

frequent use by magistrates. But he is satisfied that very few of these officers have ever possessed themselves of this means of information. It is not his privilege to make any recommendation to the Legislature, but he calls attention to this subject as a matter connected with his duty as reporter of legal decisions. There are a number of copies of the first volume still remaining in the State's library.

It will be observed, that the present volume only brings the cases down to the time when Chief Justice Bayard came upon the bench. Its publication has been delayed by the fact that the act of Assembly requires the volume to be reported to the Legislature. The subsequent cases are reported and will hereafter be published. Delay in this respect would be avoided, and the publication keep pace more closely with the decisions if the reporter were at liberty to publish a volume whenever it reached a suitable size. The committee of 1835 thought that from 400 to 500 pages would make a volume sufficiently large, but both the 1st and 2nd volumes have reached 600 pages. The occurrence of several cases of great magnitude and importance will make an earlier publication of the next volume necessary, but as the reports progress, it is probable that longer time will be required to form a volume, as it will be unnecessary to report cases similar in principle to those already reported.

Very respectfully submitted,

S. M. HARRINGTON.

Dover, January 27, 1841.

On motion of Mr. Huffington,

The said communication was referred to a committee of three members, with leave to report by bill or otherwise.

Messrs. Huffington, Barr and Waples, were appointed that committee.

Mr. Wilds presented the claim against the State, of Peter Adams, an agent appointed by the Governor to bring into this State a fugitive from justice, which,

On his motion,

Was read and referred to the committee of claims.

On motion of Mr. Clements,

The resolution heretofore reported by him, on the subject of the compensation to certain judges ad litem, was taken up for consideration.

On his motion,

The two first blanks in the said resolution were filled with the words *one hundred and fifty*, and the remaining blank with the words *two hundred*.

On motion of Mr. Clements,

The resolution as amended

Was adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Huffington,
The bill entitled "An act for the relief of Esther Coverdill" was read
a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Black,
The bill entitled "An act to amend the act entitled 'An act concerning
the Levy Court, Clerk of the Peace, Assessors, Collectors and County Treasurers,'" was read a second time.

Mr. Betts, chairman of the committee to whom was referred that portion of the late Governor's Message, on the subject of French spoliations prior to 1800, made the following report, which,

On his motion,
Was read, to wit:—

Whereas, prior to the month of September, 1800, numerous captures of American vessels with their cargoes were made by French vessels of war, whereby the French government became liable to a claim of indemnity for such captures on the part of American citizens who had been thus despoiled of their property:

And whereas, the government of the United States, in the month of September 1800, concluded a treaty with the French Republic, in which they released the said Republic from all claims on the part of the citizens of the United States, on account of the above spoliations, in consideration of a release on the part of the said Republic, of a claim of indemnity against the said United States, for the non-performance of certain stipulations contained in the treaty between France and the United States, concluded in the year 1778. Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the government of the United States, by releasing France from its obligation to indemnify our citizens for the property plundered by its cruizers, in consideration of the release granted by France from the guarantees contained in the treaty of 1778, must be regarded as having assumed the debt, and as having voluntarily placed itself under a solemn obligation to satisfy all the claims thus released for a valuable consideration.

Resolved, That the Senators and Representative of this State in Congress, be and they are hereby requested to use all fair means to procure the passage of a law to compensate our citizens for spoliations committed by France prior to 1800.

On motion of Mr. Betts,
The said report and resolutions

Were adopted.

Ordered to the Senate for concurrence.

Mr. Marshall, chairman of the committee to whom was referred the

memorial of the Lewes Temperance Association, praying the Legislature to pass a law to prohibit the sale of spirituous liquor on the Sabbath day, reported that it was inexpedient at this time to legislate upon that subject.

Mr. Clements moved,

That the eighth rule of the House be suspended, in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and

On motion of Mr. Huffington,

Obtained leave to introduce a bill entitled "An additional supplement to the act entitled 'An act to encourage the destruction of crows,'" which,

On his motion,

Was read.

On motion of Mr. Huffington,

The bill entitled "An act to amend the act entitled "An act concerning the keeping of the papers belonging to the Executive Department, and the acts of the General Assembly, and the printing and disposal of the Laws and Journals," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate being admitted, presented for the concurrence of the House a bill entitled "A supplement to an act entitled 'An act to incorporate the Wilmington Fire Insurance Company.'"

And he withdrew.

On motion of Mr. Betts,

The said bill was read.

On motion of Mr. Johnson,

The bill entitled "An act to enable John Watkins to locate certain vacant land in North West Fork hundred in Sussex county, and to complete his title to the same," was read a third time by paragraphs, and

Passed the House.

Ordered to be returned to the Senate.

On motion of Mr. Betts,

The bill entitled "An additional supplement to the act entitled 'An act for regulating innholders, tavern keepers, and other public house keepers within this government, and empowering the justices to settle the rates of liquor,'" was read a second time.

Mr. Betts then offered the following amendment, which,

On his motion,

Was read and adopted, viz:—

Amend the said bill by adding the following at the end of the first section, viz:—

“The person petitioning shall, before his petition be filed, first pay to the Clerk of the Peace for the use of the State, the fee of twelve dollars for each license, and the said Clerk shall give a receipt for the same: and in case the said petitioner shall not be recommended, the said fee shall be refunded to him by the said Clerk on demand.”

John W. Houston, Esq., the Secretary of State, being admitted, presented a written communication from his Excellency the Governor, and sundry documents accompanying the same.

And he withdrew.

On motion of Mr. Higgins,
The same were read as follow, viz:—

OFFICE OF THE SECRETARY OF STATE, }
Dover, January 28th, 1841. }

Gentlemen of the House of Representatives:

I have the honor to inform you that the Governor has received the accompanying communication from the Executive of the State of Alabama, the accompanying communication from the Executive of the State of Indiana, and the accompanying communication from the New York Historical Society, which I am directed by his Excellency to lay before the Legislature.

I have the honor to be,
Very respectfully,
Yours, &c.,
JOHN W. HOUSTON,
Secretary of State.

EXECUTIVE DEPARTMENT,
Tuskaloosa, Dec. 29, 1840.

SIR,

Herewith I have the honor to enclose you a preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the General Assembly of the State of Connecticut in favor of a protective tariff.

With great respect,
I have the honor to be Sir,
Your most ob't serv't
A. V. BAGBY.

His Excellency,
The Governor of Delaware, Dover.

Preamble and resolutions of the General Assembly of the State of Alabama responsive to certain resolutions of the State of Connecticut in favor of the protective policy.

Certain resolutions of the State of Connecticut have been communicated by the Governor of this State to this General Assembly, agreeably to a request contained in said resolutions, which express sentiments in favor of what they designate the "protective policy of our government," and contain a request to our Senators and Representatives in Congress from said State, to resist by all constitutional means, every attempt to destroy or impair said policy, and to use their exertions to procure the passage of such laws as will effectually protect the labor of this country from the policy and legislation of foreign governments. The said resolutions further signify, that it is the wish of our sister State to obtain from us an expression of our sentiments on the subject of which her said resolutions relate.

It becomes us in courtesy, under such circumstances to make answers, which we proceed respectfully to do as follows:

We presume we properly comprehend the State of Connecticut as intending by the words "protective policy of our government" in her aforesaid resolutions, a protective tariff, and by the words "labor of this country" the manufacturing labor of this country; so understanding our sister State, we cannot forbear expressing our surprise and regret to find, that she should feel it incumbent on her to press this fruitful source of discord and distraction upon the attention of Alabama and the south at this time. Two years in advance of the expiration of that "compromise" which has for a period allayed the fierce and angry passions to which the "protective policy" had heretofore given rise. But as she has thought proper to call upon us for our sentiments on this subject, we proceed to give them fully embodied in the following resolutions, the principles of which we would kindly but firmly admonish our sister Connecticut, that we are determined to maintain at every hazard.

