

trespass, and their powers in certain cases of complaints of assaults and batteries,"

Was taken up for consideration:

Mr. Brinckloe, then submitted,

The following amendment to the said bill, which was,

On his motion,

Read,

As follows, to wit:

Amend the bill by striking out the words "or for the Chief Justice or either of the Associate Judges of the State, who may reside in the County wherein the party so convicted is imprisoned," in the fifteenth sixteenth and seventeenth lines of the first section, and inserting in lieu thereof, "in term time," and by striking out the words, "or to such Judge."

Also, by inserting the words "provided always that in every case of such commitment of any white person or persons, the said Court shall order the said white person or persons to be discharged from imprisonment, if it shall satisfactorily appear to the said Court, that such white person or persons is or are unable to pay the the fine and costs;" between the words "year" and "the person," in the thirtieth line thereof.

Pending the question of the said amendment.

On motion of Mr. Marim,

The House adjourned till 3 o'clock this afternoon.



Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,

The bill entitled "An act for fixing the compensation of the members of the General Assembly and their officers,"

Was read, a second time,

Mr. Hamilton, then submitted,

The following amendment to the said bill, which was,

On his motion,

Read,

As follows, to wit:

Amend the bill by inserting the words "fifty cents" in the sixth line of the first section after the word "dollars;" by striking out the words "three dollars and fifty cents;" in the seventh line thereof, and inserting the words "four dollars" by adding the word "fifty cents" in the eighth line thereof, after the word "dollar."

Section 2. *And be it further enacted,* That there be allowed to each member the sum of twelve and a half cents for each and every mile, he may be bound to travel in going to and returning from his place of residence to the seat of Government,"

Whereupon,

Mr. Marim, submitted an amendment to the amendment of the first section as proposed by Mr. Hamilton, limiting the sum of "three dol-

lars to the speaker, to each member and each clerk of the General Assembly, in the place of the compensation proposed in the first mentioned amendment,

The question being then taken,

On the amendment of Mr. Hamilton,

By yeas and nays,

It was decided,

In the negative.

Yeas.—Messrs. Biddle, Booth, Brinckloe, Buckmaster, Hamilton and Jacobs—6 yeas.

Nays.—Messrs. Boys, Cooper, Davis, Deakyne, Fleming, Hall, Houston, Lodge, Marim, Nickerson, Rees, Waller and Mr. Speaker—13 nays.

The question being then taken,

On the amendment of Mr. Marim,

By yeas and nays,

It was decided,

In the negative.

Yeas.—Messrs. Boys, Buckmaster, Fleming, Hall, Lodge, Marim, Rees and Waller—8 yeas.

Nays.—Messrs. Biddle, Booth, Brinckloe, Cooper, Davis, Deakyne, Hamilton, Houston, Jacobs, Nickerson and Mr. Speaker—11 nays.

On motion of Mr. Hamilton,

The second part of his original amendment, constituting the second section of the said bill, was taken up as an amendment to the said bill, and

Adopted.

On motion of Mr. Hamilton,

The bill entitled "An act for fixing the compensation of the members of the General Assembly and their officers," was by special order of the House, taken up, and read by paragraphs and on the question,

"Shall this be the first section of the bill?"

It was decided,

By Yeas and Nays,

In the affirmative,

Yeas:—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Deakyne, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Marim, Rees, Waller, and Mr. Speaker,—17 yeas.

Nays.—Messrs. Cooper, Davis and Nickerson,—

On motion of Mr. Marim,

The first section of the said bill,

Was reconsidered.

Mr. Marim, then moved,

That the said section be amended by striking out, the words "three dollars and fifty-cents" and inserting in lieu thereof "four dollars"

The question being taken,

On the said amendment,

By Yeas and Nays,

It was decided

In the affirmative.

Yeas.—Messrs. Booth, Boys, Brinckloe, Deakyne, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Marim, Rees, Waller and Mr. Speaker,—14 yeas.

Nays.—Messrs. Biddle, Buckmaster, Cooper, Davis, Fleming and Nickerson,—6 nays.

And the bill as amended,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr Brinckloe,

The amendment to the bill entitled "A supplement to the act entitled an act concerning the Jurisdiction of the Justices of the Peace in certain actions of Trespass and their powers in certain cases of complaints of assaults and batteries."

Was taken up for consideration,

Whereupon,

On motion of Mr. Johnson,

The further consideration of the said amendment was postponed till to-morrow morning,

Mr. Brinckloe, presented the petition of Miers Burton and Thomas Robinson of Wm. praying for the condemnation of certain lands adjacent to their mill streams, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Brinckloe, Deakyne and Nickerson were appointed the said committee with leave to report by bill or otherwise.

On motion Mr. Marim,

The bill entitled "A Supplement to an act entitled" A Supplement to an act to revive and renew the act entitled "An act to incorporate the Brandywine and Christiana Manufacturing Company, and to extend the provisions of the same to the corporation in and by this act created,"

Was taken up and read by paragraphs,

And on the question,

"Shall this bill pass the House?"

It was decided,

By yeas and nays,

In the affirmative.

Yeas.—Messrs. Boys, Buckmaster, Deakyne, Fleming, Hamilton, Houston Jacobs, Johnson, Lodge, Marim, Rees, Waller and Mr. Speaker—13 yeas.

Nays.—Messrs. Biddle, Booth, Brincklee, Cooper, Davis, Hall and Nickerson—7 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence,

On motion of Mr. Marim,

The House adjourned till 10 o'clock to-morrow morning.

THURSDAY 10 o'clock A. M. Jan. 1837.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,
The bill entitled "A further Supplement to an act entitled "An act to incorporate the Wilmington and Susquehanna Rail Road Company,"
Was taken up and read a third time by paragraphs,

And on the question,
"Shall this be the fourth section of the bill?"

The House being divided;
The Speaker directed that the "yeas and nays" should be called,
Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Brinckloe, Buckmaster, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Lodge, Marim, Rees, Waller and Mr. Speaker—14 yeas.

Nays.—Messrs. Biddle, Booth, Boys, Cooper, Jacobs, Johnson and Nickerson—7 nays.

So the section,

Was adopted.

On the question,
"Shall this bill pass the House?"

The House being divided,
The Speaker, directed that the "yeas and nays" should be called,
Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Brinckloe, Buckmaster, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Johnson, Lodge, Marim, Rees, Waller, and Mr. Speaker—15 yeas.

Nays.—Messrs. Biddle, Booth, Boys, Cooper, Jacobs, and Nickerson—6 nays.

So the bill

Passed the House.

Ordered, To the Senate for concurrence.

M. Brinckloe, then moved,

That the Clerk of this House proceed to the Senate, and respectfully request that body to return to the House, the bill, entitled "A Supplement to an act entitled "A Supplement to an act to revive and renew the act entitled "An act to incorporate the Brandywine and Christiana Manufacturing Company, and to extend the provisions of the same to the Corporation in and by this act created," which had been ordered to the said Senate for their concurrence.

The Chair, decided the said motion to be out of order.

Whereupon,

Mr. Brinckloe, appealed to the House from the said decision of the Chair,

And on the question,

"Will the House sustain the Chair?"

The House being divided,
The Speaker, directed that the "yeas and nays" should be called,
Which was done and they were,

As follow, to wit:

Yeas:—Messrs. Buckmaster, Davis, Deakyne, Fleming, Hamilton, Houston, Lodge, Marim, Nickerson, Rees, and Waller—11 yeas.

Nays:—Messrs. Biddle, Booth, Boys, Brinckloe, Cooper, Evans, Hall, Jacobs, and Johnson,—9 nays.
So the House sustained,

The Chair.

And the motion, was declared to be,

Out of Order:

On motion of Mr. Hamilton,

The bill entitled "An act to enable Elizabeth Caroline Whitely, a minor, to sell and convey a certain tract of land therein mentioned,"

Was read, a second time, by its title,

On motion of Mr Hamilton,

The bill entitled "An act to Incorporate the Franklin Beneficial Society of Wilmington Delaware, for the relief of the members thereof, their widows and or orphan children,"

Was read a second time by its title.

On motion of Mr. Brinckloe,

The bill entitled "An act to confirm the title of the heirs of Colonel Armwell Long, late of Sussex County deceased, to certain lands situate, lying and being in Baltimore Hundred, in the said County, and releasing all the right, title, interest, claim and demand of this State of in and to the said lands, to the said heirs."

Was read a second time.

On motion of Mr. Fleming,

The bill entitled "An act fixing the salary of the Auditor of Accounts,"

Was read a second time.

On motion of Mr. Brinckloe,

The House adjourned till 3 o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Marim, the further consideration of,

The bill entitled "An act to provide for the removal of the seat of Justice for New Castle County, from the town of New Castle to the City of Wilmington,"

Was postponed till the 25th Instant, and made the order of the day, for that day.

Mr. Buckmaster, Chairman of the committee, to which was referred the petition of Michael Lowber, reported a bill entitled "An act to authorize Mary Lowber, minor, or her guardian to erect a gate across a public road, therein described," which was,

On his motion,

Read.

On motion of Mr. Brinckloe,

The bill entitled "A Supplement to the act entitled "An act concerning the the Jurisdiction of Justices of the Peace, in certain actions

of trespass and their powers in certain cases of complaints of assaults and batteries,"

Was taken up for consideration,

On motion of Mr. Brinckloe,

The amendment to the said bill as proposed by Mr. Brinckloe, was again read,

And on the question of its adoption,

The House being divided,

At the request of Mr. Booth, the yeas and nays, were called,

Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Evans, Fleming, Hall, Houston, Jacobs, Marim, Nickerson, Waller, and Mr. Speaker—16 yeas.

Nays.—Messrs. Deakyne, Hamilton, Johnson, Lodge, and Rees, —5 nays.

So the amendment,

Was adopted.

On motion of Mr. Marim,

The bill entitled "An act to amend the act, entitled "An act authorizing a lottery for the benefit of the Delaware College, and for other purposes therein mentioned,"

Was read a third time by paragraphs, and

Passed the House.

Ordered. To the Senate for concurrence.

On motion of Mr. Brinckloe,

The bill entitled "A Supplement to the act entitled "An act concerning the Jurisdiction of the Justices of the Peace, in certain actions of trespass and their powers in certain cases of complaints of assaults and batteries," as amended,

Was read a third time by paragraphs,

And on the question,

"Shall this be the first section of the bill?"

The House being divided;

At the request of Mr. Booth, the yeas and nays, were called,

Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Evans, Fleming, Hall, Houston, Jacobs, Marim, Nickerson, Waller and Mr. Speaker—16 yeas.

Nays.—Messrs. Deakyne, Hamilton, Johnson, Lodge, and Rees—5 nays.

So the first section,

Passed the House.

The question, being then put on the final passage of the bill, and the House being divided,

At the request of Mr. Booth, the yeas and nays, were called,

Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Evans, Fleming, Hall, Houston, Jacobs, Marim, Nickerson, Waller, and Mr. Speaker,—16 yeas.

Nays.—Messrs. Deakyne, Hamilton, Johnson, Lodge, and Rees,—5 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Waller, Chairman of the committee, to which was referred the petition of Caleb Ross, reported a bill entitled "An act to enable Caleb Ross, of Sussex County, to locate certain vacant lands situate in Broad Creek Hundred, in said County and to complete his title to the same," which was,

On his motion,

Read.

Mr. Waller, Chairman of the committee, to which was referred the petition of Charles Ralph, reported a bill entitled "An act to enable Charles Ralph, of Sussex County, to locate certain vacant lands situate in Little Creek Hundred in said County, and to complete his title to the same," which was,

On his motion,

Read,

On motion of Mr. Davis,

The House adjourned till to-morrow morning at 10 o'clock.

FRIDAY 10 o'clock A. M. 13, Jan. 1837.

The House convened pursuant to adjournment.

Mr. Marim, asked, and

On motion of Mr. Evans,

Obtained leave to introduce a bill entitled "An additional Supplement to "An act entitled "An act to extend the time for recording of Deeds," which was,

On motion of Mr. Marim,

Read.

Mr. Waller, Chairman of the committee, to which was referred the petition of John Hosea, reported a bill, entitled "An act to enable John Hosea, of Sussex County, to locate certain vacant lands situate in Little Creek Hundred, in said County and complete his title to the same," which was,

On his motion,

Read,

Mr. Hamilton, Chairman of the committee, to which was referred the petition of sundry citizens of New Castle County, praying an investment of this State's share of the surplus revenue, and the appropriation of the income thereof, in the School fund, reported a bill entitled "An act to appropriate this State's portion of the surplus revenue," which was,

On his motion,

Read,

Mr. Johnson, Chairman of the committee, to which was referred the bill entitled "An act appointing an agent to receive this State's share of the surplus revenue in the Treasury of the United States," reported back the said bill with the following amendment," which was,

On motion of Mr. Marim,
Read,

As follows, to wit:

Amend the bill by striking out the words "The Governor," in the 14th line of the third section.

On motion of Mr. Marim,
The bill as amended, was read,

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had passed a bill entitled "A Supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple lying on both sides of Silver River, and fronting the River Delaware, effectually to embank and drain the same, and keep the banks, dams, sluices, and drains, in repair and to raise a fund to defray the expense thereof", and

That the Senate had concurred in the bill entitled "A Supplement to the act entitled "An act to incorporate the Wilmington Whaling Company." And

That the Senate had concurred in the bill entitled "A further Supplement to an act entitled "An act to incorporate the Wilmington and Susquehanna Rail Road Company," with the following amendment, to wit:—

Amend the bill by striking out the words in the ninth line of the proviso, between the words, "provided" and "that"—and insert in the 12th line thereof, between the words "dimensions" and "as" the words "and of the same width between the piers."

And he withdrew.

On motion of Mr. Hamilton,
The communication from the Senate was read.

Ordered, That the bill entitled "A Supplement to the act entitled "An act to incorporate the Wilmington Whaling Company," be engrossed,"

On motion of Mr. Hamilton,

The amendment of the Senate to the bill entitled "A further Supplement to act entitled "An act to incorporate the Wilmington and Susquehanna Rail Road Company,"

Was concurred in.

Mr. Hamilton, then moved,

That committee of a conference be appointed on the part of this House to meet a committee of conference to be appointed on the part of the Senate, to perfect the said bill, by filing up the blanks therein accidentally left.

Messrs. Hamilton, Marim and Houston, were appointed the said committee of conference,

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that he submitted to the House, the following communication received by the Speaker of the Senate from Thomas Clayton, Esquire; And he withdrew.

On motion of Mr. Evans,
The communication from the Senate, was read,

As follows, to wit:

In Senate. 13, Jan. 1837.

The Speaker, laid on the table the following communication from Thomas Clayton, which,

On motion of Mr. Hazzard,
Was read,

As follows:

NEW CASTLE, 12, Jan. 1837.

DEAR SIR:

I have had the honor to receive from you a notification of my appointment as a Senator of the United States. I regret exceedingly, that it is not in my power to accept it. My reasons, for declining are purely of a private nature:—My own inclination would induce me to accept; but considerations arising from the particular situation of my family, and which I cannot disregard, imperiously oblige me to decline.

I regret exceedingly the course this affair has taken—I repeat that I regret it deeply. It remains only to tender to you and those gentlemen who have conferred this honor on me, my most sincere thanks.

I have the honor to be,
Your obedient servant,

T. CLAYTON.

Hon. P. SPRUANCE, Jr.

Speaker of the Senate.

“Extract from the Journal,

“JOSEPH P. COMEGYS *Clerk.*”

Mr. Davis, laid on the table, the following joint resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Legislature of this State, will on _____, at o'clock _____ in joint meeting in the Chamber of the House of Representatives, hold an election by ballot for the purpose of choosing a Senator from this State in the Senate of the United States, to fill the vacancy occasioned by the resignation of John M. Clayton, to which vacancy Thomas Clayton, was duly chosen by the Legislature on the ninth instant, which appointment he has declined to accept.

On motion of Mr. Brinckloe,

The said resolution was taken up for consideration,
And thereupon;

On motion of Mr. Houston,
The blanks in the said resolution were filled up, with the words
"this day (Friday),"—"three" and "P. M."

And the resolution was,

On motion of Mr. Brinckloe,

Adopted.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that by order of the Senate, he had returned to the House, the bill entitled "A further Supplement to an act entitled "An act to incorporate the Wilmington and Susquehanna Rail Road Company," with the information, that the Senate did not think fit to appoint a committee of conference to propose amendments to a bill which had already become a law of the land,

And he withdrew.

Ordered, That the said bill be engrossed.

On motion of Mr. Marim,

The bill entitled "An additional Supplement to an act entitled "An act to extend the time for recording of deeds,"

Was by special order of the House, read a second time,

On motion Mr. Hamilton,

The bill entitled "An act to extend the provisions of the act, entitled "An act to provide for the instruction of the indigent blind of this State," "to the case of Beniah Parvin, an indigent blind boy,"

Was read, a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Houston, then moved,

That a committee of enrolment, be appointed,

On motion of Mr. Hamilton,

The House adjourned till half past two o'clock this afternoon.

Eodem Die, 2½ o'clock P. M.

The House convened pursuant to adjournment.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "A supplement to an act entitled "A Supplement to an act to revive and renew the act entitled "An act to incorporate Brandywine and Christiana Manufacturing Company, and to extend the provisions of the same to the corporation in and by this act created,"

And he withdrew.

Ordered, That the said bill be engrossed.

On motion of Mr. Brinckleo,

The bill entitled "An act appointing an agent to receive this State's share of the surplus revenue" in the Treasury of the United States,"

Was taken up for consideration,

Mr. Brinckloe, then submitted an amendment to the said bill, which was

On his motion,

Read.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "An act for the relief of Philip Tolberry, a free man of color,"

And he withdrew.

Ordered, That the said bill be engrossed.

Mr. Marim, laid on the table the following resolution, which was

On his motion,

Read, and

Adopted, to wit:

Resolved, That a committee of five members be appointed on Banks.

Messrs. Marim, Houston, Hamilton, Nickerson and Davis, were appointed the said committee.

The Speaker then appointed Messrs. Houston, Rees, and Deakyne, the committee of enrolment.

A message from the Senate by their clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the joint resolution respecting the appointment of a Senator in the Senate of the United States with an amendment,

And he withdrew.

On motion of Mr. Evans,

The communication from the Senate was read

As follow, to wit:

"Amend the resolution by striking out the words "this day Friday at 3 o'clock P. M., and inserting in lieu hereof the words "Tuesday next at 11 o'clock A. M."

On motion of Mr Brinckloe,

The said amendment of the Senate,

Was concurred in.

Mr. Rees, submitted the memorial of the Bank of Smyrna praying the Legislature to permit the said Bank to increase their Capital Stock and to do and perform certain acts in said memorial more fully and particularly set forth, which was

On his motion,

Read and referred to the committee on Banks.

On motion of Mr. Brinckloe,

The amendment to the bill entitled "An act appointing an agent to receive this State's share of the surplus revenue in the Treasury of the United States," as proposed by Mr. Brinckloe,

Was adopted.

On motion of Mr. Brinckloe,
The said bill as amended,
Was Read, a second time:

On motion of Mr. Hamilton,
The said bill was taken up by special order of the House, read a third time by paragraphs; before however the question on the final passage of the bill was put,

On motion of Mr. Hamilton,
The title to the said bill was amended by inserting between the word "act" and the word "appointing" the words "authorizing and,"

And the question being put on the final passage of the bill,
It was decided,

In the affirmative,

So the bill,

Passed the House.

Ordered, To the Senate for concurrence,

Mr. Johnson, laid on the table the following resolution, which was
On his motion,
Was read, and

Adopted, to wit:

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That a committee of five members two on the part of the Senate, and three on the part of the House of Representatives be appointed to wait on the Governor elect, and inform him that the two Houses will assemble in the Court room on Tuesday the seventeenth instant at 12 o'clock M. and attend him while he takes the oaths of office, as prescribed by the constitution of this State and of the United States, and to request the attendance of the Governor.

Resolved, Further, that the Hon. Samuel M. Harrington, be invited to attend for the purpose of administering the oaths of office to the Governor elect.

Ordered, To the Senate for concurrence.

The committee appointed on the part of the House were Messrs. Johnson, Hamilton and Brinckloe.

On motion of Mr. Buckmaster,

The bill entitled "An act to authorize Mary Lowber minor, or her guardian to erect a gate across a public road therein described,"

Was read a second time by its title,

Mr. Marim, laid on the table the following resolution, which was,

On his motion,
Read, and

Adopted as follows to wit.

Resolved, That the committee to which was referred the petitions of the stockholders of the Farmers' Bank of the State of Delaware be and they are hereby discharged and the said petition be referred to the committee on banks.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the joint resolution respecting the administering of the oaths of office to the Governor elect,

And had appointed Messrs. Naudain and Herdman, as the committee on their part.

On motion of Mr. Brinckloe,

The House adjourned to ten o'clock to-morrow morning.

SATURDAY 10 o'clock A. M. 14, Jan. 1837.

The House convened pursuant to adjournment.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that he submitted to the House, the following communication received by the Senate from the Hon. Thomas Clayton.

Also, that he submitted to the House, a joint resolution, which had passed the Senate, in which the concurrence of the House was requested.

And he withdrew.

On motion of Mr. Brinckloe,

The communication from the Senate,

Was read,

As follows, to wit:

In Senate, Jan. 14, 1837.

The Speaker of the Senate, laid upon the table, the following communication from the Hon. Thomas Clayton, which,

On motion of Mr. Naudain,

Was read,

As follows:

NEW CASTLE, 12, Jan. 1837.

DEAR SIR:

The only insurmountable obstacle to my acceptance of the appointment of Senator, has been removed, since I wrote to you this morning. If it is not now too late to accept, I will willingly do it, and if it is necessary, I beg to withdraw my refusal.

With much respect,

I am &c.,

T. CLAYTON.

Hon. P. SPRUANCE, Jr.

Speaker of the Senate.

"Extract from the Journal,

"J. P. COMEGYS, Clerk,"

In Senate Jan. 14, 1837.

Resolved, by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That the Hon. Thomas Clayton, have leave to withdraw his letter to the Speaker of the Senate, declining to accept the office of Senator of the United States, to which he stands elected, he having by a subsequent letter agreed to accept that office: and that the resolution for a joint meeting of both Houses to ballot for a Senator of the United States on Tuesday next, be and the same is hereby rescinded.

“Extract from the Journal,

“JOSEPH P. COMEGYS *Clerk.*

“For concurrence,”

On motion of Mr. Hamilton,
The joint resolution of the Senate,

Was concurred in.

On motion of Mr. Hamilton,
The bill entitled a “An act to amend the act entitled “A further Supplement to the act entitled “An act respecting the partition of lands and tenements among joint tenants and tenants in common,”

Was taken up for consideration,

Mr. Hamilton, then submitted an amendment to the said bill, which was,

On his motion,
Read, and

Adopted.

On motion of Mr. Hamilton,
The said bill was read a second time, by its title.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate, had concurred in the bill entitled “An act to amend the act entitled “An act authorizing and appointing a lottery, for the benefit of Delaware College and for other purposes therein mentioned,”

And he withdrew.

Ordered, That the said bill be engrossed.

The Speaker, then laid on the table the following communication which he had received from the Secretary of State, which was,

On motion of Mr. Hamilton,
Read,

As follows, to wit:

SECRETARY'S OFFICE,

Dover, 14, Jan. 1837.

SIR :

In obedience to the acts of the General Assembly, in such case made and provided, I have the honor to inform the House over which you preside, that George S. Adkins as Auditor of Accounts, and Peter

S. Parker, as State Treasurer, have respectively given bonds with sureties, as required by law, and that the same with the sureties therein respectively, have been, in due manner, approved by the Governor.

I am, Sir, with great respect,

Your obedient servant,

ROBERT FRAME,

Secretary of State.

To the Hon. WM. D. WAPLES,

Speaker of the House of Representatives.

On motion of Mr. Buckmaster,

The bill entitled "An act to authorize Mary Lowber, minor, or her Guardian, to erect a gate across a public road, therein described,"

Was read, a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Waller,

The bill entitled "An act to enable Caleb Ross, of Sussex County, to locate certain vacant lands situate in Broad Creek Hundred, in said County and to complete his title to the same,"

Was read, a second time.

On motion of Mr. Waller,

The bill entitled "An act to enable Charles Ralph, of Sussex County, to locate certain vacant lands situate in Little Creek Hundred in said County, and to complete his title to the same,"

Was read a second time by its title.

On motion of Mr. Waller,

The bill entitled "An act to enable John Hosea, of Sussex County, to locate certain vacant lands, situate in Little Creek Hundred, in said County and to complete his title to the same,"

Was read a second time by its title.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, presented to the House for concurrence thereto, "A bill entitled "An act to revive and continue in force an act entitled "An act to incorporate the owners of the Beaver's Gut marsh, for the better securing and improving the same," with its accompanying petition,

And he withdrew.

Mr. Hamilton, presented the petition of Sally C. Thomas and Joseph Scott, praying for an act authorizing them to sell certain real estate, late the property of Joseph Thomas, dec'd, therein described, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Hamilton, Fleming and Jacobs, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Buckmaster,

The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Marim,
The bill entitled "An act fixing the salary of the Auditor of Accounts,"

Was read, a third time by paragraphs, and

Passed the House,

Ordered, That it be returned to the Senate.

On motion Mr. Hamilton,
The House adjourned to Monday morning, ten o'clock.

MONDAY 10 o'clock A. M. 16, Jan. 1837.

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee, to which was referred the petition of Joseph Scott and Sally C. Thomas, reported a bill entitled "An act to authorize Joseph Scott, administrator, and Sally C. Thomas, the widow of Doctor Joseph Thomas, late of the City of Wilmington, deceased, to make sale of all the real estate of the said Doctor Joseph Thomas, deceased, in manner and form as therein mentioned," which was

On his motion,
Read,

On motion of Mr Hamilton,
The bill entitled "An act to incorporate the Franklin Beneficial Society of Wilmington Delaware, for the relief of the members thereof, their widows and orphan children,"

Was taken up, and read a third time by paragraphs,

And on the question,

"Shall this be the first section of the bill?"

The House being divided;

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Boys, Brinckloe, Fleming, Hall, Hamilton, Jacobs, Lodge, Marim, Nickerson, Waller and Mr. Speaker—11 yeas.

Nays.—Messrs. Biddle, Evans, and Johnson,—3 nays.

So the first section.

Passed the House.

And on the question,

"Shall this be the second section of the bill?"

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Boys, Brinckloe, Deakyne, Fleming, Hall, Hamilton, Houston, Jacobs, Lodge, Marim, Nickerson, Waller, and Mr. Speaker—13 yeas,

Nays.—Messrs. Biddle, Buckmaster, Evans, and Johnson,—4 nays.

So the second section,

Passed the House.

And on the final passage of the said bill?

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas:—Messrs. Boys, Brinckloe, Deakyne, Fleming, Hall, Hamilton, Houston, Jacobs, Lodge, Marim, Nickerson, Waller, and Mr. Speaker—18 yeas.

Nays:—Messrs. Biddle, Buckmaster, Evans, and Johnson,—4 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

The Speaker, laid on the table, a communication which he had received, from an adjourned meeting of the citizens of St. George's Hundred, New Castle County, against the removal of the seat of Justice of New Castle County, from the town of New Castle, to the City of Wilmington, which was,

On the motion of Mr. Hamilton,

Read.

The Speaker, laid on the table, a communication, which he had received from a meeting of the citizens of Wilmington; praying for the removal of the seat of Justice of New Castle County, from the town of New Castle, to the City of Wilmington, which was.

On the motion of Mr. Hamilton,

Read.

Mr. Hamilton, laid on the table petitions, signed by 61 persons, on the same subject.

On motion of Mr. Hamilton,

The bill entitled "An act to amend the act entitled "A further Supplement to the act entitled "An act respecting the partition of lands and tenements, among joint tenants and tenants in common;"

Was read a third time by paragraphs,

And on the final passage of the bill,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas:—Messrs. Biddle, Boys, Brinckloe, Buckmaster, Cooper, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Lodge, Marim, Nickerson, Waller, and Mr. Speaker,—17 yeas.

Nays.—Messrs. Johnson,—1 nay.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Brinckloe,

The bill entitled "An act to confirm the title of the heirs of Colonel Armwell Long, late of Sussex County, deceased, to certain lands situated, lying and being in Baltimore Hundred in the said County, and releasing all the right, title, interest, claim and demand of this State, of in and to the said lands, to the said heirs,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "A Supplement to the act entitled "An act concerning the Jurisdiction of Justices of the Peace in certain actions of trespass and their powers in certain cases of complaints of assaults and batteries,"

And he withdrew.

Ordered, That the said bill be engrossed.

On motion of Mr. Marim,

The House adjourned till three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

Mr. Houston, Chairman of the committee of enrolment, submitted to the Speaker, sundry engrossed bills.

Mr. Hamilton, laid on the table the following resolution, which was,

On his motion,

Read, and

Adopted, to wit:

Resolved, by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That when the two Houses adjourn on Wednesday next, they will adjourn over to Tuesday the twenty fourth Instant.

Ordered, To the Senate for concurrence.

Mr. Johnson, laid on the table, sundry resolutions, which were,

On his motion,

Read,

As follows, to wit:

RESOLVED:—

1. That so much of the Governor's message, as relates to this State's share of the surplus revenue, be referred to a committee of five members.

Messrs. Johnson, Hamilton Brinckloe, Fleming and Houston, were appointed the said committee, with leave to report by bill or otherwise.

2. That so much of the said message, as relates to weights and measures, be referred to a committee of five members.

Messrs. Johnson, Nickerson, Lodge, Jacobs and Boys, were appointed the said committee, with leave to report by bill or otherwise.

3. That so much of the said message, as relates to licences to retailers of foreign merchandize, marriage, tavern, and other licences, be referred to a committee of three members.

Messrs. Johnson, Biddle and Hall, were appointed the said committee, with leave to report by bill or otherwise.

4. That so much of the said message as relates to free negroes and mulattoes, be referred to a committee of three members,

Messrs. Booth, Brinckloe, and Rees, were appointed the said committee, with leave to report by bill or otherwise,

5. That so much of the said message, as relates to the Pea Patch Island, in the River Delaware, be referred to a committee of three members.

Messrs. Marim, Brinckloe and Hamilton, were appointed the said committee, with leave to report by bill or otherwise,

6. That so much of the said message, as relates to certain resolutions received from the Executive of the State of Connecticut, and of the State of New York, in relation to the subject of Domestic Slavery, be referred to a committee of three members.

Messrs. Johnson, Hamilton and Houston, were appointed the said committee, with leave to report by bill or otherwise.

7. That so much of the said message, as relates to certain resolutions received from the Executives of the States of Ohio and Maine, proposing certain alterations in the mode of electing the President and Vice President of the United States, be referred to a committee of five members.

Messrs. Johnson, Marim, Evans, Lodge, and Houston, were appointed the said committee, with leave to report by bill or otherwise.

8. And that so much of said message, as relates to certain resolutions, received from the Executive of the State of Pennsylvania, relative to the distribution of the proceeds arising from the sale of the public lands, among the several States, be referred to a committee of five members.

Messrs. Johnson, Brinckloe, Hamilton, Jacobs, and Evans, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Johnson,

The said resolutions were put separately, and

Passed the House.

Mr. Lodge, laid on the table, the petition of Enoch E. Camp, praying to be admitted on the floor of this House, as a reporter of the proceedings thereof, which was,

On his motion,

Read.

Mr. Lodge, then submitted the following resolution, which was,

On his motion,

Read,

As follows:

Resolved, That E. E. Camp, according to the prayer of his petition be admitted on the floor of this House, as a reporter of the proceedings thereof,

And on the question,

“Shall this resolution pass the House?”

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas.—Messrs. Biddle, Boys, Deakyne, Evans, Hamilton, and Lodge—6 yeas.

Nays.—Messrs. Brinckloe, Buckmaster, Cooper, Fleming, Hall, Jacobs, Johnson, Nickerson, Waller and Mr. Speaker—10 nays,

So the question was decided

In the negative.

And the resolution

Was lost.

On motion of Mr. Waller,

The bill entitled “An act to enable Caleb Ross, of Sussex County to locate certain lands situate in Broad Creek Hundred in said County and to complete his title to the same.

Was read a third time by paragraphs, and

Passed the House.

Ordered. To the Senate for concurrence.

On motion of Mr. Waller,

The bill entitled “An act to enable John Hosea, of Sussex County, to locate certain vacant lands situate in Little Creek Hundred in said County and to complete his title to the same.

Was read a third time by paragraphs, and

Passed the House.

Ordered. To the Senate for concurrence.

On motion of Mr. Waller,

The bill “An act to enable Charles Ralph, of Sussex County, to locate certain vacant lands situate in Little Creek Hundred in said County and to complete his title to the same,

Was read a third time by paragraphs, and

Passed the House.

Ordered. To the Senate for concurrence.

Mr. Johnson, laid on the table the petition of sundry inhabitants of Kent County, praying the Legislature to pass a law authorizing Justices of the Peace to perform the marriage ceremony, which was

On motion of Mr. Buckmaster,

Read and referred to a committee of three members,

Messrs. Buckmaster, Hall, and Cooper, were appointed the said committee with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "An act appointing an agent to receive this State's share of the surplus revenue in the Treasury of the United States."

And he withdrew.

Ordered, That the said bill be engrossed.

Mr. Brinckloe, laid on the table the petition of Joseph Mails, praying to be divorced from his marriage with a certain Henrietta Mails, late Henrietta Walls, which was

On his motion,

Read.

Mr. Brinckloe, then moved that the said petition be referred to a committee of three members with leave to report by bill or otherwise.

Pending which question,

Mr. Johnson, moved, that the further consideration of the said petition be postponed till Tuesday the 24th instant.

On which question,

The House being divided,

The Yeas and Nays, were requested by Mr. Evans and they were called, and were

As follows to wit:

Yeas.—Messrs. Biddle, Boys, Buckmaster, Cooper, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Waller, and Mr. Speaker,—16 Yeas.

Nays.—Mr. Brinckloe,—1 Nay,

So the question was decided

In the affirmative,

And the further consideration of the petition postponed,

Mr. Brinckloe, laid on the table the petition of Charles Draper praying to be discharged from imprisonment and to have returned to him; the amount which he had expended in prison fees, which was

On his motion,

Read,

On motion of Mr. Hamilton,

The petition was laid on the table.

On motion of Mr. Hamilton,

The bill entitled "An act to revive and continue in force, "An act entitled "An act to incorporate the owners of the Beaver Gut marsh for the better securing and improving the same,"

Which had been communicated to the House by Mr. Comegys, Clerk of the Senate,

Was read

With its accompanying petition,

On motion of Mr. Brinckloe,

The House adjourned to-morrow morning, at ten o'clock.

TUESDAY 10 o'clock A. M. Jan. 17, 1837.

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee on unfinished business, laid on the table, the following report, which was,

On his motion,

Read,

The Committee on unfinished business, Report the following:

"A further Supplement to the act entitled "An act to incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington."

"An act to enable the owners and possessors of marsh and low grounds on both sides of Drawyers Creek, in St. George's Hundred, New Castle County, to embank, drain, and improve the same."

"An act to repeal an act entitled "An act, laying duties on licenses to retailers of foreign goods, wares and merchandizes."

"A Supplement to the act entitled "An act, authorizing a lottery for building an Academy and Masonic Hall, in Georgetown Sussex County, and for finishing the Episcopal Church therein."

"An act for the relief of Solomon Prettyman, of Sussex County."

"An act concerning Records in the office for recording of Deeds, in and for Kent County."

"An act more effectually to secure the selecting and returning of competent and impartial Juries to serve in the Superior Court and Court of General Sessions of the Peace and Gaol delivery, in the several Counties of this State." which was,

On his motion,

Read,

On motion of Mr Hamilton,

The bill entitled "An act to authorize Joseph Scott, administrator, and Sally C. Thomas, the widow of Doctor Joseph Thomas, late of the City of Wilmington, deceased, to make sale of all the real estate of the said Doctor Joseph Thomas, deceased, in manner and form as therein mentioned,"

Was read a second time by its title,

Mr. Houston, Chairman of the committee of enrolment, submitted to the Speaker, sundry engrossed bills.

Mr. Johnson, Chairman of the committee, appointed to wait on the Governor, Governor Elect, and Judge Harrington, jointly, with the committee of the Senate, reported that the committee had performed their duty.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled, "An act to extend the provisions of the act entitled "An act to provide for the instruction of the indigent blind of this State," "to the case of Beniah Parvin, an indigent blind boy:"—

And also, that the Senate had concurred in the joint resolution of the House, respecting adjournment with an amendment,
And he withdrew.

On motion of Mr. Hamilton,
The communication from the Senate, was read,

As follows, to wit:

"Amend the resolution by striking out the word "Wednesday" and inserting "Thursday" in lieu thereof.

On motion of Mr. Hamilton,
The amendment of the Senate,

Was concurred in:

Mr. Brinckloe, Chairman of the committee, to which was referred the petition of Miers Burton and Thomas Robinson, of Wm. reported a bill entitled "An act authorizing the condemnation of a certain piece or parcel of upland, cripple and low ground, situate on the head of the North prong or branch of Herring Creek, and contiguous to the North East end of the mill-dam of Miers Burton and Thomas Robinson, of Wm. in Indian River Hundred in the County of Sussex," which was,

On his motion,
Read,

Mr. Fleming, laid on the table, the petitions of sundry inhabitants of Milford and its vicinity respecting the navigation of Mispillion Creek, which was,

On his motion,
Read and referred to a committee of five members.

Messrs. Fleming, Davis, Johnson, Evans, and Brinckloe, were appointed the said committee, with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate were ready to meet the members of the House of Representatives in order to proceed to the Court Room, to be present at the inauguration of the Governor Elect,

And he withdrew.

Ordered, That the Clerk do proceed to the Senate Chamber, and inform the Senate, that the members of the House are ready to meet them, that the two Houses may proceed together to the Court Room there to witness the inauguration of CORNELIUS P. COMEGYS, the Governor Elect.

Whereupon;

The two Houses jointly proceeded to the Court Room, and took the seats prepared for their reception,

The General Assembly being thus convened,

The Governor Elect, attended by the joint committee, His Excellency the Governor, and the Hon. Judge Harrington, entered the Court Room, and took the seat prepared for his accommodation.

On motion Mr. Rodney,
The resolution for convening the two Houses, was read.

Judge Harrington, then administered the Oaths of Office, to the Governor Elect,

As follows, viz:

I, Cornelius P. Comegys, do solemnly swear on the Holy Evangels of Almighty God, that I will support the Constitution of the United States—So help me God.

I, Cornelius P. Comegys, do solemnly swear on the Holy Evangels of Almighty God, that I will support the Constitution of the State of Delaware—So help me God.

I, Cornelius P. Comegys, do solemnly swear on the Holy Evangels of Almighty God, that I will perform the duties devolving on me as Governor of the State of Delaware with fidelity—So help me God.

The Governor then delivered the following Inaugural Address to both Houses of the General Assembly, and to a numerous audience.

Fellow-Citizens of the Senate,

and of the House of Representatives:

Having just accepted the distinguished trust, to which I have been elected by the freemen of this State, it properly becomes me to tender to them the homage of my gratitude for their partiality and kindness, and to assure them, that a just appreciation of the honour conferred, accompanies me, in my entrance upon the duties and cares of the highest office in their gift.

I am aware, gentlemen, that I bring with me to the station, but little more than an ardent determination to devote my best exertions to the services of the commonwealth:—and I should be disposed to shrink from the responsibilities, connected with the executive office, had I not the fullest confidence in your wisdom and prudence, and did I not cherish the belief, that the favourable opinion, so signally displayed by my fellow citizens, in the distinguished manner of my election, will induce them to view, with a most charitable eye, every act of my administration.

It becomes us all, gentlemen, notwithstanding the unpleasant excitement inseparable from a political contest, to approach the trust, assigned us by our constituents, with feelings uncorrupted by party bitterness, and with minds uncontrolled by any other motive, than an honest desire to reward the confidence of the people, by a zealous vigilance on behalf of their welfare, and by the enlightened wisdom of our measures. And I sincerely hope, that whatever may be our conflicting views in relation to matters of political concernment, we shall be united in sentiment on all questions which involve the prosperity and happiness of our beloved country, or effect those principles, which lie at the foundation of our independence. We cannot be too sensible of the relation we sustain to the source, from which we derive all our authority. It should be kept in mind, that the constitution, which we have for our guide, was the act and will of the sovereign people; and that the general good was the only end and object it was intended to accomplish.—

It is the manifest duty, therefore, of every functionary, appointed to carry into operation the affairs of government, whilst he studies in all things, to act in accordance with what he conceives to be the interests of the whole community, to exhibit at all times, a becoming respect for that portion of his fellow citizens, whose opinions, in relation to matters of public policy, may differ from his own.—Under the influence of these impressions, I cannot too earnestly denounce, as hostile to the genius of American liberty, that intolerant spirit, which is calculated to bring “the patronage of the government into conflict with the freedom of elections,” by regarding the public offices, which were created for the benefit of the people, as the “spoils of the victor.”

