson county was concerned, to submit to the expense. But this he did not believe, and he should therefore vote against the measure because it would subject the state to a useless and unavailing expense.

Mr. WALLACE of F. endeavoured at some length to convince the House of the almost total impossibility of agreeing to the details of a bill at present. With this view of the subject he thought it an unnecessary consumption of time to legislate about it. Many other important subjects, within the scope of practicability, presented themselves for the consideration of the Legislature during the present session; and he thought it much better to devote time and attention to such objects than to disputing about a measure the adoption of which at present is obviously impracticable.

Mr. DUMONT replied to the last gentleman. The arguments of the gentleman, said he, are not tangible. The very same arguments urged by him, would apply with equal propriety 99 years hence, if the system proposed shall not previously have been adopted. Was there ever any general measure proposed, the details of which pleased every member of any legislative body? Such a thing had never been seen, and probably never would be. He hoped the House would meet the question decisively. It was not necessary that any delicacy should be felt on this subject because the committee of ways and means had reported against it. That committee is highly respectable; but their opinion is not binding, nor is there any extraordinary grace due them. He concluded by observing that if the plan proposed by the gentleman from Dearborn were adopted, the system might not be fairly in operation for five years; at any rate it would not be commenced for a year or two.

Mr. McNARY opposed the concurrence in the report, and advocated at some length the ad valorem system of taxation. His constituents were decidedly in favour of it.

Mr. FERRIS again briefly spoke against concurring in the report of the committee of ways and means. He endeavoured to demonstrate the fairness, justice, and equality of the ad valorem system of raising revenue. In reply to an intimation of the gentleman from Franklin, that when the details of a bill should come to be acted on, he would flinch, Mr. F. said he was willing to have the touchstone applied to him, and if he flinched he was willing to take the consequences of proposing a measure and then deserting it.

The question was then taken on concurring in the report of the committee, and determined in the affirmative by the following vote:

Ayes—Messrs. Armstrong, Bell, Bence, Casey, Coffin, Crumm, Decker, Elliott, Finley, Galletely, Gardner, Hankins, Hillis, Holman, Hoover, Levenworth, Logan, Long, Lynd, Owens, Parks, Pitcher, Pollock, Reid of F., Rue, Russell, Schoonover, Semans, Skeen, Wallace of F., Wallace of J., Work, Wright, Lemon, and Hawk Speaker—35.

Nays—Messrs. Beard, Bentley, Boon, Bussell, Claypool, Craig, Dowden, Dumont, Ferris, Hall, Hamilton, Hendricks, Herod, Kinney, Lowry, McNary, Paddock, Reed of D. & M., Reiley, Smiley, Sober, Stewart, and Worth—23.

Mr. HALL, from the judiciary committee reported against the petition of Baily Johnson for relief, which report was concurred in by the House.

Mr. POLLOCK, from the committee on roads, reported a bill compensating George Pea for extra causewaying on the state road leading from Brookville to Indianapolis, which passed to a second reading.

On motion of Mr. FINLEY, a resolution providing for the election of judges and prosecuting attorneys on Monday at 3 o'clock, was adopted.

The resolution offered some days ago by Mr. Bussell, and laid on the table, on the subject of memorializing Congress for a donation of lands to aid in constructing a turnpike road from Indianapolis to the Ohio line at Harrison, was taken up, and negatived.

Mr. HOLMAN, reported a joint resolution on the subject of establishing a new land office at the county seat of St. Josephs county, which was twice read and committed. He also reported a bill for the re-location of the county, which was read and passed to a second reading.

On motion of Mr. ELLIOTT, *Resolved*, That the committee on the judiciary be instructed to inquire into

the expediency of reporting a bill so to amend the probate law as to provide a manner of giving notice to minors and non-residents in cases of the partition of real estate, provided for in said probate law.

On motion of Mr. CRUMM, *Resolved*, That the committee on the affairs of Indianapolis be instructed to inquire into the propriety of making an appropriation out of the Indianapolis fund of _____ dollars for the purpose of furnishing stone and other necessary materials, preparatory to the commencement of a State House on the site originally intended for that purpose, with leave to report by bill or otherwise.

On motion of Mr. BENCE,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the 12th section of the revenue law, approved Jan. 30, 1824, as to make it the duty of certificate holders of lots or land sold for taxes, to advertise the same by giving public notice at least four months before the time expires that entitles the certificate holder to a deed.

On motion of Mr. REED of D. & M.,

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill to this House, making provision for the sale of all lands in this state, reserved for the use of salt springs.

On motion of Mr. FINLEY,

Resolved, That the House of Representatives will reciprocate the resolution of the Senate, appointing Saturday the 18th inst. at 2 o'clock, P. M., as the time for the election of a United States' Senator in the room of the Hon. William Hendricks, whose term of service will expire on the 4th of March next, and that seats will be provided for them on the right of the Speaker's chair.

On motion of Mr. RUSSELL,

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to inquire into the expediency of authorising a sale of the remainder of the donation lands without the town plat, or a part thereof, as the committee may think best, to be laid off in 4, 6, 8, 10, and 20 acre blocks, with leave to report by bill or otherwise.

Mr. RUSSELL moved the following resolution:

Resolved, That it is expedient that the statute laws of this state be thoroughly revised, collated, and re-enacted, so as to embody all the statutes upon each given subject under their appropriate heads, and that it is expedient that the same be done during the present session of the General Assembly.

Which was not adopted.

Mr. HEROD moved for adoption the following resolution:

Resolved, That the judiciary committee be requested to inquire into the propriety of so far repealing the probate law as to abolish the present probate court, and to transfer the jurisdiction of probate business to the Circuit Courts, and that the several Circuit Courts hold three terms each year, and that a day or days certain in each term be set apart for the transaction of that business.

Mr. BOON said he could not vote for this resolution. He believed there was no necessity for a change in the probate system. He had heard no complaints against the present system, and before its adoption many complaints were made as to the manner in which probate business was transacted.

Mr. HEROD observed that the state of his health would not permit him at this time to go at length into the reasons which influenced him to offer the resolution. He would however observe, that if the gentleman from Sullivan were to visit Bartholomew county he would hear complaints enough against the present court. The complaints in the county which he had the honor to represent were almost universal. Mr. H. proceeded to give some reasons for the adoption of the measure in relation to which his resolution proposed an inquiry. Among the reasons mentioned, he stated that the whole expense of the present probate courts would be saved by having the business done by the circuit court. It would not be more laborious for the circuit judges now to hold three terms and do the probate business, than it was formerly to hold but two terms when the circuits were much larger. He was not in favor of increasing the salary of judges; nor would such a step be necessary.

—Applicants enough would be found to take the office at the present salary.—Another reason mentioned, was the superior qualifications of the circuit courts to adjudicate upon the important and sometimes intricate business now submitted to the probate courts. As much qualification, he contended, was requisite to do probate business as any other. He hoped as the resolution merely proposed an inquiry that it would be adopted.

Mr. LOGAN moved to amend the resolution by striking out three terms and inserting two, which was negatived; & the question was taken on adopting the resolution, and determined in the negative.

On motion of Mr. HOLMAN,

Resolved, That a select committee be appointed to inquire into the expediency of laying off the Wabash country between Logansport and Fort Wayne into new counties.

And then the house adjourned till Monday morning nine o'clock.

Be not the fourth friend of him who had three before and lost them.—Larater.