Be it therefore resolved unanimously by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the government of the United States was established in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence and promote the general welfare to, and among, the several separate and sovereign States of this Union, and to secure the blessings of liberty to us and our children as citizens of said States.

Sec. 2. *Resolved unanimously,* That said government never can establish justice, insure domestic tranquility, or promote the general welfare of this widely extended Union, and the diversified interests and pursuits, therefore especially in view of the peculiar relations aforesaid, by enacting laws to foster, promote and protect the industry and occupations of one portion of the States, or people to the disparagement, injury, and expense of another.

Sec. 3. *Resolved unanimously*, That a tariff for the protection of manufactures always was, and always must remain, obnoxious to the objections set forth in the foregoing resolution, and that consequently, every such measure always has been, and ever will be in our estimation unwise, unjust and unconstitutional.

Sec. 4. *Resolved unanimously*, That in the solemn and deliberate opinion of this General Assembly, a successful attempt to re-establish the "protective policy" while it cannot fail to alienate the feelings of one portion of our happy Union from another, and provoke fierce political animosities between the North and the South, ultimately and irresistibly tends to a dissolution of the federal compact between those States. That in view of such consequences, we earnestly and affectionately dissuade our northern brethren from any such attempt.

Sec. 5. *Resolved unanimously*, That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to the Governor of the State of Connecticut and the Governors of each of the other States, and also copies to each of our Senators and Representatives, the former of whom are instructed and the latter requested, to use all honorable and proper means to sustain the principles therein set forth.

J. L. COTTRELL,
Pres't, Senate.

R. A. BAKER,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT,
Indianapolis, January 14, 1841.

His Excellency,

The Governor of Delaware:

SIR—In compliance with the request of the General Assembly, I have the honor to forward a copy of their "Joint Resolution on the subject of amending the Constitution of the United States," and to request that the same may be laid before the Legislature of Delaware.

Very respectfully,
Your obedient serv't,

SAMUEL BIGGER.

A JOINT RESOLUTION

On the subject of amending the Constitution of the United States.

Be it resolved by the General Assembly of the State of Indiana, That we concur in the opinion expressed in the following joint resolution of the State of Vermont, approved October 22d, 1840:

"Resolved, by the Senate and House of Representatives, That the Senators from this State be, and they are hereby instructed, and our Representatives in Congress be, and they are hereby requested, to use their

best endeavors to procure such an amendment to the Constitution of the United States as will restrict the eligibility of the President of the United States to a single term."

Be it further resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress, and to the Governor of each of the States, with the request that they lay the same before their respective Legislatures.

SAMUEL JUDAH,
Speaker of the House of Representatives.

SAMUEL HALL,
President of the Senate.

Approved, January 14, 1841,
SAMUEL BIGGER.

NEW YORK, Dec. 1, 1840.

Sir,—We have the honor to forward to your Excellency the enclosed petition of the New York Historical Society, to which we respectfully invite your attention, and hope to learn of your willingness to promote the object of the society. Any communications which your Excellency may desire to make to the society, it is requested may be directed to the Librarian of the Historical Society, Stuyvesant Institute, New York.

P. A. JAY,
ARCH. RUSSELL,
GEO. FOLSOM,
JOHN JAY.

Unto His Excellency the Governor, and to the Legislature of the State of Delaware, this petition of the New York Historical Society,

HUMBLY SHOWETH:—

That the Historical Society of the State of New York has been incorporated since the year 1809, and that by the contributions of its members and the liberality of the State, it has been enabled to acquire a very valuable historical library, amounting to about 10,000 volumes. Its library is well arranged in a convenient suite of rooms, in one of the handsomest buildings in the city of New York, and its long standing, the wealth of its members, and its accumulated property, give every promise of its future permanence. The rooms under the superintendence of a Librarian, constantly in attendance, are at all times open to members and strangers, and every facility is extended to those engaged in historical or statistical research, for the prosecution of their inquiries.

Such being the present condition of the society, they have been induced, for the purpose of acquiring a complete series of current historical documents, to address your Excellency as petitioners, and request leave to call your attention to the following circumstances.

Copies of all the documents published by the authority of the Legislature of this State, are regularly furnished for their library, and a similar

provision having been made by the general government, a complete series of national papers is to be found in their collection. The importance, however, of many of the documents published by the different State Legislatures gives them interest and value, not only among the citizens of the State where they are published, but throughout the community at large, and their society is desirous of fulfilling its duty by trying to promote investigations either into the past or the present history of this country. Now it would seem that no more efficient means could be taken to accomplish this end than to collect and preserve the annual publications authorized by each State, as in these publications exist the only detailed accounts either of the political or financial condition of each individual government.

It is in consideration of these circumstances, that this society have resolved to petition from the Legislature of the State of Delaware, for one copy of all the laws, votes and reports, which may henceforth be published by order of the State, and on their part this society pledge themselves to preserve with care all documents which they may receive, and to continue to extend every facility to the student who may desire to make use of them either for public or private benefit.

Placed in the heart of the commercial emporium of the country, your petitioners feel that this society presents a claim which no other can urge, as the constant influx of visitors from all parts of the country, renders its literary collections more available to the community generally than they could be in any other situation.

And they would further urge, that the advantage will to a certain extent be mutual, as the interest of each State will be advanced by the public having a more ready access to its legislation, or to reports on the nature of its resources, especially in this city, where it is well known, many of the State's financial operations are negotiated, and where the greatest facilities exist for commercial and monied negotiations. But while mentioning these circumstances, your petitioners would not wish to be considered as undervaluing the amount of favor which they now request from the Legislature.

In the event of your granting the prayer of this petition, and bringing this matter before the notice of the Legislature, your petitioners would suggest that, as the great advantage of such historical collections consists in having an unbroken series of each class of documents, that the Legislature be requested to pass a regulation which should remain in force until repealed, making it the duty of some public officer to procure and preserve one bound set of all official documents for the use of the society, and your petitioners will make arrangements to have them forwarded to New York, from time to time as opportunity may offer. They are induced to ask for bound copies, from the fear of losing some of the smaller documents should they be forwarded in a separate form. And further, your petitioners would suggest that if there should be in the keeping of your officers several copies of the documents of by-gone years, that it would enhance the favor conferred upon this society, if your grant had a retrospective effect, if quite consistent with the interests of your own collections.

In urging this petition upon your Excellency's notice, your petitioners

are well aware that they have no ground to rest a claim upon, but they feel that as conducive to the literature of the country at large, and as likely to promote the interests of the community in general, their petition will not without due consideration be disregarded.

P. A. JAY, *President.*



Mr. Clements gave notice that he would to-morrow ask leave to introduce a bill entitled "An act in relation to habitual drunkards."

Mr. Huffington gave notice that he would to-morrow ask leave to bring in a supplement to the act concerning defects in legal proceedings.

On motion of Mr. Betts,

The bill entitled "An act to incorporate the Washington Beneficial Society of Wilmington, Delaware, for the relief of the members thereof, their widows and orphan children," was read a second time.

He then moved,

That the said bill be amended, as follows:—

Amend the title by inserting between the words "an act," and the words "to incorporate," the words, "to renew the act entitled an act."

Which motion

Prevailed.

On motion of Mr. Dale,

The House then adjourned until this afternoon at three o'clock.



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

The House assembled pursuant to adjournment.

On motion of Mr. Dale,

The joint resolution from the Senate providing for the printing of the report and memoir of the State Geologist was taken up for consideration.

On motion of Mr. Dale,

The resolution was then

Concurred in.

Ordered to be returned to the Senate.

Mr. Betts presented the petition of 99 citizens of New Castle county, praying the Legislature to enact a law giving to mechanics and other workmen, a lien on the work done for the amount of their contracts for the work done.

On motion of Mr. Betts,

The said petition was read and referred to a committee of three members with leave to report by bill or otherwise.

That committee consists of Messrs. Betts, Virden and Hill.