That “too much legislation is an evil” is an oft repeated axiom;—and although a too close adherence to it by you, gentlemen, might be inimical to the welfare of your constituents, still it may be proper to reflect, that the most judicious policy will be to avoid the unhappy consequences which might be induced, by enacting a redundancy of statutes, to the subversion of those wise principles of the old common law, which modified by our usages and the decisions of our courts, have been regarded as most salutary in their effects upon society. It was a just remark of one of my predecessors in office, that “our political system calls for no theoretical reforms, nor does our happy state of society depend on a multiplication of laws.” It is a source of pleasing gratulation, that the common law, as it exists among us, is not formidable to our citizens. Happily for them, many of the unobjectionable features have been removed;—and with slow and gradual amendment, suited to the increasing wants and advantages of the community, our system of jurisprudence cannot fail to answer all the purposes, required by a people, whose interests are, in a great measure, identical and whose wishes may generally be considered, as consonant with the welfare and happiness of the State.

It would seem almost unnecessary, at this time, to recommend, to your especial guardianship, the all important subject of education.—Convinced as you must be, that the diffusion of knowledge is the most efficient means of ensuring obedience to the laws, and destroying vice and immorality, you cannot bestow too much attention upon a system, which has for its object the general instruction of the people. When we reflect that, in this country, the public offices are open to all, and that the services of every individual may, at any time, be rightfully demanded by the state, we must acknowledge the propriety of recognizing the minds of children, as the legitimate property of the whole community, and properly appreciate the consequent obligation which the State is under, to afford a suitable provision for the mental improvement of the rising generation. Our common schools have already been productive of invaluable benefits:—and with such alterations and modifications, in our present system, as the legislature may, from time to time, deem essential to its further advancement, it may be hoped that it will finally accomplish, what every citizen should fondly desire, a general diffusion of the beams of intelligence over every portion of our beloved State. Connected with the subject of general education, it is a source of peculiar satisfaction, to contemplate the result of that laudable zeal, which has been successfully displayed, by a portion of our fellow

citizens, in the establishment of New Ark College. That institution already promises to afford to our youth the advantages of a thorough instruction Under the superintending care of an efficient board of Trustees, who are, at all times, attentive to its interests, and governed as it is, by a President of the highest character and profoundest erudition, and by a faculty composed of gentlemen possessing every requisite qualification, we have every reason to believe, that it will long remain, as a monument of science and learning, and annually exhibit, in the number and proficiency of its graduates, conclusive proofs of its growing importance and satisfactory indications of its ultimate renown. Whatever assistance its future interests may require, towards facilitating an enlargement of its operations, I trust, will by you, gentlemen, be most favorably considered.

It must be acknowledged, by us all, that an undue multiplication of banks, excessive issues of bank paper and a corresponding increase of bank facilities, have been productive of the most mischievous effects, upon the commercial community, and have constituted fruitful sources of the most unpleasant embarrassments, in all the business operations of life. It is nevertheless, true that the banking system, by a wise and judicious management, is calculated to exert a favorable influence, by the impetus it gives to every description of enterprize, and the means it affords to the advancement of agriculture, commerce and manufactures. So far as our own State is concerned, experience furnishes the most satisfactory arguments, in favor of banking institutions. Controlled amongst us as they generally have been by the most exemplary prudence and judgment, they have answered all the purposes anticipated from their establishment, without producing those baneful results, which in other parts of our country, have cried aloud for their partial, if not general, abolishment. Sensible therefore, as we must be, of the salutary effects of such incorporations, when properly governed, and simultaneously mindful of the evils which must unavoidably result from their unskillful management, it should be the province of the Legislature, to act in reference to all applications for such privileges, with the utmost caution, but with a due regard to the manifest wants of the community, without being influenced, in the slightest degree, by that political cant, which recklessly aims at the destruction of all banks, at the expense of the best interests of the people.

It is of the utmost importance, gentlemen, that you should incline most favourably, to every enterprise, calculated to perpetuate and strengthen the union of the States. As the most efficient means of answering this desirable end and of accelerating our national prosperity, internal improvements may properly be considered. To enlarge upon the utility of canals and rail roads would, at this time, be a useless task. Their advantages are daily multiplying, in every direction to which we can turn our eyes. In addition to the wonderful facilities they have afforded to the comfort and convenience of the traveller, they have given a healthful and vigorous action to every description of trade, within the sphere of their influence. They have stimulated domestic commerce and manufacturing labor. They have rapidly converted barren wastes into fruitful fields, and thus enhanced the profits of husbandry. They opened markets, for every species of domestic produce,

and have developed new and increasing sources of wealth, which, but for them, would, in all probability, forever have remained dormant.— It is highly gratifying to observe, that the people, in different parts of the State, are participating largely in the spirit of internal improvement. The enterprise of our fellow-citizens of New Castle county, in relation to this important subject, is worthy of the highest commendation.— Their efforts, so far, have been followed by the most signal success;— and there is little doubt, that the great public work, which is now progressing, towards its final completion, will eventually meet the expectations of its stockholders. Should any further legislation be required, in aid of the contemplated rail-road through the State, you, gentlemen, will, I doubt not cheerfully extend every facility, compatible with the interests of the people, in furtherance of an object, which, in the opinion of many intelligent men, cannot fail to be of immense advantage to our community.

I am gratified to observe that agriculture, in some parts of the State, is rapidly advancing to perfection—but its languishing appearance, in other directions, inspires an anxious solicitude that some means should be adopted to improve its condition. Lands susceptible of a high system of culture are, in many places, lying waste—having been abandoned by their owners, on account of their sterility. I submit the subject to you, Gentlemen, cherishing the hope, that you will give to it all the attention, which its importance demands.

As associated with agriculture, and essential to its prosperity, domestic manufactures and the mechanic arts deserve to be most favorably considered. To the manufacturer and the mechanic, whose interests have been greatly promoted by the protective system, is the farmer, in a great measure, indebted, for the increasing demand for the product of his labor, which, within the past few years, has enhanced its value.— Deprived, by circumstances, of that extensive foreign commerce, which formerly contributed largely to the profits of the farming interests, the attention of our citizens has been successfully directed to other objects, which have more than supplied the losses it had previously sustained.— The prosperous condition of the manufacturing establishments in this State, constitutes a source of pride and exultation. Under a conviction of the vast importance of affording every necessary encouragement to this branch of industry, as well as every description of mechanic labor, I especially request, that you will, on all occasions, be ready to aid individual enterprise by such legislative enactments, as the nature and circumstances of the subject may require.

Permit me to observe, that there are some features in our criminal code, which I have ever regarded, as revolting to the feelings of humanity. I allude to those provisions which authorize the whipping, and confinement in the pillory, of persons convicted of felonies. As a thorough reformation of the offenders should be considered the legitimate end of every penal statute, it may well be doubted whether the punishments referred to, are not too degrading to answer this desirable object. However exemplary may be the future conduct of an individual who has suffered these penalties, he finds it most difficult to remove the prejudices, which are fostered by the law of public opinion—and hence, an extraordinary degree of moral courage is requisite to af-

ford him a successful resistance to those temptations, which are calculated to induce a total destruction of character. An imprisonment of the offender would, in my opinion, be an all sufficient punishment.—The practice, also, of selling persons, convicted of assaults and batteries for the payment of their fines, prison fees, and costs of prosecution is also I think, highly objectionable. A repeal of these provisions is earnestly recommended.

I respectfully request that some provision should be made for securing to poor persons, whose goods are sold for the payment of their debts an adequate means of subsistence, without compelling them to resort to the humiliating expedient, of soliciting the public charity. An exemption of their property, from the process of execution, to an amount sufficient to answer this desirable object, would, I am inclined to think have a beneficial tendency, without impairing, in the end, the rights of the creditor.

I must have been entirely regardless of passing events, if I had not observed the conflicting opinions which prevail, in relation to the disposition of this State's share of the surplus revenue, in the National Treasury. The amount apportioned to the State, as recently ascertained, by the Secretary of the Treasury, is three hundred and eighty-two thousand, three hundred and thirty-five dollars and thirty-one cents:—one fourth of which is now awaiting our action, under the provisions of the distribution law. With a full consciousness of the imperfection of human judgment, permit me to suggest that, in my opinion, the interests of the people would be advantageously subserved, by appropriating a part of this money to the establishment of a Penitentiary,—a part to the payment of ALL the taxes, in the several Counties, for the present year, and of the road and poor taxes for the one ensuing,—and the remaining portion to internal improvements, and an increase of capital in our banks, with an appropriation of the interest arising annually therefrom, in equal moieties, to the reduction of the State and County expenses, and to common school education. The constitution of this State requires of every freeman, the payment of a County tax, as a necessary prerequisite to an exercise of the right of suffrage; or I would recommend, that for the next year, as well as the present, the whole of the taxes should be paid with this money. In reference to this subject, I may be allowed to express a hope, that the Legislature will oppose, by every means in their power, any action of Congress for a further reduction of the revenue, so as to prevent an annual distribution to the several States.

The abolishment of imprisonment for debt has been with me, for a long time, a favorite measure; and it affords me pleasure to observe, that the people, generally, are hostile to a system, which treats misfortune as a crime. The poor, but honest debtor is entitled to our warmest sympathies; and should, on no account, suffer a punishment, merited only by the grossest villany. In all cases, except where there is manifest fraud, common justice demands that the law should be repealed. I hope that you Gentlemen, will no longer hesitate to imitate the humane example, which has been set by many of our sister States, in reference to this subject.

In conclusion, Gentlemen, permit me to remark, that all human efforts are in vain, unless aided by that Great Being, in Whose hands are all our destinies:—to Whom I feel willing to unite with you, in grateful acknowledgments, for His mercy and goodness, and in humble supplications that, as in the past, so in the future, “His hand may lead us, and His right hand sustain us.”

C. P. COMEGYS.

Dover, January 17th, 1837.

On motion of Mr. Marim,
The Journals of the joint meeting, were read and compared.

On motion of Mr. Rodney,
The Houses separated and the Representatives returned to their Chamber.

On motion Mr. Marim,
The House adjourned to 3 o'clock this afternoon.

Eodem Die, 2 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,
Ordered, That four hundred copies of the Inaugural Address of Governor Comegys, be printed for the use of the members of this House.

Mr. Johnson, laid on the table the petition of Daniel Cannon, praying a law, to enable him to secure a piece of vacant land, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Johnson, Boys, and Jacobs, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Brinckloe, laid on the table the petition of sundry practising Surveyors, praying the Legislature to pass a law, requiring all surveys hereafter to be made to the true Meridian or Pole, and other enactments in said petition mentioned, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Brinckloe, Fleming, and Deakyne, were appointed the said committee, with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled “An act to authorize Mary Lowber, minor, or her Guardian, to erect a gate across a public road therein described.”

Ordered, That the said bill be engrossed.

On motion of Mr. Fleming,
The bill entitled “An act to appropriate this State’s portion of the surplus revenue,”

Was read a second time, and

On motion of Mr. Johnson, it was,
Ordered, To lie on the table for further consideration;

On motion of Mr. Marim,
 Messrs. Marim, Davis, Biddle, Buckmaster, and Jacobs, were appointed a committee of claims.

Mr. Marim, laid on the table the account of Kent County, against the State of Delaware, which was,

On his motion,
 Read and referred to the committee on claims.

On motion of Mr. Marim,
 The bill entitled "An additional Supplement to an act entitled "An act to extend the time for recording of deeds,
 Was read a third time by paragraphs, and

Passed the House,

Ordered, To the Senate for concurrence.

On motion of Mr. Marim,
 The bill entitled "An act Supplementary to "An act to carry into effect the amended Constitution, and for other purposes,
 Was taken up for consideration, and

On motion of Mr. Marim,
 The further consideration of the said bill was postponed to the 25th Instant.

On motion of Mr. Hamilton,
 The House adjourned to ten o'clock to-morrow morning,

WEDNESDAY 10 o'clock A. M. 18, Jan. 1837.

The House convened pursuant to adjournment.

Mr. Marim, having been appointed Secretary of State of the State of Delaware, tendered to the Speaker his resignation of his office as a member of this House.

Mr. Buckmaster, laid on the table, the remonstrance of sundry citizens of Kent County, against increasing the salaries of the Judges, which was,

On his motion,
 Read.

On motion of Mr. Hamilton,
 The bill entitled "An act to enable Elizabeth Caroline Whitely, a minor, to sell and convey, a certain tract of land therein mentioned,

Was read, a third time by paragraphs,
 And on the question of the final passage of the bill,

The House being divided,
 The Speaker, directed the yeas and nays to be called,
 Pending the question of the final passage of the bill?

Mr. Johnson, moved,
 That the said bill be committed to a committee of three members.

On which question,
 The House being divided,

The Speaker, directed that the yeas and nays, should be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Brinckloe, Buckmaster, Cooper, Davis, Deakyne, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Rees, Waller, and Mr. Speaker,—16 Yeas.

Nays.—Mr. Evans, and Hamilton—2 Nays.
So the bill,

Was committed.

Messrs. Johnson, Hamilton, and Brinckloe, were appointed the said committee.

Mr. Brinckloe, laid on the table, a petition signed by 730 of the inhabitants of Sussex County, praying a repeal of part of the law entitled "A Supplement to the act entitled "An act to incorporate a number of the Physicians of the Delaware State, and for other purposes therein mentioned," which was,

On his motion,

Read and referred to a committee of three members.

On motion of Mr Hamilton,

The bill entitled "An act to authorize Joseph Scott, administrator, and Sally C. Thomas, the widow of Doctor Joseph Thomas, late of the City of Wilmington, deceased, to make sale of all the real estate of the said Doctor Joseph Thomas, deceased, in manner and form as therein mentioned,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Johnson, laid on the table, the petition of sundry citizens of New Castle County, praying a repeal of the law authorizing William Inskeip, to raise his mill-dam, which was,

On his motion,

Read,

On motion of Mr. Brinckloe,

The bill entitled "An act authorizing the condemnation of a certain piece or parcel of upland, cripple and low ground, situate at the head of the North prong, or branch of Herring Creek, and contiguous to the North East end of the mill-dam of Miers Burton and Thomas Robinson, of Wm. in Indian River Hundred in the County of Sussex,"

Was read a second time by its title, and

On motion of Mr. Johnson,

The said bill was ordered to be laid on the table.

On motion of Mr. Fleming,

The House adjourned till three o'clock this afternoon,

Eodem Die, 3 o'clock P. M.

The Speaker, having taken the Chair,

On motion of Mr. Hamilton,

For want of a quorum, the House adjourned till to-morrow morning, at ten o'clock.

THURSDAY 10 o'clock A. M. Jan. 17, 1837.

The Speaker, having taken the Chair,

On motion of Mr. Brinckloe,
For the want of a quorum, the House adjourned till Tuesday 24th Instant,

TUESDAY Jan. 24, 1837

The House convened pursuant adjournment.

Messrs. Brinckloe, Rees, and Deakyne, were appointed the committee, to which was referred the petition of sundry citizens, of Sussex County, praying a repeal of part of the act entitled "A Supplement to the act entitled "An act to incorporate a number of the Physicians of the Delaware State, and for other purposes therein mentioned, with leave to report by bill or otherwise.

Mr. Hamilton, laid on the table, the remonstrance of William Inskeip, and sundry other citizens of New Castle county, against the petition of sundry persons, praying a repeal of the act, granted to the said William Inskeip, which was,

On his motion,
Read.

Mr. Evans, presented the petition of Margaret Morgan, a feme Covert of New Castle County, praying that the control of the real and personal estate of her husband, might be placed in her hands, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Evans, Cooper, and Waller, were appointed the said committee, with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "An additional Supplement to an act entitled "An act to extend the time for recording of deeds,"

Also, the bill entitled

"An act to enable Caleb Ross of Sussex County, to locate certain vacant land, situate in Broad Creek Hundred in said County, and to complete his title to the same."

Also the bill entitled

"An act for fixing the compensation of the members of the General Assembly, and their officers."

He also requested the concurrence of the House, in a joint resolution for the purpose of inducing a repeal of the Hospital Tax.

And he withdrew.

Ordered, That the said bills be engrossed.

On motion of Mr. Evans.

The communication from the Senate, was read,

As follows, to wit:

WHEREAS, the prosperous condition of the revenue of the United States is such as to enable Congress to dispense with all such taxes as are oppressive and burthensome upon peculiar classes of our citizens; and in as much as the imposition of a direct tax in the way of hospital money upon seamen and all others engaged in the coasting trade and fisheries, is not only invidious and oppressive in itself, but unfair and inefficient in the distribution of its benefits, and as the citizens of this State, have for a long period of time been compelled to pay the said tax, without receiving a correspondent benefit therefrom:

Therefore;

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That our Senators and our Representative in Congress, be and they are hereby requested to use their best exertions to procure the repeal of any or all such enactments as impose a tax for hospital money on such persons as are engaged in the coasting trade or fisheries of this State.

Resolved, That copies of the foregoing preamble and resolutions be signed by the Speaker of the Senate and of the House of Representatives, and transmitted to each of our Senators and to our Representative in Congress,

“Extract from the Journal,

“JOSEPH P. COMEGYS *Clerk.*

“For concurrence.”

Mr. Hamilton, presented the petition of the United School District Nos. 10, 11, 12, 13, 14, 15, 16, 17, and 18, in New Castle County, praying the Legislature to grant them power to mortgage the lot and School house of said United District, for the purpose of raising money to discharge a debt against said district; which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Hamilton, Rees and Houston, were appointed the said committee, with leave to report by bill or otherwise.

The Speaker, laid on the table a communication which he had received from a meeting of the citizens of Red Lion Hundred, respecting the removal of the seat of Justice of New Castle County, which was,

On motion of Mr. Evans,

Read,

Mr. Hamilton, laid on the table, a petition signed by twenty-one additional persons of New Castle County, praying the removal of the seat of Justice of that County,

Mr. Hamilton, asked, and

On motion of Mr. Brinckloe,

Obtained leave to introduce a bill, entitled “A Supplement to an act

entitled "An act concerning the sales of real estates made by the Sheriff, in and for New Castle County," which was,

On motion of Mr. Hamilton,
Read.

Mr. Hamilton, presented the petition of the Wilmington and Susquehanna Rail Road Company, praying a loan of one hundred and fifty thousand dollars, of the States share of the surplus revenue remaining for distribution in the Treasury of the United States, on the terms in said petition mentioned, which was,

On his motion,
Read and referred to the committee, to which was referred so much of the Governor's message, as relates to the surplus revenue.

On motion of Mr. Hamilton,
Mr. Rees, was appointed by the Chair on the committee on Banks in the place of Marim, who had resigned his seat as a member of this House.

On motion of Mr. Hamilton,
The petition of the Bank of Wilmington and Brandywine, and the bill entitled "A further Supplement to the act entitled "An act to incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington, reported thereon, at the late extra Session of the Legislature,

Were referred to the committee on Banks.

On motion of Mr. Hamilton,
The House adjourned till three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee, to which was referred the petition of the committee of United School District Nos. 10, 11, 12, 13, 14, 15, 16, 17, and 18, of New Castle County, reported a bill entitled "A Supplement to the act entitled "An act Supplementary to the act entitled "An act for the establishment of Free Schools," which was,

On his motion,
Read.

On motion of Mr. Hamilton,
The petitions praying the repeal of the act in favor of William Inskeep, and the remonstrances against said petitions,

Were referred to a committee of three members.

Messrs. Hamilton, Davis and Nickerson, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Johnson, laid on the table, the memorial of a committee of the citizens of New Castle, against the removal of the seat of Justice of New Castle County, which was,

On his motion,
Read,

As follows, to wit:

To the General Assembly of the State of Delaware:

The memorial of the undersigned, a committee appointed to act for and in behalf of the citizens of the Town of Newcastle, respectfully, represents:

That at the last regular session of the General Assembly, a bill for the removal of the Seat of Justice of Newcastle county, was introduced and acted upon, by the then Legislature; and your memorialists believed and hoped that the expressed will of a decided majority of the immediate representatives of the People,—as well of this, as of the other counties, would forever have prevented the recurrence of a similar application:—or at least, that the measure would not, at this early period, have been again pertinaciously renewed, in the same form, and without the slightest change in its attendant circumstances. Your memorialists believed that the question had been settled upon *principle*. The bill introduced at the last biennial session was unconstitutional in its provisions; the objections urged against it were founded principally, upon such facts and reasons as demonstrated that unconstitutionality: the amendment introduced in the House of Representatives, with the express view of curing the material defect in its construction, was rejected by the friends of the measure, and the bill consequently defeated upon the question of its final passage. Your memorialists therefore confidently appeal to the records of the House of Representatives, to support the assertion, that the question was then settled upon principle: and the character and provisions of the bill will unequivocally show, that the decision so made, is in just accordance with the doctrines of our Constitution. Was any dissatisfaction caused by that determination; or have the people of Newcastle county evinced any feeling or opinion opposed to the decision of the late Legislature? Has there been any action, upon their part, which can, by any sophistry or misrepresentation, be tortured into evidence of discontent? We confidently answer none. They desire no change. They are content that the Seat of Justice shall remain where it has been located for past centuries: and the proof of this is to be found in the fact, that they have returned as members of this body, the same Representatives who have heretofore, voted against the measure of removal.

Why then is this question again agitated, and how is it now introduced to the consideration of your Honorable Bodies? It comes before you in precisely the same aspect which it has always hitherto presented, as the application of a portion of the citizens of Wilmington.—How was this matter originally brought forward at the sessions of 1833 and 1835? By the interested exertions of two or three individuals residing in Wilmington! Who revived the measure at the last regular session of the Legislature? A committee appointed by the City Council of Wilmington! And at whose instance, and under what auspices, is another consideration of the subject again demanded? The answer recurs, it is again drummed up at a public meeting in the City of Wilmington! These things are of themselves, sufficient to show both the origin and the character of the project. If the question of removal be a matter of general interest, and of public convenience to the County, how is it, that the whole measure originated in the City of Wilmington! The

citizens of that place are but *five* miles distant from the Seat of Justice, Have they suffered more inconvenience, than the people of the County, some of whom are obliged to travel *thirty* miles; or is the interest of Wilmington the paramount interest of Newcastle county?

The advocates of this removal pretend to base their application upon the broad ground of public necessity and general convenience; and they assert, that the only principle by which this controversy is to be decided, is, the simple ascertainment of the will of a majority of the People. They then declare that the City of Wilmington is the centre of business and population; and confidently assume the fact, that the prevailing wish of the County has already indicated that place, as the only proper location for the Seat of Justice.

The manner in which these questions have been advanced is puerile and burlesque; and the term *republican*, with which, the proposition indicated as the only just standard of right and expediency has been profanely invested, was never more abused than in its present ludicrous misapplication. It is a gross perversion of the word to bestow it, so gratuitously, upon the crude notions which have been advanced in regard to this subject. There is no republican principle, properly so called, which can lend its warrant to the absurd doctrine, that the interests of a particular class of people, or a particular section of the County, are to be so despotic in their influence, as to preclude all reference to the convenience of others. The will of the majority, in a case like this, is as false a rule of right and expediency, as could easily be imagined. To admit the influence of numerical preponderance would be, in effect, to throw aside all the wholesome restraints of civil society, to disregard the obligations of our written Constitution, and the settled forms of a digested scheme of government; and to open wide, a breach for the entrance and rule of the first and rudest elements of savage life, the sway of physical force, the authority of brute strength. This is not a question connected with civil organization in which the popular will is to be the criterion of right, and the innate and original power of self government to be the principle of action. It is simply a matter of ordinary legislation. It is purely a question of expediency. The Legislature would, as in other cases, desire to elicit the popular sentiment as a guide to their deliberations, but it would be only in reference to the *policy* of the measure, and not the *right* of the demand. If the will of the majority be the rule of right in this case,—and being asserted, a fundamental and over mastering principle of our institutions, it will of course be applicable to any other question presented for the determination of the Legislature. There is now before your Honorable Bodies, a subject of a very serious importance, in relation to the appropriation of the State's portion of the surplus revenue. If the people of two of the counties were to combine for the purpose of depriving the other section of the State from all benefit or participation in this fund, would the Legislature admit the operation of this new rule of right and justice, and give the whole sum to this many-handed monster the "majority?"

The constitution recognizes the sacred right of the people to petition, but it no where countenances the doctrine that the judgment and action of the legislature are to be *governed* by such representations.

It is our boast that we live under a government of laws,—that the great concerns of legislation are guided by acknowledged and immutable principles, by pure right, equal justice, and general expedience,—and not by the temporary expedients of party passion or personal interest. But let the dictatorial power of a self styled majority be adopted as a rule of action to the legislature, and by that very act, the government of *laws* at once degenerates into a government of *men*,—and a fatal blow is inflicted upon one of the fundamental and most important principles of our institutions.

Let it be remembered that this question is in relation to a matter of *general* convenience,—the convenience of the whole county. The population of Wilmington lies wholly within five miles of the seat of justice as now established. The present situation of the Courts in regard to a majority of the people of the upper hundreds, except Brandywine and Christiana, in point of convenience, is about equivalent to what would be the result if a change were effected. Wilmington and New Castle are about equi-distant and equally accessible, except in one particular.

The average distance of the citizens of Pencader, Red Lion, St. George's and Appoquinimink may be stated as fifteen miles. A great proportion, almost the whole, of the legal business arises from the *landed* interests of the County. The Jurors are not summoned from the densely inhabited portions, but equally from the entire body of the people in each of the Hundreds. The number of suitors, and others, attendant upon the Courts, is not therefore to be determined by a simple reference to the relative population of the different parts of the county; nor is their residence to be arbitrarily assumed by the same false method of distribution. The City of Wilmington does not send suitors in proportion to the number of its inhabitants, in consequence of the reasons just mentioned. If therefore the question of general convenience refers to those necessarily attending the Courts, it is unconnected with the matter of population: and in consequence of the propinquity of New Castle to the suitors of Wilmington and its equal distance from those of the upper Hundreds, except Brandywine and Christiana,—the question of general convenience is to be considered with especial reference to the citizens of the lower hundreds. Is then the general convenience to be subserved by removing the seat of justice nearer to two hundreds, making no change in regard to two others, but taking it five miles further from a large proportion of the people of New Castle hundred, and the four remaining subdivisions of the county, whose citizens are already most remote even from the present location? But there is another matter which ought certainly to enter into the consideration of this question of convenience. The citizens of all portions of the county, except the immediate vicinity of Wilmington, can now freely resort to the Courts without being subjected to a tax for tolls, either of bridges or turnpikes. If the seat of Justice be removed, the people of no part of the county will be free from heavy exactions of this nature, except only the inhabitants of Wilmington! Will this be another item in the amount of general convenience? But, say the advocates of the measure, "the expenses of the Court in the article of mileage alone, would be materially reduced." Is "a majority" of the Jurors selected from

the City of Wilmington? Even handed calculators! weigh pontage and turnpike tolls against this reduced mileage, and seek the difference in the allowances of the Levy Court: or add five miles to the distance of the citizens of the lower hundreds and subtract it from that of the suitors of Wilmington and its vicinity, and honestly give the real, and not an assumed result. The whole assumption of convenience in relation to the interests of the county, is a mere juggle. It is a mask, ill adjusted to the face of this measure, and thrust staringly forward, to mislead the attention of the Legislature from the true motives of the agitators of this movement.

Your memorialists would beg your honorable bodies minutely to inquire, whence, and from whom, this proposed measure emanated: who have been and are its active supporters: and what interests, in relation to the matter, have been or are represented before the Legislature.—The character of the measure may be well judged by that of its advocates. Is there a single individual known to your honorable bodies as a manager of this scheme, whose own *private interest* would not be directly or mediately benefited by its success? Has there been, or is there, a single class or interest out of the limits of Wilmington, represented before you? Are not the self styled organs of the popular will, entirely identified with the mercantile interest and the legal profession resident in Wilmington; together with a few jobbing speculators in town lots; the very classes who are immediately and most interested in the result of this measure? If these things are so, let this question be no longer encumbered with the meagre drapery which has been assumed for the purposes of protection or concealment. Strip it of all adventitious aid, and let it stand forth in native nakedness; and what aspect does it assume? It appears, as it truly is, a scheme of private interest and convenience, originated and persevered in, by a few selfish individuals, until it has become a source of biennial vexation to the county of New Castle and the Legislature of the State. Nor does the extraneous aid which has been resorted to, divest the measure of its true and original character. What assistance has been devised, and how has it been obtained? A few nights before the commencement of the session of the Legislature, a public meeting was got up by certain citizens of Wilmington; speeches were made,—resolutions passed,—petitions prepared,—*hired emissaries* appointed to procure signatures,—and then the affair was announced, and published as the proceedings of a meeting of the *citizens of New Castle County*. The attack has commenced with *deception*; and from this may be inferred the probable character of the subsequent warfare.

The petitions thus prepared, and so to be signed, with that facility which characterises all such applications, are to be paraded as a fair, free, and spontaneous exposition of the wishes of the people of this county. Signed as they may be, by the citizens of the neighbouring States, seeking a market for their produce, by alien laborers on the Wilmington and Susquehanna Rail Road, by all ages, and conditions, these petitions are to designate the will of the "majority:" they are to constitute and to determine the rule of right and of expediency; and to stand as the only competent authority to which this question is to be referred, and by which it is ultimately to be decided. And this is boldly and openly promulgated as the true Republican principle!

A just criterion by which this question of general convenience and public necessity might fairly be estimated is to be found in this simple consideration. Is there, or will there be adduced before this legislature, a single indication of the alleged disposition of the county, independent of the representation got up at the instance of the meeting in Wilmington? Would there be any motive, or any impulse to consideration or action in this matter, on the part of your honorable bodies, if the subject were not imperiously *forced* upon your attention by the clamorous exertions of the Wilmington Committees? The result of the recent special election fully proves that the whole measure is of private origin, wantonly begun and selfishly urged by a few interested individuals,—uncalled for by the public voice, and unsuited to the public convenience. And not only is the *action* of the legislature unauthorized by the necessity or wish of the county, but the subject never would have been presented to the *consideration* of your honorable bodies, but for the malignant jealousy, and selfish repacity of those who would recklessly destroy the prospects and comforts of a whole community under the despicable hope of gathering a few fragments from the wreck of its prosperity.

If then the advantages of removal are to inure to the benefit of a few, if the pretended inconvenience of the present location of the Seat of Justice, results only, or principally, to the city of Wilmington, an *existent remedy* lies fully within the power of the dissatisfied. No further legislation is necessary to remove the evil. A remedial power is included in the privileges which they now enjoy. Under their city charter they have the authorized organization of a civil jurisdiction competent to the settlement of all ordinary matters of litigation arising within their limits. Let them then retire within the limits of their city,—set in motion the machinery of their municipal Courts, and rejoicing in the snugness of their much coveted *convenience*, leave the wishes of the county to speak for themselves.—When that shall occur, there may be cause for legislative interference.

But it is loudly asserted by the advocates of removal, that the will of the people of the county has already been sufficiently expressed.—Then why is it still proposed to submit the whole question to the test of a popular vote? wherefore should the people be called upon to re-resolve that which it is said, they have already determined upon and declared? why, if this assertion be true, and if the principle that the majority should rule be correctly applied to the circumstances of this question, why is the *immediate removal* not demanded of the legislature as a matter of right? In such a case, the law which authorized the transfer would be but a mere form.—The justice and expediency of the measure having been already settled by a disinterested “majority,” the necessary legislative action would be nothing more than the ministerial act of a subordinate. If the rule upon which this application is based be correct, the legislature has no discretion, no power of deliberation:—the judgment of the “majority” must be entered upon their record, and a writ of possession handed over to be executed by the party.

But in flat contradiction of the statement, that this removal is demanded by the necessity of the case, and the declared wishes of the county,—it is demanded that the legislature shall pass a law submitting the

whole question to the decision of the people. Against this unconstitutional proposition the people of New Castle have already successfully remonstrated; and your memorialists beg leave to re-exhibit the views which have already been presented under this aspect of the question.—The arguments against this proposition are confidently advanced because they have received the sanction of those whose professional character offers sufficient warrant for their soundness: and also because there never has been an attempt to invalidate the propriety of their application, or the conclusions to which they inevitably lead. The principles involved in this plausible scheme of a submission to the determination of a popular vote, are asserted to be of most pernicious tendency; and not to be sustained even by a show of reason—and your memorialists confidently *challenge* the advocates of removal, to *answer* under *responsible signatures*, the arguments heretofore and now advanced against their proposition.

The new elements of legislation which would enter into a law submitting this question to the ultimate decision of the people of the county, are to us, *novel* and original, both in their character and tendency. They are in direct hostility to those maxims of political science which have hitherto found credence among us, and which are so “visibly characterized and engraved” upon our institutions. They are calculated to confound those just and wholesome distinctions which constitute the conservative barriers between our republican system and the democratic governments of ancient times. They would disturb the harmony, so nicely adjusted, between conflicting principles, and tend to the utter and absolute subversion of the well-poised balance of power between the co-ordinate branches of government,—unsettling the defined boundaries of their separate spheres,—disturbing the distribution of their several prerogatives,—and resolving the whole fabric of the constitution into the original materials, from which it has been so wisely, and so carefully constructed.

In order properly to consider the peculiar character and tendency of such a measure it will be necessary to bear in mind the precise and evident distinctions between our republican form of government and an absolute democracy.

The custom of reverting the similarities between us; and the ancient States, whose forms we may in part have imitated, and the common name of republic, which has usually been applied to every species of popular government, are apt to mislead the mind into false analogies. These errors are easily avoided by turning to familiar and definite distinctions. In a mere democracy, the people, collectively, exercise the supreme power, and all legislation receives its ultimate sanction immediately from their will. Under the republican system, these functions are delegated by the people to their representatives, and they cannot therefore interfere with the execution of those powers, except in the mode, and under the forms prescribed by the Constitution. The people in the exercise of an undoubted right may alter the forms by themselves established, whenever they shall deem it proper; but until they do so—they, and those to whom they have transferred their original powers, must conform to the existing institutions; and any departure either by

the people, or the bodies politic invested with the powers of government, would be revolutionary.

The people of this State have determined that their legislative power shall be vested in a General Assembly, to consist of a Senate and House of Representatives. Herein they have declared that the inceptive and final authority of establishing laws, which originally belonged to themselves, shall be exercised exclusively by this, the body to whom they have delegated universal discretion over this highest act of sovereignty. This is no ministerial function, but original supreme power—which is to be *exercised*, but cannot in any case, or in any event, be *transferred*. The people may *resume* this authority: but if the Legislature attempt to *transfer* it, such an act would amount to a virtual abdication of their trust. It would resolve the constitution into its original elements, and refer back to the people, the whole system of government, to be re-constructed from the primary principles of power which revert to them immediately from its dissolution.

Such would be the obvious and direct effect of the passage of a law conformable to the present proposition. It proposes to leave to a portion of the people the decision of a matter which can be determined only by the legislature, it attempts to refer legislative discretion and legislative power to the citizens of a single county,—to delegate to them an authority, which if resumed by the whole body of the people, would unequivocally constitute a revolution, and actually abrogate the constitution, and put an end to the existence of every branch of the government. The legislature are called upon to determine the propriety and necessity of a law; and they refer the subject to the *people*; they *transfer* to the citizens of the county of New Castle, all legislative power over the matter, and calmly await the intervention of a popular vote. As easily could they refer any other matter of legislation to the same arbitrament, and constitute in every case before them, an intermediate and ultimate umpire.—making any other body or individual whatever, the legislature of the State! These consequences are too palpable for argument.

Therefore, be it remembered, that it is not simply the question of the removal of the seat of justice which alone is referred to the people—but with it, the legislature must throw back to their discretion the scheme of government under which we live and receive protection: and thereby resolve the whole social system into the unshapen chaos of natural rights, and the conflicting elements of original power.

Again the passage of such a law would not only work a departure from the principles of the constitution; but would of itself, absolutely change the form of government. And this, not merely by removing the legislative functions from their true and legitimate orbit, but by altering the office and duty of the legislature. It would amalgamate with our republican system the forms of the democracies of ancient times.—In those States, the laws were prepared and framed by particular executive bodies, and afterwards submitted to the confirmation of the people. In the early times of the Roman republic, the Senate was the body to whom was committed the initiative power of devising laws, which were subsequently sanctioned by the final action of the people.—In some of the modern Republics the same power has been delegated to

a select assembly, in accordance with which, this particular prerogative of suggesting laws, and putting the legislative power into motion is exercised by these bodies previous to the submission of such laws to the popular sanction. Such would be the manifest effect and tendency of the measure now proposed. It seems superfluous to declare that such a power, and such an office are conspicuously inconsistent with the spirit and genius of the constitution. The consequence is most apparent and absurd. It would cast us back to the evils of primeval polity; and assimilate our institutions to the exploded and worn out systems of antiquity. But there are results to be engendered by the operation of such a measure, of infinitely deeper importance. The immediate and inevitable effect is, to concentrate all power in that body which possesses the initiative prerogative of legislation; thus creating an oligarchy of the most dangerous and monopolizing character, and laying the foundation of doctrines which strike at the root of our institutions, and tend to raze and prostrate the very bulwark of the constitution.

But further;—although the legislative power is perpetual, surviving in the laws it creates, yet the time of its *action* is necessarily limited to the duration of some established period. In accordance with this, the operations of the legislature are confined to the time of its session; and although some of its privileges, and the power of appointing committees to act as commissioners during a recess, still exists, the *aggregate authority of the body politic terminates with its adjournment*. The legislature then, have *no power* to pass an act, which is to *commence to be a law*, at some future time after the dissolution of the legislative existence. They have the unquestioned and customary power of passing laws which are to *bear date* from some prospective period, or which are to operate, or to be null and void upon the happening or otherwise of some contingency.—Of these there are numerous and familiar instances; such as many of the Federal laws respecting the collection of duties and imposts,—or some of those in our own Statute Book, concerning corporations, where there is some condition accompanying the act: in such cases the laws are, when passed, perfect and substantial, only their operation is restricted to a contingency, or they are to be null and void upon failure of the prescribed condition: but a law submitting this question to the people would present the unprecedented instance of a *hollow form*, bearing the empty semblance of a law, which is *none in reality*,—and which would have *no inception as a law*, until the popular vote should have invested it with the requisite attributes and proper sanction.

In every view in which such a law can be considered, it must be regarded as a mere nullity, ineffective and inoperative; or if consummated, it is an act which transfers the legislative power back to the source from which it issued, and thus elevates itself above the control of the constitution, and confounds and nullifies the principles and powers of the government.

The proposition of removal has heretofore been accompanied with certain proposals of the City Council of Wilmington, offering to provide suitable buildings for the reception of the Courts and County officers. There never was any legal validity in these assurances, nor any thing

in the nature of an obligation by which the successors of those who made this ostensible promise could have been at all effected. *There has been no renewal of that offer.* The debts of the corporation of Wilmington are understood to be greater in proportion to its population than those of any other town in the country. The present project would, consequently, have been discountenanced, even at home, had it been accompanied with a prospect of further taxation. But while this matter is well understood among themselves, a *gross deception* has been practised upon those whose assistance has been invited in other parts of the County. The memorials circulated from Wilmington have been signed under the universal belief, that the intention to provide the requisite buildings was still to be made a condition of removal:—and except for this your memorialists believe that no single individual, not beneficially interested, would lend a moment's countenance to the measure. The taxes are already sufficiently onerous; and it is much feared that a loan of six thousand dollars out of the County Treasury to the City of Wilmington may add fresh weight to the burthen. A further accumulation, arising from the necessity of providing new accommodations for the courts, if removed, would be altogether intolerable. No man in the County could be found to advocate a measure which carried with it, such prospective imposition. And could the Legislature be guilty of an act of more glaring injustice than in authorizing a project which would levy an enormous exaction from the whole body of the people for the private benefit of a few restless individuals?

The provision in the reported bill with regard to the erection of suitable buildings by the Corporation, does not in the least alter this aspect of the case. The enactment of the Legislature creates no *contract* upon the part of the authorities of Wilmington; and after the certificate of votes shall have been duly recorded, where is the obligation to provide a Court House and offices? Or if buildings for such purposes should be erected or provided, what security is there that they will be such as are sufficient and suitable to the wants and dignity of the County? Or where is the remedy if they should be in every respect unfit, so they be but *fireproof*? The Corporation and Citizens of Wilmington are to determine the sufficiency of these structures; and if in their generosity they should determine to erect *smoke houses*, and dignify them with the name of fire-proof offices, the provisions of the law would be answered, and the people of the County must be content with the ample *convenience* arising from the new and superior location.

Wilmington is represented by its inhabitants as replete with the materials of enterprise and prosperity. Your memorialists concede the fact, that the spirit of the age has, in a considerable degree communicated its impulse to the efforts of private industry, and that a commensurate improvement has been happily effected. But they would also point out, that the invariable favor and assistance of the Legislature has accompanied these exertions. The Borough has been advanced to a City, and corporate powers for every imaginable purpose, have been profusely lavished upon its citizens. Your Statute Book is filled with enactments intended for their benefit. Let the efforts of enterprise and industry be seconded to their utmost desire: But if the equal

rights, and advancing prospects of other sections of the State are to be alike protected, the assistance of the legislature can extend no further. It will never be so prostituted as to enable the people of Wilmington to rob others of their privileges; privileges which, in the present instance, the Public Faith, founded upon an almost prescriptive enjoyment, has so long preserved and warranted.

It is the nature of covetousness to grow with what it feeds on. Let the Legislature pamper this craving desire; let them yield to the present application, and they will find that they have opened a yawning chasm of appetency which can never be closed up, until the whole resources of the County have been swept into its bosom. The Seat of Justice is the object now—the Seat of Government will be coveted hereafter.