Mr. Wright presented the petition of Abraham Dazey and Henry Hucksion, praying the Legislature to pass a law to authorise the said Abraham to locate certain vacant land in Sussex county.

On motion of Mr. Wright,

The said petition was read and referred to Messrs. Wright, Wilds and Chamberlain, with leave to report by bill or otherwise.

Mr. Barr laid on the table the following joint resolution, which

On his motion,

Was read, viz:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That

of the House of Representatives, and
of the Senate, be, and they are hereby
appointed a committee on the part of this 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 forty-two, (1842,) for the purpose of settling the accounts of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Resolved, That it shall be the duty of said 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 newspapers printed in this State, for the space of one month from the time of effecting the same.

Resolved, That 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 allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the Chairman of the committee in favor of said clerks.

Resolved, That 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 said committee out of any money in the State Treasury not otherwise appropriated. And the chairman of said committee shall have power and authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

Mr. Waples, chairman of the committee to whom was referred the petition of John D. Rodney and Jacob Forsett, praying for the passage of a law to enable them to condemn a certain stream of water and the adjacent land for the erection of a saw mill, reported a bill entitled "An act to

enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head waters of Love's creek, called Bundick's Branch, the boundary between Lewes and Rehoboth, and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw mill thereon."

On motion of Mr. Waples,
The said bill was read.

Mr. Huffington presented the petition of sundry citizens of Kent county, praying the Legislature to pass a law to compel executors and administrators to pay over moneys to the creditors entitled as soon as they receive the same, or so to amend the existing laws as to effect that purpose.

On motion of Mr. Huffington,
The said petition was read and referred to Messrs. Huffington, Barr and Waples, with leave to report by bill or otherwise.

Mr. Betts, chairman of the committee to whom was referred the petition of the Washington Fire Company of Wilmington, praying an act of incorporation, reported a bill entitled "An act to incorporate the Washington Fire Company of the city of Wilmington."

On motion of Mr. Betts,
The said bill was read.

Mr. Huffington, chairman of the committee to whom was referred the communication of the Hon. Samuel Mr. Harrington presented this morning, reported a bill entitled "An act to continue the reports of adjudged cases, and for other purposes," which,

On his motion,
Was read.

Mr. Johnson, chairman of the committee to whom was referred the petition of Nathan Fleming, praying for an act to enable him to locate certain vacant land, reported a bill for that purpose entitled "An act to enable Nathan Fleming to locate certain vacant land situate in Mispillion hundred, Kent county, and to complete his title to the same."

On motion of Mr. Johnson,
The said bill was read.

The Speaker laid on the table the petition of sundry citizens of the town of Laurel in Sussex county, praying that the Legislature may direct an inquiry to be made, with a view to ascertain the quantity of spirituous liquors consumed yearly within this State.

On motion of Mr. Huffington,
The said petition was read, and,

On motion of Mr. Wright,
Referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wright, Clements and Betts.

Mr. Johnson, chairman of the committee appointed on that part of the late Governor's Message which relates to the subject of the withholding of the fourth instalment of the surplus revenue, reported the following resolutions, which,

On his motion,
Were read, to wit:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Senators from this State in the Congress of the United States be instructed, and the Representative from this State in the Congress of the United States be requested to use their exertions to procure this State's quota of the last instalment due under the act of Congress of 1838, providing for the deposit of the surplus revenue with the several States, as soon as the embarrassed condition of the treasury of the United States will admit of the payment of the said instalment.

Resolved, That the foregoing resolution be signed by the Speaker of the Senate and the Speaker of the House of Representatives, and transmitted to our Senators and Representative elect in Congress, with a request that they lay the same before their respective Houses at the first session of the twenty-seventh Congress.

On motion of Mr. Johnson,
The said resolutions as reported

Were adopted.

Ordered to the Senate for concurrence.

Mr. Betts presented the petition of sundry citizens of New Castle county, praying the Legislature to institute an inquiry with a view to ascertain the quantity of spirituous liquors consumed yearly within this State.

On motion of Mr. Betts,
The petition was read and referred to the committee already raised on that subject.

Mr. Collins, chairman of the committee to whom was referred the petition of certain citizens of Kent county, praying a law to enable them to repair the causeway over Swan creek, and to erect a gate thereon, reported a bill entitled "An act to enable the owners and possessors of the marsh, meadow and cripple on both sides of Swan creek, in Milford hundred, Kent county, to repair and raise above the rise of the tide water an old causeway over the mouth of said creek, and for other purposes therein mentioned."

On motion of Mr. Collins,
The said bill was read.

The Speaker laid on the table the petition of 99 citizens of Sussex county, praying the Legislature to pass a law to enable them to raise by lottery the sum of three thousand dollars to be expended in improving the navigation of Lewes creek.

On motion of Mr. Wright,
The said petition was read.

Mr. Wright then moved,

That the said petition be referred to a committee of three members with leave to report by bill or otherwise.

The House being divided,
The Speaker demanded the yeas and nays, which were taken,
And are as follow, viz:—

Yeas.—Mr. Wright and Mr. Speaker—2.

Nays.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Virden, Waples and Wilds—16.

So the House refused to refer the said petition.

On motion of Mr. Collins,
The House then adjourned until 10 o'clock to-morrow morning.



FRIDAY, 10 o'clock, A. M., January 29, 1841.

The House assembled pursuant to adjournment.

Mr. Chamberlain laid on the table the proceedings of a meeting of the trustees of Newark College, and a petition of a committee appointed at said meeting, praying the Legislature to assume for its own benefit the lottery granted to said college, and to make an appropriation of a like amount to the college, out of the State funds.

On motion of Mr. Chamberlain,

The said petition was read and referred to a committee of six members, with leave to report by bill or otherwise.

That committee consists of Messrs. Chamberlain, Barr, Frazer, Collins, Marshall and Waples.

Mr. Wright presented the petition of Bayard Dawson, a constable of Sussex county, praying the Legislature that a charge against him on the books of the Auditor of Accounts for a fine imposed by Zachariah Pitts, Esq., a Justice of the Peace of Sussex county, and which said fine was remitted by the Governor, may be erased on account of said remission.

On motion of Mr. Wright,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wright, Virden and Higgins.

Mr. Huffington laid on the table the following resolution, which

On his motion.

Was read, viz:—

Resolved, That a committee of five members be appointed, whose duty it shall be to consider the subject of fees, and whether any amendment of the "Act regulating fees" is necessary, with leave to report by bill or otherwise.

On motion of Mr. Huffington,

The said resolution

Was adopted.

And Messrs. Huffington, Wilds, Black, Dale and Jefferson, were appointed that committee.

Mr. Marshall, chairman of the committee to whom was referred the bill entitled "An act to amend the act entitled 'An act for the preservation of mill property,'" reported the same back to the House without amendment.

Mr. Huffington presented the petition of William H. J. Comegys, the Register of Wills of Kent county, praying the Legislature to pass a law authorising the Levy Court of Kent county to procure him a new seal of office, and also a screw.

On motion of Mr. Huffington,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Huffington, Barr and Hill.

Mr. Huffington presented the claim against the State, of James A. Dunning, for chairs, &c., for the Auditor's office, which

On his motion,

Was read and referred to the committee on claims.

Mr. Betts, chairman of the committee on the petition of the Temperance Beneficial Association of Wilmington and Brandywine, praying an act of incorporation, reported a bill entitled "An act to incorporate the Temperance Beneficial Association of Wilmington and Brandywine."

On motion of Mr. Betts,

The said bill was read.

Mr. Black, chairman of the committee to whom was referred the petition of sundry citizens of New Castle county, praying a revocation of the charter of the Elk and Christiana Turnpike Company, reported a bill entitled "An act to revoke the charter of the Elk and Christiana Turnpike company."

On motion of Mr. Black,

The said bill was read.