There are many serious subjects of consideration which would enter into the question of the wisdom and expediency of the proposed removal. The result as regards Newcastle, however disastrous, is but one of the many evils which would necessarily attend the issue of this wretched policy. *It would tend to the ruin of every village, every country store and every isolated mechanic in the county;* and this for obvious reasons. If the people of the county are obliged to resort to Wilmington for the purpose of attending the Courts, they will, as a matter of course purchase their household stores, and articles of domestic use where there is found the largest supply, and the most active competition.—If the mercantile and mechanical interests of the small towns should be thus affected, their decay must be the necessary consequence. The produce and resources of the whole county would be drained into Wilmington, swelling its growth and consequence at the expense of the villages and the agricultural classes: for the mercantile and mechanical prosperity of the small towns and farming interest of their vicinity, are mutually dependent; and neither can be effected without a correspondent depression resulting to the other. These are the obvious and undeniable effects of the destructive policy preposterously urged upon the legislature, as accordant to the wishes of the very classes, who are thus to be ruined by its success.

It would be superfluous to enumerate the probable results of a measure so destructive in its tendency. It is an ample illustration of its injustice and inexpediency, thus briefly to point out the immediate consequences. The reason of everyman will teach him what further must ensue, and when the city of Wilmington shall have become inflated with the spoils of the County, and her population sufficiently increased, the whole State may perhaps realize the beautiful results of this *new republican doctrine* that the will of the "majority" is to override all considerations of right and propriety, in utter defiance of that just principle of compromise which was once fondly believed to be inseparably interwoven throughout the whole texture of our institutions.

The territory of Delaware is exceedingly limited, and her whole population smaller than the respective numbers of several single cities of the Union. Owing to soil, situation, and other local circumstances, the middle and southern portions of the State will not for a long period, and perhaps never,—be densely populated. But it is even now the reverse with the upper sections: they are steadily increasing both in the

wealth and number of their citizens, and are possessed of the inducement and the prospect of still more rapid accessions. It is more than probable that Wilmington and its immediate vicinity will ere long comprise within a small compass, a very large number of inhabitants, chiefly of the mechanical classes. What influence this preponderance of population, a population different in habits, feeling and avocations, from the people of the other quarters of the State,—may have upon the future destiny of the lower counties, it would now be useless to conjecture. One thing is certain as an uniform deduction from all the past experience of our country, and as warranted by the very nature and propensities of congregated man; it is to the agricultural classes that we are to look for the maintenance and perpetuation of those principles which constitute the pride, and the security of our institutions. It is by the fixed and permanent denizens of the soil that these great treasures are to be guarded and transmitted to future ages,—not by that fugitive population which lives upon the shifting operations of manufactures, nor by the migratory throngs which follow in the train of commerce. Your memorialists would not undervalue the character or utility of any class or avocation; the present object is simply to point out a probable result arising from peculiar circumstances, that is to say, the disproportionate increase of what may be called a *dependent* population, while the numbers of the independent proprietors of the soil are restricted by the narrow territorial limits of the State. The inevitable result must be the depression of the prosperity and influence of the latter; and unhappy indeed will be the condition of this State when the agricultural interest shall have fallen into a powerless and hopeless minority. May it not then be seriously asked whether the policy which would contribute to build up a single large town, with interests of the State, would not be the most destructive which could under any circumstances be adopted. The numerical force of a “majority” concentrated in the upper part of New Castle County would be a deadly foe to the prosperity of Kent and Sussex, making them the mere appendages of its power, while the whole government of the State would be swayed by a population of corrupt tendencies, and dependent upon corporations and capitalists. Where then, would be found the pride, the integrity and dignity of Delaware? Already the effects of the influence now deprecated have begun to be visible and to be felt. And your memorialists assert that abundant evidence of this fact is to be found upon the records of the present and recent Legislatures. But apart from these general consequences, let the expediency of the proposed measure be very briefly considered in reference to this matter of population, in another point of view. It is repugnant to the uniform policy of the whole country, it is inconsistent with the nature of our institutions that the great operations of Justice or of Legislation should be subjected to the influence of that popular excitement which is so easily kindled in a crowd. There is scarcely a single State of the Union having its seat of government located in the principal town within its territory. The policy above mentioned is the peculiar cause, together with the object of *centrality* of position, which has prevailed universally as the principle of location in regard to almost every capital, and county town throughout the whole country. It is a sound policy which regulates the uniformity of this matter. It is a salutary purpose of withdrawing judicial and legis-

lative deliberation, as far as possible, from all interference of popular influence. Our scheme of government is of the people, but there is nothing in the constitution which warrants the submission of any portion of its administration to the illegitimate action of popular control. The power of the people can never be properly exerted save in the constitutional forms, except it be for the purpose of effecting a necessary revolution. It is wisdom therefore to remove the different branches of government, as far as it may be practicable, from the operation and effect of popular influence: it is a part of that policy from which the distribution of its several powers was originally derived. There is unfortunately abundant demonstration of the danger of subjecting the administration of Justice to the uncontrollable influence of popular excitement: there is sufficient evidence of the inefficiency of the mere forms of law, when its spirit and independence have been frightened away by the noisy clamors of the mob. The degrading spectacle exhibited during the progress of recent criminal prosecutions in the city of New York, are of themselves ample conclusive proof; and this example would, alone, sufficiently demonstrate the expediency of removing the Seat of Justice into the midst of a population containing the like element of excitement and disorder.

The submission of this question to the untimate decision of a popular vote would constitute a fearful epoch in the history of political and moral degradation. The most vivid apprehension could scarcely exaggerate the demoralizing effects necessarily incident to such a measure. It would open the door to irremediable fraud and corruption. It would create a market for bribery, where the voter of the venal might, with impunity, be publicly bought and sold. It would extend the elective franchise to the alien and the unqualified; to all who might be purchased to swell the train, or add weight to the crushing influence of an irresponsible "majority!" without penal restraint, under no competent supervision and unanswerable to future review or scrutiny: Such an election would invariably work more political and moral evil than whole years of subsequent legislation could counteract or repair. And yet this is the project publicly urged through the presses under the control of its advocates, and which is asserted to be alone and emphatically constitutional and republican!

To the Town of Newcastle the removal of the Seat of Justice will be the immediate signal of depopulation and decay. The Courts originally established here have remained unmoved throughout the many vicissitudes incident to its colonial existence, whether subject to the Swedes, or the Dutch; a dependency of New York, or under the mild sway of William Penn; and during the whole period since the establishment of our National Independence. Their permanence is now necessary to the support of those interests which have clustered around them and grown and prospered for the space of nearly two centuries. Although stationary in wealth and population for a long period of time, this ancient town, has at length awakened to new enterprise and industry. The works of the Rail Road and Manufacturing Company have brought an accession of inhabitants, and opened the prospect, and developed the means of new schemes of activity. An extension and improvement of the Harbor is now in the course of accomplishment under the auspices of

the General Government. A branch of the Bank in which the State is most deeply interested is in successful operation with increased facilities, and extended prospects of profit and utility. There are four churches regularly opened and attended. A valuable public library, the most extensive in the State, and highly creditable to the character of the people, has been gradually collected, and is still steadily advancing in accumulation and usefulness. With a location pre-eminently agreeable and advantageous, with renovated prospects and extended means, the citizens of this place might justly hope for prolonged comfort, and increasing prosperity. But the evil efforts of restless jealousy have kept this measure of removal, hovering like a dark cloud over their prospects; and the mere pendency of the question has suppressed their energies and their exertions. Who will build when his house may be so soon untenanted? who will embark in business when the source of custom may fail so quickly?

Your memorialists now throw themselves, their rights, and the interests they represent, upon the protecting Justice of the Legislature.— They rely not only upon the rejection of this application for the removal of the Seat of Justice, they ask that it may be so disposed of it as to prevent, if possible, the future recurrence of so destructive an annoyance. Your memorialists will not for one moment fear that your Honorable Bodies can, with fatal wantonness, lend the assistance of your legislative power to the unjust efforts of selfishness, either by sanctioning this measure through your own action, or by delegating its decisions to the unconstitutional arbitrament of a corrupt and irregular election.

P. B. DELANY,
W. B. JANVIER.
ROBT. H. BARR,
WM. GUTHRIE,
EDWARD WILLIAMS,
JNO. BRADFORD,
JEREMIAH BOWMAN,

SAML. M. COUPER,
EVAN H. THOMAS,
ANDREW C. GRAY,
JAMES BOOTH,
WILLIAM H. ROGERS,
JAS. COUPER, Jr.
WILLIAM T. READ,
GEO. B. RODNEY.

On motion of Mr. Johnson,

Resolved, That one hundred copies of the said memorial be printed for the use of the members of the House.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "An act to confirm the title of the heirs of Col. Armwell Long, late of Sussex County deceased, to certain lands, situate lying, and being in Baltimore Hundred, in said County, and releasing all the right, title, claim and demand of this State, of, in, and to the said lands to the said heirs;"

Also in the bill entitled,

"An act to enable John Hosen of Sussex County, to locate certain vacant lands, situate in Little Creek hundred in said County, and to complete his title to the same."

Also the bill entitled,
 "An act to enable Charles Ralph of Sussex County, to locate certain vacant lands, situate in Little Creek Creek Hundred in said County and complete his title to the same,"

And he withdrew.

Ordered, That the said bills be engrossed.

On motion of Mr. Hamilton,
 The House adjourned to ten o'clock to-morrow morning.

WEDNESDAY 10 o'clock A. M. 25, Jan. 1837.

The House convened pursuant to adjournment.

Mr. Evans, laid on the table the remonstrances of sundry voters of White Clay Creek hundred, also of Pencader hundred, in New Castle County, against the removal of the Seat of Justice of that County, which were,

On his motion,
 Read.

Mr. Brinckloe, presented the petition of Joseph B. Ford, praying the Legislature to authorize him to export a slave from this State, which was,

On his motion,
 Read and referred to a committee of three members.

Messrs. Brinckloe, Fleming, and Booth, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Hamilton,
Resolved, That the House proceed to the order of the day.

The House then took up for consideration the bill entitled "An act to provide for the removal of the Seat of Justice from the Town of New Castle to the city of Wilmington," which was,

On his motion,
 Committed to a committee of three members.

Messrs. Hamilton, Davis, and Buckmaster, were appointed the said committee.

The Speaker, then laid on the table the returns of the Sheriff of Kent County of the late special election in the said County, for a person to fill the vacancy in this House, occasioned by the resignation of Charles Marim, Esquire.

On motion of Mr. Hamilton,
 The bill entitled "A Supplement to the act entitled "An act Supplementary to the act entitled "An act for the establishment of Free Schools,"

Was read a second time by its title.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to an act entitled "An act concerning the sales of real estates made by the Sheriff, in and for New Castle County,"

Was read a second time by its title.

Mr. Buckmaster asked, and

On motion of Mr. Rees,

Obtained leave to introduce a bill entitled "An act for the Protection of the Pivot Bridge over Murderkill Creek, below Frederica, in Kent County," which was,

On motion of Mr. Buckmaster,

Read.

Mr. Brinckloe, presented the petition of sundry citizens of New Castle County, praying a law authorizing Judges and Justices of the Peace to perform the marriage ceremony, which was,

On his motion,

Read and referred to the committee heretofore appointed on the same subject.

Mr. Hamilton, presented the petition of sundry citizens of New Castle County, praying the Legislature to increase the fees of Justices of the Peace and Constables, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Hamilton, Brinckloe and Nickerson, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Davis,

The returns of the Sheriff of Kent County of the special election lately held in said County, by virtue of a writ of election to him directed by the Speaker of this House,

Were read.

By which it appeared that William Tharp, was duly elected to fill the vacancy in this House, occasioned by the resignation of Charles Marim, Esquire.

Mr. Buckmaster, presented the petition of the voters in School District No. 32, Kent County, praying that, the interest arising on this State's share of the surplus revenue, should be appropriated to the School Fund, which was,

On his motion,

Read and referred to the committee to which was referred so much of the Governor's Message as relates to the surplus revenue.

Mr. Lodge, presented the petition of sundry citizens of New Castle County, praying for a like disposition of the said income, which was,

On his motion,

Read and referred to the same committee.

Mr. Buckmaster, presented the petition of the School voters in District No. 40, praying a like disposition of the said income, which was,

On his motion,

Read and referred to the same committee.

Mr. Lodge, laid on the table the account of Thomas Ritchie, against the State of Delaware, which was,

On his motion,

Referred to the committee on claims.

On motion of Mr. Hamilton,

The House adjourned till three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Rees, Chairmn of the committee on Banks, reported back the bill entitled "A further Supplement to the act entitled "An act to incorporate the Bank of Wilmington and Brandywine in the Borough of Wilmington," which had been referred to the said committee, with an amendment, which was,

On his motion,
Read.

On motion of Mr. Rees,
The bill as amended,
Was read, and

On motion of Mr. Rees,
The amendment,

Was adopted.

Mr. Hamilton, presented the petition of Griffin Yeatman and Thomas H. Yeatman, of Cincinnati Ohio, praying the passage of "An act authorizing the Administrator of Mary Jane Barker deceased, to pay over to the said Griffin Yeatman, Guardian in the said State of Ohio, of William L. Graham, Henry Y. Graham and Laura Graham, heirs at law of the said Mary Jane Barker, the residue of her estate in the hands of said Administrator, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Hamilton, Cooper and Jacobs, were appointed the said committee with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted informed the House, that the Senate had concurred in the bill, entitled "An act to amend the act entitled A further Supplement to the act entitled "An act respecting the partition of lands and tenements among joint tenants and tenants in common."

He also presented for concurrence of the House,

A bill entitled "An act to incorporate a Company to promote the culture of Silk in New Castle County."

Also the bill entitled,

"An act authorizing the Register of the Court of Chancery of New Castle County, State of Delaware, to procure a new Seal of Office.

And he withdrew.

Ordered, That the bill concurred in be engrossed.

On motion of Mr. Rees,
The communication from the Senate,

Was read.

Mr. Brinckloe, Chairman of the committee to which was referred the petition of sundry persons of Sussex County, praying a repeal of part of the act entitled "An act to Incorporate a number of the Phy-

sician of the Delaware State, and for other purposes therein mentioned," reported a bill, entitled "An act to amend the act entitled "A Supplement to the act entitled "An act to Incorporate a number of the Physicians of the Delaware State and for other purposes therein mentioned," which was,

On his motion,
Read.

On motion of Mr. Brinckloe,
The House adjourned till ten o'clock to-morrow morning.

THURSDAY 10 o'clock A. M. Jan. 26. 1837.

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee, to which was committed the bill entitled "An act to enable Elizabeth Caroline Whitely, a minor, to sell and convey a certain tract of land therein mentioned,"

Reported back the said bill with an amendment, which was,

On his motion,
Read, and,

On his motion,
The bill as amended,

Was read.

Mr. Hamilton Chairman of the committee, to which was referred the petition of Griffin Yeatman and Thomas H. Yeatman, reported a bill entitled "An act for the relief of William Lee Graham, Laura Graham, and Henry Yeatman Graham, minors, of the City of Cincinnati, in the State of Ohio," which was,

On his motion,
Read,

Mr. Hamilton, presented the petition of Charlotte Harker, of New Castle County, praying for an act, to revive an act granted for her relief, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Hamilton, Hall, and Cooper, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Buckmaster,
The bill entitled "An act for the protection of the Pivot Bridge over Murderkill Creek, below Frederica, in Kent County,"

Was read a second time by its title.

On motion of Mr. Hamilton.

The bill entitled "A further Supplement to the act entitled "An act to enable certain persons therein named, to raise by lottery the sum of fifteen thousand dollars for building a Grand Masonic Hall in the Borough of Wilmington and State of Delaware,

Was taken up and pending the question of reading thereof the second time,

Mr. Booth, moved,
That the bill be indefinitely postponed,
On which question,
The House being divided,
At the request of Mr. Booth,
The yeas and nays were called,
And they were,

As follows, to wit:

Yeas—Messrs. Booth, Cooper, Davis, Hall, Jacobs, Johnson, Lodge, and Nickerson,—8 yeas.

Nays—Messrs. Biddle, Boys, Brinckloe, Buckmaster, Deakyne, Evans, Fleming, Hamilton, Houston, Rees, Waller, and Mr. Speaker, 12 yeas.

So to the motion of Mr. Booth

Was lost.

And the bill,

Passed to a second reading.

On motion of Mr. Hamilton,
The said bill was read, by special order of the House, a third time by paragraphs,

And on the question of the passage of the first section thereof,
The House being divided,

At the request of Mr. Hamilton,
The yeas and nays were called,
And they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Buckmaster, Deakyne, Evans, Fleming, Hamilton, Houston, Jacobs, Rees, Waller, and Mr. Speaker—12 yeas,

Nays—Messrs. Booth, Brinckloe, Cooper, Davis, Hall, Johnson, Lodge, and Nickerson—8 nays.

So the first section of the bill,

Passed the House.

Pending the question of the final passage of the bill,

Mr. Booth, moved,
That the bill be postponed to some day next week,
On which question,
The House being divided,
The Speaker, directed that the yeas and nays be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Brinckloe, Buckmaster, Cooper, Davis, Fleming, Hall, Jacobs, Johnson, Lodge, Nickerson, Waller, and Mr. Speaker—13 yeas.

Nays—Messrs. Biddle, Boys, Deakyne, Hamilton, Houston, and Rees—7 nays.

So the bill,

Was postponed till the next week.

Mr. Fleming, laid on the table the remonstrance of Benjamin Robinson against the petition of Miers Burton and Thomas Robinson, (of Wm.) which was,

On his motion,
Read.

And the remonstrance and petition and bill reported thereon, were,

On motion of Mr. Fleming,
Committed to the same committee originally appointed on the petition.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted informed the House, that the Senate had concurred in the bill, entitled "An act to authorize Joseph Scott, the Administrator, and Sally C. Thomas, the widow of Doctor Joseph Thomas, late of the City of Wilmington, deceased, to make sale of all the real estate of the said Doctor Joseph Thomas, deceased, in manner and form as therein mentioned,"

And he withdrew.

Ordered, That the said bill be engrossed.

Mr. Hall, presented the petition of Lemuel A. Hall, praying an act to authorize him to take up certain vacant land in said petition described, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Hall, Cooper and Evans, were appointed the said committee with leave to report by bill or otherwise.

On motion Mr. Booth,
The House adjourned till three o'clock this afternoon,

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,
The amendments to the bill entitled "An act to enable Elizabeth Caroline Whitely, a minor, to sell and convey a certain tract of land therein mentioned,"

Were adopted.

Mr. Buckmaster, presented the petition of sundry citizens of New Castle County, praying for a law authorizing Judges and Justices of the Peace to perform the marriage ceremony, which was,

On his motion,
Read and referred to the committee heretofore appointed on the same subject.

On motion of Mr. Hamilton,
The bill entitled "A further Supplement to the act entitled "An act to Incorporate the Bank of Wilmington and Brandywine in the Borough of Wilmington,"

Was read a second time.

On motion of Mr. Hamilton,

The bill entitled "An act authorizing the Register of the Court of Chancery of New Castle County, State of Delaware, to procure a new Seal of Office,

Was read a second time; and,

On motion of Mr. Hamilton,

By special order of the House, read a third time by paragraphs, and
Passed the House.

On motion of Mr. Booth,

The bill entitled "An act to Incorporate a Company to promote the culture of Silk in New Castle,"

Was read a second time, and,

On his motion,

Was read, by special order of the House, the third time, by paragraphs, and on the question of the final passage of the bill,

The House being divided,

The Speaker, directed that yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Deaknyne, Fleming, Hall, Hamilton, Houston, Jacobs, Lodge, Nickerson, Rees, Waller, and Mr. Speaker,—17 yeas.

Nays—Messrs. Biddle, and Evans,—2 yeas.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Tharp, who had been elected to fill the vacancy in this House, occasioned by the resignation of Charles Marim, Esq. appeared, was duly qualified and took his seat.

On motion of Mr. Brinckloe,

The bill, entitled "An act to amend the act entitled "A Supplement to the act entitled "An act to Incorporate a number of the Physicians of the Delaware State and for other purposes therein mentioned,"

Was read a second time.

Mr. Fleming, Chairman of the committee, to which was referred the petition of sundry citizens of the Town of Milford and its vicinity respecting the navigation of Mispillion Creek, reported a bill entitled "A Supplement to the act entitled "An act to establish a Company under the name of the Mispillion Navigation Company," which was,

On his motion,

Read.

On motion of Mr. Rees,

The joint resolution respecting the Hospital tax,

Was taken up for consideration, and,

Concurred in.

Mr. Johnson, laid on the table the account of J. L. Harper, Esquire, which was,

On his motion,

Referred to the committee on Claims.

On motion of Mr. Hamilton,

The House adjourned to ten o'clock to-morrow morning,

FRIDAY 10 o'clock A. M. Jan. 27, 1837.

The House convened pursuant to adjournment.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, requested the concurrence of the House, in a joint resolution of the Senate, respecting the appointment of a joint committee to examine and audit the accounts of the Court House Commissioners.

Also—In a joint resolution of the Senate, respecting the construction of piers in the Delaware River and Bay.

And he withdrew.

On motion of Mr. Lodge,
The communication from the Senate,
Was read,

As follows, to wit:

In Senate, Jan. 26, 1837.

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That a Joint Committee of five members be appointed, two on the part of the Senate, and three on the part House, to settle with and audit the accounts of the Commissioners appointed "to provide suitable rooms for the Legislature of this State and that
be the committee
on the part of the Senate and
on the part of the House of Representatives to act in the premises.

"Extract from the Journal,

"J. P. COMEGYS Clerk.

"For concurrence."

Senate Jan. 26, 1837.

The Committee to whom were referred the subject of Piers upon the Delaware Bay and River beg leave to report,

That after a careful inquiry and mature consideration, they are well convinced that the general interest, of commerce and navigation, and especially of that branch of it trading upon the waters of the Delaware, require the prompt and efficient interference of the General Government to repair some of the Piers, already constructed and erect others at points where they are greatly needed, in order to give greater protection and facilities to vessels navigating those waters; *And whereas*, the great advantages already realized from the partial completion of the Delaware Breakwater, would be more available to the citizens of this State, if a pier or mole were constructed to connect that harbor with the main land, and the interests of Commerce greatly subserved by thus affording the facility of loading and discharging the cargoes of vessels detained there by ice, and as several important State improvements would be likely to follow the construction of such a work, it is therefore a subject in which the citizens of this State, as well as the Navigating and Commercial interest at large are greatly concerned,

And whereae, this State did by an act of the Legislature in the year one thousand, seven hundred and ninety-one, assign and make over all its right and title to the piers opposite Reedy Island, with certain land adjoining thereto, for the purpose of promoting the welfare of the navigating interest and as the said piers are in a dilapidated condition, it is highly important to all vessels passing up and down said River in the winter, that they should be thoroughly and substantially repaired, so as to afford the necessary protection against ice, and in as much as the Harbor at Delaware City, near the Pea Patch, is much exposed to ice and storms, and as it is rendered the more important as the point where the Chesapeake and Delaware Canal, disembogues into the Delaware and when vessels passing the said Canal are often detained at great peril and where vessels are often stopped by an abrupt turn in the course of the River to which point certain winds will enable them to attain in ascending the River, but to proceed no further: it is therefore of importance that piers should be constructed at this point, as a shelter from ice and storms, therefore,

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That our Representatives in each branch of Congress, be requested to bring these subjects before their respective Houses and urge an appropriation for the objects above contemplated.

Resolved, That copies of the foregoing be signed by the Speaker of each House and transmitted to our Senators and Representatives in Congress.

“Extract from the Journal,

J. P. COMEGYS, *Clerk*.

“For concurrence.”

The Speaker, laid on the table, the accounts of the Court House Commissioners,

Which were referred to the joint committee appointed on the said subject.

On motion of Mr. Evans,

The Joint Resolution of the Senate, respecting the construction of piers in the Delaware River and Bay,

Was concurred in.

On motion of Mr. Booth,

The Joint Resolution of the Senate respecting the appointment of a committee to examine and audit the accounts of the Court House Commissioners,

Was concurred in: And,

Messrs. Houston, Rees and Evans, were appointed in the part of the House, to act jointly with Messrs. the committee on the part of the Senate

Mr. Buckmaster, Chairman of the committee to which were referred the petitions of divers citizens of this State, praying an act to authorize

Judges and Justices of the Peace to perform the marriage ceremony, submitted a report, which was,

On his motion,

Read,

As follows, to wit:

The committee to which were referred sundry petitions, praying for an act to authorize the Justices of the Peace and Judges of this State to perform the marriage ceremony have according to order had the subject under consideration, and after mature deliberation, have unanimously arrived at the conclusion that there should be no legislative action on the subject. Your committee therefore unanimously recommend the adoption of the following resolution,

Resolved, That the committee on the petitions of sundry persons of this State, praying an act to authorize the Justices of the Peace and Judges of this State to solemnize marriages, be discharged from the further consideration of the subject. And,

On motion of Mr. Buckmaster,
The said Report,

Was adopted.

Mr. Buckmaster, then moved,
That the resolution recommended by the committee be adopted,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called.

At this period a difficulty having been suggested, as to the vote on the report of the committee.

Mr. Hamilton, moved,

That the said vote be reconsidered.

On which question,

The House being divided,

The Speaker, directed that the yeas and nays should be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Boys, Brinckloe, Deakyne, Hamilton, Houston, Jacobs, Johnson, and Lodge,—9 yeas,

Nays—Messrs. Biddle, Buckmaster Cooper, Evans, Hall, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—10 nays.

So the House refused to reconsider the said vote.

The yeas and nays being then called on the question of the final passage of the resolution,

They were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Buckmaster, Cooper, Evans, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—16 yeas.

Nays—Messrs. Booth, Brinckloe, and Deakyne,—3 nays.

So the Resolution,

Was adopted.

And the committee,

Discharged.

r. Cooper, laid on the table the account of John H. Eccleston, which was,

On his motion,
Referred to the committee on claims.

Mr. Houston, Chairman of the committee of enrolment, presented to the Speaker, sundry engrossed Bills.

On motion of Mr. Fleming,
The bill entitled "A Supplement to the act entitled "An act to establish a Company under the name of "The Mississippi Navigation Company,"

Was read a second time.

Mr. Fleming, then moved,
That the said bill be read by special order of the House, a third time by paragraphs, to pass the House;

On which question,
The House being divided,
At the request of Mr. Fleming, the yeas and nays were called,
And they were,

As follows, to wit:

Yeas—Messrs. Booth, Boys, Buckmaster, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Rees, Tharpe, Waller and Mr. Speaker—14 yeas.

Nays—Messrs. Biddle, Brinckloe, Cooper, Davis, Johnson, Lodge, and Nickerson—7 nays.

And the bill,

Passed to a second reading.

On the question,
Shall this be the ninth section of the bill,

The House being divided,
At the request of Mr. Fleming
The yeas and nays were called,
And they were,

As follows to wit:

Yeas—Messrs. Booth, Buckmaster, Deakyne, Evans, Fleming, Hamilton, Houston, Jacobs, Johnson, Nickerson, Rees, Tharpe, Waller, and Speaker—14 yeas.

Nays—Messrs. Biddle, Boys, Cooper, Davis, Hall, Lodge—6 nays.
So the ninth section,

Passed the House.

Pending the question of the final passage of the bill,

Mr. Brinckloe, moved,
That the further consideration of the bill be postponed till next Monday. When

On motion of Mr Davis,
The House adjourned till three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, presented to the Speaker of this House for his signature sundry engrossed bills, which had received the signature of the Speaker of the Senate:

He also presented for concurrence of the House,

A bill entitled "An act for the protection of the fisheries on Broad-kiln Creek," with its accompanying petition.

Also a bill entitled,

"A further Supplement to the act entitled "An act to authorize and empower the owner or possessor of any swamp or low ground to ditch and drain the same, and for rendering more easy and convenient the mode of obtaining permission therefor," with its accompanying petition.

Also a bill entitled,

"An act laying a tax on Dogs and for other purposes," with its accompanying petitions and remonstrances.

And he withdrew.

On motion of Mr. Brinckloe,

The communications from the Senate,

Were read.

A message from the Governor by the Secretary of State.

Charles Marim, Esquire, Secretary of State, being admitted laid on the table, a written communication from the Governor of this State, and informed the House that its accompanying documents had been submitted to the Senate,

And he withdrew.

On motion of Mr. Evans,

The communication from the Governor,

Was read,

As follows, to wit:

EXECUTIVE DEPARTMENT,

Dover, January 27, 1837.

To the General Assembly of the State of Delaware.

I have received from His Excellency, the Governor of Georgia, a report, containing a protest of the Legislature of that State, in relation to the Surplus Revenue of the United States. I have also received from His Excellency, the Governor of Maryland, certain resolutions of the Legislature of that State, in favor of extending the Franking privilege to the Governors and other State functionaries of the Several States.

I lay these documents before you in compliance with the request contained in them.

C. P. COMEGYS.

Mr. Johnson, laid on the table, the report of the Commissioners of the Delaware Rail Road Company, together with sundry documents accompanying the same, which was,

On his motion,

Read,

As follows, to wit:

To the Honorable the Senate and House of Representatives of the State Delaware, in General Assembly met, the undersigned respectfully represent;

That in obedience to the act of the General Assembly of this State entitled "An act to Incorporate the Delaware Rail Road Company," passed on the 20th of June last, they proceeded immediately after the said act could be published to employ Engineers to survey the route of the rail road thereby contemplated, and engaged John Randel, Junior, Esquire, as Engineer in Chief to make the surveys, estimates, maps and reports required by law, he having undertaken to discharge the duties of his said office without any compensation. The surveys have been completed; and they extend from the Wilmington and Susquehanna Rail Road to the Southern boundary of the State, including also several experimental and lateral lines to other parts of the State. The original estimate of the expense of these surveys was three thousand dollars, of which two thousand dollars was appropriated by the act of the last session. The whole actual expense of these surveys has been the sum of two thousand seven hundred and forty-eight dollars and ninety-six cents, being \$251.04, less than the original estimate of the Engineer, and far less than any corresponding distance of road of which they have any knowledge. The whole distance surveyed and estimated including the experimental and lateral lines amounts to about one hundred and eighty miles, and the greatest part of the work was done during the sickly season although the Engineers fortunately were not interrupted in their labour. Included in the foregoing statement of expenses is the expense of the subscription books and papers of the company which have been procured and paid for as the law directs. The maps, estimates and final report of the Engineer are expected to arrive during the present session of the Legislature, and as soon as received they will be immediately laid before you.

It will be seen by reference to the documents in possession of the Commissioners that the expenses of the survey of the Maryland or Eastern Shore Rail Road, comprehending a distance from Elkton to Little Anamesick, one hundred and eighteen miles and a fourth, has been about *fifteen thousand dollars*. We forbear to make any statement in relation to the superior advantages of the Delaware route in this communication, its object being merely for the present to exhibit the amount required to be appropriated to defray the expenses incurred; and for the purpose of explaining how these expenses have been incurred and to whom the money intrusted to them has been paid, the accompanying papers are submitted. The draft of \$504.61, and the certificate of the Engineer, in favor of Henry Todd, Esquire, for \$289.60, will require an appropriation to meet them.

All which is respectfully submitted.

| | |
|-------------------|-------------------------|
| JOHN M. CLAYTON, | } <i>Commissioners.</i> |
| WM D. WAPLES, | |
| RICH'D MANSFIELD, | |

DOVER, Nov. 29, 1836.

"Messrs. John M. Clayton, Wm. D. Waples, and Richard Mansfield, as Commissioners of the Delaware Rail Road.

Sixty days after date pay to Edward Staveley or order, Five hundred and four dollars and sixty-one cents for value received, being the amount due to Edward Staveley; Joshua S. Barton, and Joseph S. Barnard, for services rendered as Engineers on the Delaware Rail Road."

Signed,

§504 61.

EDW'D STAVELEY,

Assistant Engineer.

Accepted on our personal responsibilities,

JOHN M. CLAYTON,

WM. D. WAPLES,

R. M. MANSFIELD.

I DO HEREBY CERTIFY, That the above is a true copy of the draft discounted at the Farmers' Bank at Dover, the 6th December, A. D. 1836.

J. MANLOVE, *Cashier.*

DOVER, 20th Nov. 1836.

Received of John M. Clayton, Wm. D. Waples, and Richard Mansfield, Commissioners of the Delaware Rail Road, their acceptance or a draft at sixty days, dated the 29th Nov. 1836, for the sum of Five hundred and four dollars and sixty one cents, the net proceeds of which amount to Four hundred and ninety-nine dollars and thirty-six cents, which last mentioned sum, is the amount of my account, and the accounts of Joshua S. Burton and Joseph S. Barnard, as Assistant Engineers on the Delaware Rail Road.

EDW'D STAVELEY,

Assistant Engineer.

| | |
|---|----------------------|
| Warrant in favor of John Randel, Jr. | §1000 00 |
| do do Edw'd Staveley, | 700 00 |
| do do do do | 260 00 |
| The whole warrant being §300—§40, of which was paid to Colonel Waples, for Stationary, &c. | |
| Amount of draft accepted as above, | 499 36 |
| | <hr/> §2459 36 <hr/> |

I HEREBY CERTIFY, That the sum of Two hundred and eighty-nine dollars and sixty cents is due to Henry Todd; for services rendered by him in the recent survey for a Rail Road for the State of Delaware.

EDW'D STAVELEY,

Assistant Engineer to

JOHN RANDEL, Jr. Esq.

Dover, 14th Nov. 1836.

The undersigned Commissioners of the Delaware Rail Road Company, certify that the fund appropriated for the survey of the Delaware Rail Road being expended agreeably to the act of Assembly of the 30th of June last, the above amount of Two hundred and eighty-nine dollars and sixty cents, still remains and is due to the above named Henry Todd.

JNO. M. CLAYTON,
WM. D. WAPLES,

Dover, November 14, 1836.

On motion of Mr. Johnson,

The said resolution and the documents accompanying it, were referred to a committee of three members.

Messrs. Johnson, Brinckloe, and Booth, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Rees, Chairman of the committee on Banks, to which was referred the memorial of the Bank of Smyrna, reported a bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank and Incorporate a Company under the name of the Bank of Smyrna," which was,

On his motion,
Read,

Mr. Hamilton, Chairman of the committee to which was referred the petition of Charlotte Harker, reported a bill entitled "An act to revive and continue in force "An act entitled "An act for the relief of Charlotte Harker, which was,

On his motion,
Read.

On motion of Mr. Hamilton,

The bill entitled "A further Supplement to the act entitled "An act to Incorporate the Bank of Wilmington and Brandywine in the Borough of Wilmington,"

Was taken up for consideration, when,

On motion of Mr. Hamilton,
It was postponed till to-morrow.

The question for the postponement of the bill entitled "A Supplement to the act entitled "An act to establish a Company," which was before the House at its adjournment this morning, being put, and the House being divided,

The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Hall, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker,—15 yeas.

Nays—Messrs. Evans, Fleming, Hamilton, and Jacobs,—4 nays.
So the bill,

Was postponed till monday next.

Mr. Buckmaster, moved,
That the bill entitled "An act laying a tax on dogs, and for other purposes," be

Indefinitely postponed.

On which question,
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Brinckloe, Buckmaster, Davis, Deakyne, Hall, Hamilton, Houston, Jacobs, Nickerson, and Waller—11 yeas.

Nays—Messrs. Booth, Boys, Cooper, Evans, Fleming, Johnson, Lodge, Rees, Tharp, and Mr. Speaker—10 nays.

So the bill,

Was indefinitely postponed.

On motion of Mr. Evans,
The House adjourned till to-morrow morning.

SATURDAY 10 o'clock A. M. 28. Jan. 1837.

The House convened pursuant to adjournment.

Mr. Evans, Chairman of the committee to which was referred the petition of Margaret Morgan, reported a bill entitled "An act for the relief of Margaret Morgan, of Pencader Hundred, in New Castle County," which was,

On his motion,

Read.

On motion of Mr. Buckmaster,

The bill entitled "An act for the protection of the Pivot Bridge, over Murderkill Creek, below Frederica, in Kent County,"

Was taken up read a third time, by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Deakyne, Chairman of the committee to which was committed the petition of Miers Burton, and Thomas Robinson, (of Wm.) together with the bill founded thereon, and the remonstrance against the same, laid on the table a report, which was,

On his motion,

Read,

As follows, to wit:

The Committee to whom was referred the bill entitled "An act authorizing the condemnation of a certain piece and parcel of upland, cripple and low ground, situate on the head of the North prong or branch of Herring Creek and contiguous to the North East end of the Mill Dam of Miers Burton and Thomas Robinson, (of William,) in Indian River Hundred in the County of Sussex, and the petition for and the remonstrance against the passage of the said bill, have had the same under the due consideration, and have met the parties interested in the

same, and heard them upon the subject, and after fully considering the whole matter, do beg leave to report and they do accordingly now report, that in their opinion the said bill should not pass—and they also report to the House the following resolution on the subject, viz:

Resolved, That the said bill, the title of which is above mentioned, be indefinitely postponed.

Mr. Nickerson, moved,
That the said report be,

Adopted,

Pending the question,

Mr. Hamilton, moved,
That the further consideration of the subject be postponed till Tuesday next,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Buckmaster, Hall, Hamilton, Houston, Jacobs, Lodge and Mr. Speaker—7 yeas.

Nays—Messrs. Biddle, Booth, Boys, Buckmaster, Cooper, Davis, Deakyne, Evans, Fleming, Johnson, Nickerson, Rees, Tharp, and Waller—14 nays.

So the House,

Refused to postpone.

The question being then put on the adoption of the report,

And the House being divided,

The Speaker, directed the yeas and nays to be called:

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Buckmaster, Cooper, Davis, Deakyne, Evans, Fleming, Johnson, Nickerson, Rees, and Tharp,—13 yeas.

Nays—Messrs. Brinckloe, Hall, Hamilton, Houston, Jacobs, Lodge, Waller, and Mr. Speaker—8 nays.

So the report,

Was adopted.

Mr. Deakyne, then moved,

That the resolution annexed to the said report, be adopted,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Buckmaster, Cooper, Davis, Deakyne, Evans, Fleming, Johnson, Nickerson, Rees, and Tharp—13 yeas.

Nays—Messrs. Brinckloe, Hall, Hamilton, Houston, Jacobs, Lodge, Waller and Speaker—8 nays.

So the Resolution,

Passed the House.

And the bill was,

Indefinitely postponed.

Mr. Johnson, Chairman of the committee to which was referred the report of the Delaware Rail Road Commissioners with its accompanying documents reported a bill entitled “An act for the payment of certain claims therein mentioned, which was,

On his motion,

Read.

Mr. Brinckloe, Chairman of the committee to which was referred the petition of Joseph B. Ford, reported a bill entitled “An act to authorize and empower Joseph B. Ford, of the City of Washington, to export a certain slave therein mentioned, which was,

On his motion,

Read.

On motion of Mr. Evans,

The House adjourned till two o'clock this afternoon,

Eodem Die, 2 o'clock P. M.

The House convened pursuant to adjournment.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, requested the concurrence of the House in the bill entitled “An act to vest in Joseph C. Griffith of the Village of Cantwells Bridge, in New Castle County the title of this State in and to a lot of land in said Village:

Also in a Joint Resolution,

Instructing the Senators and Representatives from this State in Congress, to adopted measure to secure this State's claim to the Pea Patch Island,

And he withdrew.

On motion Mr. Brinckloe,

The communication from the Senate, was read,

As follows, to wit:

In Senate, Jan. 28, 1837.

The committee to whom was referred so much of the Governor's message as relates to a certain Henry Gale, a citizen of New Jersey, to a portion of the territory of this State, in the river Delaware, known by the name of the Pea Patch Island, (now Fort Delaware,) beg leave to report, that

WHEREAS, a certain Henry Gale, a citizen of New Jersey, under a title derived from that State, to an Island in the river Delaware, (now

known as the site of Fort Delaware,) did, during the past recess of Congress, renew an action of ejectment against the tenant in possession under the United States, in the Circuit Court for the district of New Jersey, and therein prosecuted the same to trial whereby he succeeded in obtaining a verdict in his favour.

And whereas, the State of Delaware, by custom and usage, has from time immemorial, claimed the right to and exercised jurisdiction over the soil of the aforesaid island, up to the present time, as a part of her undoubted territory under ancient grants and charters, which, under the administration of President Monroe, were successfully maintained against the aforesaid claimant, who at that time instituted a suit for the purpose of justifying his claim; the suit on the part of this State and of the general government, was defended by able counsel of this State, retained by the then administration of the general government: and with such evidence as was then adduced, it would appear almost impossible that a different verdict or result could have been produced: Therefore,

Resolved, by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That our Senators and Representative from this State, in Congress of the United States, be and they are hereby requested to bring the foregoing subject under the consideration of Congress, and recommend either the retrocession of the said Island back to this State, or otherwise adopt such measures as may be deemed expedient, whereby this State may be placed in an attitude legally to assert and maintain her just rights and title to the said territory.

Resolved, That copies of the foregoing preamble and resolution be signed by the Speakers of the Houses respectively, and transmitted by them to each of the Senators and the Representative of this State, in the Congress of the United States.

“Extract from the Journal,

“J. P. COMEGYS, Clerk.

“For concurrence.”

Mr. Jacobs, chairman of the committee to which was referred the petition of Daniel Cannon, reported a bill entitled An act to enable Daniel Cannon, of Sussex County to locate certain vacant land situate in North West Fork Hundred in said County, and to complete his title to the same, which was

On his motion,
Read.

Mr. Hall, Chairman of the committee to which was referred, the petition of Lemuel A. Hall, reported a bill entitled “An act to enable Lemuel A. Hall of Sussex County, to locate certain vacant land, situate in Baltimore Hundred in said County and to complete his title to the same, which was,

On his motion,
Read.

On motion of Mr. Evans,
The House concurred in the Joint resolution of the Senate.

Mr. Cooper, laid on the table the account of Peter B. Adams, which was,

On his motion,
Referred to the committee on claims.

On motion of Mr. Brinckloe,
The bill, entitled "An act to amend the act entitled "A Supplement to the act entitled "An act to Incorporate a number of the Physicians of the Delaware State and for other purposes therein mentioned,"
Was read a third time by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Hamilton,
The bill entitled "An act for the relief of Charlotte Harker,
Was read a second time by its title.

On motion of Mr. Hamilton,
The bill entitled "An act for the relief of William Lee Graham, Laura Graham and Henry Yeatman Graham, minors, of the City of Cincinnati, in the State of Ohio,
Was read a second time by its title.

Mr. Hamilton, asked, and,

On motion of Mr. Booth,
Obtained leave to introduce a bill entitled "A Supplement to the act entitled "An act regulating fees," which was,

On his motion,
Read.

Mr. Hamilton, presented the petition of sundry citizens of New Castle County, praying that part of a debtors property should be exempted from execution, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Hamilton, Brinckloe and Cooper, were appointed the said committee with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, requested the concurrence of the House, in the bill entitled "An act to enable John Ginn, to sell a certain negro therein mentioned into the State of Maryland," with its accompanying petition.

And he withdrew.

On motion of Mr. Evans,
The communication from the Senate,

Was read.

On motion of Mr. Booth,
The House adjourned to ten o'clock to-morrow morning.

MONDAY 10 o'clock A. M. Jan. 30, 1837.

The House convened pursuant to adjournment.

On motion of Mr. Johnson,

The bill entitled "An act for the payment of certain claims therein mentioned."

Was read a second time,

Mr. Johnson, laid on the table the account of Henry Todd, which was,

On his motion,

Referred to the committee on Claims.

Mr. Evans, laid on the table a joint resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That both Houses of the Legislature adjourn on
Sine die. day of February,

On motion of Mr. Hamilton,

The bill entitled "A further Supplement to the act entitled an act to enable certain persons therein mentioned to raise by lottery the sum of fifteen thousand dollars for building a Grand Masonic Hall, in the borough of Wilmington and State of Delaware," which had been postponed to this day,

Was taken up with a view to its final passage,

When Mr. Booth, moved,

That the said bill be committed to a committee of three members.

On which question,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were

As follows, to wit:

Yeas—Messrs. Booth, Brinckloe, Cooper, Davis, Fleming, Hall, Jacobs, Johnson, and Waller,—9 yeas,

Nays—Messrs. Biddle, Boys, Buckmaster, Deakyne, Evans, Hamilton, Houston, Lodge, Tharp, Rees, and Mr. Speaker—11 nays.

So the motion of Mr. Booth,

Was lost.

The Question then being,

On the taking up of the said bill with a view to its final passage,

And the House being divided,

The Speaker directed the yeas and nays to called,

Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Buckmaster, Deakyne, Evans, Hamilton, Houston, Lodge, Tharp, Rees, and Mr. Speaker—11 yeas.

Nays.—Messrs. Booth, Brinckloe, Cooper, Davis, Fleming, Hall, Jacobs, Johnson, Nickerson, and Waller,—10 nays.

So the motion of Mr. Hamilton,

Prevailed.

And the bill was taken up with a view to its final passage,

On the question of the final passage whereof,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done, and they were

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Buckmaster, Deakyne, Evans, Hamilton, Houston, Rees, and Mr. Speaker,—9 yeas.

Nays—Messrs. Booth, Brinkloe, Cooper, Davis, Fleming, Hall, Jacob, Jacobs, Johnson, Lodge, Nickerson, Tharp, and Waller,—12 nays.

So the bill

Was lost

Mr. Brinckloe, presented the petition of sundry citizens of New Castle County against lotteries, which was

On his motion,

Read.

Mr. Johnson asked; and,

On motion Mr. Brinckloe,

Obtained leave to introduce a bill entitled “An act authorizing the Governor of this State to appoint commissioners in other States to take depositions, the acknowledgment of deeds &c., and to appoint notaries public in this State, and

On motion of Mr. Johnson,

The same was read,

Mr. Fleming, presented the petition of William Heathers, Guardian of Sarah Ann T. Leddenham, requesting an act to authorize him to sell certain real estate of the said minor, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Fleming, Booth and Waller, were appointed the said committee with leave to report by bill or otherwise.

On motion of Mr. Hamilton,

The bill entitled “An act to revive and continue in force the act entitled “An act for the relief of Charlotte Harker,

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Hall,

The bill entitled “An act to enable Lemuel A. Hall of Sussex County, to locate certain vacant land, situate in Baltimore Hundred in said County and to complete his title to the same,

Was read a second time.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled “An act to

Incorporate the Franklin Beneficial Society of Wilmington Delaware, for the relief of the members thereof, their widows and Orphan children," with an amendment.

And he withdrew.

On motion of Mr. Hamilton,

The communication from the Senate, was read,

As follows, to wit:

"Amend the bill by adding to the 4th Section, the following: "And provided also that nothing in this act shall be construed or taken to authorize the said Corporation holding real estate, the yearly income or rental value whereof shall exceed five hundred dollars for a longer period than one year.

On motion of Mr. Hamilton,

The House concurred in the amendment of the Senate,

Ordered, That the bill be engrossed.

On motion of Mr. Evans,

The House adjourned to 3 o'clock this afternoon.

Eodem Die, 2 o'clock P. M.

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee to which was referred the bill respecting the removal of the Seat of Justice of New Castle County, asked, and,

On motion of Mr. Lodge,

Obtained farther time.

On motion of Mr. Johnson,

The bill entitled "An act for the payment of certain claims therein mentioned,"

Was read a third time by special order of the House, by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Deakyne, Chairman of the committee to which was referred the Surveyors petition submitted the following report, which was,

On his motion,

Read,

As follows, to wit:

The committee to whom was referred the petition of sundry Surveyors of the State of Delaware, praying the Legislature to pass a law to establish a true Meridian, have had the same under consideration, and after fully considering the whole matter, do beg leave to report and they do accordingly now report that in their opinion it is inexpedient at this time to legislate on the said subject, and the committee ask leave to be discharged from the further consideration of the said subject, and

On motion of Mr. Deakyne,

The report of the committee,

Was adopted.

On motion of Mr. Hamilton,
The bill entitled "A Supplement to the act entitled "An act Sup-
plementary to the act entitled "An act for the establishment of Free
Schools,"

Was taken up, read a third time, by paragraphs, and,

On the question,
"Shall this be the third section,"

The House being divided,

The Speaker directed the yeas and nays to be called.

Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Buckmaster Cooper, Deakyne, Evans,
Fleming, Hamilton, Houston, Jacobs, Lodge, Tharp, Rees, Waller,
and Mr. Speaker—15 nays.

Nays—Messrs. Booth, Brinckloe, Davis, Hall, Johnson, and Nick-
erson—6 yeas.

So the third section,

Passed the House:

And on the final passage of the said bill,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Buckmaster, Cooper, Deakyne, Evans,
Fleming, Hamilton, Houston, Jacobs, Lodge, Tharp, Rees, Waller, and
Mr. Speaker—15 yeas.

Nays.—Messrs. Booth, Brinckloe, Davis, Hall, Johnson, and Nick-
erson,—6 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, returned to the
Speaker sundry enrolled bills,

And he withdrew.

Mr. Buckmaster presented the petition of School District No. 31 in
Kent County, praying that the interest arising from this State's share of
the surplus revenue should be appropriated to the School Fund, which was,

On his motion,

Read and referred to the committee on the surplus revenue.

Mr. Nickerson, presented the petition of Edward Milbourn, praying
for a law to authorize him to sell a tract of land belonging to Emeline
Ann Milbourn his daughter, which was,

On his motion,

Read and referred to a committee three members.

Messrs. Nickerson, Jacobs, and Cooper, were appointed the said
committee, with leave to report by bill or otherwise.

On motion of Mr. Rees,

The bill entitled "A Supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple lying on both sides of Silver River and fronting the River Delaware effectually to embank and drain the same and keep the banks, dams, sluices and drains in repair and to raise a fund to defray the expenses thereof,"

Was read a second time.

On motion of Mr. Jacobs,

The bill entitled "An act to enable Daniel Cannon, of Sussex County, to locate certain vacant lands situate in North West Fork Hundred in said County and to complete his title to the same,

Was read a second time, and

On his motion,

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Houston, presented the petition of Wm. and M. Stuart, praying a law to appoint an Inspector of flour, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Houston, Rees, and Biddle, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Deakyne presented the petition of sundry persons of New Castle County, praying that the income of this State's share of the surplus revenue be appropriated to the school fund, which was,

On his motion,

Read and referred to the committee on the surplus revenue,

Mr. Booth, asked, and,

On motion of Mr. Davis,

Obtained leave to introduce a bill entitled "An act for the better preservation of the records in the office of the Prothonotary of the Superior Court in New Castle County.

Mr. Houston, presented the petition of sundry citizens of Sussex County, requesting the appointment of a Justice of the Peace in Nanticoke Hundred, Sussex County, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Houston, Davis, and Johnson, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Hamilton,

The House adjourned to ten o'clock to-morrow morning.

TUESDAY 10 o'clock A. M. 31, Jan. 1837.

The House convened pursuant to adjournment.

Mr. Fleming, laid on the table the following resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved, by the House of Representatives, That the Clerk of this House, be directed to write on to the several editors of the newspapers which have been furnished to the members of this House, for their respective bills, and

On his motion,
The resolution,

Was adopted.

Mr. Buckmaster, presented the petition of Thomas Lockwood, praying an act to revive and continue in force the bill entitled "An act to authorize John Stradley, to erect a gate across a public road therein mentioned," which was,

On his motion,
Read and referred to a committee of three members,

Messrs. Buckmaster, Deakynne and Davis, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Booth,
The bill entitled "An act to vest in Joseph C. Griffith of the Village of Cantwells Bridge, in New Castle County the title of this State in and to a lot of land in said Village:

Was read a second time by its title.

On motion of Mr. Hamilton,
The bill entitled "An act for the relief of William Lee Graham, Laur Graham and Henry Yeatman Graham, minors, of the City of Cincinnati, in the State of Ohio,

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, requested the concurrence of the House, in the bill entitled "An act to improve the Navigation of Broadkilm Creek,"

And he withdrew.

On motion of Mr. Hamilton,
The bill,

Was read.

Mr. Lodge, presented the petition of the Cherry Island marsh Company, praying for an act to empower them to cut a canal, which was,

On his motion,

Read and referred to Messrs. Lodge, Houston and Tharp, with leave to report to by bill or otherwise:

Mr. Fleming, moved,

That the bill entitled a Supplement to the act entitled "An act to establish a Company under the name of the Mispillion Navigation Company,"

Be taken up with a view to its final passage,

Pending which question,

Mr. Johnson, moved,

That the said bill be committed to a committee of three members.

Which motion,

Prevailed.

Messrs. Johnson, Fleming and Davis, were appointed the said committee, with leave to report by bill or otherwise,

On motion Mr. Hamilton,

The bill entitled "An act to revive and continue in force "An act entitled "An act to incorporate the owners of the Beaver Gut marsh, for the better securing and improving the same,

Was read a second time by its title.

On motion of Mr. Hamilton,

The bill entitled "An act to enable Elizabeth Caroline Whitely, a minor, to sell and convey a certain tract of land therein mentioned,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Jacobs, presented the petitions of sundry citizens of North West Fork and Nanticoke hundreds, in Sussex County, praying a repeal of the law against horse racing.

Mr. Waller, also presented the petitions of sundry citizens of Little Creek hundred, in Sussex County, in favor of the repeal of the same law.

Mr. Brinckloe, presented the petition of sundry citizens of Sussex County, praying the repeal of the same law.

Mr. Hamilton, presented the petitions of upwards of five hundred inhabitants of New Castle County, praying a repeal of the same law.

On motion of Mr. Jacobs,

The said petitions were referred to a committee of three members.

Messrs. Jacobs, Fleming, and Hamilton, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Booth,

The House adjourned till three o'clock this afternoon,

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Deakyne, laid on the table the petition of John Wilson, praying a law to sell the land of a certain John Wilson, minor, therein mentioned, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Deakyne, Brinckloe, and Rees, were appointed the said committee, with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, informed the House, that the Senate had concurred in the bill entitled "An act for the payment of certain claims therein mentioned,"

And he withdrew.

Ordered, That the said bill be engroed.

Mr. Cooper, asked, and,

On motion of Mr. Rees,

Obtained leave to introduce a bill entitled, "A Supplement to the act entitled "An act respecting devises of lands, joint estates and dower."

On motion of Mr. Rees,

The bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank, and incorporate a Company under the name of the Bank of Smyrna," was,

Read.

Mr. Hamilton, Chairman of the committee to which was referred the bill for the removal of the Seat of Justice from the Town of New Castle to the City of Wilmington, "reported back the bill with an amendment," which,

On his motion,

Was read,

as follows, to wit:

Amend the bill by inserting after the title the following:

WHEREAS, it hath been represented to this General Assembly, that the interest and convenience of the inhabitants of New Castle County require that the Seat of Justice for said County should be established in the City of Wilmington; And whereas, the corporation of the said City of Wilmington has offered to provide a Court House, fire proof offices and a gaol for the use of the said County, at the proper charge of the said city, which said Court House, fire proof offices and gaol shall be approved by the commissioners to be appointed for that purpose, by the Superior Court held in and for New Castle County, and upon such approval the said corporation of the City of Wilmington, will execute a declaration of trust under the seal of the said corporation setting forth that the said Court House, fire proof offices and gaol shall be and remain for the use of the said County, as long as the said City of Wilmington shall be and remain the Seat of Justice for New Castle County, And whereas an unexceptionable mode of making known the sense of the inhabitants of the said County of New Castle, will be for them at an election hereinafter authorized and provided for, to vote by ballot for or against the removal of the said Seat of Justice from the Town of New Castle to the City of Wilmington, as they shall severally choose to do, Therefore,

Amend the bill by striking out all that part of the first section after the word "and" in the twentieth line thereof and inserting the following "it shall be the duty of the Sheriff or other presiding officer of the board of canvass, which shall be held on the second Tuesday of the said month of April next and the inspectors present at such board of canvass before its adjournment, to make under their hands four certificates, of all the votes given for or against the removal of the Seat of Justice as aforesaid, one of which certificates the said Sheriff or other presiding officer of the board of canvass as aforesaid, shall by himself or any person deputed for the purpose, deliver to the Governor, one to the Prothonotary of New Castle County, one to the Speaker of the

Senate, and one to the Speaker of the House of Representatives, to be by them laid before their respective Houses at a session of the General Assembly to be commenced by the Governor.

Amend the bill by striking out the second, third and fourth sections and inserting the following:

Sec. 2. *And be it further enacted*, That in case it shall appear by the certificates aforesaid, that a majority of all the votes given at the said election are for removal, then and in that case it shall and may be lawful for the Governor and he is hereby desired within sixty days, after the said certificates shall be by him so received to convene the Legislature of this State to carry into effect the object of this act.

Sec. 3. *And be it further enacted*, That the expences of the said election shall be borne and defrayed by the said County of New Castle.

Mr. Booth, then moved,
That the said amendment and bill be,

Indefinitely postponed.

On which question,
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth Brinckloe, Cooper, Davis, Deakyna, Fleming, Hall, Nickerson, and Waller—10 nays.

Nays—Messrs. Boys, Buckmaster, Evans, Hamilton, Houston, Jacobs, Johnson, Lodge, Rees, Tharp, and Mr. Speaker—11 nays.

So the motion of Mr. Booth,

Was lost.

Mr. Hamilton, then moved,
That the further consideration of the said bill be postponed till tomorrow.

The Speaker, then laid on the table a resolution of the Farmers' Bank of the State of Delaware, which was,

On motion of Mr. Evans.
Read,

As follows, to wit:

At a general meeting of the Stockholders of the Farmers' Bank of the State of Delaware, held according to adjournment at the Banking house in Dover, January 31, 1837. Jacob Raymond was called to the Chair, and Hunn Jenkins appointed Secretary,

The following Resolutions were adopted by the meeting,

Resolved unanimously, by the Stockholders of the Farmers' Bank of the State of Delaware, That this Bank will not, in any event consent to borrow of the State of Delaware, or any other State, or lender whatsoever, any sum of money for the purpose of Banking at any rate of interest, which can be proposed: it being in our judgment manifestly

against sound policy to convert the Institution into a Corporation trading on a borrowed, instead of a real capital, owned by its proprietors.

Resolved further, That while we still adhere to the proposition heretofore made by us to the Legislature through a committee to permit the State to invest a portion of its share of the surplus revenue in this Bank as a Stockholder, we protest against any inference being drawn from this fact that we have any private interest to subserve in making it, and if the Legislature can devise any other mode of investing that money or any part of it which in its own judgment is equally expedient, we cheerfully renounce all claim to its investment here—and to the end that our views on this subject may not be misrepresented or misunderstood.

Resolved, That a duly certified copy of these resolutions be respectfully presented to the Legislature.

I CERTIFY, that the above is a true copy from the Journal.

J. MANLOVE, *Cashier*,

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, requested the concurrence of the House in the bill entitled "An act to improve the Navigation of Broadkiln Creek,"

And he withdrew.

On motion of Mr. Rees,

The communication from the Senate, was read.

On motion of Mr. Booth,

The bill entitled "An act for the better preservation of the records in the office of the Prothonotary of the Superior Court in New Castle County.

Was read a second time.

Mr. Johnson, presented the petition of the owners of the marsh and low grounds, situate upon Green Branch, praying for a law to ditch and drain the same, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Johnson, Cooper, and Evans, were appointed the said committee, with leave to report by bill or otherwise.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, requested the concurrence of the House, in a joint resolution respecting the Journal of the Senate of the United States,

And he withdrew.

On motion of Mr. Buckmaster,

The joint resolution from the Senate, was read,

As follows, to wit:

WHEREAS, the President of the United States, in the month of September 1833, by an abuse of the power of appointment to office, did cause the public money of the United States, to be removed from the custody of the Bank of the United States, where it had been deposited by law subject only to be removed by the Secretary of the Treasury, upon good and sufficient reasons to be exhibited to Congress and did declare that he assumed the responsibility of that act; an act which this General Assembly believes was pernicious in its consequences, and derogatory to the public faith, as well as subversive of the Constitution; **AND WHEREAS**, the Senate of the United States, on the 28th day of March thereafter, upon full consideration of the said act, of the President of the United States, and in the exercise, as this General Assembly solemnly believes, of its constitutional power, did declare its opinion of the said act; and caused that opinion to be recorded in its Journal, in the words following, viz:

“Resolved; That the President, in the late Executive proceedings, in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both.” **AND WHEREAS**, a resolution was adopted by the Senate of the United States, on the 16th day of January instant, in the words following, viz:

“Resolved; That the said resolve (meaning the preceding resolution,) be expunged from the Journal; and for that purpose, that the Secretary of the Senate, at such time and place, as the Secretary may appoint, shall bring the manuscript Journal of the Session of 1833—34 into the Senate, and in the presence of the Senate, draw black lines round the said resolution and write across the face thereof, in strong letter, the words: “Expunged by order of the Senate, this 16th day of January, in the year of our Lord, 1837.”

And the said Secretary did thereupon produce the said Journal, and according to the direction of the said resolution, did draw black lines around the resolution of the 28th of March, 1834, as it was recorded in the said Journal, and wrote across the face thereof the words: *“Expunged by order of the Senate, this 16th day of January in the year of our Lord 1837,”* thereby altering, defacing and mutilating a public record.

And this General Assembly solemnly believing in the truth and justice of the resolution of the 28th of March 1834, and in the full and perfect right of the Senate, under the Constitution, to adopt the same, cannot but view with the strongest feelings of condemnation, an act which, in their judgment, controverts a solemn truth, violates the Constitution by *destroying* that which the Constitution enjoins shall be *kept*, and directly invades the rights of the several States of this confederacy, each of which has a property in the Journal of the Senate, as that is the only record from which it can derive a knowledge of the votes and acts of its Representatives in that body; and for the purpose as well, of vindicating the rights of this State in the premises, as of sooner or later re-establishing the constitutional power of the Senate of the United States, and of vindicating the Constitution itself, by the **RESOLUTION** of the Journal of the Senate, so that it shall remain a

true and faithful record of the acts and proceedings of the Senate, and in all time hereafter be kept as the Constitution enjoins.

Be it therefore. Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Senators of this State in the Congress of the United States, be and they are hereby instructed, to introduce in the Senate and give their earnest support to a resolution for the restoring to the Journal of its proceedings of the 28th day of March 1834, and for rescinding and solemnly disavowing the principles of the restoration of the 16th day of January, 1837; and to give notice in the Senate that the motion will be persisted in until the journal of the Senate of the 28th day of March 1834, shall be restored, the constitutional powers of the Senate vindicated, and the right and property of this State in the journal of the Senate firmly re-established.

Resolved. That a copy of the foregoing proceedings signed by the Speakers of both Houses, be transmitted by the Governor, to the Senators of this State in Congress, with a request that they be laid before the Senate.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, returned to the House sundry engrossed bills,
And he withdrew.

On motion of Mr. Johnson,

The joint resolution of the Senate respecting the restoration of the Journal of the Senate of the United States,

Was concurred in.

On motion of Mr. Hall,

The bill entitled "An act to enable Lemuel A. Hall of Sussex County, to locate certain vacant land, situate in Baltimore Hundred in said County and to complete his title to the same,

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

The bill entitled "A further Additional Supplement to the act entitled "An act to establish a Bank, and to incorporate a Company under the name of the Bank of Smyrna."

Was read a second time.

When Mr. Fleming, moved,

An amendment thereto, which was,

On his motion,

Read,

Mr. Buckmaster, then moved,

That the adoption of the amendment lay over 'till to-morrow.

Which motion,

Prevailed.

On motion of Mr. Hamilton,

The House adjourned to ten o'clock to-morrow morning.

WEDNESDAY 10 o'clock A. M. 1, Feb. 1837.

The House convened pursuant to adjournment.

Mr. Deakyne, Chairman of the committee to which was referred the petition of John Wilson, praying a law to sell the real estate of a certain John Wilson, minor, reported a bill entitled "An act for the relief of John Wilson, minor, which was,

On his motion,

Read,

Mr. Johnson, moved,

That the yeas and nays on the joint resolution of the Senate, respecting the restoration of the Journal of the Senate of the United States, which were omitted by the Clerk of the House on his Journal be placed thereon,

Which motion,

Prevailed.

And the yeas and nays were,

As follows, to wit:

Yeas—Messrs. Brinkloe, Buckmaster, Cooper, Davis, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Rees, Waller, and Mr. Speaker,—13 yeas.

Nays—Messrs. Biddle, Booth, Boys, Deakyne, Evans, Hamilton, Lodge, and Tharp,—8 nays.

Mr. Hamilton, Chairman of the committee to which was referred the bill entitled "An act to increase the fees of Justices of the Peace and Constables, reported that it was inexpedient to legislate on this subject.

Mr. Hamilton, Chairman of the committee to which was referred the petition for the exemption of a part of the debtors property from execution process, reported that it was inexpedient to legislate on this subject.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted, requested the concurrence of the House, in a bill entitled "A Supplement to the acts passed at Dover, February 15th 1814, and January 29th 1815, authorizing the appointment of Trustees to secure the rents of lands and the marsh on Cape Henloper, and preventing trespasses being committed on said Cape,

And he withdrew.

On motion of Mr. Hamilton,

The communication from the Senate,

Was read.

On motion of Mr. Hamilton,

The bill entitled "An act to provide for the removal of the Seat

of Justice for New Castle County, from the Town of New Castle to the City of Wilmington."

Was taken up for consideration, when, he proposed an amendment, to the amendments heretofore offered,

Whereupon,

Mr. Hamilton, moved,

That the said bill be recommitted to the same committee, which reported it, to report to-morrow,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Boys, Brinckloe, Buckmaster, Cooper, Davis, Deakyn, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—18 yeas.

Nays—Messrs. Biddle, Booth and Evans—3 nays.

So the bill was recommitted to the same committee.

Mr. Lodge, Chairman of the committee to which was referred the petition of the Cherry Island Marsh Company, praying for "An act to empower them to cut a canal, reported a bill entitled "An act to incorporate the Cherry Island Marsh Company," which was,

On his motion,

Read,

Mr. Fleming, Chairman of the committee to which was referred the petition of William Heather, praying for a law to authorize him as Guardian of Sarah A. T. Ledenham, to sell certain land therein mentioned," reported that they deemed it inexpedient to legislate on this subject, and,

On his motion,

The report;

Was adopted.

On motion of Mr. Cooper,

The bill entitled "A Supplement to the act entitled "An act respecting devises of lands, joint estates and dower,"

Was read a second time, and,

On motion of Mr. Johnson,

Laid on the table.

Mr. Evans laid on the table, the following resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved. That the Clerk be authorized to furnish twenty-two pen-knives for the use of the members and clerk of this House.

Mr. Evans, then moved,

That the said resolution be adopted,

On which question,

The House being divided,

The Speaker directed the yeas and nays to be called,
Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Brinckloe, Deakyne, Evans, and Hall,—5
yeas

Nays—Messrs. Booth, Boys, Buckmaster Cooper, Davis, Fleming,
Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp,
Waller, and Mr. Speaker—16 nays.

So the resolution,

Was lost

Messrs. Houston and Jacobs, presented the petitions of a number of
the citizens of Sussex County, praying for a law authorising a premium
on Crow Scalps,

Which were,

Read and referred to a committee of three members.

Messrs. Brickloe, Buckmaster, and Deakyne, were appointed the
said committee with leave to report by bill or otherwise.

Mr. Evans, moved,

That the joint resolution respecting the adjournment of both Houses
of this Legislature, be taken up for consideration, when,

On motion of Mr. Hamilton,

The blank therein was filled up with words Wednesday the fifteenth
Instant."

On motion of Mr. Hall,

The bill entitled "An additional Supplement to the act entitled "An
act for the relief of distressed and decayed pilots, their widows and
children,"

Was read a second time.

On motion of Mr. Booth,

The House adjourned till three o'clock this afternoon,

Eodem Die, 2 o'clock P. M.

The House convened pursuant to adjournment.

Mr. Hamilton, presented a resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved, That when the House adjourns this afternoon, it will ad-
journ to meet in the Chamber lately occupied by the Senate,

On which question,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Dea-

kyne, Evans, Hamilton, Johnson, Lodge, Tharp, Waller, and Mr. Speaker—13 yeas.

Nays.—Messrs. Cooper, Davis, Hall, Nickerson, and Rees,—5 nays.

So the resolution,

Was adopted.

On motion of Mr. Brinckloe,

The bill entitled "A further Supplement to the act entitled "An act to authorize and empower the owner and possessor of any swamp or low ground to ditch and and drain the same, and for rendering more easy and convenient the mode of obtaining permission therefor."

Was taken up for consideration, and,

On his motion,

Amended,

As follows, to wit:

"Provided always nevertheless that whenever in the opinion of the said commissioners, the owner or owners of the intervening land will derive any benefit by the cutting of such ditches or drains through such intervening land, then and in that case the said owner or owners of said intervening land shall contribute and pay such sum as said commissioners consider said owner or owners proportional part of the cost and expenses of said ditches or drains."

On his motion,

The said amendment,

Was adopted.

On motion of Mr. Hamilton,

The bill entitled "An act to provide for the removal of the Seat of Justice for New Castle County, from the Town of New Castle to the City of Wilmington,"

Was read a second time, with an amendement, and,

On his motion,

The said amendment was read and

Adopted.

On motion Mr. Hamilton,

The bill entitled "An act to provide for the removal of the Seat of Justice of New Castle County, from the Town of New Castle to the City of Wilmington,"

Was read a second time as amended.

Mr. Brinckloe, presented the petition of sundry citizens of Kent County, praying for a law, granting a premium for the heads of Crows, which was,

On his motion,

Read.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to "An act entitled "An act concerning the sales of real estates made by the Sheriff in and for New Castle County,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Johnson,

The bill entitled "An act authorizing the Governor of this State to appoint commissioners in other States to take depositions, the acknowledgment of deeds &c., and to appoint notaries public in this State."

Was read a second time.

On motion of Mr. Johnson,

The bill entitled "An additional Supplement to "An act entitled "An act for the relief of distressed and decayed pilots, their widows and children,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, Back to the Senate.

Mr. Johnson, presented the petition of Gideon E. Hukill and James Rickards, respecting the impeachment of William Wheldon a Justice of the Peace of New Castle County, which was,

On his motion,

Read, when,

On motion of Mr. Hamilton,

The said petition was ordered to lie on the table.

Mr. Brinckloe, presented the petition of sundry citizens of Sussex County, praying for a law laying a tax on dogs, which was,

On his motion,

Read.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to the act entitled "An act regulating fees,"

Was read a second time, when,

Mr. Brinckloe, moved,

That the said bill be amended, by striking out the paragraph therein with respect to mileage,

Which amendment,

Was adopted.

On motion of Mr. Hamilton,

The bill entitled "An act to revive and continue in force "An act entitled "An act to incorporate the owners of the Beaver Gut marsh, for the better securing and improving the same,

Was read a third time by paragraphs, and

Passed the House.

Ordered, Back to the Senate.

On motion Mr. Brinckloe,

The bill entitled "An act for the protection of the fisheries on Broadkilm Creek,"

Was read a second time.

On motion of Mr. Brinckloe,

The bill entitled "An act to improve the Nyaigation of Broadkilm Creek,"

Was read a second time.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple lying on both sides of Silver River and fronting the River Delaware effectually to embank and drain the same and keep the banks, dams, sluices and drains in repair and to raise a fund to defray the expenses thereof,"

Was read a third time by paragraphs, and,

Passed the House.

On motion of Mr. Booth,

The bill entitled "An act for the better preservation of the records in the office of the Prothonotary of the Superior Court in New Castle County," was amended, and,

On his motion.

The amendments,

Were adopted.

And the bill read a third time as amended, by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Buckmaster, Chairman of the committee to which was referred the petition of Thomas Lockwood, reported a bill entitled "An act to authorize John Stradley, to erect a gate across a public road therein mentioned and extend the provisions of the same to John Stradley, a minor, son and devisee of the said John Stradley or the purchaser or purchasers of the said John Stradley, minor," which was,

On his motion,

Read.

Mr. Fleming, presented the petition of sundry citizens of the Town of Milford, praying for the establishment of a Branch of the Bank of Smyrna, at said Town, which was,

On his motion,

Read.

On motion of Mr. Booth,

The bill entitled "An act to vest in Joseph C. Griffith of the Village of Cantwells Bridge, in New Castle County, the title of this State in and to a lot of land in said Village."

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Booth,

The House adjourned to ten o'clock to-morrow morning.

THURSDAY 10 o'clock A. M. Feb. 2, 1837.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,

The account of Abraham Schrader, was referred to the committee on claims.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to the act entitled "An act regulating fees,"

Was taken up and read a third time by paragraphs, with a view to its final passage,

When on the question,

"Shall this be the first section of the bill,"

The House being divided,

The Speaker directed the yeas and nays to be called.

Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Evans, Hamilton, and Lodge,—4 yeas.

Nays—Messrs. Booth, Boys, Brinckloe, Buckmaster Cooper, Davis, Deakayne, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—17 nays.

So the first section of the bill,

Was lost

A message from the Senate by their Clerk,

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the following bills, to wit:

The bill entitled "An act for the relief of Wm. Lee Graham, Laura Graham and Henry Yeatman Graham, minors, of the City of Cincinnati, of the State Ohio."

Also in the bill entitled,

"An act for the protection of the Pivot Bridge over Murderkill Creek, below Frederica in Kent County,"

Also in the bill entitled,

"A Supplement to an act entitled "An act concerning the sales of real estates made by the Sheriff of New Castle County," with an amendment.

He also presented for the concurrence of the House,

A bill entitled, "An act to enable Solomon Boston, to erect a mill dam across Herring Creek in North West Fork Hundred, in Sussex County, at the place therein mentioned, and to construct a Grist mill and Saw mill and other machinery thereon,

And he withdrew.

Ordered, That the bills concurred in be engrossed.

On motion of Mr. Hamilton,

The communication from the Senate,

Was read,

As follows, to wit:

Amend the bill by inserting after the words "Section 1," the following, to wit:

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That

On motion of Mr. Hamilton,
The House adjourned till three o'clock this afternoon,

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, requested the concurrence of the House in the report of the committee, appointed to examine the accounts of the State House Commissioners,

And he withdrew.

On motion of Mr. Hamilton,
The report was read,

As follows, to wit:

Resolved, by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That the State Treasurer be and he is hereby authorized to pay over to the Commissioners appointed to provide suitable rooms for the Legislature, the sum of three hundred and sixteen dollars and nineteen cents to be applied by them in furnishing the improvement already begun and the further sum of \$250, for services performed by the said Commissioners.

Resolved, That the thanks of the General Assembly be and they are hereby tendered to the Commissioners for the faithful manner in which they have discharged the duties imposed upon them and for the skill and good taste manifested by them in the execution of the buildings and other improvements executed under their direction.

On motion of Hamilton,

The bill entitled "An act for the payment of the debts of this State,"
Was read, and,

On his motion,

The said bill was read a second time, by special order of the House,
by its title, and,

On his motion,

The same bill, was by special order of the House, read a third time
by paragraphs, and,

Passed the House.

Ordered, Back to the Senate.

On motion of Mr. Hamilton,

The amendment to the bill entitled "A Supplement to an act entitled
"An act concerning the sales of real estates made by the Sheriff in and
for New Castle County."

Was concurred in!

On motion of Mr. Evans,

The bill entitled "An for the relief of Margaret Morgan of Pencader Hundred, in New Castle County,"

Was read a second time by its title,

On motion of Mr. Buckmaster,

The bill entitled "An act to revive and continue in force the act entitled "An act to authorize John Stradley, to erect a gate across a public road therein mentioned, and to extend the provisions of the same to John Stradley, a minor son and devisee of the said John Stradley or the purchaser or purchasers of the said John Stradley, minor,

Was read a second time by its title.

Mr. Cooper, presented the petition of sundry citizens of Kent County, to pass an act entitled "An act to authorize the owners and possessors of the marsh and low grounds, commonly called and known by the name of Meerdith's Branch, to cut a ditch, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Cooper, Waller, and Boys, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Lodge,

The bill entitled "A further Supplement to the act entitled "An act to Incorporate the Cherry Island Marsh Company,"

Was read a second time.

Mr. Houston, Chairman of the committee of this House, appointed to examine the accounts of the Court House Commissioners, laid on the table, the report of the committee which was,

On his motion,

Read,

As follows, to wit:

The joint Committee of the two Houses of the General Assembly, to which was referred the subject of the report of the Commissioners appointed to provide suitable rooms for the Legislature of this State, have had the subject under consideration and after a careful investigation of all the accounts and vouchers do find the general accounts submitted by the commissioners to be correct and that the whole of the arduous duties confided to them have been performed with a degree of faithfulness and skill, which merit the fullest approbation of your committee and the committee take pleasure in according to them the highest approbation, for the good taste and discretion manifested by them in the planning and execution of the improvements confided to their superintendence.

There will remain in the hands of the Commissioners the balance of - - - \$ 73 81

Which will be in hand when the Levy Court of Kent County, shall have made an appropriation according to stipulation, for the improvements made by the Commissioners in the Court room.

Amount carried forward,

\$73 81

| | |
|--|----------------------|
| <i>Amount brought forward,</i> | \$73 81 |
| In addition to the foregoing balance, your committee recommend a further appropriation of - - | 316 19 |
| To be applied to completing the improvements in the Library, for blinds for the Hall and pavement, &c. &c. | |
| Also the further sum of - - - | 250 00 |
| As a remuneration to the commissioners, for two years' services. | |
| | <hr/> \$640 08 <hr/> |

On motion of Mr. Brinckloe,
The bill entitled "An act to improve the Navigation of Broadkilm Creek,"

Was read a third time by paragraphs, and,

Passed the House.

Ordered, Back to the Senate.

Mr. Buckmaster, presented the petition of sundry citizens of Fred-
erica and its vicinity, praying an act to authorize the improvement
of the Navigation of Murderkill Creek, which was;

On his motion,

Read and referred to a committee of three members.

Messrs. Buckmaster, Jacobs, and Hamilton, were appointed the said
committee, with leave to report by bill or otherwise.

On motion of Mr. Johnson,

The bill entitled "An act authorizing the Governor of this State to
appoint commissioners in other States to take depositions, the acknowl-
edgment of deeds &c., and to appoint notaries public in this State."

Was taken up and read a third time by paragraphs, with a view to
its passage, when,

On motion Mr. Evans,

The further consideration of said bill was postponed 'till to-morrow.

On motion of Mr. Brinckloe,

The bill entitled "A further Supplement to the act entitled "An act
to authorize and empower the owner and possessor of any swamp or
low ground to ditch and drain the same, and for rendering more
easy and convenient the mode of obtaining permission therefor."

Was read a third time by paragraphs, and

Passed the House.

Ordered, Back to the Senate.

On motion of Mr. Evans,

The House adjourned to ten o'clock to-morrow morning,

FRIDAY 10 o'clock A. M. 3, Feb. 1837.

The House convened pursuant to adjournment.

Mr. Hamilton, moved,
That this House adjourn immediately to the Representative Chamber,
lately occupied by the said House, which was,
On his motion,

Adopted.

On motion of Mr. Hamilton,
The bill entitled "An act to provide for the removal of the Seat of Justice for New Castle County, from the Town of New Castle to the City of Wilmington,"

Was taken up for consideration, when,

On motion Mr. Hamilton,
The said bill was amended by inserting in the twenty-seventh line thereof, the word "second" in lieu of the word first.

On motion of Mr. Evans,
The House adjourned till three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

On motion of Mr. Lodge,
The bill entitled "A further Supplement to the act entitled "An act to Incorporate the Cherry Island Marsh Company,
Was read a third time by paragraphs, and,

Passed the House,

On motion of Mr. Hamilton,
The bill entitled "An act to provide for the removal of the Seat of Justice of New Castle County, from the Town of New Castle to the City of Wilmington,"

Was taken up a third time, with a view to its passage, when,

On the question,
"Shall this be the first section of the bill?"

The House being divided,
At the request of Mr. Hamilton,
The yeas and nays were called,
And they were,

As follows, to wit:

Yeas—Messrs. Boys, Buckmaster, Evans, Hamilton, Houston, Jacobs, Lodge, Rees, and Tharp,—9 yeas.

Nays—Messrs. Biddle, Booth, Brinkloe, Cooper, Davis, Deakyne, Fleming, Hall, Johnson, Nickerson, Waller, and Mr. Speaker,—12 nays.

So the first section of the bill,

Was lost.

On motion of Mr. Davis,
The House adjourned to ten o'clock to-morrow morning.

SATURDAY 10 o'clock A. M. Feb. 4, 1837.

The House convened pursuant to adjournment.

On motion of Mr. Tharp,

The bill entitled "A Supplement to the act entitled "An act to regulate certain public buildings in the Town of Dover, in Kent County, and in Georgetown, in Sussex County,"

Was read a second time.

Mr. Lodge, presented the petition of sundry inhabitants of New Castle County, praying for a law to preserve the Stationary game of the County, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Boys, Davis, and Nickerson, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Hamilton, moved,

That the vacancy occasioned in the committee, to which was referred the memorial of the Trustees of New Ark College, by the resignation of Mr. Marim, be filled.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the bill entitled "An act to enable Lemuel A. Hall, of Sussex County, to locate certain vacant land, situate in Baltimore Hundred in said County and to complete his title to the same."

Also in the bill entitled,

"An act to enable Daniel Cannon of Sussex County, to locate certain vacant lands, situate in North West Fork Hundred in said County and to complete his title to the same,"

He also requested,

The concurrence of the House in the bill entitled "An act to protect the Navigation of Lewes Creek."

Also in the bill entitled,

"An act for the relief of Garret Barkus."

And he withdrew.

Ordered, That the two first named bills be engrossed.

On motion Mr. Brinckloe,

The communication from the Senate, was read.

On motion of Mr. Deakyne,

The bill entitled "An act for the relief of John Wilson, minor,"

Was read a second time.

On motion of Mr. Buckmaster,

The bill entitled "An act to revive and continue in force the act entitled "An act to authorize John Stradly, to erect a gate across a public road therein mentioned and to extend the provisions of the same

to John Stradley, a minor son and devisee of the said John Stradley or the purchaser or purchasers of the said John Stradley, minor,"

Was read a third time by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Brinckloe,

The bill entitled "An act for the relief of Garrett Barkus,"

Was read, and by special order of the House, read a second time by its title, and,

On motion of Mr. Brinckloe,

The said bill was taken up and by special order of the House, read a third time by paragraphs, and,

On the question,

"Shall this be the first section of the bill,"

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Brinckloe, Buckmaster, Cooper, Davis, Deakne, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Waller, and Mr. Speaker—14 yeas.