In pursuance of notice given yesterday,

Mr. Huffington asked, and

On motion of Mr. Wright,
Obtained leave to introduce a bill entitled "A supplement to the act entitled 'An act concerning defects in legal proceedings,'" which

On his motion,
Was read.

Mr. Virden moved,
That the vote of the House taken yesterday, refusing to refer the petition of certain citizens of Sussex county, praying an act to enable them to raise by lottery a sum of money to be expended in improving the navigation of Lewes Creek, be reconsidered.

Which motion

Prevailed.

On motion of Mr. Wright,
The said petition was then referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wright, Dale and Johnson.

On motion of Mr. Betts,
The bill entitled "A supplement to the act entitled 'An act to incorporate the Union Bank of Delaware,'" was read a second time.

Mr. Marshall, chairman of the committee to whom was referred the memorial of the commissioners of the bridge over Broadkilm creek, in Sussex county, at Paynter's Landing, praying the Legislature for an appropriation of five hundred dollars to enable them to complete the repairs of said bridge, reported a bill entitled "A supplement to the act entitled 'An act to erect and keep in good repair a bridge over Broadkilm creek, where the State road crosses the said creek, at a place called Paynter's Landing.'"

On motion of Mr. Marshall,
The said bill was read.

Mr. Dale presented the petition of sundry citizens of New Castle county, praying the Legislature to pass a law extending the jurisdiction of justices of the peace to the sum of one hundred dollars.

On motion of Mr. Dale,
The said petition was read and referred to the committee already raised on that subject.

Mr. Betts presented a petition of sundry citizens of New Castle county, of the same nature of the preceding, which

On his motion,
Was read and referred to the committee appointed on that subject.

Mr. Huffington gave notice that he would to-morrow ask leave to bring in a bill to be entitled "A supplement to the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors.'"

Mr. Higgins laid on the table the following resolution, which

On his motion,
Was read and adopted, viz:—

Resolved, That the communication and petition of the New York Historical Society be referred to a committee of three members, to report by resolution or otherwise.

Messrs. Higgins, Clements and Waples were appointed that committee.

On motion of Mr. Betts,

The bill entitled "An act to incorporate the members of the Fame Hose Company of the city of Wilmington," was read a second time.

Mr. Betts then offered the following amendments, which

On his motion,

Were read and adopted, viz:—

Amend the bill by inserting after the enacting clause, and before the word "That," the words "two thirds of each branch of the Legislature concurring."

Also, by inserting in the twelfth line of the first section, immediately after the word "continuance," the words "for twenty years and no longer."

On motion of Mr. Black,

The bill entitled "An act to amend the act entitled 'An act concerning the Levy Court, Clerk of the Peace, Assessors, Collectors and County Treasurers,'" was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Higgins, chairman of the committee of enrolment, reported the following bills and resolution as duly and correctly enrolled, and presented the same to the Speaker for his signature, to wit:—

"An act to divorce Elender M'Gee and Edward M'Gee from the bonds of matrimony."

Also "A supplement to the act entitled 'An act to enable Amanda Green, Jane Green and Charles Green, minors, to sell and convey certain real estate therein mentioned.'"

And "A joint resolution appointing Directors of the Farmers' Bank of the State of Delaware."

On motion of Mr. Huffington,

The bill entitled "An act for the relief of Alexander Johnson" was read a second time.

Mr. Betts presented the petition of sundry citizens of New Castle county, praying the Legislature to pass a law to abolish imprisonment for debt.

On motion of Mr. Betts,

The said petition was read.

Mr. Wright presented the claim against the State of Caleb B. Sipple of Georgetown, for services rendered in 1836, in delivering writs from the Secretary of State to the Sheriffs of Kent and New Castle counties, requiring them to summons the members of the General Assembly at an extra session of the Legislature.

On motion of Mr. Wright,

The said claim was read and referred to the committee of claims.

John W. Houston, Esq., the Secretary of State, being admitted, presented the following communication:—

OFFICE OF THE SECRETARY OF STATE, }
Dover, January 29, 1841. }

Gentlemen of the House of Representatives:—

I have hereby the honor to certify that William D. Waples, Esq., who has been appointed State Treasurer, did on the 26th ultimo, give bond to the State as required by law, and that the same has been duly approved by the Governor.

I have the honor to be,
Very respectfully,
Yours, &c.

JOHN W. HOUSTON,
Secretary of State.

*To the Honorable the House of
Representatives of the State of Delaware.*

Mr. Wright moved,

That the eighth rule of the House be suspended in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and,

On motion of Mr. Higgins,

Obtained leave to introduce a bill entitled “An act to vacate part of an alley and lane in the village of Georgetown, Sussex county.”

On motion of Mr. Wright,

The said bill was read.

Mr. Wilds presented the petition of William Scotten of Kent county, praying the Legislature to appropriate a sum of money to enable him to pay the prison charges of a certain John Lamb, a non-resident confined in jail at his suit, who was discharged by the Legislature in 1836.

On motion of Mr. Wilds,

The said petition was read and referred to the committee of claims.

Mr. Marshall, chairman of the committee to whom was referred the petition of sundry citizens of Sussex county, on the subject of rendering certain officers ineligible, except after a given time, reported a bill entitled “An act rendering certain officers ineligible to re-appointment and re-election alternately, and to fix a term to certain offices, heretofore held at pleasure.”

On his motion,

The said bill was read.

Mr. Barr presented the petition of sundry citizens of New Castle county, praying that an inquiry may be instituted in order to ascertain the amount of spirituous liquors consumed yearly in this State.

On motion of Mr. Barr,

The said petition was read and referred to the committee already raised on that subject.

Mr. Dale, chairman of the committee to whom was referred the bill entitled "An act to amend the supplement passed January 25th, 1830, to the act for the establishment of free schools" reported the same back to the House with the following amendments, which,

On his motion,

Were read and adopted, viz:—

Amendment 1st.—Strike out the words "to be" occurring on the fourth line of the 1st section of the printed bill.

Amendment 2nd.—Add to the bill the following section, to wit:—

Section 6. *And be it further enacted*, That if the secretary of a meeting of school voters, stated or occasional, in any school district, shall refuse or neglect to prepare two true certificates of the proceedings of said meeting, or to duly sign the same, or if the chairman of such meeting shall refuse or neglect to sign such certificates when so prepared, or to cause the same to be delivered, when signed, one to the clerk of the district, and the other to the clerk of the peace of the county, within thirty days from the day of holding such meeting, the said secretary or chairman so refusing or neglecting, shall be guilty of a misdemeanor, and on conviction shall pay to the State a fine not exceeding fifty dollars with costs.

And if a certificate properly signed of a meeting of school voters shall not be delivered either to the clerk of the district, or clerk of the peace of the county, within the time above specified from the day of holding such meeting, the proceedings of such meeting shall be void, and the clerk and commissioners in office immediately previous to the meeting, shall continue in office so far as to call another meeting; and the said clerk and commissioners, or either of them, shall proceed to call another meeting by advertisements, specifying the day, hour and place thereof, posted in five or more of the most public places of the school district, at least five days before the day of meeting—which day and hour the persons or person calling the meeting shall appoint: it shall be sufficient to state in the advertisements, that the certificate of the proceedings of the last meeting have not been returned according to law: and at such meeting so called, the school voters shall have power to do all the acts and things that they could do at the preceding meeting; and the meeting shall be regulated by the law applicable to the preceding meeting, and be a substitute therefor.

On motion of Mr. Dale,

The said bill as amended was then taken up for a third reading, and on the question of the passage of the first section,

The House being divided,

The Speaker ordered the yeas and nays,
Which were taken and are as follow, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Virden, Waples, Wilds and Wright—18.

Nays—Mr. Speaker—1.

So the first section

Passed the House.

On the question of the final passage of the said bill,
The House being again divided,
The Speaker ordered the yeas and nays,
Which were taken and are as follow, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Virden, Waples, Wilds and Wright—18.