Nays—Messrs. Biddle, Boys, Evans, Hamilton, Lodge, Rees, and Tharp,—7 nays.

So the first section,

Passed the House.

And the bill also,

Passed the House.

Ordered, To be returned to the Senate.

Mr. Buckmaster, Chairman of the committee to which was referred the petition of sundry citizens of the Village of Frederica and its vicinity, reported a bill entitled "An act to establish a Company under the name of the Murderkill Navigation Company," which was,

On his motion,

Read.

Mr. Houston, Chairman of the committee of enrolment, presented to the Speaker for his signature the following enrolled bills, to wit:

"An act for the relief of William Lee Graham, Laura Graham, and Henry Yeatman Graham, minors of the City of Cincinnati, in the State of Ohio."

"An act to authorize Mary Lowber, minor, or her Guardian, to erect a gate across a public road therein described."

"An act for the protection of the Pivot Bridge over Murderkill Creek below Frederica, in Kent County."

"An act to Incorporate a Company to promote the culture of Silk, in New Castle County."

"An act fixing the salary of the Auditor of Accounts."

"An act for the payment of certain claims therein mentioned."

Mr. Houston, Chairman of the committee to which was referred the petition of sundry citizens of Milford in Sussex County, praying a

law to appoint an Inspector of Corn, Wheat, and Rye flour, reported a bill entitled "A further Supplement to the act entitled "An act to prevent the exportation of flour not merchantable," which was,

On his motion,
Read.

Mr. Houston, Chairman of the committee to which was referred the petition of sundry citizens for the appointment of an additional Justice of the Peace for Sussex County," reported a bill entitled "An act allowing for a limited time an additional Justice of the Peace, for the County of Sussex," which was,

On his motion,
Read.

On motion of Mr. Hamilton,
The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Johnson,

The bill entitled "An act authorizing the Governor of this State to appoint commissioners in other States to take depositions, the acknowledgment of deeds &c., and to appoint notaries public in this State."

Was committed to a committee of three members.

Messrs. Johnson, Brinckloe, and Booth, were appointed the said committee.

Mr. Waller, Chairman of the committee to which was referred the petition of the Merediths' Branch Company, reported a bill entitled "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of the Meredith's Branch in the forest of Murderkill Hundred in Kent County, to cut a ditch or drain through the same," which was,

On his motion,
Read.

Mr. Johnson, presented the petition of sundry persons of Kent County, praying for a modification of the present Poor law, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Johnson, Hall, and Evans, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Waller, presented the petition of Nicholas H. Bell, praying for a law permitting him to move two slaves therein mentioned from the State of Maryland, into this State, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Waller, Cooper, and Biddle, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Johnson, presented the petition of sundry citizens of Kent County, praying for a law prohibiting bon fires, fire arms, &c. on days of public rejoicing, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Johnson, Davis, and Hamilton, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Johnson, presented the petition of George Hays, praying for a law granting to him certain vacant lands, in Kent County, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Johnson, Jacobs, and Lodge, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Johnson, presented the petition of sundry citizens of Kent County, praying for a law prohibiting the use of drag and drive Seins in St. Jones' Creek, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Johnson, Boys, and Houston, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Johnson, presented the petition of sundry citizens of Kent County, praying for a law respecting witness fees, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Johnson, Brinckloe, and Booth, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Hamilton,

The bill entitled "An act to enable the owners and possessors of the marsh and low grounds on both sides of Drawyers Creek in St. George's Hundred, New Castle County, to embank, drain and improve the same, which had been postponed at the last session of the Legislature,

Was read.

On motion of Mr. Booth.

The House adjourned to Monday next, at 10 o'clock A. M.

MONDAY 10 o'clock A. M. 6, Feb. 1837.

The House convened pursuant to adjournment.

On motion of Mr. Evans,

The bill entitled "An for the relief of Margaret Morgan of Pencader Hundred, in New Castle County,"

Was read a third time by paragraphs, with a view to its final passage, and

On the question,

"Shall this be the first section of the bill,"

The House being divided,

The Speaker, directed the yeas and nays to be called,

Pending which question;

On motion of Mr. Boys,
The bill was postponed 'till monday next, the 13th inst.

The Speaker laid on the table, the memorials of sundry citizens of New Castle County, requesting that the interest and income of the surplus revenue, should be invested in the school fund, which was,

On motion of Mr. Brinckloe,
Read.

The Speaker, laid on the table, the memorial of the City Council of the City of Wilmington, requesting certain enactments therein mentioned, which,

On motion of Mr. Lodge,
Was read.

On motion of Mr. Brinckloe,
A bill entitled, 'An act to enable Solomon Boston, to erect a mill dam across Herring Creek in North West Fork Hundred, in Sussex County, at the place therein mentioned, and to construct a Grist mill and Saw mill and other machinery thereon,
Was read a second time.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the the bill entitled "An act to revive end continue in force an act entitled "An act for the relief of Charlotte Harker."

And he withdrew.

Mr. Hamilton, moved,
That the joint resolution respecting adjournment, be sent to the Senate for their concurrence.

Mr. Hamilton, moved,
That the bill entitled "An act to enable the owners and possessors of the marsh and low grounds on both sides of Drawyer's Creek, in St. George's Hundred, New Castle County, to embank, drain and improve the same,"

Be taken up for consideration, when he offered an amendment to the said bill, which was,

On his motion,
Read,

As follows, to wit:

Amend the bill by striking out "of the third section," seventh line after the word or the words, "Monday the 8th day of August," and in lieu thereof insert "the first Monday in March;" also in the fourth section fill the blanks in the third and fourth lines, "by first Monday of March," and,

On his motion.
The amendments,

Were adopted.

On motion of Mr. Tharp,
The House adjourned till three o'clock this afternoon,

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Evans, moved,

That the vote on the bill entitled "An act for the relief of Margaret Morgan of Pencader Hundred in New Castle County," be considered, when,

On his motion,

The bill was recommitted to the same committee which reported originally upon the same subject.

On motion of Mr. Rees,

The bill entitled "A Supplement to the act entitled "An act to regulate certain public buildings in the Town of Dover, in Kent County, and in Georgetown, in Sussex County,"

Was read a third time by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Buckmaster, presented the petition of sundry citizens of Kent County, praying for a law to authorize them to appoint a Company to improve the Navigation of St. Jones' Creek, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Buckmaster, Lodge, and Houston, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Boys, Chairman of the committee to whom was referred the petition of sundry citizens of New Castle County, praying for a law to preserve the stationary game in said County, reported a bill entitled "An act for the protection of game in New Castle County," which was,

On his motion,

Read, when,

Mr. Johnson, moved,

That the said bill be indefinitely postponed,

On which question,

The House being divided,

The Speaker directed the yeas and nays to be called.

Which was done and they were

As follows, to wit:

Yeas—Messrs. Buckmaster, Cooper, Fleming, Hall, Houston, Jacobs, Johnson, Rees, Tharp, Waller, and Mr. Speaker—11 yeas.

Nays—Messrs. Biddle, Boys, Evans, Hamilton, Lodge, and Nickerson—6 nays.

So the bill was,

Indefinitely postponed.

On motion of Mr. Buckmaster,

The bill entitled "An act to establish a Company under the name of the Murderkill Navigation Company,"

Was read a second time.

Mr. Brinckloe, moved,

That the memorial of the City Council of the City of Wilmington, requesting certain enactments therein mentioned, be referred to a committee of three members.

Messrs. Lodge, Jacobs, and Tharp, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Jacobs, Chairman of the committee to which was referred the petition of sundry citizens of Sussex County respecting the improvement of the breed of Horses, reported a bill entitled "An act for the improvement of the breed of Horses, Mares and Geldings," which was,

On his motion,
Read.

On motion of Mr. Johnson,
The bill entitled "An act to enable the owners and possessors of the marsh and low grounds, upon situated and contiguous to Green's Branch, in Mispillion Hundred, Kent County, to drain and improve the same,"
Was read a second time.

Mr. Houston, from the committee on Banks to which was referred the petition of the committee in behalf of the Stockholders of the Farmers' Bank, praying a law to authorize an increase of their Capital, reported a bill entitled "A further Supplement to the act entitled "An act to establish a Branch and Incorporate a Company under the name of the Farmers' Bank of the State of Delaware," which was,

On his motion,
Read.

On motion Mr. Brinckloe,
The bill entitled "An act to authorize and empower Joseph B. Ford, of the City of Washington to export a certain slave therein mentioned,"
Was taken up and read a second time.

Mr. Brinckloe, then submitted an amendment to the said bill, which was,

On his motion,
Read and,

Adopted.

And the bill was then read a third time by paragraphs, by special order, and,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Evans, Chairman of the committee to which was referred the bill entitled "An act for the relief of Margaret Morgan of Pencader Hundred in New Castle County," reported back the bill with an amendment, which was,

On his motion,
Read and,

Adopted.

Mr. Brinckloe, presented the petition of sundry citizens of the State of Delaware, praying for a law to incorporate a Company under the name of the New Castle, Wilmington and Philadelphia Rail Road Company, and for other purposes therein mentioned," which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Brinckloe, Johnson, and Hamilton, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Johnson, Chairman of the committee to which was referred the bill entitled "An act to authorize the Governor of this State to appoint Commissioners in other States, to take depositions, the acknowledgment of Deeds and to appoint Notaries Public in this State," reported back the bill with an amendment, which was,

On his motion,

Read, and then,

On his motion,

The said bill was read as amended.

On motion of Mr. Hamilton,

The House adjourned to ten o'clock to-morrow morning,

TUESDAY 10 o'clock A. M. Feb. 7, 1837.

The House convened pursuant to adjournment.

Mr. Fleming, laid on the table a resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved, That John P. Allee, be and he is hereby appointed an assistant Clerk; whose compensation shall be paid out of the allowance of the principal Clerk.

On motion of Mr. Waller,

The bill entitled "An additional Supplement to "An act entitled "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of Meredith's Branch in the Forest of Murderkill and Mispillion Hundreds in Kent County, to cut a ditch or drain through the same,"

Was read a second time.

On motion of Mr. Evans,

The bill entitled "An act for the relief of Margaret Morgan, of Pencader Hundred, in New Castle County,"

Was read a third time by paragraphs, and

Passed the House,

Ordered, To the Senate for concurrence.

On motion of Mr. Deakyne,

The bill entitled "An act for the relief of John Wilson, minor,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Hamilton,

The bill entitled "An act to enable the owners and possessors of the marsh and low grounds on both sides of Drawyer's Creek in St. George's Hundred, New Castle County, to embank, drain and improve the same,"

Was read a second time,

Mr. Waller, Chairman of the committee to which was referred the petition of Nicholas H. Bell, praying for a law to enable him to remove two slaves therein mentioned, to and from the State of Maryland, reported a bill entitled "An act to authorize and empower Nicholas H. Bell of Sussex County, to remove from this State into the State of Maryland and back again, two Negro Slaves," which was,

On his motion,
Read.

Mr. Johnson, Chairman of the committee to which was committed the bill entitled "A Supplement to an act entitled "An act to establish a Company under the name of the Mispillion Navigation Company," reported back the bill with an amendment,

On motion of Mr. Fleming,
The amendment,

Was adopted: And

On motion of Mr. Brinckloe,
The bill was read as amended.

The Speaker, laid on the table the proceedings of a public meeting held in School District No. 72, in New Castle County, in relation to the disposition of the surplus revenue, which was,

On motion of Mr. Fleming,
Read.

He also laid on the table a communication from the Honorable S. M. Harrington, which was,

On motion of Mr. Evans,
Read,

As follows, to wit:

DOVER, February 4th 1837.

To the Honorable,

The Legislature of the State of Delaware:

The undersigned has the honour to report to the General Assembly, that in compliance with a request contained in their joint resolution of the 10th of February 1834, he has prepared for publication and has had printed a volume of reports of cases adjudged in the Superior Court, and Court of Errors and Appeals in this State, one hundred copies of which are now subject to the disposal of the Legislature.

Very Respectfully,

S. M. HARRINGTON,

On motion Mr. Hamilton,
The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

Mr. Houston, Chairman of the committee of enrolment, presented to the Speaker for his signature the following enrolled bills, to wit:

"An act to enable Lemuel A. Hall, of Sussex County, to locate certain vacant land, situate in Baltimore Hundred in said County and to complete his title to the same."

"An act to enable Daniel Cannon, of Sussex County, to locate certain vacant lands, situate in North West Fork Hundred, in said County, and to complete his title to the same."

"An act for the relief of Garrett Barkus."

"An act to revive and continue in force an act for the relief of Charlotte Harker."

On motion of Mr. Johnson,

The bill entitled "A further Supplement to an act entitled "An act to establish a Bank and Incorporate a Company under the name of the Farmers' Bank,"

Was taken up for consideration, and,

On his motion,

Committed to a committee of three members.

Messrs. Johnson, Briuckloe, and Evans, were appointed the said committee.

Mr. Johnson, from the committee to which was referred so much of the Governor's message as relates to weights and measures, reported a bill entitled "An act fixing the true standard of weights and measures," which was,

On his motion,

Read.

A message from the Governor by the Secretary of State.

Charles Marim, Esq. Secretary of the State, being admitted, laid on the table, a written communication from the Governor of this State, and informed the House, that the documents accompanying the same had been submitted to the Senate.

And he withdrew.

On motion of Mr. Evans,

The communication from the Governor,

Was read,

As follows, to wit:

EXECUTIVE DEPARTMENT,

Dover, Feb. 7, 1837.

I have received and now lay before you a preamble and resolutions of the General Assembly of the State of Alabama, relative to the recognition of the Independence of Texas—and also a preamble and resolutions of the Legislature of the New Hampshire, in reference to the surplus revenue of the United States.

C. P. COMEGYS.

Mr. Buckmaster, from the committee to which was referred the petition of sundry citizens of the Village of Camden in Kent County, praying for a law authorizing them to improve the Navigation of St Jones' Creek, reported a bill entitled "An act to establish a Company under the name of the 'Camden Navigation Company,'" which was,

On his motion,
Read.

A message from the Senate by their Clerk.

Mr. Comegys Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the bill entitled "An act to enable Elizabeth Caroline Whitely, a minor, to sell and convey a certain tract of land therein mentioned."

Also in the bill entitled,

"A further Supplement to the act entitled 'An act to Incorporate the Cherry Island Marsh Company.'"

He also presented for concurrence the following bills, to wit:

"An act to authorize Thomas Fisher, to erect a gate across a public road.

Also—"An act authorizing the Coroner in each of the Counties of this State to appoint a deputy."

Also—"A Supplement to the act entitled 'An act to prevent certain nuisances.'"

Also—"An act to amend the act entitled 'An act to authorize the cutting a ditch or drain from Baucumbrig into Murderkill Creek.'"

And he at the same time presented for concurrence, a joint resolution, respecting the distribution of Harrington's Reports.

He also, returned to the House sundry enrolled bills, which had been sent to the Senate for the signature of the Speaker.

And he withdrew.

Then the communication from the Senate, was read,

As follows, to wit:

In Senate, Feb. 7, 1837.

Resolution concerning the distribution of Harrington's Reports of cases adjudged in the Superior Court and Court of Appeals.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Secretary of State be and he is hereby required to distribute and dispose of the one hundred copies of "Harrington's Reports," subscribed for by the joint resolution of the tenth of February 1835, in the following manner:—One copy to the Governor, and one to the Secretary of State; nine to the Senate and twenty-one to the House of Representatives; one copy to the Executive of each State and Territory of the United States; one copy to the Prothonotary, one to the Clerk of the Peace, one to the Clerk of the Orphans' Court, one to the Register in Chancery, one to the Recorder of Deeds, and one to the Register for the Probate of Wills and granting letters of Administration, in each County, to be retained in their respective offices and delivered over to their succe-

sors in office. The remaining copies shall be deposited in the Library, subject to the further orders of the General Assembly.

"Extract from the Journal,

"J. P. COMEGYS, Clerk.

"For concurrence."

Ordered, That the two first named bills be engrossed.

On motion of Mr. Fleming,

The bill entitled "A Supplement to an act entitled "An act to establish a Company under the name of the Mispillion Navigation Company,"

Was on his motion,

Read a third time by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Johnson,

The bill entitled "An act to enable Solomon Boston to erect a mill dam across Herring Creek, in North West Fork Hundred in Sussex County, at the place therein mentioned, and to construct a grist and Saw mill and other machinery thereon,"

Was taken up for consideration, when he offered an amendment to the bill.

Mr. Brinckloe, moved,

A further amendment to the said bill.

On motion of Mr. Jacobs,

The bill entitled "An act for the improvement of the breed of Horses, within this State,"

Was read a second time.

Mr. Lodge, Chairman of the committee, to which was referred the memorial of the City Council of the City of Wilmington, praying certain enactments therein mentioned, reported the two following bills, to wit:

A bill entitled "A Supplement to the act entitled "An act for the better regulating the Wharves, public streets, buildings, party walls, and partition fences in the Borough of Wilmington, in the County of New Castle, upon the Delaware and for raising money on the inhabitants of the said Borough for the public use and benefit thereof."

Also—The bill entitled "An additional Supplement to the act entitled "An act to alter and re-establish the Charter of the Borough of Wilmington," both of which were,

On his motion,

Read.

Mr. Johnson, Chairman of the committee to which was referred the petition of sundry citizens of Kent County, praying a law to prohibit the use of drag seines in St. Jones' Creek, reported that the petitioners have leave to bring in a bill.

Mr. Johnson, Chairman of the committee to which was referred the petition of sundry citizens of this State, praying for a law to prohibit bon fires, fire arms, &c. in towns on days of public rejoicing, reported that the petitioners have leave to bring in a bill.

Mr. Johnson, Chairman of the committee to which was referred the

petition of sundry citizens of New Castle County, praying for a law respecting witness fees, reported that the petitioners have leave to bring in a bill.

Mr. Johnson, Chairman of the committee to which was referred the petition of sundry citizens of Kent County, praying for a modification of the Poor law, reported that the petitioners have leave to bring in a bill.

Mr. Johnson, Chairman of the committee to which was referred the petition of George Hays, praying a law granting to him certain vacant land in Kent County, reported a bill entitled "An act to enable George Hays, of Kent County, to locate certain vacant lands, situate part in Dover Hundred and part in Little Creek Hundred in said County, and to complete his title to the same." which was,

On his motion,
Read.

On motion of Mr. Evans,
The House adjourned to ten o'clock to-morrow morning.

WEDNESDAY 10 o'clock A. M. Feb. 8, 1837.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,
The bills presented by the Clerk of the Senate yesterday afternoon,
Were read.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, presented for concurrence, the bill entitled "An act to provide for the investment of this State's share of the surplus revenue of the United States and for other purposes."

And he withdrew.

Mr. Hamilton, presented the memorial of the Delaware Academy of Natural Sciences, praying an act of Incorporation, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Hamilton, Fleming, and Davis, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Buckmaster,
The bill entitled "An act to establish a Company under the name of the Murderkill Navigation Company,"

Was read a third time by paragraphs, and,

Passed the House,

Ordered, To the Senate for concurrence.

Mr. Tharp, presented the petition of Levi Jester, praying for a law to change the course of a road therein mentioned, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Tharp, Waller, and Biddle, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Nickerson, presented the petition of sundry citizens of Kent County, praying a law to allow them to cut a ditch from Cow Head Bridge to the Maryland line, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Nickerson, Booth, and Hall, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Johnson,

The bill entitled "An act to enable Solomon Boston, to erect a mill dam across Herring Creek, in North West Fork Hundred, in Sussex County, at the place therein mentioned, and to construct a Grist mill and Saw mill and other machinery thereon,

Was taken up for consideration, when the amendment he had offered the said bill. was,

On his motion,

Read and,

Adopted.

The further amendment to said bill, proposed by Mr. Brinckloe, was,

On his motion,

Read and,

Adopted.

On motion of Mr. Brinckloe,

The bill was read as amended.

On motion of Mr. Evans,

The bill entitled "An act to enable John Ginn, of New Castle County, to sell a certain Negro slave therein named into the State of Maryland,"

Was read a second time.

On motion of Mr. Brinckloe,

A bill entitled, "An act to enable Solomon Boston, to erect a mill dam across Herring Creek in North West Fork Hundred, in Sussex County, at the place therein mentioned, and to construct a Grist mill and Saw mill and other machinery thereon,

Was taken up for third reading, when,

Mr. Hamilton, moved,

That the further consideration of the bill be postponed 'till to-morrow.

On motion of Mr. Hamilton,

The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

On motion Mr. Brinckloe,

The bill entitled "An act to enable Solomon Boston, to erect a mill dam across Herring Creek in North West Fork Hundred in Sussex County, at the place therein mentioned, and to construct a Grist mill and Saw mill and other machinery thereon,"

Was taken up for a third reading, with a view to its final passage,

When on the question,

Shall this bill now pass the House,

The House being divided,

The Speaker directed the yeas and nays to be called.

Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Deakyne, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker,—20 yeas.

Nays—Mr. Evans,—1 nay.

So the bill,

Passed the House.

Ordered, To be returned to the Senate.

Mr. Hamilton, Chairman of the committee to which was referred the memorial of the Delaware Academy of Natural Sciences, praying an act of Incorporation, reported a bill entitled "An act to Incorporate the Delaware Academy of Natural Sciences," which was,

On his motion,

Read.

On motion of Mr. Buckmaster.

The bill entitled "An act to establish a Company under the name of the Camden Navigation Company,"

Was read a second time,

On motion of Mr. Brinckloe,

The bill entitled "An act to improve the Navigation of Broadkill Creek,

Was read a third time by paragraphs, and

Passed the House.

Ordered, To be returned to the Senate.

On motion of Mr. Lodge,

The bill entitled "An additional Supplement to the act entitled "An act to alter and re-establish the Charter of the Borough of Wilmington,"

Was read a second time.

On motion of Mr. Evans,

The bill presented by the Clerk of Senate this morning,

Was read.

On motion of Mr. Waller,

The bill entitled "An act to authorize and empower Nicholas H. Bell, of Sussex County, to remove from this State into the State of Maryland and back again, two Negro Slaves,"

Was read a second time.

On motion of Mr. Lodge,

The bill entitled "A Supplement to an act entitled "An act for the better regulating, the wharves, public streets, buildings, party walls and partition fences in the Borough of Wilmington in the County of New Castle, upon Delaware and for raising money on the inhabitants of the said Borough for the public use and benefit thereof," was,

On his motion,

Read a second time.

On motion of Mr. Hamilton,

The bill entitled "An act to enable the owners and possessors of the marsh and low grounds on both sides of Drawyer's Creek in St. George's Hundred, New Castle County, to embank, drain and improve the same,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Johnson, Chairman of the committee to which was committed the the bill entitled "A further Supplement to an act entitled "An act to establish a Bank and Incorporate a Company under the name of the Farmers' Bank of the State of Delaware," reported back the bill with an amendment.

On motion of Mr. Jacobs,

The bill entitled "An act to encourage the improvement of the breed of Horses in this State,"

Was taken up for a third reading with a view to its final passage,

When on the question,

"Shall this be the first section of the bill,"

The House being divided,

At the request of Mr. Hamilton, the yeas and nays were called,

And they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Brincklae, Evans, Hamilton, Houston, Jacobs, Johnson, Tharp, Waller, and Mr. Speaker—11 yeas.

Nays—Messrs. Booth, Buckmaster, Cooper, Davis, Deakyne, Hall, Lodge, Nickerson, and Rees.—9 nays.

So the first section of the bill,

Passed the House.

On motion of Mr. Booth,

The House adjourned till to-morrow morning at 10 o'clock.

THURSDAY 10 o'clock A. M. 9, Feb. 1837.

The House convened pursuant to adjournment.

On motion of Mr. Brinckloe,
The bill entitled "An act to encourage the improvement of the breed
of Horses in this State,"

Was taken up for consideration, when,

Mr. Booth, moved,

That the said bill be indefinitely postponed,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Buckmaster, Cooper, Davis, Deakyne, Hall,
Lodge, Nickerson, and Rees—9 yeas,

Nays—Messrs. Biddle, Boys, Brinckloe, Evans, Hamilton, Houston,
Jacobs, Tharp, Waller, and Mr. Speaker—10 nays.

So the House refused to postpone the bill,

And on the question of the final passage of the said bill,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Brinckloe, Evans, Hamilton, Houston,
Jacobs, Johnson, Tharp, Waller, and Mr. Speaker,—11 yeas.

Nays—Messrs. Booth, Buckmaster, Cooper, Davis, Deakyne, Hall,
Lodge, Nickerson, and Rees,—9 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the
House, that the Senate had concurred in the the bill entitled "A Sup-
plement to the act entitled "An act Supplementary to the act entitled
"An act for the establishment of Free Schools,

Also in the bill entitled,

"An act for the relief of Margaret Morgan, of Pencader Hundred, in
New Castle County,"

He also requested the concurrence of the House, in

The bill entitled "A Supplement to the act entitled "An act for the
better securing better liberty and easily and speedily redressing all
wrongful restraints thereof,"

And he withdrew.

On motion Mr. Hamilton,

The communication from the Senate,

Was read.

On motion Mr. Houston,

The bill entitled "An act allowing for a limited time on additional Justice of the Peace to the County of Sussex,

Was read a second time.

On motion of Mr Lodge,

The bill entitled "An additional Supplement to the act entitled "An act to alter and re-establish the charter of the Borough of Wilmington."

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Buckmaster,

The bill entitled "An act to establish a company under the name of the Camden Navigation Company,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence,

On motion of Mr. Johnson,

The bill entitled "An act fixing the true standard of Weights and Measures,

Was read a second time.

Mr. Booth, chairman of the committee to which was referred so much of the Governor's Message as relates to Negroes and Mulattoes.

Reported a bill entitled "A supplement to an act entitled "An act providing for the punishment of certain crimes and misdemeanors," which was

On his motion,

Read,

On motion of Mr. Lodge,

The bill entitled "A supplement to the act entitled an act for the better regulating the wharves, public streets, buildings party walls and partition fences in the Borough of Wilmington in the County of New Castle upon Delaware and for raising money on the inhabitants of said borough for the public use and benefit thereof."

Was read a third time by paragraphs, and,

Passed the House.

Ordered, to the Senate for concurrence.

The Speaker laid on the table the memorial of O. K. Barrel, praying for the passage of a law making it imperative upon occupants of the several offices therein mentioned to reside at the seat of Justice of their several Counties, which was,

On motion of Mr. Brinckloe,

Read and

On motion of Mr. Booth,

Referred to a committee of three members,

Messrs. Booth, Brinckloe, and Johnson, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Waller,

The bill entitled "An act to authorize and empower Nicholas H. Bell, of Sussex County, to remove from this State into the State of Maryland and back again, two Negro Slaves,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Hamilton,

The bill entitled "An act to Incorporate the Delaware Academy of Natural Sciences,"

Was read a second time.

On motion Mr. Houston,

The bill entitled "A further Supplement to the act entitled "An act to prevent the exportation of Flour not Merchantable,"

Was read a second time.

On motion of Mr. Evans,

The bill entitled "An act to enable John Ginn, of New Castle County, to sell a certain Negro slave therein named into the State of Maryland,"

Was taken up for consideration with a view to its final passage,

When on the question,

"Shall this be the first section of the bill,"

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Deakyne, Evans, Houston, Jacobs, Rees, Waller, and Mr. Speaker,—8 yeas.

Nays—Messrs. Biddle, Boys, Brinckloe, Buckmaster, Cooper, Davis, Fleming, Hall, Hamilton, Johnson, Lodge, Nickerson, and Tharp,—13 nays.

So the first section of the bill did not

Prevail.

On motion of Buckmaster,

The bill entitled "An act to amend the act entitled "An act to authorize the cutting a ditch or drain from Baucumbrig into Murderkill Creek,"

Was read a second time.

Mr. Jacobs, presented the petition of sundry persons of Sussex County, praying for the appointment of a Justice of the Peace for North West Fork Hundred in said County, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Jacobs, Cooper. and Booth, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Houston,
The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to the act entitled "An act for the better securing personal liberty and easily and speedily redressing all wrongful restraints thereof,"

Was by special order of the House, read a second time, and

On his motion,

Amended,

As follows:

Amend the bill by inserting in the 6th line of the first section after the word State, the words "by the Mayor."

Mr. Nickerson, Chairman of the committee to which was referred the petition of sundry persons of Kent County, praying a law to allow them to cut a ditch from Cow Head Bridge to the Maryland line, reported a bill entitled "An act to Incorporate the Gravelly Run Marsh Company, which was,

On his motion,

Read.

On motion of Mr. Hamilton,

The amendment to the bill entitled "A Supplement to the act entitled "An act for the better securing personal liberty and easily and speedily redressing all wrongful restraints thereof,"

Was adopted:

On motion of Mr. Buckmaster,

The bill entitled "An act Supplementary to an act to carry into effect the amended Constitution and for other purposes,"

Was taken up for consideration, and,

On motion of Mr. Evans,

Read, and,

On motion of Mr. Buckmaster,

Indefinitely postponed.

Mr. Fleming, presented the petition of sundry citizens of Kent County, praying for a law to extend the Jurisdiction of Justices of the Peace, which was,

On his motion,

Read, and,

On motion of Mr. Brinckloe,

Ordered, To lie on the table.

Mr. Fleming, presented the petition of sundry citizens of Kent County, praying for a law compelling Constables to pay over monies in their hands collected by them, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Fleming, Houston, and Evans, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Johnson,

The bill entitled "A further Supplement to the act entitled An act to establish a Bank and Incorporate a Company, under the name of the Farmers' Bank of the State of Delaware,"

Was read a second time,

When he offered an amendment, which was,

On his motion,

Read, and,

Adopted.

On motion of Mr. Waller,

The bill entitled "An additional Supplement to an act entitled "An act to authorize the owners and possessors of the marsh and low grounds commonly called and known by the name of Meredith's Branch in the Forrest of Murderkill and Mispillion Hundreds in Kent County, to cut a ditch or drain through the same,"

Was read a third time by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Hamilton, laid on the table a joint resolution of both Houses of the Legislature, which was,

On his motion,

Read,

As follows, to wit:

WHEREAS, it hath been represented to this General Assembly, that the tomb heretofore erected by order of the Legislature of this State, in the Grave Yard of the first Presbyterian Church in the City of Philadelphia, over the remains of Colonel John Hazlett, of the Delaware Regiment, who fell in the year 1777 at the battle of Princeton, is now falling into a ruinous state, and will soon be displaced unless some substantial repairs be made thereto, Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That a joint committee be appointed to consist of three members on the part of the House of Representatives and two on the part of the Senate to enquire into the expediency of making an appropriation for the purpose aforesaid," and

On his motion,

Adopted.

And the committee appointed on the part of the House, were Messrs. Hamilton, Davis, and Nickerson.

Ordered, To the Senate for concurrence,

A message from the Senate by their Clerk.

Mr. Comegys Clerk of the Senate being admitted, returned to the House, sundry enrolled bills which had received the signature of the Speaker.

He also informed the House that the Senate had concurred in

The bill entitled "A Supplement to the act entitled "An act to regulate certain public buildings in the Town of Dover in Kent County and in Georgetown in Sussex County."

Also—In the bill entitled "An act to revive and continue in force the act entitled "An act to authorize John Stradley, to erect a gate across a public road therein mentioned and to extend the provisions of the same to John Stradley, a minor, son and devisee of the said John Stradley or the purchaser or purchasers of the said John Stradley, minor."

And he withdrew.

Ordered, That the bills concurred in, be engrossed.

Mr. Nickerson, Chairman of the committee to which was referred the petition of Edward Milbourn, praying a law authorizing him to sell tract of land belonging to Emily Ann Milbourn, laid on the table the following report, which was,

On his motion,
Read,

As follows, to wit:

The committee to whom was referred the petition of Edward Milbourn, of Dover Hundred in the County of Kent, praying the passage of a law authorizing him to sell and convey a small piece or parcel of land belonging to Emily Ann Milbourn, a minor, having had the same under their consideration, respectfully submit the following report,

Your committee are of opinion that it is inexpedient to Legislate on the subject matter of said petition or to grant the prayer of the petitioner.

On motion of Mr. Cooper,
The report,

Was adopted,

And the committee were discharged.

On motion of Mr. Brinckloe,
The bill entitled "An act authorizing the Coroner in each of the Counties of this State to appoint a deputy,"

Was read a second time.

Mr. Hamilton, moved,
That the said bill be taken up for consideration, when he offered an amendment, which was,

On his motion,
Read,

As follows, to wit:

Amend the bill by striking out all the words following "whose duty it shall be to receive and execute all writs and other process directed to the Coroner at the suit of, or against the Sheriff of the Counties in which they respectively hold their office of Coroner."

On motion of Mr. Hamilton,
The amendment,

Was adopted.

Mr. Evans, Chairman of the committee of conference, made a report, which was,

On his motion,
Read,

As follows, to wit:

The committee of conference appointed on the part of the House to confer with a like committee on the part of the Senate, in relation to an error in the act entitled "An act to Incorporate a Company to promote the culture of Silk in New Castle County, beg leave to report that the committee from the two Houses having conferred upon the subject have agreed to correct an error of calculation in the said act,

As follows, to wit:

In line 3rd of Sec. 1. Strike out the words "two thousand five hundred" and insert in lieu thereof the words "five thousand," And

On his motion,
The report,

Was adopted.

On motion Mr. Brinckloe,
The bill entitled "An act to protect the Navigation of Lewes Creek,
Was read a second time.

On motion of Mr. Hamilton,
The House adjourned till to-morrow morning at 10 o'clock.

FRIDAY 10 o'clock A. M. 10, Feb. 1837.

The House convened pursuant to adjournment.

Mr. Brinckloe, presented the memorial of the Levy Court of Court of Sussex County, praying for a proper investment of the surplus revenue, which was,

On his motion,

Read and referred to the committee to which was referred so much of the Governor's message as relates to the surplus revenue.

Mr. Brinckloe, presented the memorial of the Levy Court of Sussex County, respecting the erection of a Court House and fire proof Offices in said County, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Brinckloe, Fleming, and Biddle, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Fleming, presented the petition of sundry citizens of Kent County, praying an appropriation of a part of the surplus revenue to the school fund, which was,

On his motion,

Read and referred to the committee to which was referred so much of the Governor's message as relates to the surplus revenue.

Mr. Brinckloe, presented the memorial of the Levy Court Commissioners of Sussex County, praying for an alteration in the road law of said County, which was,

On his motion,

Read.

Mr. Fleming, laid on the table the following resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved, That a committee on accounts be appointed, to consist of three members.

Mr. Brinckloe, presented the petitions of sundry citizens of Sussex County, praying a repeal of the law prohibiting the exportation of slaves from this State to any other State, or Territory, which was,

On his motion,

Read,

On motion of Mr. Booth,

The Bill entitled "A Supplement to an act entitled "An act providing for the punishment of certain crimes and misdemeanors,"

Was read a second time.

On motion of Mr. Johnson,

The bill entitled "A further Supplement to "An act entitled "An act to establish a Bank and Incorporate a Company under the name of the Farmers' Bank of the State of Delaware,"

Was taken up for consideration with a view to its final passage, when

Mr. Rees, offered a resolution,

The substance of which, he stated to be, that the said bill, with several similar ones, should be re-committed, and moved that said resolution, be read,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Hamilton, Lodge, and Rees—5 yeas,

Nays—Messrs. Booth, Brinckloe, Buckmaster, Cooper, Davis, Dea-

kyne, Evans, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Tharp, Waller, and Mr. Speaker—16 yeas.

So the House refused to let the said resolution be read,

And on the final passage of the bill,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Brinckloe, Buckmaster, Cooper, Davis, Deakyne, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Tharp, Waller, and Mr. Speaker,—15 yeas.

Nays—Messrs. Biddle, Boys, Evans, Hamilton, Lodge, and Rees,—6 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr Lodge,

The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Hall, presented the petition of sundry Justices of the Peace, praying an amendment of the act for the recovery of small debts, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Hall, Cooper, and Deakyne, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Davis, laid on the table the account of Caleb B. Sipple, which was,

On his motion,

Read and referred to the committee on claims.

On motion of Mr. Buckmaster,

The bill entitled "An act to amend the act entitled "An act to authorize the cutting a ditch or drain from Baucumbrig into Murderkill Creek,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Brinckloe,

The memorial of the Levy Commissioners of Sussex County, praying for an alteration in the road law of said County,"

Was referred to a committee of three members.

Messrs. Brinckloe, Deakyne, and Tharp, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Brinckloe, presented the petition of sundry citizens of Sussex County, praying for a law for the protection of the Fisheries on Indian River and Rehoboth Bay, which was,

On his motion,
Read and referred to a committee of three members.

Messrs. Hall, Johnson, and Evans, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Fleming,
The resolution introduced by him this morning respecting the appointment of a committee on accounts,

Was adopted: And

Messrs. Fleming, Brinckloe, and Hamilton, were appointed the said committee.

On motion of Mr. Booth,
The bill entitled "A Supplement to an act entitled "An act providing for the punishment of certain crimes and misdemeanors,"
Was taken up a third time by special order, with a view to its final passage,

When on the question,
"Shall this be the first section of the bill,"
The House being divided,

The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Brinckloe, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Rees, Tharp, Waller, and Mr. Speaker—14 yeas.

Nays—Messrs. Buckmaster, Cooper, Davis, Deakyne, and Lodge,—5 nays.

So the first section of the bill,

Passed the House.

And on the question.
Shall this bill now pass the House,
The House being divided,

The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Brinckloe, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Rees, Tharp, Waller, and Mr. Speaker.—14 yeas.

Nays—Messrs. Cooper, Davis, Deakyne, and Lodge,—4 nays.
So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Brinckloe,
The bill entitled "An act to provide for the investment of this State's proportion of the surplus revenue of the United States and for other purposes therein mentioned,"

Was taken up for consideration, and read a second time, when

Mr. Brinckloe; moved,

That the said bill, be committed to the committee on so much of the Governor's message as relates to the surplus revenue;

Which motion,

Prevailed.

On motion of Mr. Hamilton,
The bill entitled "An act to Incorporate the Delaware Academy of Natural Sciences,"

Was taken up for a third reading with a view to its final passage,

When on the question,

"Shall this bill now pass the House,"

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Boys, Brinckloe, Buckmaster, Cooper, Davis, Deakynne, Fleming, Hall, Hamilton, Houston, Jacobs, Lodge, Rees, Tharp, Waller, and Mr. Speaker—16 yeas.

Nays—Messrs. Booth, Evans, and Johnson,—3 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Johnson,
The bill entitled "An act to enable George Hays, of Kent County, to locate certain vacant lands, situate part in Dover Hundred and part in Little Creek Hundred in said County and to complete his title to the same,"

Was read a second time.

On motion of Mr. Brinckloe,

The bill entitled "A Supplement to the act entitled "An act for the better securing personal liberty and easily and speedily redressing all wrongful restraints thereof,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Tharp,
The bill entitled "An act to enable the owners and possessors of the marsh and low grounds situate upon and contiguous to Green Branch, in Missillion Hundred, Kent County, to drain and improve the same,"

Was read a second time by its title.

Mr. Johnson, asked, and,

On motion of Mr. Hamilton,

Obtained leave to introduce a bill entitled "An act to provide for certain deficiencies in the Penal Code," which was,

On his motion,

Read,

On motion of Mr. Cooper;

The bill entitled "An act to Incorporate the "Gravelly Run Marsh Company,"

Was read a second time.

Mr. Johnson, from the committee to which was referred the petition of sundry citizens of this State, praying for a law to prohibit Bonfires, Firearms, &c. in Towns on days of public rejoicing, introduced,

A bill entitled "An act to prevent the discharge of Firearms in the Village of Camden, in Kent County, and for other purposes therein mentioned," which was,

On his motion,

Read,

Mr. Tharp, laid on the table the account of Francis Lasher, which was,

On his motion,

Read and referred to the committee on claims.

On motion Mr. Houston,

The bill entitled "A further Supplement to the act entitled "An act to prevent the exportation of Flour not Merchantable,"

Was read a third time by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Jacobs, Chairman of the committee to which was referred the petition of sundry citizens of North West Fork Hundred, in Sussex County, praying for a law allowing an additional Justice of the Peace for said Hundred, reported,

A bill entitled "An act allowing for a limited time an additional Justice of the Peace, to reside in North West Fork Hundred, near Cannon's Ferry," which was,

On his motion,

Read.

Mr. Brinckloe, moved, That,

The bill entitled "An act authorizing the Coroner in each of the Counties of this State to appoint a deputy,"

Be taken up for a third reading with a view to its final passage,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Deakyne, Evans, Fleming, Hall, Hamilton, Jacobs, Lodge, and Mr. Speaker,—14 yeas,

Nays—Messrs. Davis, Houston, Johnson, Rees, and Tharp,—5 nays.
So the bill,

Passed to a third reading.

And on the question.
Shall this bill now pass the House,
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Deakyne, Evans, Fleming, Hall, Hamilton, Jacobs, Lodge, Rees, Tharp, and Mr. Speaker.—16 yeas.

Nays—Messrs. Davis, Houston, and Johnson,—4 nays.
So the bill,

Passed the House:

Ordered, To the Senate for concurrence.

On motion of Mr. Jacobs,
The House adjourned till to-morrow morning at 10 o'clock.

SATURDAY 10 o'clock A. M. 11, Feb. 1837.

The House convened pursuant to adjournment.