Nays—Mr. Speaker—1.

So the said bill as amended

Passed the House.

Ordered to be returned to the Senate and their concurrence desired in the said amendment.

On motion of Mr. Dale,
The House adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock P. M.

The House met pursuant to adjournment.

Mr. Chamberlain, chairman of the committee to whom was referred the communication of the Trustees of Newark College, and the petition of their committee, reported two several bills entitled as follows:—

“An act to amend the act to establish a College at Newark,” and

“A supplement to the act entitled ‘An act authorising a lottery for the benefit of Delaware College, and for other purposes therein mentioned.’”

On motion of Mr. Chamberlain,
The said bills were severally read.

Mr. Huffington presented the claim against the State of the administrator of Isaac Kello, deceased, for painting the Senate and Representative chambers by said deceased in his lifetime.

On motion of Mr. Huffington,
The same was read and referred to the committee of claims.

Mr. Frazer presented the claim against the State, of Samuel Kimmey, for a balance due him for printing the Journal of the House of Representatives at the last session of the General Assembly.

On motion of Mr. Frazer,
The same was read and referred to the committee on claims.

On motion of Mr. Betts,
The bill entitled "An additional supplement to the act entitled 'An act for regulating innholders, tavern keepers, and other public house keepers within this government, and empowering the justices to settle the rates of liquor,'" was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Huffington,
The bill entitled "An act for the relief of Alexander Johnson" was read a third time by special order, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Marshall presented the petition of sundry citizens of Sussex county, praying the Legislature to pass an amendment to the law in relation to wrecks, so as to authorise the Governor to appoint a commissioner of wrecks.

On motion of Mr. Marshall,
The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Marshall, Wilds and Black.

In pursuance of notice given yesterday,

Mr. Clements asked, and

On motion of Mr. Higgins,
Obtained leave to introduce a bill entitled "An act in relation to habitual drunkards."

On motion of Mr. Clements,
The said bill was read.

Mr. Fisher, Clerk of the Senate, being admitted, returned the enrolled bill entitled "An act directing the time, place and manner of holding elections for Senators from this State in the Senate of the United States."

And informed the House that the same had received the signature of the Speaker of the Senate.

And he withdrew.

Mr. Clements, chairman of the committee to whom was referred that portion of the late Governor's Message relating to the preservation of the

pay and subsistence rolls of the old Delaware Line, on file in the office of the Secretary of State, made the following report, which,

On his motion,
Was read, to wit:—

The committee on so much of the Governor's Message as relates to the Revolutionary Records, have had that subject under consideration, and a majority of said committee have instructed me to report, that it is inexpedient to legislate on that subject at this time.

On motion of Mr. Betts,
The bill entitled "A further additional supplement to the act entitled "An act regulating the General Election," was read a second time.

Mr. Johnson moved,
That fifty copies of the bill entitled "An act rendering certain officers ineligible to re-appointment and re-election alternately, and to fix a term to certain offices heretofore held at pleasure," be printed for the use of the House,

Which motion

Was Lost.

On motion of Mr. Collins,
The bill entitled "An act to enable the owners and possessors of the marsh, meadow and cripple on both sides of Swan creek, in Milford hundred, Kent county, to repair and raise above the rise of the tide water, an old causeway over the mouth of said creek, and for other purposes therein mentioned," was read a second time.

On motion of Mr. Chamberlain,
The bill entitled "An act to amend the act to establish a College at Newark,"

And the bill entitled "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College, and for other purposes therein mentioned,'" were severally read a second time by special order.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the amendment proposed by the House to the bill entitled "An act to amend the supplement passed January 25th, 1830, to the act for the establishment of Free Schools," with an amendment, in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Dale,
The amendment was read as follows, viz:—

"IN SENATE, *January 29, 1841.*

Amend the bill in the 13th line of the 6th section, by striking out the words 'from the day of holding such meeting.'

Extract from the Journal.

G. P. FISHER, *Clerk.*

For concurrence."

On motion of Mr. Hill,
The said amendment was then

Concurred in.

Ordered that the Senate be informed thereof.

On motion of Mr. Clements,
The bill entitled "An additional supplement to the act entitled 'An act to encourage the destruction of crows,'" was read a second time.

Mr. Marshall, from the committee to whom was referred the petition of Mary Griffith, of Sussex county, praying the Legislature to pass a law to divorce her from her husband, Samuel Griffith, reported a bill entitled "An act to divorce Mary Griffith and her husband, Samuel Griffith, from the bonds of matrimony."

On motion of Mr. Marshall,
The said bill was read.

Mr. Wilds, chairman of the committee to whom was referred the petition of sundry citizens of Kent county, praying the Legislature to incorporate them into a company for the purpose of draining and reclaiming their low grounds, reported a bill for that purpose, entitled "An act to enable the owners of the marshes, cripple and low grounds, situate upon and contiguous to Jamison's Branch, in Little Creek and Duck Creek hundreds, to drain and improve the same."

On motion of Mr. Wilds,
The said bill was read.

On motion of Mr. Huffington,
The House then adjourned until to-morrow morning at 10 o'clock.



SATURDAY, 10 o'clock, A. M. January 30, 1841.

The House met in pursuance of adjournment.

In pursuance of notice given yesterday,
Mr. Huffington asked, and

On motion of Mr. Clements,
Obtained leave to introduce a bill entitled "A supplement to the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors.'"

On motion of Mr. Huffington,
The said bill was read.

On motion of Mr. Black,

The bill entitled "An act to revoke the charter of the Elk and Christiana Turnpike Company," was read a second time.

Mr. Betts laid on the table the memorial of the city council of Wilmington, praying the passage of a law for erecting lamps and widening the side walks in said city.

On motion of Mr. Betts,

The said memorial was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Betts, Virden and Jefferson.

On motion of Mr. Chamberlain,

The bill entitled "An act to amend the act to establish a College at Newark," was read a third time by paragraphs, and

Passed the House unanimously,

By the following vote of yeas and nays, ordered by Mr. Chamberlain:

Yeas.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Huffington, Jefferson, Johnson, Marshall, Virden, Waples, Wilds, Wright and Mr. Speaker—18.

Nays.—None.

Ordered to the Senate for concurrence.

On motion of Mr. Huffington,

The bill entitled "An act to continue the reports of adjudged cases, and for other purposes," was read a second time.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the following bills, viz:

"An additional supplement to the act entitled 'An act to amend the act entitled An act concerning the constitution of the Levy Court and Court of Appeal,' and

"An act for the relief of Esther Coverdill."

And he withdrew.

On motion of Mr. Waples,

The bill entitled "An act to enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head waters of Love's Creek, called Bundick's Branch, the boundary between Lewes and Rehoboth, and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw mill-thereon," was read a second time.

Mr. Fisher, Clerk of the Senate, being admitted, presented for the concurrence of the House a joint resolution.

And he withdrew.

On motion of Mr. Higgins,

The resolution was read, as follows, viz:—

"IN SENATE, January 30, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Secretary of State cause to be bound up so as to correspond with the other bound volumes of the laws, two hundred copies of the eighth volume of the laws of this State, and for that purpose, he shall procure from the offices of the different prothonotaries in this State, all the copies of the pamphlet laws with those that may be found in his office; and if a sufficient number of pamphlets cannot be found to complete the aforesaid number of volumes, that he cause a sufficient number to be printed.

Resolved by the authority aforesaid, That when the aforesaid volumes shall have been bound, the Secretary of State shall equally divide them between the respective counties, placing them in the hands of the different prothonotaries, who are hereby authorised to sell the same at one dollar per copy, and make return of them as the law directs.

Extract from the Journal,

G. P. FISHER, Clerk.

For concurrence."

On motion of Mr. Marshall,

The bill entitled "An act to amend the act entitled 'An act for the preservation of mill property'" was read a second time.

On motion of Mr. Johnson,

The bill entitled "An act to enable Nathan Fleming to locate certain vacant land situate in Mispillion hundred, Kent county, and to complete his title to the same" was read a second time.

On motion of Mr. Chamberlain,

The bill entitled "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College and for other purposes therein mentioned,'" was taken up for consideration.

On his motion,

The said bill was then committed to the committee who reported it.

Mr. Frazer laid on the table the claim against the State of James Cowgill, for paints, &c., which,

On his motion,

Was read and referred to the committee on claims.

Mr. Huffington laid on the table the petition of the owners of land in Kent county, called "Black Swamp," praying the passage of a law to enable them to ditch and reclaim the same.

On motion of Mr. Huffington,

The said petition was read and referred to a committee of three members with leave to report by bill or otherwise.

That committee consists of Messrs. Huffington, Chamberlain and Waples.

On motion of Mr. Huffington,
The bill entitled "A supplement to the act entitled 'An act concerning defects in legal proceedings,'" was read a second time.

Mr. Fisher, Clerk of the Senate being admitted, presented for the concurrence of the House, a bill entitled "An act to enable Samuel G. Smith to locate certain vacant lands in North West Fork hundred in Sussex county, and to complete his title to the same."

And he withdrew.

On motion of Mr. Higgins,
The said bill was read.

Mr. Collins presented two petitions from sundry citizens of Sussex county, praying the passage of a law for the better regulation, &c., of free negroes, &c. which,

On his motion,
Was read and referred to the committee already raised on that subject.

Mr. Wilds presented a similar petition from citizens of Kent county, which,

On his motion,
Was read and referred in like manner.

The Speaker laid on the table the following communication of the City Council of Wilmington, which,

On motion of Mr. Huffington,
Was read, to wit:—

"At a meeting of the City Council of Wilmington, held at the City Hall, on Tuesday, January 26, A. D. 1841,

On motion of Mr. Thompson,

It was unanimously resolved, As the sense of the City Council of the city of Wilmington, that no amendment or alteration made in the charter of the city by the Legislature of the State, should go into effect without the assent of a majority of the citizens being first had and obtained to such amendments or alterations.

The above is a true extract from the minutes.

W. R. SELLARS,
Pres't of the City Council.

Attest, T. BOOTH ROBERTS,
Clerk of the City Council of Wilmington.

WILMINGTON, JAN. 28, 1841.

HON. ROBERT HOUSTON,
Speaker of the House of Representatives—

SIR—I have been directed by the City Council of Wilmington to trans-

mit to you the above resolution, with the request that you lay it before the body over which you preside.

Respectfully yours,

W. R. SELLARS,
Pres't of City Council.

On motion of Mr. Dale,

The joint resolution from the Senate for printing and binding additional copies of the eighth volume of the laws was taken up for consideration and

Concurred in.

Ordered that the Senate be informed thereof.

On motion of Mr. Betts,

The bill entitled "An act to renew the act entitled 'An act to incorporate the Washington Beneficial Society of Wilmington, Delaware, for the relief of the members thereof, their widows and orphan children,'" was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to divorce Foster Donovan and his wife Avis Donovan from the bonds of matrimony."

And he withdrew.

Mr. Huffington laid on the table the following resolution, which

On his motion,

Was read and adopted, viz:—

Resolved, That a committee of accounts to consist of three members be appointed.

Mr. Chamberlain, chairman of the committee to whom was committed the bill entitled "A supplement to the act entitled 'An act authorising a lottery for the benefit of Delaware College, and for other purposes therein mentioned,'" reported the same back to the House with the following amendment, viz:—

Amend the bill as follows:—Strike out all after the word "supplement," in line 4, and insert the following:—"which by the provisions of said act is applicable to the use and benefit of 'Delaware College,' and directed to be paid to the 'Trustees of Delaware College,' and which is now due, or hereafter shall become due and payable under or by virtue of the said act; shall be paid into the treasury of this State, and shall be received by the State Treasurer, and accounted for as the money of the State, instead of being paid to the trustees of Delaware College, or to the trustees of 'Newark College,' called in the said act Delaware College: and every provision of the act to which this is a supplement, or of any other act of the Legislature granting or appropriating the money arising under said act or any part or portion of such money for the use and benefit of Delaware College,

or for the use and benefit of Newark College aforesaid, called in the said act Delaware College, be and the same is hereby repealed.

Section 2. *And be it enacted*, That the said State Treasurer shall keep a just and accurate account of all money hereafter received by him under or by virtue of this act, or of the act to which this is a supplement, and shall settle such account with the Auditor twice in each year, so long as any money shall be received from this source.

Section 3. *And be it enacted*, And the State does hereby grant and appropriate out of the State treasury, for the use and benefit of Newark College, a sum of money equal in amount to the moiety or half part of any sum or sums which upon such half yearly settlement with the Auditor shall appear to have been received by the State Treasurer, under or by virtue of this act or of the act to which this is a supplement; and immediately after every such half yearly settlement, the State Treasurer is authorized and directed to pay to 'The Trustees of Newark College,' out of any money in the treasury not otherwise appropriated such sum of money as shall be equal in amount to the moiety or half part of what shall so appear to have been received by him as aforesaid; to be invested or used by the said trustees for the enlargement, endowment or support of said college.

Section 4. *And be it enacted*, That the acceptance of this act by the trustees of Newark College aforesaid, shall be signified in writing to the Governor within four months after its passing, or it shall be of no effect. This act or any of its provisions shall not be construed to affect or impair any bond or obligation given or taken under the act to which this is a supplement, but the same shall remain in such force and virtue as if this act had not been passed.

On motion of Mr. Chamberlain,
The said amendment

Was adopted.

And the bill as amended, was,

On his motion,
Read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Higgins moved,
That the House do now adjourn until Monday morning next at 10 o'clock.

Which motion

Was lost.

Mr. Virden gave notice, that he would on Monday next, ask leave to bring in a bill to appropriate the money in the treasury of this State.

On motion of Mr. Clements,
The bill entitled "An act in relation to habitual drunkards," was read a second time.

Mr. Huffington then moved,
That the said bill be indefinitely postponed.
The motion being seconded,
Mr. Clements demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Betts, Black, Collins, Higgins, Huffington, Jefferson, Johnson, Virden, Wilds and Wright—10

Nays.—Messrs. Barr, Chamberlain, Clements, Dale, Frazer, Waples and Mr. Speaker—7.

So the said bill was

Indefinitely postponed.

On motion of Mr. Dale,
The House then adjourned until Monday morning, at 10 o'clock.



MONDAY, 10 o'clock, A. M. February 1, 1841.

The House assembled pursuant to adjournment.

The Speaker announced as the committee of accounts Messrs. Huffington, Hill and Dale.

On motion of Mr. Huffington,
The bill entitled "An act to incorporate the Wesleyan Female Collegiate Institute," was taken up for consideration.

He then offered the following amendments, which,

On his motion,
Were read and adopted, viz:—

Amend the bill by striking out of the second section in the fourth, fifth, sixth, seventh and eighth lines the words "one third of whom shall be members of such annual conferences of the Methodist Episcopal Church aforesaid as shall patronise the said institution, equally to be divided among them, and when such division cannot be accurately made, the Philadelphia Conference shall have the preference."

Strike out of the said second section the words "twelve thousand dollars," and insert in lieu thereof the words "five thousand dollars."

Amend the second section by adding in the twentieth line, immediately after the word "dollars," the words "they may make by-laws, rules and regulations (not inconsistent with the laws of this State or of the United States) for the government of the said Institute; with power to prescribe the qualifications of the members of the council; and generally, to promote the objects and purposes of the institution."

Amend Sec. 3, by striking out in the eighth, ninth, tenth and eleventh lines, the words "but the Philadelphia Annual Conference of the Methodist Episcopal Church, at its next session, if it see cause, may annul such appointment, so long as said conference shall patronise the said Institute."