Mr. Hamilton, presented the memorial of the Wilmington and Susquehanna Rail Road Company, against the memorial presented by sundry citizens of New Castle County, praying for Rail Road from New Castle towards Wilmington, which was,

On his motion,

Read and referred to the committee to which was referred the memorial of the New Castle and French Town Rail Road Company.

On motion of Mr. Hamilton,

The bill entitled "A further Supplement to the act entitled "An act to Incorporate the Bank of Wilmington and Brandywine in the Borough of Wilmington,"

Was taken up for consideration, and,

On his motion,

Committed to a committee of three members.

Messrs. Hamilton, Johnson, and Brinckloe, were appointed the said committee.

Mr. Fleming, presented the petition of the owners and possessors of marsh and low grounds on Cattail marsh in Mispillion Hundred, Kent

County, praying for an act authorizing them to drain a large branch of said marsh, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Davis, Fleming, and Boys, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Hamilton, presented the petition signed by 200 hundred citizens of this State, praying for a repeal of the law, taxing retailers of Foreign goods, which was,

On his motion,

Read and laid on the table for future action.

Mr. Brinckloe, presented the petition of Joseph Mails, praying for a divorce from Henrietta Mails and to legalize his marriage with a certain Ann Lecatts, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Brinckloe, Deakyne, and Tharp, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr Rees,

The bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank and Incorporate a Company under the name of the Bank of Smyrna,"

Was taken up for consideration, and

On his motion,

Referred to the same committee to which was referred,

The bill entitled "A further Supplement to the act entitled "An act to Incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington."

Mr. Brinckloe, Chairman of the committee to which was referred the memorial of the Levy Court Commissioners of Sussex County, praying for an alteration in the road law of said County, reported

A bill entitled "An act amending the acts concerning roads and bridges, and the discharging of road taxes in Sussex County, by work or materials," which was,

On his motion,

Read.

A message from the Senate by their Clerk.

Mr. Comegys Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the bill entitled "An act to establish a Company under the name of the Murderkill Navigation Company."

Also in—The bill entitled "A Supplement to the act entitled "An act to establish a Company under the name of the Mispillion Navigation Company," with an amendment.

Also in—The Joint Resolution, respecting the repairs of the Tomb of Colonel John Hazlett, with an amendment,

He also presented for the concurrence of the House,

The bill entitled "An act to Incorporate a Company, by the name and title of the **"White Marsh Company,"** for the purpose of draining and reclaiming certain marshes and low grounds in Murderkill and Mispillion Hundreds in Kent County."

Also—The bill entitled "A Supplement to the act entitled "An act to prevent the emigration of free Negroes and Mulattoes, into this State and for other purposes."

He also informed the House that the Senate had concurred in the amendment of the House, to

The bill entitled a further Supplement to the act entitled "An act to authorize the owner or possessor of any swamp or low ground to ditch or drain the same and for rendering more easy and convenient the mode of obtaining permission therefor."

He also laid on the table,

The report of the Treasurer of this State, showing the payment by him of certain claims against the State.

And he withdrew.

On motion of Mr. Rees,

The communication from the Senate,

Was read,

That is to say, the amendment to the bill entitled "A Supplement to the act entitled "An act to establish a Company under the name of the Mispillion Navigation Company,"

As follows, to wit:

In Senate, Feb. 9, 1837.

Amend the bill by inserting in the fifteenth line of the third section between the the words "be and as" the words "deemed and taken."

"Extract from the Journal,

"J. P. COMEGYS, Clerk.

"For concurrence."

The amendment to the joint resolution respecting the repairs on the tomb over Colonel John Hazlett,

As follows:

In Senate, Feb. 9, 1837.

Amend the bill by inserting at the end thereof, the following:—

And that the said committee be empowered to obtain (if practicable,) the Portraits of Thomas M'Kean, George Read, and Cæsar Rodney, the Signers of the Declaration of Independence on the part of Delaware.

"Extract from the Journal,

"J. P. COMEGYS, Clerk.

"For concurrence."

And the Treasurer's Report,

As follows, to wit:

To the Honourable, the Senate and House of Representatives, of the State of Delaware, in General Assembly met,

In compliance with an act of your Honourable Body, passed the second day of February 1837, authorizing the Treasurer of the State of Delaware, to pay off the claims against the State and report the same to your Honourable Body.

The Treasurer therefore begs leave to submit the following report:

1837, Feb. 3rd Paid John Cowgill surviving Executor of the estate of Doct'r Ezekiel Needham, for a loan to the State on the 27th Feb. 1830, at five per cent per annum.

Principal, - \$10,000 00

Balance of Interest, 466 67

-----\$10,466 67

There will be due and payable to Robert Frame, Esquire, on the 13th of September next, on a loan to the State, at 6 per cent.

Principal, - - \$4,500 00

One year's interest, 270 00

-----\$4,770 00

PETER S. PARKER,

Treasurer of the State of Delaware.

Treasury Office, February 6th 1837.

Mr. Johnson, presented the memorial of sundry citizens of Philadelphia, in favour of the construction of the Branch Rail Road from New Castle towards Wilmington, which was,

On his motion,

Read and referred to the committee on the same subject.

Mr. Brinckloe, moved

That the vacancy occasioned by the resignation of Mr. Marim, in the committee to which was referred the report of the committee appointed to audit the accounts of the Wilmington Bridge Company, be filled.

Whereupon,

Mr. Brinckloe, was appointed to supply the said vacancy.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the bill entitled "An additional Supplement to the act entitled "An act to alter and re-establish the Charter of the Borough of Wilmington.

Also—In the bill entitled "A Supplement to the act entitled An act for the better regulating, the wharves, public streets, buildings, party walls, and partition fences in the Borough of Wilmington, in the County of Newcastle upon the Delaware, and for raising money on the inhabitants of the said Borough for the public use and benefit thereof."

Mr. Johnson, Chairman of the committee to which was referred the petition for the construction of Rail Road from Newcastle towards Wilmington together with the remonstrance against the same, reported,

A bill entitled "An act to incorporate the Newcastle, Wilmington and Philadelphia, Rail Road Company, which was

On his motion,
Read, when

Mr. Hamilton, moved,
That the further consideration of the bill be postponed 'till Tuesday next, and be made the order of the day for that day,

On which question,
The House being divided,
The Speaker directed the yeas and nays to be called.
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Buckmaster, Cooper, Davis, Evans, Fleming, Hamilton, Lodge, Rees, Tharp, and Mr. Speaker,—10 yeas.

Nays—Messrs. Biddle, Booth, Boys, Brinckloe, Deakyne, Hall, Houston, Jacobs, and Johnson,—9 nays.

So the bill,
Was postponed 'till Tuesday next,

Mr. Hamilton, then moved,
That the Wilmington and Susquehanna Rail Road Company, be heard by Counsel before the Bar of this House on that day,
Which motion,

Prevailed.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted informed the House, that the Senate had indefinitely postponed the bill entitled "An act for the better preservation of the records in the office of the Prothonotary of the Superior Court of Newcastle County and had substituted in lieu thereof, sundry joint resolutions—and that the Senate had concurred in

The bill entitled "An act to enable Joseph B. Ford, of the City of Washington, to export a certain slave therein mentioned,

And he withdrew,

On motion of Mr. Booth,
The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Houston Chairman of the committee of enrolment, presented for the signature of the Speaker, the following enrolled bills,

A further Supplement to the act entitled "An act to Incorporate the Cherry Island marsh company,"

An act to revive and continue in force the act entitled An act to authorize John Stradley to erect a gate across a public road therein mentioned and to extend the provisions of the same to John Stradley a minor, son and devisee of the said John Stradley, or the purchaser or purchasers of the said John Stradley, minor."

A Supplement to an act entitled "An act concerning the sales of Real Estates made by the sheriff in and for New Castle County."

"A Supplement to the act entitled an act Supplementary to the act entitled an act for the establishment of Free Schools."

"An act for the relief of Margaret Morgan of Pencader Hundred in New Castle County."

"A Supplement to the act entitled An act to regulate certain public buildings, in the Town of Dover in Kent County and in Georgetown in Sussex County."

"An act to enable Elizabeth Caroline Whitely, a minor, to sell and convey a certain tract of land therein mentioned."

On motion of Mr. Cooper,

The bill entitled "An act to incorporate the Gravelly Run Marsh Company."

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Fleming,

The amendment of the Senate to the bill establishing a company under the name of the Mispillion Navigation Company."

Was adopted,

Mr. Hall, from the committee to which was referred, the petition of sundry Justices of the Peace, reported,

A bill entitled, A further supplement to the act entitled "An act providing for the recovery of small debts, which was

On his motion,

Read,

Mr. Rees, asked, and

On motion of Mr. Hamilton,

Obtained leave to introduce a bill entitled "An act supplementary to the act entitled "An act for regulating fees," which was

On his motion,

Read,

On motion Mr. Brinckloe,

The bill entitled "An act amending the acts, concerning Roads and Bridges And the discharging of Road taxes in Sussex County by work or materials.

Was read a second time by its title, and was

On his motion,

Read a third time by paragraphs, by special order, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Fleming,

The bill entitled "An act to enable the owners and possessors of the marsh and low grounds situate upon and contiguous to Green Branch, in Mispillion Hundred, Kent County, to drain and improve the same,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted informed the House, that the Senate had concurred in,

The bill entitled "An act to establish a Company under the name of the Camden Navigation Company," with an amendment.

He also presented for concurrence,

The bill entitled "An act to abolish imprisonment upon original execution process in civil actions."

Also—The bill entitled "A Supplement to an act entitled "An act to restrain persons from suffering swine to go at large within certain limits."

And he withdrew.

Mr. Johnson, presented the petition of Samuel Verdin, praying for a law condemning certain lands contiguous to his mill dam, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Johnson, Booth, and Houston, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Johnson,

The bill entitled "An act to enable George Hays, of Kent County, to locate certain vacant lands, situate part in Dover Hundred and part in Little Creek Hundred in said County and to complete his title to the same,"

Was read a third time by paragraphs, and,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Johnson,

The bill entitled "An act to prevent the discharge of Firearms in the Village of Camden, in Kent County, and for other purposes therein mentioned,"

Was read a second time.

On motion of Mr. Johnson,

The communication from the Senate in relation to the bill entitled

"An act to establish a Company under the name of the Camden Navigation Company,"

Was read,

As follows, to wit:

In Senate, Feb. 11, 1837.

Amend the bill by striking out the word "ten" in the 14th line of 2nd section and insert in lieu thereof, the word, "twenty."

Also add the following:—

Sec. 14. *And be it further enacted by the authority aforesaid, That the said Company shall be obliged, notwithstanding any of the former provisions of this act, to leave the passage open and unobstructed to certain landings upon the said Creek known by the name of "Barker's Landing"—"The Cherry Tree Landing," and "Luff's Landing," which last mentioned landing is situated upon that tract of land now in the tenure of Asa Lofland, and it shall not be lawful for the said Company to cut any canal or canals which will divert the waters of said Creek from its accustomed passage through that portion of the Creek upon which either of the before mentioned landings is situated.*

"Extract from the Journal,

"J. P. COMEGYS, Clerk.

"For concurrence,"

On motion of Mr. Johnson,
The amendment,

Was adopted.

Mr. Davis, from the committee appointed to examine the accounts of the Wilmington Bridge Company made the following report, which was,

On his motion,
Read,

As follows, to wit:

The committee to whom were referred the report of the Trustee of the school fund of his proceedings under a resolution of the General Assembly of this State, adopted on the 12th of February 1837, directing him to examine the books of accounts of the Wilmington Bridge Company with the view to ascertain the nett profits on the Capital Stock of the said Bridge Company, for each and every year since the erection of said bridge, respectfully submit the following report.

By the twenty-third section of an act entitled "An act to Incorporate a Company to erect a draw bridge over the Christiana at Wilmington, and for other purposes," passed January 20th 1837, it is declared that whenever the nett profits arising and accruing to the Bridge Company from the tolls, shall exceed the sum of ten per cent, per annum on the Capital Stock of the said Bridge Company, that the said Company shall pay into the hands of the Trustee of the fund for the establishing of schools in this State," the respective sums which may be in their hands, after deducting the said nett profits of ten per cent per annum on the said capital stock.

It appears to your committee that the examination of the books of accounts of said Company under the said resolution was imperfect and defective, as no authority was given to the Trustee of the school fund, the Attorney General and Auditor of Accounts to compel the production of the books and papers and the examination of the officers of said Bridge Company upon oath or affirmation, which was necessary for the purpose of obtaining full information of the nett profit of the said Company. It appears that no account of receipts and expenditures or of nett profits was exhibited by its officers, nor does it appear that all the books of accounts of the said Company were produced to the Trustee of the school fund, so far as your committee can obtain information from the report of the Trustee of the school fund, imperfect as it is for the cause before stated, it is manifest that in one year the dividend of the said Company was at the rate of twelve per cent per annum, of which all above ten per cent, ought to have been paid over for the benefit of the school fund; and from the statement in the report of sums due to and sums due from the Treasurer of the Bridge Company, it appears to your committee that the said Company have a surplus fund amounting without interest to upwards of twenty four thousand dollars, which sum your committee believes is made up, out of the nett profits of the said Company: your committee have ascertained that the said Company have lent out money on interest, and they believe, that a large amount is due from said company to the school fund, but have no means of ascertaining what that amount is, for the purpose of doing justice between the company and the State for the benefit of the school fund, your committee are of opinion, that a full and fair investigation should be made into this matter, and for that purpose, they respectfully recommend the adoption of the following resolution by the Legislature, viz:

Resolved, by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That the Attorney General of this State be and he is hereby directed to file a bill in equity in the name of the State, against the Wilmington Bridge Company, to compel them to come to a full, fair and just account of their nett profits for each and every year since the erection of their said bridge over the Christina, and to pay into the hand of the Trustee of the school fund, whatever shall appear to be due to said fund in such account, and for the purpose aforesaid to join as defendant or defendants to the said bill the present or any former officer or officers director or directors of said Company and to require their several answers on oath or affirmation, and if the said Wilmington Bridge Company or any such present or former officer or officers, director or directors as aforesaid shall plead the act of limitation or otherwise prevent or impede a full investigation into the true merits of the case or attempts to do so, the said Attorney General is further directed to proceed against the Wilmington Bridge Company aforesaid, by judicial writ to ascertain whether or not the charter of the of the said Company is or has been forfeited.

On motion of Mr. Booth,
The resolution,

Was adopted.

On motion of Mr. Davis,
The account of Robert W. Reynolds,
Was referred to the committee on claims.

On motion of Mr. Boys,
The House adjourned till Monday morning at 10 o'clock.

MONDAY 10 o'clock A. M. Feb. 13, 1837.

The House convened pursuant to adjournment.

Mr. Evans, laid on the table the following resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved, That His Excellency the Governor of this State, and the Secretary of State, be respectfully invited to take a seat on the floor of the House of Representatives, at any time they may think proper, during their continuance at the Metropolis, and

On his motion,

Adopted.

On motion of Mr. Hall,

The bill entitled "An act to amend the act entitled "An act providing for the recovery of small debts,"

Was read a second time.

On motion of Mr. Evans,

The communication from the Senate, presented by their Clerk on Saturday afternoon,

Was read,

As follows, to wit:

In Senate, Feb. 11, 1837.

WHEREAS, it has been represented to this General Assembly that certain records in the Prothonotary's Office at New Castle, are injured and broken, and likely to be destroyed, and that a general index or indexes is necessary to be made to the same: And also that a general index is necessary to be made in the office of the Register of Wills and granting letters of Administration in and for said County, of the settlements of executors and administrators, guardian accounts, inventories and such valuations of the real estate of minors as are returned into the office of the said Register, in the said County, Therefore,

Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Gerge B. Rodney, Daniel Corbit and James Delaplaine, citizens of New Castle County be and they are hereby authorized and empowered as soon as convenient to enter into the Prothonotary's office at New Castle, in and for the County of New Castle, and also into the office of the Register of Wills and granting letters of administration in said County and exam-

ine and determine what books in each of the offices are necessary to be rebound and transcribed, what indexes to the records in said offices may be necessary to be made, stating specifically in writing all matters and things appertaining to their commission: and also that the said commissioners are hereby directed to make a return of their proceedings with their signatures annexed thereto, to the Secretary of State, who shall lay the same before both Houses of the Legislature at their next biennial session.

Resolved, That before all or either of the said commissioners, shall enter upon the duties assigned them, they shall severally take and subscribe an oath or affirmation before some Judge or Justice of the Peace in New Castle County, faithfully and impartially to perform the duties herein expressed with fidelity.

Resolved further, That the Levy Court of New Castle County, be and they are hereby required to pay to each Commissioner acting in the premises, two dollars for each and every day they may be employed as aforesaid out of the fund of the said County.

“Extract from the Journal,

“J. P. COMEGYS, *Clerk*.

“For concurrence.”

On motion of Mr. Evans,

The bill entitled “An act to authorize Thomas Fisher, to erect a gate across a public road,”

Was read a second time.

On motion of Mr. Evans,

The bill entitled “An act to Incorporate a Company, by the name and title of the “White Marsh Company,” for the purpose of draining and reclaiming certain marshes and low grounds in Murderkill and Mispillion Hundreds in Kent County.”

Was read a second time by its title.

On motion of Mr. Jacobs,

A bill entitled “An act allowing for a limited time an additional Justice of the Peace, to reside in North West Fork Hundred, near Cannon’s Ferry,”

Was read a second time.

A message from the Senate by their Clerk.

Mr. Comegys Clerk of the Senate being admitted, informed the House, that the Senate had concurred in,

The bill entitled “An act for the relief of John Wilson minor,”
And he withdrew.

Mr. Houston Chairman of the committee of enrolment, presented for the signature of the Speaker, the following enrolled bills,

“An act to establish a Company under the name of the Murderkill Navigation Company.”

"An act to establish a Company under the name of the Camden Navigation Company."

"A Supplement to the act entitled "An act to establish a Company under the name of the Mispillion Navigation Company."

"An act to enable Joseph B. Ford, of the City Washington, to export a certain slave therein mentioned,

"A Supplement to the act entitled "An act for the better regulating, the wharves, public streets, buildings, party walls, and partition fences in the Borough of Wilmington, in the County of Newcastle upon the Delaware, and for raising money on the inhabitants of the said Borough for the public use and benefit thereof."

On motion of Mr. Houston,

The bill entitled "An act allowing for a limited time an additional Justice of the Peace to the County of Sussex,"

Was taken up for a third reading with a view to its final passage,

When on the question,

"Shall this be the first section of the bill,"

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Cooper, Fleming, Hall, Hamilton, Houston, Jacobs, Nickerson—10 yeas.

Nays—Messrs. Brinckloe, Buckmaster, Davis, Deakyne, Evans, Johnson, Lodge, Rees, and Mr. Speaker,—9 nays.

So the first section of the bill did not,

Prevail.

On motion of Mr. Hamilton,

The House adjourned to three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Hamilton, Chairman of the committee to which was referred the petition of William Inskeip, praying an act authorizing him to raise his mill dam, and the remonstrances against the prayer of the same, reported,

A bill entitled "A Supplement to the act entitled "An act to enable William Inskeip, of New Castle County to raise his mill dam and for other purposes therein mentioned," which was,

On his motion,

Read.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in,

The bill entitled "An act enable the owners and possessors of Marsh and low grounds on both sides of Drawyer's Creek in St. George's Hundred, New Castle County, to embank, drain and improve the same."

And also in the amendment of the House, to

The bill entitled "A Supplement to the act entitled "An act for the better securing personal liberty and easily and speedily redressing all wrongful restraints thereof,"

Mr. Davis, asked, and

On motion of Mr. Biddle,

Obtained leave to introduce a bill entitled "An act to appropriate the monies in the Treasury," which was,

On his motion,

Read,

Mr. Houston, asked, and,

On motion of Mr Evans,

Obtained leave to introduce a bill entitled "An act to amend the act entitled "An act to incorporate the Trustees of the George-Town School, in Georgetown, Sussex County," which was,

On his motion,

Read.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate, being admitted informed the House, that the Senate had concurred in

The bill entitled "An act amending the acts, concerning Roads and Bridges and the discharging of Road taxes in Sussex County by work or materials.

And he withdrew.

Mr. Brinckloe, Chairman of the committee to which was referred the petition of Joseph Mails, praying for a law to divorce him from a certain Henrietta Mails and to legalize his marriage with a certain Ann Lecatts, reported,

A bill entitled "An act to divorce Joseph Mails from his wife Henrietta Mails and to confirm the marriage between the said Joseph Mails and Ann Lecatts, of Sussex County and State of Delaware, which was,

On his motion,

Read.

On motion Mr. Houston,

The report of the joint committee appointed to settle with Court House Commissioners,

Was adopted,

Mr. Brinckloe, Chairman of the committee to which was referred the memorial of the Levy Court commissioners of Sussex County, pray-

ing a law authorizing the Levy Court of said County, to build a good and sufficient Court House, and fire proof offices, reported,

A bill entitled "An act to authorize the building of a Court House, and Fire Proof Offices at Georgetown in Sussex County," which was,

On his motion,

Read.

On motion of Mr. Evans,

The bill entitled "An act Supplementary to the act entitled "An act for regulating fees."

Was read a second time, and

On his motion,

Was postponed till the next Session of the Legislature.

On motion of Mr. Evans,

The bill entitled "A Supplement to the acts passed at Dover, Feb. 15th 1814 and January 30th 1813, authorizing the appointment of Trustees to secure the rents of lands and the marsh on Cape Henlopen and preventing trespasses being committed on said Cape,"

Was read a second time.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in

The bill entitled "An act to Incorporate the Delaware Academy of Natural Sciences,"

And he withdrew.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to the act entitled "An act to enable William Inskiep of New Castle County, to raise his mill dam and for other purposes therein mentioned,"

Was read a second time by special order, by its title.

Mr. Davis, laid on the table the account of Joshua G. Baker, which was,

On his motion,

Read and referred to the committee on accounts.

A message from the Senate by their Clerk,

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the amendment of the House, to

The bill entitled "An act authorizing the Coroner in each of the Counties of this State to appoint a deputy,"

And he withdrew.

On motion of Mr. Evans,

The bill entitled "An act to Incorporate a Company by the name and title of "The White Marsh Company," for the purpose of draining and reclaiming certain marshes and low grounds in Murderkill and Mispillion Hundreds in Kent County,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To be returned to the Senate.

On motion of Mr. Brinckloe,
The bill entitled "A Supplement to an act entitled "An act to re-
strain persons from suffering swine to go at large within certain limits,"
Was read a second time by special order.

On motion Mr. Brinckloe,
The bill entitled "An act to provide for certain deficiencies in the
Penal Code,"

Was read a second time.

He then offered an amendment to said bill, which was,

On his motion,
Read, and

Adopted.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the
House, that the Senate had concurred in,

The bill entitled "A further Supplement to an act entitled "An
act to prevent the exportation of Flour not Merchantable," with an
amendment.

On motion of Mr. Brinckloe,
The amendment,
Was read,

As follows, to wit:

In Senate, Feb. 13, 1837.

Amend the bill by adding the words "or Seaford" after the word Mid-
dleford whenever it occurs—and by striking out the word "trier" as
often as it occurs and inserting in lieu thereof the word "Inspector."

"Extract from the Journal,

"J. P. COMEGYS, Clerk.

"For concurrence,"

On motion of Mr. Houston,
The amendments,

Were concurred in!

Mr. Houston Chairman of the committee of enrolment, presented for
the signature of the Speaker, the following enrolled bills,

"An additional Supplement to the act entitled "An act to alter and
re-establish the Charter of the Borough of Wilmington."

"An act for the relief of John Wilson, a minor."

On motion of Mr. Hamilton.

The amendment of the Senate to the joint resolution in relation to
the tomb over "Colonel John Hazlett,"

Was concurred in.

Mr. Hamilton, Chairman of the committee to which was referred
The bill entitled "A further Supplement to the act entitled "An

act to Incorporate the Bank of Wilmington and Brandywine, in the Broough of Wilmington."

Also—

The bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank and Incorporate a Company under the name of the Bank of Smyrna,"

Reported back the bills with amendments, which were,

On his motion,
Read.

On motion of Mr. Hamilton,
The House adjourned till to-morrow morning at 10 o'clock.

TUESDAY 10 o'clock A. M. Feb. 14, 1837.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,

A bill entitled "A Supplement to the act entitled "An act to enable William Inskeip, of New Castle County to raise his mill dam and for other purposes therein mentioned,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Booth,

The joint resolution in respect to certain records in the office of the Prothonotary and other offices at New Castle in and for the County of New Castle,

Was taken up for consideration, when he offered the following amendment, which was,

On his motion,
Read.

As follows, to wit:

Strike out the names of Daniel Corbit and James Delaplaine and insert the names of Andrew C. Gray and Thomas Stockton.

Amend the first resolution by striking out all that follows after "there- to, in the 3d line from the end of said resolution and inserting in place thereof these words—"To the Superior Court of this State in and for the County of New Castle, at the next May term thereof, and in case the said return be approved by the said Court, the said commissioners or a majority of them are hereby required to cause such indexes and books to be rebound and transcribed and such indexes to be made as shall be mentioned in their return so approved by the said Court, and such indexes and books as shall be transcribed shall be compared with the originals by the said commissioners and by them certified; and the costs and expenses of such rebinding and transcribing, and of mak-

ing new indexes as shall be allowed by the said Court or the Associate Judge of New Castle County, shall be paid by the County Treasurer, upon orders drawn by the said commissioners or a majority of them."

When he moved,
That the amendment be,

Adopted.

On which question,
The House being divided,
The Speaker directed the yeas and nays to be called.
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Brinckloe, Cooper, Davis, Deakyne, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Waller, and Mr. Speaker,—15 yeas.

Nays—Messrs. Biddle, Boys, Evans, Hamilton, and Lodge,—5 nays.

So the amendment,

Was adopted.

And the resolution was read as amended.

On motion of Mr. Evans,
The bill entitled "An act to authorize Thomas Fisher, to erect a gate across a public road,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To be returned to the Senate.

On motion of Mr. Evans,
The bill entitled "A Supplement to the acts passed at Dover Feb'y 15th 1814, and January 29th 1815, authorizing the appointment of trustees to secure the rents of lands and the marsh on Cape Henlopen and preventing trespasses being committed on said Cape,"

Was taken up for a third reading with a view to its final passage when,

On motion of Mr. Davis,
The bill was,

Indefinitely postponed.

Mr. Tharp, Chairman of the Committee to which was referred the petition of Levi Jester, praying for a law to change the location of a road therein mentioned, reported,

A bill entitled "An act for changing the location of a certain public road and for other purposes," which was,

On his motion,
Read,

On motion of Mr. Evans,
The bill entitled "An act to prevent the discharge of Firearms in

the Village of Camden in Kent County, and for other purposes therein mentioned."

Was taken up for a third reading with a view to its final passage,

Pending the question,

Shall this be the third section of the bill,

Mr. Johnson, moved,

That the bill be committed to a committee of three members.

Which motion.

Prevailed.

Messrs. Johnson, Brinckloe, and Boys, were appointed the said committee.

Mr. Brinckloe, asked, and

On motion of Mr. Davis,

Obtained leave to introduce a bill entitled "A Supplement to the act entitled "An act concerning roads and bridges, which was,

On his motion,

Read.

On motion of Mr. Jacobs,

The bill entitled "A Supplement to the act entitled "An act respecting devises of lands, joint estates and dower."

Was taken up for a third reading with a view to its final passage.

When on the question,

"Shall this be the first section of the bill,"

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Cooper, Evans, Houston, Jacobs, Nickerson, Rees, and Mr. Speaker—7 yeas.

Nays—Messrs. Biddle, Booth, Boys, Buckmaster, Davis, Deakyn, Fleming, Hall, Hamilton, Johnson, Lodge, Tharp, and Waller—13 nays.

So the first section did not,

Prevail.

On motion of Mr. Lodge,

The House adjourned to two o'clock this afternoon.

Eodem Die, 2 o'clock, P. M.

The House convened pursuant to adjournment.

Mr. Hamilton, presented the remonstrance of the City Council of the City of Wilmington, against the construction of a Rail Road from the Town of New Castle or the Harbor of Port Penn, to intersect the Wilmington and Susquehanna Rail Road at or near the City of Wilmington, which was,

On his motion,

Read.

Mr. Hamilton, presented the memorial of the Board of Trade of the City of Wilmington on the same subject, which was,

On his motion,
Read.

Mr. Evans, moved,
That the Ladies and their attendants be invited to take seats on the floor of this House,

Which motion,

Prevailed.

Mr. Hamilton, moved,
That the House proceed to the order of the day.

The House then took up for consideration,

The bill entitled "An act to incorporate the Newcastle, Wilmington and Philadelphia, Rail Road Company,

On motion of Mr. Hamilton,

The House resolved itself into a committee of the whole, on the said bill—Mr. Davis in the Chair.

Mr. Hamilton, moved,

That the Counsel of the committee of the Wilmington and Susquehanna Rail Road Company and the Counsel of the petitioners, be invited to take seats on the floor of the committee.

On motion of Mr. Hamilton,

Ordered, That the members of the Senate, be respectfully invited to take seats on the floor of the committee of the whole, during the discussion of the merits of the bill.

After some time spent in the committee of the whole,

Mr. Hamilton, moved,

That the committee now rise, report progress, and have leave to sit again,

Whereupon;

The committee rose, reported progress, and asked leave to sit again, which was granted by the House.

On motion of Mr. Hamilton,

The House adjourned till 7 o'clock this evening.

Eodem Die, 7 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Evans,

The House resolved itself into a committee of the whole, on the business before it, that is to say,

The bill entitled "An act to incorporate the New Castle, Wilmington and Philadelphia Rail Road Company,"

After some time spent therein, the committee rose, reported progress and asked leave to sit again,

Which was granted by the House.

On motion of Mr. Booth,
The House adjourned to ten o'clock to-morrow morning.

WEDNESDAY 10 o'clock A. M. 15, Feb. 1837.

The House convened pursuant to adjournment.

On motion of Mr. Brinckloe,
The bill entitled "A Supplement to the act concerning roads and bridges,"

Was read a second time,

Mr. Houston, Chairman of the committee of enrolment, presented for the signature of the Speaker, the following bills.

"An act to enable the owners and possessors of the marsh and low grounds on both sides of Drawyer's Creek in St. George's Hundred, New Castle County, to embank, drain and improve the same."

"An act to incorporate the Delaware Academy of Natural Sciences,"

"A further Supplement to an act entitled "An act to prevent the exportation of Flour not Merchantable."

"An act amending the acts, concerning Roads and Bridges and the discharging of Road taxes in Sussex County by work or materials."

Mr. Brinckloe, asked, and

On motion of Mr. Davis,

Obtained leave to introduce a bill entitled "A further Supplement to the act entitled "An act concerning the Probate of Wills and the administration of the personal estate of deceased persons," which was,

On his motion,

Read.

On motion of Mr. Houston,

The bill entitled "An act to amend the act entitled "An act to incorporate the Trustees of the George-Town School, in Georgetown, Sussex County,"

Was read a second time.

On motion of Mr. Brinckloe,

The bill entitled "An act to authorize the building of a Court House and Freproof Officers at Georgetown in Sussex County,"

Was read a second time.

He then offered an amendment, which was,

On his motion,

Read,

On motion of Mr. Hall,
The bill entitled "An act to amend the act entitled "An act providing for the recovery of small debts,"

Was taken up for a third reading with a view to its final passage,

When on the question,
"Shall this be the first section of the bill,"

The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Buckmaster, Cooper, Hall, Nickerson—4 yeas.

Nays—Messrs. Biddle, Booth, Boys, Davis, Deakayne, Evans, Fleming, Hamilton, Houston, Jacobs, Johnson, Lodge, Rees, Tharp, Waller, and Mr. Speaker,—16 nays.

So the first section of the bill did not,

Prevail.

Mr. Fleming, Chairman of the committee to which was referred the petition of the owners of Cat Tail Marsh for a ditch, reported

A bill entitled "A Supplement to the act entitled "An act to incorporate the Cat Tail Marsh Company, and for other purposes," which was,

On his motion,
Read.

A message from the Senate by their Clerk.

Mr. Comegys Clerk of the Senate being admitted, informed the House, that the Senate had concurred in,

The bill entitled "An act enable the owners and possessors of Marsh and low grounds situated upon and contiguous to Green Branch in Mispillion Hundred, Kent County, to drain and improve the same."

Also—In the bill entitled "An additional Supplement, to an act entitled "An act to authorize the owners and possessors of the Marsh and low grounds commonly called and known by the name of Meredith's Branch, in the Forest of Murderkill and Mispillion Hundreds in Kent County, to cut a ditch or drain through the same,"

Also—In the bill entitled "An act to incorporate the Gravely Run Marsh Company,"

He at the same time requested,

The appointment of a committee of conference on that part of the House to meet a similar committee on the part of the Senate to correct an error in the bill entitled "A Supplement to the act entitled "An act for the better securing personal liberty and easily and speedily redressing all wrongful restraints thereof."

And informed the House,

That Messrs. Naudain and Polk had been appointed on the part of the Senate,

On motion Mr. Houston,
The bill entitled "An act to amend the act entitled "An act to incorporate the Georgetown school, in Georgetown Sussex County."

Was read a third time by paragraphs, by special order, and,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Brinckloe,
A bill entitled "An act to divorce Joseph Mails from his wife Henrietta Mails and to confirm the marriage between the said Joseph Mails and Ann Lecatts; of Sussex County and State of Delaware,"

Was read a second time.

Mr. Johnson, from the committee to which was committed, the bill entitled "An act to prevent the discharge of Fire arms in the Village of Camden, Kent County, and for other purposes therein mentioned,"

Reported back the bill with an amendment, which was,

On his motion,

Read, and

Adopted.

And the third and the subsequent sections of the bill as amended,

Were taken up with a view to their final passage, and

Passed the House.

And the bill,

Passed the House.

Ordered, To the Senate for concurrence,

On motion of Mr. Brinckloe,

The bill entitled "An act to divorce Joseph Mails from his wife Henrietta Mails and to confirm the marriage between the said Joseph Mails and Ann Lecatts of Sussex County,"

Was taken up by special order of the House, by paragraphs with a view to its final passage,

When on the question,

Shall this be the first section of the bill,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Brinckloe, Deakyne, Jacobs, Johnson Rees, Tharp, Waller, and Mr. Speaker,—10 yeas,

Nays—Messrs. Boys, Buckmaster, Cooper, Davis, Evans, Fleming Hall, Hamilton, Houston, Lodge and Nickerson,—11 nays,

So the first section of the bill, did not

Prevail.

On motion of Mr. Davis,

The House adjourned 'till two o'clock this afternoon.

Eodem Die, 2 o'clock, P. M.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,

The House resolved itself into a committee of the whole on the bill entitled "An act to incorporate the New Castle, Wilmington and Philadelphia Rail Road Company"—Mr. Davis, in the Chair.

After some time spent therein, the committee rose and reported the said bill with the following amendment, to wit:

1. Amend by striking out in the 15th, 16th, 17th and 18th lines of the 1st section, the words "*the New Castle and Frenchtown Turnpike and Rail Road and with the Wilmington and Susquehanna Rail Road or,*" and inserting in the 15th line between the word "*unite*" and the word "*with*" the words "*at Wilmington.*"

2. Also amend the same section by inserting in the 20th line immediately before the words "*The Capital Stock,*" these words "*and the said Rail Road so to be constructed by virtue of this act shall terminate at Wilmington.*"

3. Amend the 3d section in the 11th line by inserting immediately before the words "*land*" the word "*such.*"

4. Amend the same section by inserting immediately before the word "*quality*" in the 13th line, the words "*as shall be necessary or convenient for effecting the objects of this act.*"

5. Amend the 5th section by inserting in the 4th line immediately after the word "*commissioners*" the words "*such part not to be less than fifty thousand dollars.*"

6. Amend the 7th section by adding after the words "*interest thereof*" in the 27th line these words, "*such increase of Capital Stock and such loans shall not in the whole exceed fifty thousand dollars: and shall be solely applied to effecting the object of this act.*"

Add the following two sections as sections 17 and 18.

Section 17. *And be it further enacted*, That nothing contained in this act shall be so construed as to authorize the said Company created by this act to make any junction or connection with the New Castle and Frenchtown Rail Road, or to make any contract with the New Castle and Frenchtown Turnpike and Rail Road Company. And the said Company created by this act shall and they are hereby required to assign and transfer to the Delaware Rail Road Company, the Rail Road authorized by this act and all the corporate rights, privileges and franchises hereby given or granted to the said "The New Castle, Wilmington Philadelphia Rail Road Company, if the said Delaware Rail Road Company shall require them so to do: Provided nevertheless that the said Delaware Rail Road Company shall pay to the Stockholders of the said Company hereby created, the sum or sums of money they shall have actually expended in the construction of their said road and shall

also pay such debts as the said Company created by this act shall actually owe at the time of such transfer made.

Section 18. *And be it further enacted,* That if the said Company hereby created, shall not carry into effect the objects of their charter within the term of ten years from the passing of this act, or if after the completion of the said rail road, the said Company shall suffer the same to go to decay and be impassable for the term of two years then this Charter shall become null and void, except so far as it compels the said Company to make reparation for damages.

After which the committee asked leave to be discharged, and

On motion of Mr. Brinckloe,

Were discharged.

The Speaker, laid on the table, the report of the Commissioners of the Delaware Rail Road, also that of the Engineer in Chief, with its accompanying documents which were,

On motion of Mr. Johnson,
Read,

As follows, to wit:

*To the Honorable the Senate and House of Representatives
of the State of Delaware, in General Assembly met:*

THE undersigned commissioners of the Delaware Rail Road have the honor respectfully to report: That they have now discharged all the duties enjoined upon them by the Legislature as preparatory to opening the subscription for the capital stock of the company. The subscription books are purchased and the reports of the Engineers employed to survey the road being now completed are herewith laid before you. From these it will be seen, that the maximum or highest estimated cost of the projected rail road from the Wilmington and Susquehanna rail road, by the devious route through the towns of the State, to the Maryland line at the south boundary of Delaware, being 94 29-100 miles in length is

| | |
|---------------------------------|-------------|
| To Georgetown, in Sussex County | \$1,069,462 |
| To Seaford, via Georgetown | 908,318 |
| To Lewes, via Georgetown | 1,037,508 |
| | 1,029,137 |

The lines proposed to run from Milford to Seaford, and from Milford to Lewes, would, by diminishing the distance, of course greatly diminish the amount of this estimate of the cost of a rail road to Lewes or Seaford.

The route over the dividing ridge has been run, for the reasons stated in the report of the Engineer in Chief. But this route is unquestionably the cheapest and shortest route to Seaford on the Nanticoke river where the Chesapeake steamboat navigation commences and from the best information which we can obtain, the construction of a rail road from the Wilmington and Susquehanna rail road to Seaford, even by the towns of Newark, Middletown, Smyrna, Dover and Milford, would not cost more than 900,000 dollars. The ridge route proposed to connect Philadelphia by the Wilmington and Susquehanna rail road with Seaford would cost far less. We think there can be no doubt that one million of dollars would be sufficient now to connect both Lewestown and Seaford with Philadelphia by one of the best rail roads in the country.

The Delaware Rail Road Company when organized will be authorized by its charter, to select its own route to run to Lewes or to Seaford, or to the south boundary of the State, or to all of them, or to run to any other point within the State. The survey now made is no way binding on the company. It may use this or make any other survey and select any other route which its stockholders may prefer.

The object of the present survey and report which is the made entirely through the liberality of the State, is to satisfy persons at a distance of the practicability of constructing the rail road even on the most expensive and longest route, at a rate far below former conjectural estimates. With this survey and estimate before the public and a perpetual charter, the liberality of whose provisions can hardly be exceeded, exempting the stock, tolls and all other property whatsoever belonging to the company from tax for fifty years from its passage, requiring no bonus to the State, but actually giving a large bonus to the stockholders, in the exemption of land from tax for individual concessions to the company, it is confidently believed that there cannot be a doubt of the final success of the enterprise. The State having subscribed twenty-five thousand dollars in the stock of the company, and paid for all the surveys, no further pecuniary aid is in our opinion required of it. A corporation of this character, if its capital be entirely or chiefly composed of State funds, must want the great stimulus to successful exertion which the private interest of enterprising individual stockholders alone can supply. If the brilliant prospect now offered to the cities of Philadelphia and Wilmington of enjoying the principal advantages of a seaport through this means of connection with the Delaware Breakwater harbor, and of turning by means of the rail road to the waters which flow into the Chesapeake, the Southern trade and travel now every year increasing and concentrating upon Norfolk and Richmond, by the great rail roads and canals of the South and south west,—if the benefits thus to be secured to the south by opening to her the shortest, safest and cheapest possible line of communication with the northern cities, and all the advantages which the people of this State may reasonably expect to derive from this enterprise will not ensure the requisite subscription to the stock, the failure will not rest upon the Legislature of Delaware.

The State of Virginia has chartered a company to construct a rail road through the counties of Accomac and Northampton to act in connection with a rail road from the point at the south boundary of Delaware where the Delaware rail road may terminate, extending through the intervening district of Maryland to the Virginia line. But the State of Maryland has refused to grant a charter to a company to extend the road through her limits, acting it is said, upon the belief that the whole line of road will operate injuriously by turning trade and travel from Baltimore to Philadelphia. However the refusal may be regretted by some who were most desirous to extend the benefits of the road through the Peninsula, it is evident that the great object of turning southern travel by a rail road through this State cannot be affected in the slightest degree. Seaford is within our own limits: the navigation of the Nanticoke river to it by steamboats of the largest class is excellent, and the right to that navigation can never be taken from us.