Amend the fifth section by striking out the seventh line thereof.

Strike out in the twenty-fifth and twenty-sixth lines of fifth section, the words "the Philadelphia Conference concurring therein."

Amend the bill by adding as section 6—Section 6. *And be it further enacted*, That this act shall be and continue in force for the term of twenty years and no longer, unless the same is re-enacted by the Legislature; and the Legislature hereby reserves the power to revoke and annul this charter.

On motion of Mr. Huffington,

The said bill as amended was read a second time, and,

On his motion,

The same was read a third time by special order by paragraphs, and

Passed the House,

By the following votes of yeas and nays ordered by Mr. Huffington:

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Higgins, Hill, Huffington, Jefferson, Johnson, Waples, Wright and Mr. Speaker—15.

Nays—None.

Ordered to the Senate for concurrence.

On motion of Mr. Betts,

The bill entitled "An act to continue the reports of adjudged cases, 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. Collins,

The bill entitled "An act to enable the owners and possessors of the marsh, meadow and cripple on both sides of Swan creek, in Milford hundred, Kent county, to repair and raise above the rise of the tide water an old causeway over the mouth of said creek, and for other purposes therein mentioned," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, presented for concurrence a bill entitled "An act to incorporate the Sisters of Charity of St. Peter's, and to grant to said corporation certain lands in Mill creek hundred," with its accompanying petition.

And he withdrew.

On motion of Mr. Barr,

The said bill was read.

Mr. Wright, chairman of the committee to whom was referred the memorial of the Lewes Beneficial Society, praying an act of incorporation, reported a bill for that purpose, entitled "An act to incorporate the Lewes Beneficial Society of Lewes, Sussex county, Delaware."

On motion of Mr. Wright,
The said bill was read.

In pursuance of notice heretofore given,
Mr. Huffington asked, and,

On motion of Mr. Higgins,
Obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act concerning certain crimes and offences committed by slaves, and for the security of slaves properly demeaning themselves.'"

On motion of Mr. Huffington,
The said bill was read.

Mr. Barr laid on the table a petition from sundry citizens of New Castle county, praying the Legislature to prohibit the drawing of lotteries and the sale of lottery tickets within this State.

On motion of Mr. Barr,
The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Barr, Johnson and Waples.

Mr. Huffington submitted for the consideration of the House the following joint resolutions, viz:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each House concurring and deeming the same necessary, and the Governor approving thereof,) That the following shall be proposed to the Legislature next to be elected, as an amendment to the Amended Constitution of the State of Delaware, viz:—

"The General Assembly shall make no law authorising the setting up or drawing any lottery, or the offering for sale or selling lottery tickets or any interest therein, within this State."

Resolved, by the authority aforesaid, That it shall be the duty of the Secretary of State, and he is hereby required, to cause to be published in two newspapers printed in the city of Wilmington in this State, a true copy of these resolutions and proposed amendment, at least three and not more than six months before the next general election for Representatives, for the consideration of the people.

Mr. Huffington, chairman of the committee to whom was referred the petition of Wm. H. J. Comegys, the Register of Wills of Kent county, praying the passage of a law to enable him to procure a new seal of office, and also a new screw, reported a bill for that purpose, entitled "An act authorising the Register for the Probate of Wills and granting letters of

administration in and for Kent county, to procure a new seal of office and press."

On motion of Mr. Huffington,
The said bill was read.

Mr. Huffington presented three several petitions signed by about 150 citizens of this State, praying the Legislature to abolish imprisonment for debt.

On motion of Mr. Huffington,
The said petitions were read and referred to the committee on that subject.

On motion of Mr. Betts,
The bill entitled "A supplement to the act entitled 'An act to incorporate the Union Bank of Delaware,'" was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Dale presented the petition of sundry citizens of New Castle county, praying the passage of a law for the better regulation of colored hirelings, &c.

On motion of Mr. Dale,
The said petition was read and referred to the committee on that subject.

On motion of Mr. Huffington,
The bill entitled "A supplement to the act entitled 'An act concerning awards, to regulate the summoning and returning of juries, and for lessening the expense thereof, and for other purposes,'" was taken up for consideration.

Mr. Huffington then laid on the table for the consideration of the House the following amendments to said bill, which,

On his motion,
Were read, viz:—

Amend the bill as follows, viz:—

Strike out all after the enacting clause and substitute the following:

That the Levy Court and Court of Appeal in each county shall, at their annual session in March, select from the lists of taxable citizens of the county, in such proportions for each hundred as they may deem proper, the names of *one hundred and fifty* sober, substantial and judicious persons, to serve (if summoned,) as jurors at the several courts to be holden in that year; and shall make out a list of the said persons so selected for jurors. The said Levy Courts shall provide a box for each hundred in the county, to be marked or labelled with the *name* of the *hundred*, into which box the names of the persons so selected as jurors, being written on small pieces of paper as nearly alike in size, shape and color as may

be, and folded so as to hide the name, shall be deposited by the said Levy Court—the names of the persons selected from each hundred being placed in the box of that hundred; after which the boxes shall be locked and delivered to the prothonotary of the Superior Court, and the keys shall be kept by the clerk of the peace.

The said prothonotary and clerk of the peace shall meet in the prothonotary's office on the day after the first Tuesday in March annually, or within ten days thereafter; and, after shaking the boxes so as to intermix the papers deposited therein, shall, in the presence of such persons as may choose to be present, draw from the box of each hundred in turn the name of a person, to be summoned as a grand juror for that year, and so on until the number of grand jurors prescribed by the act to which this is a supplement shall be drawn; and the said prothonotary and clerk of the peace shall thereupon deliver a list of the names so drawn to the sheriff of the county, who shall summon the persons therein named, according to the provisions of the said original act, to serve as grand jurors for that year.

Sec. 2. *And be it further enacted, &c.*, That the said prothonotary and clerk of the peace shall, at least fifteen days before the commencement of each term of the Superior Court and Court of General Sessions of the Peace and Gaol Delivery in like manner, draw from the jury-box of each hundred in turn the name of a person to be summoned as a petit juror, and so on until the number of jurors prescribed by the said original act for petit jurors to attend the said courts shall be drawn, and shall thereupon deliver a list of the names so drawn to the sheriff of the county, who shall summon the persons therein named according to the provisions of the said original act, to serve as petit jurors at the ensuing terms of the Superior Court and Court of General Sessions of the Peace and Gaol Delivery.

Sec. 3. *And be it further enacted, &c.*, That the grand jurors for the year, drawn as aforesaid, shall be summoned to attend as grand jurors at any Court of Oyer and Terminer, when the precept for holding such court directs a grand jury to be summoned; and the petit jurors to attend any Court of Oyer and Terminer shall be drawn in like manner by the said officers, at least fifteen days before the day assigned for holding the said court, and a list of the names so drawn shall thereupon be delivered to the sheriff of the county, to be summoned as is provided in the said original act, to attend the said Court of Oyer and Terminer as petit jurors. *Provided always*, That if the day assigned for holding such court shall be at a time when there is a petit jury in attendance upon the Superior Court and Court of General Sessions of the Peace and Gaol Delivery, then such jury shall constitute a part of the panel of the petit jurors to be summoned to attend the said Court of Oyer and Terminer, and only so many names shall be drawn from the boxes as are necessary to complete the number of petit jurors prescribed by the said original act.

Sec. 4. *And be it further enacted, &c.*, That if the said prothonotary or clerk of the peace shall have any matter of fact at issue depending for

trial at the ensuing term of the said courts, then the recorder of deeds for the county, shall act in the place of the officer so interested at the drawing of the jurors as aforesaid. And if any petit juror who shall be drawn as aforesaid, shall have any matter of fact at issue depending for trial at the ensuing term of the said courts, his name shall be returned to the box and another drawn in his place.