A union of the energies of the citizens of our own state in the construction of a road which is designed for the benefit of the Peninsula is much to be desired. With the Eastern shore of that State we have and must ever have a community of interest and feeling. Aware of this, the Legislature which incorporated the Delaware rail road company has provided by the 22d section of its charter "That it shall be the *duty* of the President and Directors of the said company at all times to invite the co-operation of the States of Maryland and Virginia in the construction of rail roads for the improvement of the peninsula on just and equitable principles, and to grant every facility for transportation and passage to the other citizens of the peninsula as well as those of this State, on the roads to be constructed under the provisions of this act, which can be granted consistently with justice to the said company." Acting in the spirit which dictated this provision, we shall attempt to throw no obstacle in the way of the projected road on the Eastern shore of Maryland, from Elkton to the Anamesic river. We shall rather rejoice in the success of our neighbors and friends should their enterprise be successful; but should they from obstacles not anticipated abandon their design, we shall invoke their assistance with confidence that they will endeavor to avail themselves of all the benefits to be obtained by lateral branches into Maryland to join our road. — Whether such a co-operation as is desirable for the benefit of both districts of country can be produced, must be left to time and the future exertions of the citizens of both. We trust it will be eventually found that there are no antagonizing interests among them, to prevent their rallying together in a common cause and exerting themselves in one common effort for the benefit of the whole peninsula.

The ridge route through this State ought to be surveyed; and it is believed that an appeal to the General Government for a corps of Engineers to make it, would not be unsuccessful. The longest and by far the most difficult survey has already been made by the State.

In conclusion permit us to express our sense of what is due to the Engineer in Chief employed to make the survey and estimates now submitted to you, who freely gave his own services to the State without any compensation. His exalted standing in his profession must give a weight to the opinions he has advanced, which by an intelligent public cannot fail to be highly and duly appreciated. All which is most respectfully submitted.

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| JOHN M. CLAYTON, | } Commissioners. |
| WILLIAM D. WAPLES, | |
| RICHARD MANFIELD. | |

Dover, Delaware, February 2d, 1837.

CHIEF ENGINEER'S REPORT.

To the Hon. JOHN M. CLAYTON, }
 WILLIAM D. WAPLES, } *Commissioners for the Dela-*
 RICHARD MANSFIELD. } *ware rail road.*

Gentlemen,—

I have the pleasure of presenting to you herewith a report of the reconnoissance and preliminary surveys of the Delaware Rail Road, commencing at the Wilmington and Susquehanna Rail Road, and extending from thence to the Southern line of this State in a direction towards Cape Charles, and the southern part of the peninsula, by the way of Millsborough and Dagsborough, with lateral projections therefrom to the towns of Lewes and Seaford, with proximate estimates of the cost thereof.

Immediately after receiving your appointment as your Chief Engineer, I made a reconnoissance of that portion of the Delaware peninsula through which it was contemplated to carry the Delaware Rail Road and its branches; in this examination I was accompanied by my Assistant Engineer, Edward Staveley Esq., and to whom I at that time pointed out the routes and places to be pursued by him in the prosecution of the survey, and so as to have the surveys and estimates completed if practicable within the prescribed limits, both as to time and funds.

It affords me peculiar pleasure to inform you that this examination of the Peninsula confirmed me in the opinion I had previously received as to a large portion of the State of Delaware being almost a level plain and peculiarly favorable for the construction of rail roads with gentle grades and curves of large radii, at moderate costs. This feature of the country is particularly applicable to the dividing ridge which extends nearly the whole length of the State and separates the waters of the Chesapeake from those of the Delaware; this elevation of country termed "*the ridge*" is almost a perfect level from the Christianna Creek to the south bounds of the State, and in many places is also almost level for several miles on each side of it. A permanent rail road with large curves and gentle grades could be made along this ridge at less cost per mile than along any other route, or through any other section of the country of the same extent, that I have ever become acquainted with.—The only formidable obstacle to be met with along this ridge route is the Chesapeake and Delaware Canal, which extends across the Peninsula at the level of tide water.

The most direct line for the ridge route will carry it across the canal at or near the Summit Bridge: the elevation of this Bridge is several feet above the adjoining country and would require heavy embankments for a considerable distance on each side of it, to enable us to pass the rail road across it at a moderate grade; besides all this, the present bridge across the canal at that place (even if permission was obtained to use a part of it for our rail road track) would be found altogether too infirm to be relied upon for that purpose; a permanent bridge of the same height with the present bridge could be erected at that place for

from 80 to 100,000 dollars, according to the nature of the materials and construction, if no provision were made for vessels with longer masts than those that now pass through the canal and under that bridge.

From a reconnoissance of the country between Middletown and Elkton, it is believed that a shorter and cheaper route than the one across the Summit Bridge may be obtained, which shall connect this ridge route in the neighbourhood of Middletown with the Wilmington and Susquehanna Rail Road, as well as the New Castle and Frenchtown Rail Road, provided permission was obtained from the State of Maryland, to connect the Delaware Rail Road with the Wilmington and Susquehanna Rail Road at the town of Elkton, and the New Castle and Frenchtown Rail Road at some point between Frenchtown and the Maryland line.

No survey or estimate has been made at this time of that route. It was my intention in the first instance, to have surveyed and levelled a base line along the whole extent of the ridge which divides the waters of the Chesapeake from those of the Delaware, in order that by examining the country on both sides thereof, a knowledge of the most eligible route for a rail road between the most northerly and southerly extremities of the road might be obtained, without regard to the particular accommodation of the inhabitants along the route, and afterwards to have surveyed and estimated such a line for a rail road through the towns on the easterly side of that ridge as would accommodate the greatest number of inhabitants; and although it was manifest that a rail road could be constructed along this latter or ridge route at a much less cost than the other, yet inasmuch as the funds provided for this survey, as well as the time allowed us to make it in, restricted us to the examination of but one route for the rail road, it was thought expedient and due to the inhabitants of the towns on the easterly side of that ridge, that the route to be then surveyed should be the one which would accommodate them the most, and this appeared to be the more reasonable, because, the length of road would not be much increased thereby: and the principal difference between two routes would be in their first construction; and by making the survey of this route at that time it would afford the persons interested, the earliest knowledge of the maximum cost required to be incurred for their accommodation and thus afford them an opportunity to make seasonable provision therefor.

The difficulty of obtaining the most eligible route for a rail road to connect the towns was very much increased by the country between many of them being so very level, that a good route (when compared with other sections of country selected for rail roads) could be obtained in almost any direction; the difficulty therefore did not consist in finding a good route, but in the time required in examining so many of them in order to select the most eligible route amongst them; and as from the causes before mentioned we were restricted to the survey of this route, I endeavoured to connect these towns by the shortest routes that could be obtained between them; and for this purpose lines, from which the country on either side of them might be examined, and thus be enabled to select the most eligible route in its vicinity, for the causes before mentioned. I was only enabled to carry out this plan in part.

The accompanying proximate estimates, for the grading, bridges and culverts, were made by Mr. Staveley with much care from his survey along those experimental lines, and they will from this cause be found to be the maximum both as to length of road and cost of construction.

The maximum ascents and descents required for the road is seventeen feet per mile, and the maximum radius of curvature five thousand feet.

It was my intention if time and funds had permitted to have surveyed and leveled several routes for the main stem of this rail road and its branches *in addition* to those that have been surveyed and estimated, and also in addition to the ridge or direct route before mentioned, and for that purpose made a reconnoissance of the country through which many of them were expected to pass. Among these routes were the following, (viz:)

First. From the ridge route near the town of Middletown, to the Wilmington and Susquehanna Rail Road at the city of Wilmington.

1 By the way of Delaware City and the Town of New Castle.

2 By the way of the town of St. Georges and the mouth of Red Lion creek to the town of New Castle.

3 By way of St. Georges, the Red Lion and Bear taverns.
do the Summit Bridge and do do

Second. From the ridge route near Middletown, to the Wilmington and Susquehanna Rail Road.

By way of the Pivot Bridge across the canal, near the Maryland line.

By the way of Welsh point and Frenchtown to *Elkton*, that portion of this route, between Welsh point and Elkton having been heretofore surveyed by me, and found to be very eligible for a rail road.

Third. From Dover along the most direct line to Frederica.

Fourth. From Milford to Lewes, 1st by the most direct route.
do do by way of Milton.

Fifth. do to Georgetown by way of Milton.

Sixth. do to Millsborough by way of Milton.

Seventh. do to Seaford, as the head of the steam navigation on the Nanticoke river, by way of St. Johnsville, Bridgeville and Middleford.

Eighth. From Canterbury, on the most direct route to steam boat navigation on the Nanticoke at or near Seaford. The trade of this place no doubt will be of sufficient importance to the main stem of the Delaware Rail Road to insure its connection by a lateral branch.

Estimated cost for the Delaware Rail Road, with branches to Lewes and Seaford.

If the superstructure of the Delaware rail road and its branches be made upon the same plan with that originally adopted, for a part of the New Castle and Frenchtown rail road, viz:

First. Mudsills laid longitudinally in trenches filled with clean sand or gravel and well rammed.

Second. Cross-ties three feet apart, to be secured to those sills by iron spikes.

Third. Six inch rails of Georgia pine, to be laid into gains or notches cut in those cross ties, and secured in their places by keys or wedges of wood.

Fourth. Iron rails $2\frac{1}{4}$ inches in width by $5\frac{1}{8}$ of an inch in thickness, to be secured by iron spikes to the top of the inner edge of those six inch rails. Then at the present high prices of iron and lumber, the superstructure for one mile of single track of rail way would cost about five thousand dollars.

The average cost per cubic yard for excavation and embankment for a rail road along the route, which could be made principally from the side drains, may be fairly estimated at from ten to twelve cents; but as the route through the towns now to be estimated is more uneven, and besides this, will require several long and heavy embankments across valleys on the level of the tide, we will take fifteen cents for the mean cost per cubic yard for the main stem, and twelve cents per cubic yard for the route from Georgetown to Lewes; twelve cents from Millborough to Lewes; fifteen cents from Georgetown to Seaford.

The culverts and viaducts are to be made of solid masonry, and estimated at from \$3 to \$5 per perch of $24\frac{3}{4}$ cubic feet. By applying these prices to the length of railway now to be estimated, and to the quantity of work to be done upon it, we will obtain the following results:

Estimated cost of a single track for the main stem or trunk of the Delaware Rail Road.

The whole distance from a point on the Wilmington and Susquehanna Rail Road near Newark, southwardly through the principal towns on peninsula to Georgetown in Sussex county, is seventy-five miles; which at \$5,000 per mile for the railway, amounts to \$375,000

| | |
|---|---------|
| 2,829,787 cubic yards of excavation and embankment at | |
| 15 cents | 424,468 |
| Masonry | 108,850 |

| | |
|---|-----------|
| Estimated cost of rail road from near Newark to Georgetown, | \$908,318 |
|---|-----------|

The distance from Georgetown to the Maryland line by way of Millsborough and Dagsborough is $19\frac{29}{100}$ miles, which at \$5,000 per mile for the railway amounts to 96,450

| | |
|--|-------------|
| 418,293 cubic yards of excavation and embankment at 15 cents | \$62,744 |
| Masonry | 1,950 |
| Estimated cost of rail road from Georgetown to the Mary- land line | 161,144 |
| Which gives for the aggregate cost of the main stem or trunk of the rail road from near Newark, to the south bounds of the State of Delaware | \$1,069,462 |

*Estimated cost for a single track of rail road from Georgetown to
Lewes.*

| | |
|--|-----------|
| The distance from Georgetown to Lewes is $15\frac{10}{100}$ miles which at \$5,000 per mile for the rail way is | \$75,500 |
| 365,079 cubic yards of excavation and embankment | 43,809 |
| Masonry | 1,510 |
| Cost of rail road from Georgetown to Lewes | \$120,819 |

*Estimated cost for a single track of rail road from Millsborough to
Lewes.*

| | |
|---|-----------|
| The distance from Millsborough to Lewes is $16\frac{1}{10}$ miles which at \$5,000 per mile for the rail way, amounts to | \$80,500 |
| 288,997 cubic yards of excavation and embankment at 12 cents | 34,679 |
| Masonry | 1,610 |
| Cost of road from Millsborough to Lewes | \$116,789 |

*Estimated cost for a single track of rail road from Georgetown to
Seaford.*

| | |
|---|-----------|
| The distance from Georgetown to Seaford is $12\frac{7}{10}$ miles, which at \$5,000 per mile for the railway, is | \$63,500 |
| 428,771 cubic yards of excavation and embankment at 15 cents | 64,315 |
| Masonry | 1,270 |
| Cost of rail road from Georgetown to Seaford | \$129,085 |

From which it appears, that a single track of rail road extending from the Wilmington and Susquehanna rail road southerly, to Lewes by the way of Georgetown, would be $(75 \times 15\frac{1}{10}) 90\frac{1}{10}$ miles, and cost $(\$908,318 \times 120,819) \$1,029,137$.

On motion of Mr. Johnson,

The said reports and accompanying documents were referred to a committee of three members.

Messrs. Johnson, Brinckloe, and Evans, were appointed the said committee.

On motion of Mr. Hamilton,
The House adjourned till to-morrow morning at 10 o'clock.

THURSDAY 10 o'clock A. M. Feb. 14, 1837.

The House convened pursuant to adjournment.

On motion of Mr. Tharp,
The bill entitled "An act for changing the location of a certain public road and for other purposes,"

Was read a second time.

On motion of Mr. Johnson,
The above bill was taken up for consideration and the blank in the first section thereof filled with the names of Josiah Walcott, Thomas Booth and Peter Calaway.

On motion of Mr. Hamilton,
The bill entitled "An act to incorporate the New Castle, Wilmiugton and Philadelphia Rail Road Company,"
Was taken up for consideration,

When he moved,
That the same be indefinitely postponed,

On which motion,
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Davis, Evans, Fleming, Hamilton, Johnson, Lodge, Rees, and Mr. Speaker,—9 yeas.

Nays—Messrs. Booth, Boys, Brinckloe, Buckmaster, Cooper, Deakyne, Hall, Houston, Jacobs, Nickerson, Tharp, and Waller,—12 nays.

So the House refused to postpone the bill indefinitely.

Mr. Booth, moved,
That the bill be postponed till the next biennial session of the Legislature.

On which question,
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Boys, Brinckloe, Buckmaster, Cooper, Deakyne, and Nickerson,—7 yeas,

Nays—Messrs. Biddle, Davis, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Rees, Tharp, Waller, and Mr. Speaker,—14 nays,
So the motion,

Was lost.

And on motion Mr. Johnson,
The further consideration of the bill was postponed till this afternoon.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, returned to the House, sundry enrolled bills which had received the signature of the Speaker.

He also informed the House that the Senate had concurred in,

The bill entitled "A further Supplement to the act entitled "An act to enable William Inskeip of New Castle County to raise his mill dam, and for other purposes therein mentioned."

He at the same time presented for the concurrence of the House,

The bill entitled "An act to encourage the raising of Silk worms within this State."

He at the same time informed the House, that

The bill entitled "An act to encourage the breed of Horses in this State," had been indefinitely postponed in the Senate.

And that the Senate had refused to concur in the amendment of the House to the joint resolution respecting the the preservation of the records of New Castle County.

And he withdrew.

On motion of Mr. Hamilton,

The communication from the Senate,

Was read.

Mr. Brinckloe, moved,

That the House insist on their amendments, to the same resolutions,
Which motion,

Prevailed.

Mr. Houston, Chairman of the committee of enrolment presented for the signature of the Speaker, the following enrolled bills:

"An act to enable the owners and possessors of the marsh and low grounds situate upon and contiguous to Green Branch in Mispillion Hundred Kent County to drain and improve the same."

"An act to incorporate the Gravelly Run Marsh Company."

Mr. Hall, Chairman of the committee to which was referred the petition of sundry citizens of Sussex County, praying a law for the protection of the Fisheries on Indian River and Rehoboth Bay, reported

A bill entitled "An act to prohibit the use of gill nets and seines in Indian River and Rehoboth Bay, across the channels thereof, which was,

On his motion,

Read.

On motion of Mr. Brinckloe,
The bill entitled "An act to provide for certain deficiencies in the Penal Code,"

Was taken up with a view to its final passage,

And the question,

"Shall this be the first section of the bill,"

Being put by the Speaker,

The House decided the same,

In the negative.

And the first section did not,

Prevail.

And the remaining sections thereof,

Passed the House.

And the bill, with the exception of the said first section,

Passed the House.

Ordered, To the Senate for concurrence,

On motion of Mr. Brinckloe,

The bill entitled "An act to authorize the building of a Court House and Fireproof offices at Georgetown in Sussex County,"

Was taken up with a view to its final passage,

When on the question,

"Shall this be the third section of the bill?"

The House being divided,

The Speaker, directed the yeas and nays to be called,

And they were,

As follows, to wit:

Yeas—Messrs. Booth, Brinckloe, Buckmaster, Davis, Deakyne, Evans, Fleming, Hall, Hamilton. Houston, Jacobs, Johnson, Nickerson, Rees, Waller, and Mr. Speaker—16 yeas.

Nays—Messrs. Biddle, Boys, Cooper, Lodge, and Tharp,—5 nays.

So the third section,

Passed the House.

And the bill,

Passed the House.

On motion Mr. Fleming,

The bill entitled "A Supplement to the act entitled "An act to incorporate the Cat Tail Marsh Company and for other purposes,"

Was read a second time by its title,

On motion of Mr. Brinckloe,

The bill entitled "A further Supplement to the act entitled "An act concerning the probate of wills and the administration of personal estates of deceased persons,"

Was read a second time.

On motion of Mr. Jacobs,

The bill entitled "An act fixing the standard of weights and measures, and regulating the same within this State,"

Was taken up a third time with a view to its final passage, when,

On motion of Mr. Johnson,
The said bill was committed to a committee of the three members.

Messrs. Nickerson, Jacobs, and Tharp, were appointed the said committee.

On motion of Mr. Evans,
The bill entitled "An act for changing the location of a certain public road and for other purposes,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Hamilton,
The House adjourned 'till three o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House convened pursuant to adjournment.

On motion of Mr. Davis,
The bill entitled "An act to appropriate the monies in the Treasury of this State,"

Was read a second time.

Mr. Fleming, asked, and

On motion of Mr. Lodge,

Obtained leave to introduce a bill entitled "An additional Supplement to the act entitled "An act to establish a Company under the name of the Mispillion Navigation Company, which was,

On his motion,

Read.

On motion of Mr. Johnson.

The bill entitled "An act to incorporate the New Castle, Wilmington and Philadelphia Rail Road Company,"

Was read a second time by its title.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted presented for the concurrence of the House.

A bill entitled "An act to Incorporate the Jordan's Branch marsh Company."

He at the same time.

Requested the appointment of a committee of conference on the part of the House to meet a similar one on the part of the Senate to confer on the disagreement between the two Houses, on the amendments to the joint resolution in relation to the preservation of the records of New Castle County.

And informed the House, that Messrs Dilworth and Naudain, were appointed on the part of the Senate.

And he withdrew,

On motion of Mr. Evans,

The bill entitled "An act to incorporate the New Castle, Wilmington and Philadelphia Rail Road Company."

Was taken up for a third reading by special order with a view to its final passage,

When on the question,

Shall this be the first section of the bill,

The House being divided,

The Speaker directed the yeas and nays to be called

Which was done, and they were

As follows, to wit:

Yeas—Messrs. Booth, Cooper, Deakyne, Jacobs, Nickerson,—5 yeas.

Nays—Messrs. Biddle, Boys, Brinckloe, Buckmaster, Davis, Evans, Fleming, Hall, Hamilton, Houston, Johnson, Lodge, Rees, Tharp, Waller, and Mr. Speaker—16 nays.

So the first section of the bill, did not

Prevail.

On motion of Mr Evans,

The bill entitled "An act to abolish imprisonment upon original and execution process in civil actions,"

Was read a second time,

And on his motion,

Was Indefinitely postponed.

On motion of Mr. Hall,

The bill entitled "An act to prohibit the use of gill nets, and seines in Indian River and Rehoboth Bay, across the channels thereof."

Was read a second time, by special order.

Mr. Hamilton, presented, the memorial of a committee of a county meeting of New Castle County, requesting the removal of the Court House, which was

On his motion,
Read, and

On motion of Mr. Booth,
Ordered, To lie on the table.

On motion of Mr. Johnson,

The bill entitled "A further additional supplement to the act entitled "An act to establish a Bank and incorporate a Company under the name of the Bank of Smyrna,

Was taken up for consideration,

When he offered an amendment thereto, which was

On his motion,
Read, and

Adopted.

On motion of Mr. Brinckloe,

The bill entitled "A further Supplement to the act entitled "An act to incorporate the Bank of Wilmington and Brandywine in the borough of Wilmington,

Was taken up for consideration,

When he offered an amendment thereto, which was

On his motion,

Read.

On motion of Mr. Evans,

The communication from the Senate was read,

A message from the Senate by their Clerk,

Mr. Comegys, Clerk of the Senate being admitted informed the House that the Senate had concurred in,

The bill entitled "An act to amend the act entitled "An act to incorporate the trustees of the Georgetown School in Georgetown Sussex County—

HE ALSO—Requested the concurrence of the House in the bill entitled "An act to provide for a Geological, and Mineralogical Survey of this State."

And he withdrew,

On motion of Mr. Davis,

The communication from the Senate,

Was read.

On motion of Mr. Johnson,

The bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank and incorporate a Company under the name of the Bank of Smyrna.

Was taken up for consideration,

When he moved,

That the blanks in the seventh section be filled,

As follows, to wit:

The first with the words "The Cashier of said Bank. the second with the words" The Hon. Samuel M. Harrington and the third with the words. "Samuel H. Hodson Esq."

Which motion,

Prevailed.

And on his motion.

The bill was read a second time as amended, when Mr. Brinckloe, offered a further amendment, which was

On his motion,

Read, and

Adopted.

Mr. Johnson then moved,

That the blank in the twelfth section be filled with the words "Sixty days,"

Which motion

Prevailed.

On motion of Mr. Hamilton,

The House adjourned 'till seven o'clock this evening.

Eodem Die, 7 o'clock, P. M.

The House convened pursuant to adjournment.

On motion of Mr. Hamilton,

The bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank and incorporate a Company under the name of the Bank of Smyrna,

Was taken up by special order for a third reading with a view to its final passage, when

Mr. Johnson moved, that the said bill be remitted,

On which question,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were

As follows, to wit:

Yeas—Messrs. Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Deakyne, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Nickerson, Tharp, Waller and Mr. Speaker,—17 yeas.

Nays—Messrs. Biddle, Evans, Lodge, and Rees,—4 nays.

So the bill was committed to a committee of three members.

Messrs. Johnson, Brinckloe, and Hamilton, were appointed the said committee.

Mr. Johnson, Chairman of the committee to which was committed

The bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank and Incorporate a Company under the name of the Bank of Smyrna," reported back the bill with an amendment, which was,

On his motion,

Read, and

Adopted.

He then moved,

That the bill be taken up by special order and read a third time by paragraphs, in order to pass the House.

Which was done,

When on the question of the final passage of the bill,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Boys, Brinckloe, Buckmaster, Cooper, Davis, Deakyne, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—19 yeas.

Nays—Messrs. Biddle, and Evans,—2 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Hamilton,
The bill entitled "A further Supplement to the act entitled "An act to incorporate the Bank of Wilmington and Brandywine in the borough of Wilmington,

Was taken up for consideration,

When he moved,
That the amendments thereto offered this afternoon should be

Adopted,

Which motion,

Prevailed.

Mr. Brinckloe, then proposed further amendments, which were,

On his motion,
Read, and

Adopted.

On motion of Mr. Hamilton,
The bill was read a second time as amended.

On motion of Mr. Hamilton,
The said bill was taken up, read a third time by paragraphs, by special order of the House, and

Passed the House.

Ordered, To the Senate for concurrence,

On motion of Mr. Brinckloe,

The bill entitled "A further Supplement to the act entitled "An act concerning the probate of wills and the administration of the personal estate of deceased persons,"

Was taken up, read a third time by paragraphs by special order, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion Mr. Fleming,

The bill entitled "A Supplement to the act entitled "An act to incorporate the Cat Tail Marsh Company and for other purposes,"

Was read a third time by paragraphs, by special order, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Brinckloe,

The bill entitled "A Supplement to the act concerning roads and bridges,"

Was taken up for a third reading with a view to its final passage,

When on the question,
"Shall this be the first section of the bill?"

The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Brinckloe, Buckmaster, Cooper, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Lodge, Nickerson, Waller and Mr. Speaker—15 yeas.

Nays—Messrs. Boys, Davis, Johnson, and Tharp,—4 nays.

So the first section,

Passed the House.

And pending the final passage of the bill,

Mr. Booth, moved,

The House adjourn till ten o'clock to-morrow morning.

FRIDAY 10 o'clock A. M. Feb. 17, 1837.

The House convened pursuant to adjournment.

Mr. Houston, Chairman of the committee of enrolment presented for the signature of the Speaker, the following enrolled bills.

“An additional Supplement to an act entitled “An act to authorize the owners and possessors of the marsh and low grounds known by the name of Meredith’s branch in the forrest of Murderkill and Mispillion Hundreds in Kent County, to cut a ditch or drain through the same.”

“An act to amend the act entitled “An act to incorporate the Trustees of the Georgetown School in Georgetown, Sussex County.”

“A Supplement to to the act entitled “An act to enable William Inskip of New Castle County, to raise his mill dam and for other purposes therein mentioned.”

Mr. Johnson, presented the petition of John Hawkins, praying that the manumission executed by John Cooper, of certain slaves therein mentioned, should be legalized, which was,

On his motion,

Read, and referred to a committee of three members.

Messrs. Johnson, Brinckloe, and Hamilton, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Fleming, presented the petition of sundry citizens of Milford Kent County, requesting a modification of the Poor laws, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Fleming, Davis, and Booth, were appointed the said committee, with leave to report by bill or otherwise.

Mr. Tharp, from the committee to which was committed, the bill entitled “An act fixing the true standard of weights and measures and regulating the same within this State, reported back the bill with an amendment, which was,

On his motion,

Read, and

Adopted.

Mr. Johnson, laid on the table the account of Robert Frame, Esq. which was,

On his motion,

Referred to the committee on claims.

On motion of Mr. Hall,

The bill entitled "An act to prohibit the use of gill netts, and seines in Indian River and Rehoboth Bay, across the channels thereof,

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Nickerson,

The bill entitled "An act to incorporate the Jordan's branch marsh company,"

Was read a second time by its title.

Mr. Fleming, presented the account of John C. Collins, which was,

On his motion,

Referred to the committee of accounts.

On motion of Mr. Evans,

The bill entitled "An act to provide for a Geological, and Mineralogical Survey of this State.

Was read a second time by its title.

On motion of Mr. Evans,

The bill entitled "An act to encourage the rearing of silk worms within this State,"

Was read a second time.

On motion of Mr. Hamilton,

The bill entitled "A Supplement to the act entitled "An act concerning roads and bridges,"

Was taken up for consideration, when

On motion of Mr. Brinckloe,

The further consideration of the bill was postponed 'till this afternoon.

On motion of Mr. Fleming,

The bill entitled "An additional Supplement to the act entitled "An act to establish a company under the name of the Mispillion Navigation Company,"

Was read a second time by its title,

And taken up a third time by special order of the House, with a view to its final passage,

When pending the final passage of the bill,

Mr. Davis, moved,

That the further consideration of the bill be postponed 'till this afternoon.

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Brinckloe, Cooper, Davis, Deakyne,

Evans, Fleming, Hall, Hamilton, Houston, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker,—18 years.

Nays—Messrs. Booth, Buckmaster, and Jacobs,—3 nays.

So the further consideration of the bill was postponed till this afternoon.

On motion of Mr. Evans,

The bill entitled "An act to encourage the rearing of Silk Worms, within this State.

Was taken up for consideration,

When he offered an amendment to the same, which was

On his motion,

Read, and

Adopted, as follows, to wit:

Amend the bill by striking out in the tenth line of section 1. the word "fifteen" and insert in lieu thereof the word "ten."

And on his motion.

The bill was read as amended.

A message from the Senate by their Clerk,

Mr. Comegys, Clerk of the Senate being admitted informed the House that the Senate had concurred in,

The bill entitled "An act to authorize the building of a Court House and Fireproof offices at Georgetown in Sussex County,"

With an amendment,

And he withdrew

On motion of Mr. Fleming,

The communication from the Senate,

Was read.

As follows, to wit:

In Senate, February 17th 1837.

Amend the bill in the first section by striking out the name of G. A. Ewing, in the 5th, and that of John Richards, in the 6th, lines—in the 26th, add the word "which" to the end of the line, and in 27th, line strike out all but the word "office" at the end of it.

Strike out the 3d, section and insert the following as section 3d.—Be it enacted by the authority aforesaid that the State Treasurer be and he is hereby directed to pay to the said commissioners, the sum of five thousand dollars out of the surplus fund of this State upon the order of the Levy Court of Sussex County, to be used and applied in the erection of said building for which the said County of Sussex, shall pay to the State at the rate of six per cent per annum interest to be deducted out of that portion of the interest of the surplus revenue to be apportioned to said County, and he shall pay over to the said commissioners or the Levy Court of said County the sum of five thousand dollars as part of the money to be assigned to the use of the State as the same may from time to time be received by virtue of an act passed February 11th 1835, authorizing a Lottery for the benefit of the Delaware College and for other purposes therein mentioned.

Amend the 5th section by inserting in the 8th line between the words "time" and "render" the words "and at least once at the end of each year,

Amend 8th section in the 5th line by striking out the word "two" and insert the word "one" and by inserting the words "and mileage at six cents per mile for each mile travelled in going to and returning from Georgetown.

"Extract from the Journal

"J. P. COMEGYS, *Clerk.*

"For concurrence."

On motion of Mr. Brinckloe,
The above amendments,

Were concurred in.

On motion of Mr Evans,
The bill entitled "A Supplement to "An act entitled "An act to restrain persons from suffering swine to go at large within certain limits,

Was read a third time by paragraphs, and

Passed the House.

Ordered, To be returned to the Senate.

On motion of Mr. Brinckloe,
The bill entitled "An act to appropriate the monies in the Treasury of this State,"

Was read a third time by paragraphs, and

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Hamilton, presented the memorial of the committee of a meeting of the citizens of Wilmington and its vicinity vindicating themselves against the charges preferred against them in the memorial of the committee of the town of New Castle, which was

On his motion,
Read.

As follows, to wit:

To the Senate and House of Representatives of the State of Delaware:

The Memorial of the people of Wilmington, and its vicinity respectfully represents.

That a pamphlet has been brought to their notice, purporting to be a memorial presented to the General Assembly, during the present session signed by a committee, in behalf of the citizens of New Castle and printed, as they understand, *by order of the House of Representatives*, which amidst a series of peurile and preposterous arguments against the constitutionality of submitting the question of removing the Courts of Justice of New Castle County to the people, indulges in a strain of gross and virulent slander against the moral and social character of the people of Wilmington and of the upper section of New Castle County,

and by the falsest and most inflammatory suggestions, and insinuations labors to excite and array the passions and prejudices of our fellow citizens in other portions of the State against this community. For this latter purpose the people of Wilmington and its vicinity are portrayed in the most invidious colors, to the legislature, their pursuits and avocations are insultingly contrasted with those of their fellow citizens and represented in the most degrading light, and it is more than insinuated, that from the nature of their avocations they are neither to be trusted as honest men or good citizens. Your honorable body is told that we are "a population different in habits, feeling and avocations from the people of the other quarters of the State." That useful class of citizens the mechanicks, is particularly assailed and while our population is designated, "as chiefly of the *mechanical classes*," we are told immediately after that they are not the class to be relied on for maintaining, "those principles, which constitute the pride and security of our institutions." We are alluded to as "a fugitive population which lives upon the shifting operations of manufactures" or as the migratory throngs which follow in the train of commerce"—as a dependent population—and to give full effect to the invidious and libellous picture here drawn, our fellow citizens of Kent and Sussex are admonished that the numerical force of a "majority" concentrated in the upper part of New Castle County would be a *deadly foe*, to the prosperity of Kent and Sussex, making them the mere appendages of its power, while the whole government of the State would be swayed by a *population of corrupt tendencies and dependent upon corporations and capitalists*." We are told that the effects of the influence of this "population of corrupt tendencies" is already visible and felt, and that "abundant evidence of the fact is to be found upon the records of the present and of recent Legislatures." Such is the character of the people of Wilmington and of the upper section of New Castle County which has been presented to the legislature by the committee of the citizens of New Castle. We disdain the easy task of re-criminating upon these calumnations and of shewing that while the people of Wilmington have grown up and sustained themselves by the unaided efforts of their own industry and capital, the resources of New Castle are to be found in the public offices which are located there and the public money, which have been lavished on them from time immemorial.

But we respectfully ask of the legislature whether there was any thing in the case to justify or excuse their slanders of a whole community, or whether they are not as gratuitously false as they are wholly unmerited. Was it decorous or respectful to the Legislature to lay before it a paper, the authors of which are laboring by a studied effort to array citizens of the same State in deadly hostility against each other. Was it not in the highest degree insulting to the legislature, who are essentially the constitutional guardians of the whole people, to open this fountain of slander and bitterness before them for the purpose of destroying those bonds of interest and affection which we are satisfied the legislature would wish to cherish, and which should always subsist between members of the same community.

For this is the object plainly—on the one hand, to heap insult and contumely on the people of Wilmington and on the other, to excite, by

the falsest representation a bitter hostility against them in every other part of the State. For this purpose the agricultural class is lauded, and the commercial, manufacturing and mechanical classes are degraded and slandered as "a population of corrupt tendencies," the "deadly foes" of the agricultural class and inimical to the principles and institutions of freedom! Will it be tolerated at this time of day that a deliberate attempt shall be made to persuade the farmer, the cultivator of the soil, that the consumers of his productions, his best customers—the merchants, manufacturers—are his worst enemies! Does not our association of these various classes constitute the best and surest foundation for the prosperity of every community? And yet if we are to credit the statements presented to the Legislature by this New Castle Committee, the reverse of this is the fact, and it is the duty of the Legislature to regard one of these classes with hostility and to cultivate and cherish the bitterest jealousy and hatred between them and their agricultural brethren! Whatever may be the influence of this incendiary effusion, the people of Wilmington and its vicinity owe it to themselves to say, that they entertain no other feelings than those of kindness and regard towards their fellow citizens the farmers of New Castle, Kent and Sussex. The prosperity of the agricultural community is indispensable to the prosperity of the large towns—the seats of manufacturers and commerce—the ties which bind them together are the strong ties of mutual interest, and those who promulgate a contrary doctrine are alike the enemies of both.

We have none of that feeling which regards with jealousy the prosperity of the farmer with any other class; and if for no other reason it would be sufficient that our prosperity is identified with theirs. We have no separate interest from them, but all our interest as well as feelings lead us to cherish a friendly intercourse and an interchange of reciprocal benefits. To the foul aspersions which have been cast upon the moral and social character of our community, we reply by referring to our past history. We have risen without the aid of public patronage or public money and have contributed our full portion to all the resources of the State. Our people have ever been distinguished for morality, order and all the qualities which distinguish good citizens. And we now appear before the Legislature claiming the right to vindicate ourselves from the slanders which have portrayed us in the most revolting characters before it, and in the hope that as the representatives of the whole people, the constitutional guardians of the rights and interests of all, your Honorable body having the opportunity will do justice to our people and visit with the severest censure this malignant and deliberate attempt to sow the seeds of bitter jealousy and hatred among the citizens of this State. And your memorialists, &c.

Signed by order and in behalf of a general meeting of the citizens of Wilmington and its vicinity held at the City Hall, Feb. 7, 15, 1837.

ATTEST,

WILSON PURSON, *President.*

JOHN CLELAND,

NELSON CLELAND,

WILLIAM SIMMONS,

} *Vice Presidents.*

E. E. WARRINGTON, }
JONAS PUSEY, }

Secretaries.

Mr. Hamilton, then moved,

That one hundred copies of the same be printed for the use of the members of this House,

On which question,

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were

As follows, to wit:

Yeas—Messrs. Boys, Evans, Hamilton, Lodge, and Mr. Speaker,—5 yeas.

Nays—Messrs. Biddle, Booth, Brinckloe, Buckmaster, Cooper, Davis, Deakyne, Fleming, Hall, Houston, Jacobs, Johnson, Nickerson, Rees, Tharp, and Waller—16 nays.

So the motion,

Was lost.

On motion of Mr. Fleming,

The House adjourned 'till two o'clock this afternoon.

Eodem Die, 2 o'clock P. M.

The House convened pursuant to adjournment.

Mr. Hamilton, moved,

That the vacancy occasioned in the committee on claims by the resignation of Charles Marim, Esq. be filled,

Which motion,

Prevailed.

And Mr. Fleming, was appointed to fill the vacancy.

Mr. Buckmaster, asked, and

On motion of Mr. Booth,

Obtained leave to introduce a bill entitled "An act providing for the repairs of the Court House and Gaol of New Castle County and for other purposes," which was,

On his motion,

Read.

The Speaker, laid on the table, the memorial of the Levy Court of New Castle County, respecting the repairs of the Court House, &c. which was,

On motion of Mr. Evans,

Read.

Mr. Buckmaster, from the committee to which was referred the petitions of sundry citizens of this State, praying for a law offering a premium for Crow scalps. reported,

A bill entitled "An act for the encouraging the destroying of crows," which was,

On his motion,

Read.

On motion of Mr. Booth,
The memorial of the Levy Court Commissioners of New Castle County, was referred to a committee of three members.

Messrs. Booth, Davis and Nickerson, were appointed the said committee, with leave to report by bill or otherwise.

On motion of Mr. Fleming,
The bill entitled "An additional Supplement to the act entitled "An act to establish a Company under the name of the Mispillion Navigation Company."

Was taken up for a third reading by paragraphs, with a view to its final passage,

When on the question,
"Shall this bill now pass the House,"

The House being divided,
The Speaker directed the yeas and nays to be called
Which was done, and they were

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Davis, Deakyne, Evans, Fleming, Hamilton, Houston, Jacobs, Lodge, Tharp, Waller, and Mr. Speaker—14 yeas.

Nays—Messrs. Buckmaster, Cooper, Hall, Johnson, Nickerson, and Rees,—6 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence,

On motion of Mr. Evans,
The bill entitled "An act to encourage the rearing of Silk Worms, within this State.

Was taken up for consideration,
When he offered further amendments to the same, which were,

On his motion,
Read, and

Adopted, as follows, to wit:

Amend the bill by inserting after the word "person" and before the word "who" in line sixth of Sec. 1, the words "other than corporations."

Also in Sec. 2, line 3d Strike out the word "six" and insert the word "ten."

And the bill was read as amended,

And on his motion,

Was taken up for a third reading by special order with a view to its final passage,

When on the question,
"Shall this bill now pass the House,"

The House being divided,

The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Brinckloe, Buckmaster, Cooper, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—19 yeas

Nays—Messrs. Booth, and Lodge,—2 nays.

So the bill,

Passed the House.

Ordered, To be returned to the Senate.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, returned to the House sundry enrolled bills, which had received the signature of the Speaker,

He at the same time presented for the signature of the Speaker, sundry enrolled bills,

And he withdrew.

On motion of Mr. Jacobs,

The bill entitled "An act allowing for a limited time an additional Justice of the Peace, to reside in North West Fork Hundred, near Cannon's Ferry,"

Was taken up for a third reading, with a view to its final passage,

When on the question,

Shall this be the first section of the bill,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Boys, Cooper, Hall, Hamilton, Houston, Jacobs, Nickerson, Rees, Tharp, and Waller,—10 yeas,

Nays—Messrs. Biddle, Booth, Brinckloe, Buckmaster, Davis, Deakyne, Evans, Fleming, Johnson, Lodge, and Mr. Speaker,—11 nays.

So the first section of the bill, did not

Prevail.

On motion of Mr. Brinckloe,

The bill entitled "A Supplement to the act entitled "An act to prevent the emigration of free negroes and mulattoes, into this State and for other purposes."

Was read a second time.

When he offered, sundry amendments to same, which were,

On his motion,

Read,

As follows, to wit:

1. Amend the bill by inserting immediately after the enacting clause thereof, the following words, "that no free negro and mulatto; not now

residing in this State shall hereafter come into this State to reside; and if any free negro or free mulatto shall come into this State contrary to the directions of this act, it shall be the duty of any Justice or conservator of the Peace, who shall have knowledge or information thereof, to issue his warrant or precept to any constable of the County, commanding him to notify and warn, the said free negro or free mulatto to depart from this State; and if said free negro or free mulatto shall not depart or remove at least ten miles from the place of receiving such notice and warning in twenty-four hours after being notified and warned as aforesaid, It shall be lawful for the said Justice or conservator of the Peace and the said Justice or Conservator of the Peace, is hereby required and directed forthwith to issue a warrant under his hand and seal directed to any constable of said County, who shall forthwith proceed to arrest the said free negro or free mulatto and bring him or her before said Justice or Conservator of the Peace, who shall commit the said free negro or free mulatto to the public Gaol of the County, and it shall be the duty of the Sheriff of the County, where such free negro or free mulatto shall be committed, forthwith to proceed to sell such free negro or free mulatto to any person residing in this State, for any term not exceeding two years, as will be sufficient, for the payment of all costs together with the charges of imprisonment and sale.—First giving five days public notice of such sale by advertisements to be set up in the most public places in each hundred of the County where such sale shall be made.

2nd. Amend by inserting, the words "Sec. 2, And be it further enacted," immediately after the above amendment.

3rd. Change section two to sec. 3, and sec. 3 to sec. 4, and sec. 4 to sec. 5.

4th. Amend the bill by adding the following:—

Sec. 6, *And be it further enacted*, That the first section of the act to which this a supplement be and it is hereby repealed, made null and void.

When he moved,
That the above amendment, be

Adopted.

On which question,
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Brinckloe, Buckmaster, Cooper, Deakyn, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—19 yeas.

Nays—Messrs. Davis, and Lodge,—2 nays.
So the amendments were,

Adopted.

On motion of Mr. Johnson,
The bill entitled "An act authorizing the Governor of this State to

appoint commissioners in other States, to take depositions, the acknowledgment of deeds, &c. and to appoint notaries public in this State."

Was taken up for consideration,
When he offered further amendments to the same, which were,
On his motion,
Read, and

Adopted.

And the bill was read as amended,
And on his motion,
The bill was taken up, for a third reading, with a view to its final passage,

When on the question,
"Shall this be the first section of the bill?"
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Boys, Buckmaster, Deakyne, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker,—16 yeas.

Nays—Messrs. Biddle, Davis, and Evans,—3 nays.

So the first section,

Passed the House.

And the bill,

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk,

Mr. Comegys, Clerk of the Senate being admitted, presented for the signature of the Speaker sundry enrolled bills.

He at the same time informed the House, that the Senate had concurred in,

The bill entitled "An additional Supplement to the act entitled "An act to establish a company under the name of the Mispillion Navigation Company,"

He at the same time, informed the House,

That the Senate had concurred in the amendments of the House to the bill entitled "An act to encourage the rearing of Silk Worms, within this State."

And he withdrew.

On motion of Mr. Tharp,
The bill entitled "An act fixing the true standard of weights and measures in this State,"

Was taken up for a third reading, with a view to its final passage,

When on the question of the final passage of the bill

The House being divided,

The Speaker directed the yeas and nays to be called,
Which was done and they were

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Davis, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Tharp, Waller, and Mr. Speaker,—14 yeas.

Nays—Messrs. Boys, Brinckloe, Buckmaster, Deakyne, Evans, and Rees,—6 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, presented for the concurrence of the House,

A bill entitled “A further Supplement to the act entitled “An act Supplementary to the act entitled “An act for the preservation of certain shell fisheries within this State,”

And he withdrew.

On motion of Mr. Buckmaster,
The communication from the Senate,
Was read.

Mr. Fleming, Chairman of the committee to which was referred the petition of sundry citizens of Milford, praying a modification in the Poor laws, reported,

A bill entitled “A Supplement to the act entitled “An act to consolidate and amend the laws for the relief of the poor, which was,

On his motion,
Read.

Mr. Brinckloe, moved,
That a committee of conference be appointed on the part of the House to meet a like committee appointed on the part of the Senate on the subject of the disagreement of the two Houses on the joint resolution respecting the preservation of records of New Castle County,

Which motion,

Prevailed.

And Messrs. Brinckloe, Booth, and Houston, were appointed the said committee on the part of the House.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in,

The bill entitled “A further additional Supplement to the act entitled act to establish a Bank and incorporate a Company, under the name “An of the Bank of Smyrna,” with an amendment.

Also—in the bill entitled “A further Supplement to the act entitled “An act to incorporate the Bank of Wilmington and Brandywine in the borough of Wilmington,” with an amendment.

And he withdrew.

On motion of Mr. Lodge.

The communication from the Senate,

Was read.

That is to say as to the first mentioned bill,

As follows, to wit:

In Senate, February 17th 1837.

Amend the bill by striking all out after the enacting clause and inserting the following.

“That the act entitled “An act to establish a bank and incorporate a Company under the name of the bank of Smyrna” passed the fifth day of February in the year of our Lord one thousand eight hundred and twenty one and the act entitled “A Supplement to the act entitled “An act to establish a bank and incorporate a Company under the name of the Bank of Smyrna” passed the seventh day of February in the year of our Lord one thousand eight hundred and twenty two, and the act entitled “An additional Supplement to the act to establish a bank and incorporate a company under the name of the Bank of Smyrna,” passed the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and twenty-six, or so much of the said recited acts, and of each of them as is now in force, shall continue and be in full force, and the same is hereby extended until the sixteenth day of February, which shall be in the year of our Lord one thousand eight hundred and fifty-seven.

“Extract from the Journal

“J. P. COMEGYS, *Clerk.*

“For concurrence.”

And as to the amendment of the last mentioned bill,

As follows, to wit:

In Senate, February 17, 1837.

Amend the bill by striking out all after the enacting clause and in lieu thereof, insert the following (two thirds of each branch of the Legislature concurring herein, and the power of revoking this act by the Legislature being hereby expressly reserved) That the charter of the Bank of Wilmington and Brandywine with all its present powers rights, privileges and immunities is hereby extended and continued for the term of twenty years from the passing of this act, and the Capital Stock of the said Bank may be increased so as to consist of six thousand six hundred and sixty-seven shares of thirty dollars each, so as to make the whole capital amount to two hundred thousand and ten dollars, and

no more. Provided that the said bank of Wilmington and Brandywine shall pay into the treasury of this State for the use of the State within six months after the passing of this act the sum of three thousand dollars as a consideration for the privileges hereby granted and provided further that the President and Directors of the said bank shall within six months from the passing of this act certify to the Governor of this State under the seal of the corporation that this supplement has been submitted to a meeting of the stockholders of the said Bank regularly convened for the purpose, and that a majority in value of the said stockholders have approved and accepted of the same.

Section 2. *And be it further enacted*, That the said bank of Wilmington and Brandywine, shall semi-annually pay into Treasury of this State for the use of the State a tax of one fourth of one per centum per annum on the said capital of two hundred thousand and ten dollars or such proportion thereof as shall be actually paid in during the continuance of this act: and shall also be subject to the operation of the second section of the act entitled "An act securing payment by the banks of this State of their notes in specie" passed at Dover the thirteenth day of January A. D. one thousand eight hundred and twenty-four.

"Extract from the Journal,

"J. P. COMEGYS, *Clerk*.

"For concurrence."

On motion of Mr. Brinckloe,
The amendment of the Senate were ordered to lie on the table,

On motion of Mr. Tharp,
The bill entitled "An act to incorporate the Jordan's Branch marsh Company."

Was read a third time by paragraphs, and

Passed the House.

Ordered, To be returned to the Senate.

On motion of Mr. Hamilton,
The House adjourned till ten o'clock to-morrow morning.

SATURDAY 10 o'clock A. M. Feb. 18, 1837.

The House convened pursuant to adjournment.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted informed the House, that the Senate had concurred in,

The bill entitled "An act to prohibit the use of gill nets, and seines in Indian River and Rehoboth Bay, across the channel thereof.

He at the same time requested the concurrence of the House in

The bill entitled "An act to fix the term of office of the recorder of deeds.

Also in The bill entitled "An act to establish a company under the name of the Leipsic Navigation Company."

And he withdrew,

On motion of Mr. Lodge,
The communication from the Senate,
Was read.

Mr. Booth, of the committee to which was referred the memorial of the Levy Court Commissioners of New Castle in relation to repairing the Court House of said County, reported

That they had had the subject under consideration and deemed it inexpedient to Legislate on this subject.

Mr. Hamilton asked, and

On motion of Mr. Biddle,
Obtained leave to introduce,

A bill entitled "A Supplement to the act entitled "An act providing for the punishment of certain crimes and misdemeanors," which was,

On his motion,
Read.

On motion of Mr. Houston,

The joint resolutions presented by the Clerk of the Senate authorizing the State Treasurer to pay over to the State House Commissioners certain sums of money therein mentioned, and for other purposes, which had been heretofore read,

Were taken up for consideration, and

Adopted.

Mr. Johnson, moved,

That the bill entitled "A further additional Supplement to the act entitled "An act to establish a Bank and incorporate a Company under the name of the Bank of Smyrna,"

Be taken up for consideration and read as amended,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Cooper, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—18 yeas.

Nays—Messrs. Booth, Brinckloe, and Buckmaster—3 nays.

So the bill was read as amended,

Mr. Brinckloe, then moved,

That the said bill be committed to a committee of three members,

On Which question,

The House being divided,

Mr. Brinckloe, requested the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Brinckloe, and Buckmaster,—2 yeas.

Nays—Messrs. Biddle, Booth, Boys, Cooper, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—19 nays.

So the House refused to commit the bill.

Mr. Brinckloe, then moved,
That bill be,

Indefinitely postponed.

On which question,
The House being divided,
At his request,
The yeas and nays were called,
And they were,

As follows, to wit:

Yeas—Messrs. Booth, and Brinckloe,—2 yeas.

Nays—Messrs. Biddle, Boys, Buckmaster, Cooper, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, Waller, and Mr. Speaker—19 nays.

So the motion did not,

Prevail.

Mr. Brinckloe, then moved,
That the House adjourn 'till three o'clock this afternoon,

Which motion,

Was lost.

And on motion of Mr. Johnson,
The amendments,

Were concurred in.

Mr. Houston, Chairman of the committee of enrolment presented for the signature of the Speaker, the following enrolled bills.

“An act to authorize the building of a Court House and Fireproof Offices at Georgetown, in Sussex County.”

“An additional Supplement to the act entitled “An act to establish a Company under the name of the Mispillion Navigation Company.”

On motion of Mr. Johnson,
The bill entitled “A further Supplement to the act entitled “An act to incorporate the Bank of Wilmington and Brandywine in the borough of Wilmington,”

Was taken up and read as amended, and

On motion of Mr. Hamilton,
The amendments,

Were concurred in.

On motion of Mr. Hamilton,
The House adjourned 'till three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

On motion of Mr. Fleming,
The bill entitled "A Supplement to the act entitled "An act to consolidate and amend the laws for the relief of the poor,"

Was read a second time,

On motion of Mr. Hamilton,
The bill entitled "A Supplement to the act entitled "An act to provide for the punishment of certain crimes and misdemeanors,"

Was read a second time by special order,

And on his motion,

Taken up, read a third time by paragraphs, by special order, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Hamilton,
The bill entitled "An act to confirm a deed of manumission therein mentioned,"

Was read a second time,

And on his motion,

Taken up for a third reading by paragraphs, by special order with a view to its final passage,

When on the question,
"Shall this bill now pass the House,"

The House being divided,

The Speaker directed the yeas and nays to be called,

Which was done and they were

As follows, to wit:

Yeas—Messrs. Boys, Cooper, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Johnson, Lodge, Nickerson, Rees, Tharp, and Waller,—16 yeas.

Nays—Messrs. Biddle, Booth, Mr. Speaker,—3 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Rees,
The bill entitled "A Supplement to the act entitled "An act to prevent certain nuisances,"

Was read a second time; when,

Mr. Evans, moved,
That the bill be postponed 'till the fourth day of July next,

On which question,
The House being divided,
The Speaker, directed the yeas and nays to be called,
Which was done and they were,

As follows, to wit:

Yeas—Messrs. Biddle, Booth, Boys, Brinckloe, Davis, Deakyne, Evans, Fleming, Hall, Hamilton, Houston, Jacobs, Lodge, and Waller,—14 yeas.

Nays—Messrs. Johnson, Rees, Tharp, and Mr. Speaker,—4 nays.
So the bill was postponed 'till the fourth day of July next.

A message from the Senate by a member.

Mr. Rodney, a member of the Senate being admitted, informed the House, that the Senate had concurred in,

The bill entitled "A further Supplement to an act entitled "An act to establish a Bank and incorporate a Company under the name of the Farmers' Bank of the State of Delaware," with an amendment.

And he withdrew.

On motion of Mr. Lodge,
The communication from the Senate,
Was read,

As follows, to wit:

Amend the bill by striking out all after the enacting clause and insert the following; "(two thirds of each branch of the Legislature concurring,) that the capital stock of the Farmers' Bank of the State of Delaware be and the same is hereby authorised to be increased to a sum not exceeding one million of dollars divided into shares of fifty dollars each reserving to the State of Delaware the right of subscribing to and for such number not exceeding five thousand shares of the said increased stock as the General Assembly of the said State shall by a law for that purpose to be passed, order, direct and provide.

Sec. 2. *And be it further enacted*, That the residue of the said increased capital of the said Farmers' Bank of the State of Delaware over or above the amount or number of shares of such increased capital which the State shall or may subscribe for under the first section of this act, may be disposed of for the benefit of the said Bank, either at public or private sale, from time to time; at not less than its par value per share, in such number of shares, and with instalments payable in such amounts and such time as may be directed by the General Board of Directors, and the purchaser of any such share or shares shall thereby become a stockholder in the said Farmers' Bank of the State of Delaware, to the

extent of the shares held by him her or them:—Provided that pro rata dividends shall be declared thereon, calculating from the time of the payments of the instalments on such shares and upon the amount so paid to the time of declaring the dividend.

Sec. 3. *And be it further enacted,* That the Farmer's Bank of the State of Delaware be and it is hereby authorized to issue for circulation notes under the denomination of five dollars payable to the bearer when signed by the President and Cashier of the branch Bank at which such notes are made payable without the signatures of the President and Cashier of the principal Bank any thing in the act to which this is a further supplement to the contrary notwithstanding.

Sec. 4. *And be it further enacted,* That it shall be lawful for the President and Directors of the Farmers' Bank of the State Delaware, and they are hereby authorized to establish a branch of the said Bank or office of discount and deposit at the town of Milford in Kent County, and to continue the same for the purposes of discount and deposit under and subject to like conditions and provisions with those made by the several acts in relation to the other branches of the said Bank and that the management of the said branch and the making of said discounts, shall be committed to five Directors, who shall be citizens of Kent and Sussex Counties, three of whom shall be chosen by the Stockholders and two appointed by the General Assembly in the manner prescribed by the several acts in relation to said Bank for the choice and appointment of Directors of the other branches: which Directors so chosen and appointed, shall be vested with powers and privileges co ordinate with the directors of either of the other branches of said Bank: The capital of said branch shall not be less than fifty thousand dollars. The Directors of said branch on the part of said stockholders may be by them chosen at their first adjourned meeting after the passing of this act or at any other meeting, and the Directors on the part of the State shall be appointed by the Governor to serve until the next meeting of the Legislature.

Sec. 5. *And be it further enacted,* That the general board of Directors of the Farmers' Bank of the State of Delaware, be and they are hereby authorized to distribute among the principal bank and branches the increased capital stock subscribed or disposed of under the provisions of this act in such portions as they may from time to time by resolution direct so that the share of the County of Sussex, may not be less than one hundred thousand dollars, and the said general board is also hereby further authorized to establish offices for the transfer of the stock of the Farmers' Bank of the State of Delaware at the principal Bank and each of the branches and in the city of Philadelphia, or any of those places and the said general board may direct that books shall be kept in the offices by it established upon which the stock of the said bank may be transferred by any stockholder or by his or her attorney authorized in such manner as may be prescribed by the general board of directors without regard to the manner and amount in which the capital stock is apportioned among the principal bank and its branches.

Sec. 6. *And be it further enacted,* And it is hereby provided that the President, Directors and Company of the Farmers' Bank of the

State of Delaware shall semi-annually pay to the State Treasurer of this State for the use of the State, at the rate of one fourth of one per centum per annum on the whole capital stock actually paid in under the provisions of this act. The first payment to be paid at the end of six months from the date of their acceptance of this act, and thereafter half yearly for and during the full time and period of its continuance.

Sec. 7. *And be it further enacted.* That the acceptance of this act must be made by the stockholders of the Farmers' Bank of the State of Delaware at any adjourned meeting or general meeting to be held at Dover, in the year of our Lord one thousand eight hundred and thirty seven, and the acceptance certified under the hand of the President or Chairman and Secretary of such meeting to the Governor of this State, or before the first Tuesday in April next.

Sec. 8. *And be it further enacted,* That this act shall be deemed, adjudged and taken to be a public act, and shall be judicially taken notice of as such.

Sec. 9. *And be it further enacted,* That the power be and the same is hereby reserved to the Legislature to revoke this act, and any provisions thereof.

Sec. 10. *And be it further enacted,* That so much of the original charter or act of incorporation of the said Farmers' Bank of the State of Delaware, and so much and such parts of all and every of the act of the General Assembly of this State, supplemental to the said charter or act of incorporation as well all and every the provisions of all and every the acts of the General Assembly of this State as are now in force whereby any right, power, franchise, privilege or immunity is granted to or vested in the said corporation or Farmers' Bank of the State of Delaware, be and the same are hereby extended and continued in force for the space of twenty years from and after the passage of this act; and that the said corporation shall have, hold, enjoy and possess all and every the franchises, powers, rights, privileges and immunities which are now vested in the said corporation, by any law of this State.

“Extract from the Journal,

“J. P. COMEGYS, Clerk.

“For concurrence.”

On motion of Mr. Johnson,
The amendments,

Were concurred in.

On motion of Mr. Evans,
The bill entitled “An act for the encouraging the destroying of
crows,”

Was read a second time.

When Mr. Johnson,
Offered an amendment to the same, which was,
On his motion,
Read.

Mr. Booth, then moved,
That the amendment be adopted,
Which motion,

Was lost.

On motion of Mr. Lodge.
The bill was postponed 'till Monday next.

Mr. Johnson, Chairman of the committee to which was referred the petition of sundry citizens of Kent County, praying a law prohibiting the use of drag seines in St. Jones' Creek, reported,

A bill entitled "A Supplement to the act entitled "An act to revive and continue in force an act prohibiting the use of wears, hedges and gill nets, in St. Jones' Creek," which was,

On his motion,
Read.

On motion of Mr. Fleming,

A bill entitled "A Supplement to the act entitled "An act to consolidate and amend the laws for the relief of the poor,"

Was read a third time by paragraphs by special order, and

Passed the House.

Ordered, To the Senate for concurrence.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted informed the House, that the Senate had concurred in,

The bill entitled "An act to confirm a deed of manumission therein mentioned."

Also in the bill entitled "A further Supplement to the act entitled "An act concerning the probate of wills and the administration of personal estate of deceased persons."

Also in the bill entitled "An act to provide for certain deficiencies in the Penal Code."

Also in the bill entitled "An act authorizing the Governor of this State to appoint Commissioners in other States, to take depositions, the acknowledgement of deeds, &c. and to appoint notaries public in this State," with an amendment:

And he withdrew,

On motion of Mr. Davis,
The communication from the Senate,
Was read,

As follows, to wit:

In Senate, February 18, 1837.

Sec. 6. *Be it enacted,* That the Commissions heretofore issued by the executive authority of this State to any Notary and Tabellion Public, shall continue and be in force and authority until the fourth day of July next and no longer.

Amend the bill striking out of the 5th section, 21st line all after the words "one dollar."

"Extract from the Journal

"J. P. COMEGYS, *Clerk.*

"For concurrence."

Mr. Johnson of the committee to which was referred the report of the Commissioners of the Delaware Rail Road Company, and of the Engineer in Chief with its accompanying Documents, reported,

A bill entitled "A Supplement to the act to incorporate the Delaware Rail Road Company,"

And also, the following joint resolution, which was,

On his motion,

Read,

As follows, to wit.

RESOLVED, By the Senate and the House of Representatives of the State of Delaware in General Assembly met, That the Speaker of the House of Representatives be and he is hereby authorized to cause to be printed two hundred and fifty copies of the report of the commissioners of the Delaware Rail Road; and the documents, connected therewith, for distribution by the said commissioners, And that the warrant of the said Speaker for the expenses of the said printing shall be paid by the State Treasurer out of any monies in Treasurer not otherwise appropriated.

On motion of Mr. Brinckloe,

The bill entitled "An act to provide for a Geological and Mineralogical Survey of this State.

Was taken up for consideration,

When he offered an amendments to the same, which was,

On his motion,

Read and

Adopted, as follows, to wit:

Amend the bill by inserting at the bottom of the seventh section, the following words "provided that the sum of one thousand dollars of such appropriation shall be expended in each of the Counties of this State, for the purpose of carrying into effect the objects of this act:

And on his motion,

The bill was read as amended,

On motion of Mr. Hamilton,

The bill was read a third time by paragraphs, by special order, and

Passed the House.

Ordered, To be returned to the Senate.

Mr. Houston, Chairman of the committee of enrolment presented for the signature of the Speaker the following enrolled bills.

"An act to confirm a deed of manumission therein mentioned;"

Mr. Johnson, of the Committee to which was referred the petition of sundry citizens praying for a law directing the fees of witness to be paid by the State immediately after service rendered, reported,

A bill favourable to the prayer of the petitioners, which was,

On his motion,

Read.

On motion of Mr. Johnson,

The joint Resolution reported by the committee to which was referred to the report of the Commissioners of the Delaware Rail Road Company, was

Adopted.

Ordered, To the Senate for concurrence,

On motion of Mr. Johnson,

The first amendment of the Senate to

The bill entitled "An act authorizing the Governor of this State to appoint commissioners in other States, to take depositions, the acknowledgment of deeds, &c. and to appoint notaries public in this State,"

Was concurred in.

Mr. Johnson, then moved,

That the House non-concur in the second amendment to the same,

On which question,

The House being divided,

The Speaker, directed the yeas and nays to be called,

Which was done and they were,

As follows, to wit:

Yeas—Messrs. Booth, Deakyne, Hall, Jacobs, Johnson, Waller, and Mr. Speaker,—7 yeas.

Nays—Messrs. Biddle, Boys, Brinckloe, Davis, Evans, Fleming, Hamilton, Houston, Lodge, and Tharp,—10 nays.

So the motion did not,

Prevail.

Mr. Lodge, then moved,

That the House concur in the second amendment,

On which question,

The House being divided,

The Speaker directed the yeas and nays to be called

Which was done, and they were

As follows, to wit:

Yeas—Messrs. Biddle, Boys, Brinckloe, Davis, Evans, Fleming, Hamilton, Houston, Lodge, Tharp, and Waller,—11 yeas.

Nays—Messrs. Booth, Deakyne, Hall, Jacobs, Johnson, and Mr. Speaker,—6 nays.

So the second amendment,

Was concurred in.

On motion of Mr. Evans,

The House adjourned 'till Monday morning, at ten o'clock.

MONDAY 10 o'clock A. M. Feb. 20, 1837.

The House convened pursuant to adjournment.

Mr. Evans, laid on the table the accounts of the following persons, to wit: C. C. Emory. Sipple and Penniwell, and Nehemiah Clark, which were,

On his motion,

Read and referred to the committee on claims,

Mr. Evans, laid on the table the account of Matthew Manlove, which was,

On his motion,

Read, and referred to the committee on accounts.

Mr. Hamilton, laid on the table the accounts of P. B. Porter, which were,

On his motion;

Read, and referred to the committee on claims.

Also, another account of P. B. Porter, which was;

On his motion,

Read and referred to the committee on claims;

He also laid on the table two accounts of D. A. J. Upham, which were,

On his motion,

Read, and referred to the committee on claims.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, requested the concurrence of the House in the report of the joint committee of the Legislature appointed on the subject of the preservation of the records in the office of the Prothonotary, of New Castle County, and for other purposes.

He at the same time informed the House that the Senate had concurred in,

The bill entitled "A Supplement to the act entitled "An act to incorporate the Cat Tail Marsh Company, and for other purposes,"

Also—in the bill entitled "An act fixing the true standard of weights and measures in this State," with an amendment.

He at the same time returned to the House sundry enrolled bills which had received the signature of Speaker of the Senate.

And he withdrew.

Mr. Hamilton, laid on the table, the following joint resolution, which was,

On his motion,

Read,

As follows, to wit:

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Speaker of the House of Representatives and Speaker of the Senate, be and they are hereby au-

thorized to adjourn their respective Houses on Tuesday the 21st of the present month, February, without day.

On motion of Mr. Fleming,

The communion from the Senate, being the amendment to the bill entitled "An act for fixing the true standard of weights and measures in this State."

Was read,

As follows, to wit:

Amend the bill by filling the blank in the first section thereof with the names of Samuel M. Harrington and John R. Bostic."

On motion of Mr. Hamilton,

The above amendments,

Were concurred in.

Mr. Houston, Chairman of the committee of enrolment presented for the signature of the Speaker, the following enrolled bills.

"A further Supplement to the act entitled "An act concerning the probate of wills and the administration of the personal estate of deceased persons."

"A further Supplement to the act entitled "An act to incorporate the Bank of Wilmington and Brandywine in the borough of Wilmington."

"An act to provide for certain deficiencies in the Penal Code."

"An act to prohibit the use of gill nets and seines in Indian River and Rehoboth Bay, across the channels thereof."

"A further additional Supplement to the act entitled "An act to incorporate a Company under the name of the Bank of Smyrna."

"A further additional Supplement to an act entitled "An act to establish a Bank and incorporate a Company under the name of the Farmers' Bank of the State of Delaware."

On motion of Mr. Brinckloe,

The bill entitled "An act for the preservation of certain records in the office of the Prothonotary of New Castle County and for other purposes"

Was read a second time, by special order, by its title,

And on his motion,

The said bill was read a third time by special order, by paragraphs, and

Passed the House.

Ordered, To be returned to the Senate.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted informed the House, that the Senate had concurred in,

The bill entitled "An act to prevent the discharge of Firearms in the Village of Camden, Kent County and for other purposes."

He at the same time informed the House,

That the bill entitled "An act to authorize and empower Nicholas

H. Bell of Sussex County, to remove from this State into the State of Maryland and back again two negro slaves."

Had been indefinitely postponed by the Senate.

Also—That the entitled "An act to amend the act entitled "A Supplement to the act entitled "An act to incorporate a number of the Physicians of the Delaware State and for other purposes therein mentioned."

Had been indefinitely postponed by the Senate.

He at the same time returned to the House, an enrolled bill that had received the signature of the Speaker of the Senate.

And he withdrew,

Mr. Booth, asked, and

On motion of Mr. Biddle,

Obtained leave to introduce a bill entitled "An act to authorize the Recorder of deeds in New Castle County, to procure a new seal of office," which was,

On his motion,

Read.

On motion of Mr. Buckmaster,

The bill entitled "An act for encouraging the destroying of Crows,"

Was taken up for a third reading, with a view to its final passage,

When on the question,

Of the final passage of the bill,

The House being divided,

At the request of Mr. Cooper, the yeas and nays were called,

And they were,

As follows, to wit:

Yeas—Messrs. Biddle, Brinckloe, Buckmaster, Davis, Deakyne, Evans, Hall, Hamilton, Houston, Jacobs, Lodge, Rees, and Mr. Speaker—13 yeas.

Nays—Messrs. Booth, Boys, Cooper, Fleming, Nickerson, Tharp, and Waller,—7 nays.

So the bill,

Passed the House.

Ordered, To the Senate for concurrence.

Mr. Brinckloe, submitted the following joint resolution, which was,

On his motion,

Read,

As follows, to wit:

RESOLVED, By the Senate and the House of Representatives of the State of Delaware in General Assembly met, That Henry F. Rodney and William Herdman of the Senate, and Thomas Davis, William Johnson, and Charles T. Fleming, of the House of Representatives, be and they are hereby appointed a committee, on the part of the General

Assembly, whose duty it shall be to meet at Dover, on the first Tuesday of January in the year of our Lord, one thousand eight hundred and thirty-eight, for the purpose of settling the accounts of the State Treasurer, and of receiving the report of the Auditor of Accounts for the current year.

Resolved, That it shall be the duty of the committee, after their settlement with the State Treasurer, as aforesaid, to cause a statement of such settlement under their hands or the hands of a majority of them, to be published in two of the newspapers, printed in this State for the space of one month from the time of effecting the same.

Resolved, That the said committee have full power and authority to audit the accounts of the Clerk of the Senate, and the Clerk of the House of Representatives, for superintending the printing of the Journals of the two Houses of the Legislature, during the present session and for making indexes thereto: and to make such allowance for said services as they may thing just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the Chairman of the committee, in favour of the said Clerks.

Resolved, That the said committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer upon orders drawn by the Chairman of the said committee, out of any money in the hands of the said State Treasurer not otherwise appropriated. And the Chairman of the said committee, shall have authority to draw orders for the incidental expenses arising out of the session of the said committee, to be paid in like manner.

Mr. Brinckloe then moved,

That the vote on the bill entitled "A Supplement to the acts, passed at Dover, February 15th 1814, and January 30th 1815, authorizing the appointment of trustees to secure the rents of lands and marsh on Cape Henlopen and preventing trespasses being committed on said Cape," be reconsidered.

Which motion,

Prevailed.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted, informed the House, that the Senate had concurred in the amendment of the House, to,

The bill entitled "An act to provide for a Geological and Mineralogical Survey of this State.

And he withdrew.

On motion of Mr. Evans,

The bill entitled "An act providing for the repairs of the Court House and Gaol in New Castle County and for other purposes,"

Was read a second time by its title, and

On motion of Mr. Johnson,

Postponed till this afternoon.

Mr. Johnson, Chairman of the committee to which was referred the petition of sundry citizens of New Castle County, praying the repeal of the laws taxing retailers of foreign merchandize, made a report which was.

On his motion,
Read,

As follows, to wit:

The committee to which was referred the petition of sundry citizens of New Castle County, praying the repeal of the laws of this State, which oblige retailers of foreign merchandize to take out licences for that purpose, beg leave to report,

That they have considered that subject and are of opinion that it is inexpedient to legislate upon the same. That your committee can see no reason why the retailer of foreign merchandize who may have a large amount of capital invested in that business should be exempt from his proportional share of the common taxes to be borne by the people.

On motion of Mr. Johnson,

Adopted.

On motion of Mr. Brinckloe,

The bill entitled "A Supplement to the act, passed at Dover, Feb'y 15th 1814, and January 30th 1815, authorizing the appointment of trustees to secure the rents of lands and the marsh on Cape Henlopen and preventing trespasses being committed on said Cape,"

Was taken up for consideration,

When he offered an amendment to the same, which was,

On his motion,
Read,

As follows, to wit:

1. Amend the bill by inserting in the 14th line of sec. 1, between the word "and" and "the" these words, "one moiety or half part thereof."

2. Amend by striking out in the 18th and 19th lines of said section these words, "to the repairs of the bridge and causeway leading to the same," and inserting the following words, "the other moiety or half part thereof to be applied in the same manner as is directed by the several acts to which this is a supplement."

Amend by adding:

Section 4. *And be it further enacted*, That this act shall be and remain in force for the space of ten years and no longer.

On motion of Mr. Brinckloe,
The said amendments, were,

Adopted.

And the bill was read as amended,

And on his motion,

On motion of Mr. Johnson,
The bill entitled "A Supplement to the act to incorporate the Delaware Rail Road Company,"

Was read a second time,

When Mr. Brinckloe, moved,
That the blank in the first section be filled with the following names, to wit:

Nicholas Biddle, Matthew Newkirk, John White, John Hemphill,
Mr. Brinckloe, asked and

On motion of Mr. Hamilton,
Obtained leave to introduce a bill entitled "An act to secure a report of cases adjudged in this State," which was,

On his motion,
Read.

The said bill was read a third time by paragraphs by special order, and,

Passed the House.

Ordered, To be returned to the Senate.

Nathan Bunker, Dennis McCreedy, Thomas S. Newland, Richard Price, William Platt, John, F. Gilpin, of the City of Philadelphia, James Canby, Edward Tatnall, William P. Brobson, David C. Wilson, James A. Bayard, of the City of Wilmington, Littleton W. Tazewell, of Norfolk, J. W. Mondaugh, of Portsmouth, Lemuel Showell, James Derickson, Doct. Jno. S. Martin, of Worcester County, Md. Wm. P. Custis, Henry A. Wise, George P. Scarborough, of Accomac County, Va. Gen. Jas. Sewell, Col. Thomas Emory of Maryland.

Which motion,

Prevailed.

On motion of Mr. Hamilton,
The House adjourned 'till three o'clock this afternoon.

Eodem Die, 3 o'clock, P. M.

The House convened pursuant to adjournment.

A message from the His Excellency the Governor, by the Secretary of State.

Charles Marim, Esquire, the Secretary of State being admitted, laid on the table a written communication from His Excellency the Governor and informed the House that the documents accompanying the same had been submitted to the Senate,

And he withdrew.

On motion of Mr. Hamilton,
The communication from the Governor,
Was read,

As follows, to wit:

EXECUTIVE DEPARTMENT,

Dover, February 20th 1837.

To the General Assembly of the State of Delaware.

I have received from His Excellency the Governor of Vermont, certain resolutions from the Legislature of that State, declaring that neither Congress, nor the State Governments, have any constitutional right to abridge the free expression of opinions or the transmission of them through the public mail:—and also “that Congress do possess the power to abolish slavery and the slave trade, in the District of Columbia.” I now lay the said resolutions before you, for your consideration.

C. P. COMEGYS.

Mr. Tharp, presented the petition of James C. Tatman, praying a law authorizing him to change the location of public road mentioned, which was,

On his motion,

Read and referred to a committee of three members.

Messrs. Tharp, Biddle, and Davis, were appointed the said committee with leave to report by bill or otherwise.

Mr. Brinckloe, moved,

That a committee of conference be appointed on the part of the House, to meet a like committee on the part of the Senate, to correct an error in,

The bill entitled “A Supplement to the act for better securing personal liberty and easily and speedily redressing all wrongful restraints thereof,”

Which motion,

Prevailed.

And Messrs. Brinckloe, Booth, and Fleming were appointed the said committee on the part of the House.

Mr. Houston, Chairman of the committee of enrolment presented for the signature of the Speaker the following enrolled bills.

“An act fixing the true standard of Weights and measures and regulating the same within this State.”

“A Supplement to the act entitled an act to incorporate the Cat Tail Marsh Company and for other purposes,”

“An act to prevent the discharge of Fire Arms in the Village of Camden, and for other purposes therein mentioned.”

On motion of Mr. Brinckloe,

The bill entitled “A supplement to the act entitled “An act to prevent the emigration of free negroes and mulattoes, and for other purposes.”

Was taken up for consideration,

When he offered an amendment to the same, which was,
 On his motion,
 Read and

Adopted.

And on his motion;
 The bill was read as amended,
 And on his motion,
 Was read a third time by paragraphs; and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Booth,
 The bill entitled "An act to authorize the Recorder of Deeds in
 New Castle County to procure a new seal of office,

Was read a second time,
 And a third time by special order by paragraphs, and

Passed the House.

Ordered, To be presented to the Senate for concurrence.

Mr. Fleming, laid on the table the accounts of Joseph Buckmaster,
 which were,

On his motion,
 Read and referred to the committee on claims,

He also laid on the table the accounts of the following persons, Augustus M. Schee, Thomas Harris, which were,

On his motion,
 Read and referred to the committee on accounts,

Mr. Booth asked,
 And on motion of Mr. Evans.

Obtained leave to introduce a bill entitled "A Supplement to an act
 concerning the constitution of the Levy Court and Courts of appeals,"
 which was,

On his motion,
 Read.

A message from the Senate by their Clerk.

Mr. Comegys, Clerk of the Senate being admitted informed the
 House, that the Senate had concurred in,

The joint resolution, authorizing the printing of the report of the
 Commissioners of the Delaware Rail Road Company, and of the Engineer in Chief,

And also in the amendment of the House to the bill entitled "A
 Supplement to the acts passed at Dover February 15th 1814, and January 30th 1815, authorizing the appointment of trustees to secure the
 rents of lands and the marsh on Cape Henlopen and preventing trespasses being committed on said cape."

He at the same time informed the House that the Senate had non-concurred in the report of the committee to which was referred the report of the Wilmington Bridge Company,"

But had concurred in the resolutions to the same with an amendment,

And he withdrew.

Mr. Johnson asked,

And on motion of Mr. Fleming,

Obtained leave to introduce a bill entitled "An act Supplementary to the charters of certain banks therein mentioned," which was

On his motion,

Read.

Mr. Tharp, from the committee to which was referred the petition of James Tatman, praying a law authorizing him to change the location of certain public road, reported,

A bill entitled "An act for changing the location of a certain public road and for other purposes." which was

On his motion,

Read.

On motion of Mr. Buckmaster,

The bill entitled "An act to establish a company under the name of the Leipsic Navigation Company,"

Was read a second time by its title.

On motion of Mr. Lodge,

The bill entitled "A further Supplement to the act entitled "An act Supplementary to the act entitled "An act for the protection of certain shell fisheries within this State,"

Was read a second time,

And on his motion,

Taken up by special order for a third reading, with a view to its final passage,

When Mr. Davis, moved,

That the bill be postponed 'till the next biennial session of the Legislature.

Which motion,

Prevailed.

On motion of Mr. Davis,

The bill entitled "A Supplement to the act concerning Roads and Bridges,"

Was taken up for consideration, and

Indefinitely postponed.

On motion of Mr. Tharp,

The bill entitled "An act for changing the location of a certain public road and for other purposes,"

Was read a second time by special order,

He then moved,
That the blanks in the first section, be filled with the names of Man-
love Johnson, Nathan Fleming and William L. Jump.

Which motion,

Prevailed.

And on his motion,
The said bill was read a third time by special order, by paragraphs,
and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Johnson,
The bill entitled "A Supplement to the act to incorporate the Dela-
ware Rail Road Company,"

Was taken up for consideration,
When he offered an amendment to the same, which was,

Adopted.

And the bill was read as amended, and

On motion of Mr. Hamilton,
Read a third time by paragraphs, by special order of the House, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Evans,
The bill entitled "An act to fix the term of office of the Recorders
of deeds,"

Was read a second time,

On motion of Mr. Buckmaster,
The bill entitled "An act to establish a Company under the name of
the Leipsic Navigation Company,"

Was taken up, by special order a third time, with a view to its final
passage,

When pending the question of the same,

When Mr. Johnson, moved,
That the bill be postponed 'till to-morrow,

Which motion,

Prevailed.

On motion of Mr. Brinckloe,
The amendment of the Senate to the report of the committee on the
subject of the Wilmington Bridge Company,"

Was read,

As follows, to wit:

In Senate, February 20th 1837.

Amend the report and resolutions from the House of Representatives on the subject of the Wilmington Bridge Company, by striking out so much of the resolution as comes after the word "affirmation" in the 12th line thereof."

"Extract from the Journal,"

"J. P. COMEGYS, Clerk.

"For concurrence."

Whereupon he moved;
That the House non-concur in the same,
Which motion,

Prevailed.

On motion of Mr. Evans,
The bill entitled "An act to fix the term of office of the Recorders of deeds,"

Was taken up, by special order a third time with a view to its final passage,

When pending the question of the same,

Mr. Johnson, moved,
That it be,

Indefinitely postponed.

Which motion,

Prevailed.

On motion of Mr. Evans,
The bill entitled "An act providing for the repairs of the Court House and Gaol in New Castle County and for other purposes,"

Was taken up for consideration, when,

On motion of Mr. Johnson,
The same was postponed 'till to-morrow.

Mr. Johnson, of the committee to which was referred so much of the Governor's message as relates to the surplus revenue, submitted the following report, which was,

On his motion,
Read,

As follows, to wit:

The committee appointed to take into consideration so much of the Governor's message as related to this State's share of the surplus revenue of the United States, have had that subject under consideration and have agreed to report a bill providing for the investment of a part of said surplus, in Stock of the Farmers' Bank of the State of Delaware, and for the loaning of the remainder under certain provisions in said bill contained.

The committee are also preparing a bill, the subject of which is to

dispose of the dividends arising from such part of said surplus revenue as may be invested in stock as aforesaid and of the interest which may arise from any such loans as may be made as aforesaid, in case the bill herewith reported shall be passed into a law.

He also submitted the bill entitled "An act to invest this State's share of the surplus revenue of the United States, distributed to the several States, under the act entitled "An act to regulate the depositories of the public money," which was,

On his motion,

Read.

Mr. Fleming, Chairman of the committee of conference on the part of the House, to correct the error in,

The bill entitled "A Supplement to the act for better securing personal liberty and speedily redressing all wrongful restraints thereof," submitted the following report, which was,

On his motion,

Read,

As follows, to wit:

The committee of conference on the part of the House, to meet a like committee on the part of the Senate, to correct an error in the act entitled "A Supplement to the act for better securing personal liberty and easily and speedily redressing all wrongful restraints thereof, beg leave to report the following:

1. Correct the said act by striking out the words "Justice or Justices," in the seventh line of the first section.
2. By striking out the words "Courts or" in the third line of the second section.

On motion of Mr. Evans,

The House adjourned 'till seven o'clock this evening.

Eadem Die, 7 o'clock, P. M.

The House convened pursuant to adjournment.

On motion of Mr. Brinckloe,

The bill entitled "A Supplement to the act entitled "An act to revive and continue in force an act prohibiting the use of wears, hedges and gill nets in St. Jones' Creek,"

Was read a second time,

And a third time by paragraphs, by special order, and

Passed the House.

Ordered, To the Senate for concurrence.

On motion of Mr. Booth,

The bill entitled "A Supplement to an act concerning the Constitution of the Levy Court and Court of Appeals,"

Was read a second time, and

On motion of Mr. Lodge,

Postponed 'till to-morrow.