Sec. 5. *And be it further enacted, &c.*, That if from any cause it should happen that the proper number of jurors should not be drawn as aforesaid, or if for any cause the panel of jurors so drawn should be quashed by the court, then it shall and may be lawful for the court to make such order as they may deem expedient for the drawing and summoning the requisite number of jurors to serve at that term; and the court may in all cases award a tales de circumstantibus according to the provisions of the said original act.

Sec. 6. *And be it further enacted, &c.*, That if the said prothonotary, clerk of the peace or recorder of deeds shall refuse to perform, or wilfully neglect the duties by this act enjoined upon him, every such prothonotary, clerk of the peace and recorder of deeds so offending shall, for every such offence, forfeit and pay to the State a fine of two hundred dollars, to be prosecuted by indictment in the Court of General Sessions of the Peace and Gaol Delivery.

Sec. 7. *And be it further enacted, &c.*, That the Levy Court shall make such compensation as they shall deem proper to the said officers for the performance of the duties imposed upon them by this act. The said jury-boxes shall, immediately after each drawing of jurors as aforesaid, be locked and remain in the custody of the prothonotary of the Superior Court in each county, and the key shall remain in the custody of the clerk of the peace.

Sec. 8. *And be it enacted*, That the Levy Court, in selecting from the lists of taxable citizens the names of persons to serve as jurors, shall omit from the list such persons as may have been summoned and have served as grand jurors for the year previous.

Sec. 9. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent herewith, and particularly the 16th section of that act, be and the same is hereby repealed.

On motion of Mr. Betts,

The bill entitled "An act to incorporate the Fame Hose Company of Wilmington, Delaware," was read a third time by paragraphs, and

Passed the House,

By the following vote of yeas and nays, ordered by Mr. Betts, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Higgins, Hill, Huffington, Jefferson, Johnson, Waples, Wright and Mr. Speaker—15.

Nays—None.

Ordered to the Senate for concurrence.

Mr. Huffington moved,

That the bill entitled "A supplement to the act entitled 'An act concerning defects in legal proceedings,'" be read a third time in order to its final passage.

Which motion

Prevailed,

And the first section was read.

Before, however, the question was taken upon the passage of the first section,

Mr. Barr moved,

That the House adjourn until 3 o'clock this afternoon.

Which motion

Prevailed.

And the House adjourned.



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

The House assembled pursuant to adjournment.

On motion of Mr. Huffington,

The bill entitled "A supplement to the act entitled 'An act concerning defects in legal proceedings,'" was postponed for further consideration until Wednesday morning next.

Mr. Huffington, chairman of the committee to whom was committed the bill entitled "An act to amend the act entitled 'An act for ascertaining the salaries of the Governor, the Chancellor, the Judges and the Secretary, and for making allowances to the members of the General Assembly and for other purposes, and also to amend the act entitled 'An act to carry into effect the Amended Constitution and for other purposes,'" reported the same back to the House with the following amendments, which,

On his motion,

Were read and adopted, viz:—

Amend the bill by striking out the second section thereof.

Also, by striking out in the title the words "and also to amend the act entitled an act to carry into effect the Amended Constitution, and for other purposes."

On motion of Mr. Huffington,
The said bill as amended, was then read a third time by paragraphs,
and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Clements laid on the table the following resolution, which

On his motion,
Was read and adopted, viz:—

Resolved, That a committee consisting of five members be appointed from the delegation of Kent county, whose duty it shall be to inquire into the expediency of dividing Kent county into school districts anew, of the convenient size than the present.

Messrs. Clements, Frazer, Wilds, Collins and Huffington were appointed that committee.

On motion of Mr. Johnson,

The bill entitled "An act to enable Samuel G. Smith to locate certain vacant lands in North West Fork hundred in Sussex county, and to complete his title to the same," was read a second time.

On motion of Mr. Clements,
The resolution offered by him some time since, declaring that it is inexpedient to allow balls to be held in the Representative Chamber, was taken up for consideration.

On his motion,
The said resolution was then

Adopted.

Mr. Wright, chairman of the committee to whom was referred the petition of Bayard Dawson, reported for his relief the following joint resolution, which

On his motion,
Was read and adopted, viz:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Bayard Dawson, one of the constables in and for the county of Sussex be, and he is hereby released and discharged from the payment of the sum of sixty dollars and sixty-six cents improperly charged against him; it being the amount of a fine imposed upon a certain Captain Jeremiah Eskridge, by Zachariah Pitts, one of the justices of the peace in and for the county aforesaid, for intoxication and profane swearing, the same having been remitted by his Excellency the Governor, and consequently not collected by the said Bayard Dawson, but erroneously and improperly charged against him in favor of the said State of Delaware.

Ordered to the Senate for concurrence.

Mr. Huffington, chairman of the committee to whom was referred the petition of the owners of land upon the Black Swamp, praying an act of incorporation for the purpose of the reclamation of their low grounds, re-

ported a bill for that purpose entitled "An act to incorporate the Black Swamp Ditch Company."

On motion of Mr. Huffington,
The said bill was read.

Mr. Clements presented the petition of sundry citizens of Kent county, praying the Legislature to institute an inquiry to ascertain the quantity of spirituous liquors consumed in this State.

On motion of Mr. Clements,
The said petition was read and referred to the committee on that subject.

And Mr. Clements on behalf of said committee, asked for further time to report.

On motion of Mr. Betts,
Leave was granted.

On motion of Mr. Betts,
The bill entitled "An act to incorporate the Washington Fire Company of the city of Wilmington," was read a second time."

On motion of Mr. Betts,
The bill entitled "A further supplement to the act entitled "An act regulating the General Election," was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Wilds,
The bill entitled "An act to enable the owners of the marshes, cripple and low grounds situated upon, and contiguous to Jamison's Branch, in Little Creek and Duck Creek hundreds, to drain and improve the same," was read a second time by its title.

Mr. Barr presented the petition of 144 citizens of New Castle county, praying the Legislature to pass a law appropriating the money arising from the tax on dogs in New Castle county.

On motion of Mr. Barr,
The said petition was read and referred to the committee to whom was referred the bill entitled "A supplement to the act laying a tax on dogs in New Castle county."

Mr. Wright, chairman of the committee to whom was referred the petition of Abraham Dazey, of Sussex county, praying an act to enable him to locate certain vacant land in said county, reported a bill for that purpose, entitled "An act to enable Abraham Dazey, of Sussex county, to locate certain lands, situate in Baltimore hundred, and to complete his title to the same."

On motion of Mr. Wright,
The said bill was read.

On motion of Mr. Huffington,

The bill entitled "A supplement to the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors,'" was read a second time.

On motion of Mr. Betts,

The bill entitled "An act to incorporate the Temperance Beneficial Association of Wilmington and Brandywine," was read a second time.

On motion of Mr. Wright,

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



TUESDAY, 10 o'clock A. M., February 2, 1841.

The House assembled pursuant to adjournment.

Mr. Huffington presented the petition of Elijah Cannon, late State Treasurer, praying that his accounts as such, may be referred to the present Auditor of Accounts for re-adjustment and re-settlement.

On motion of Mr. Huffington,

The said petition was read.

Mr. Huffington then laid on the table the following joint resolution, which,

On his motion,

Was read and adopted, viz:—

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the present Auditor of Accounts of this State be, and he is hereby authorised, empowered and required to adjust and settle the accounts of Elijah Cannon, late State Treasurer of the State of Delaware, and as trustee of the fund for establishing schools in the State of Delaware, throughout his late official term as such treasurer and trustee aforesaid; and that the said Auditor make report thereof to the Legislature.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the following bills, viz:—

"An act to repeal the act entitled 'An additional supplement to the act entitled An act providing for the punishment of certain crimes and misdemeanors.'"

And "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 the Northwest Branch of Duck Creek, emptying into the main branch of Duck Creek, below the Eagle's Nest Landing, effectually to embank and drain the same, and keep the banks, dams, sluices, canals and drains in repair, and to raise a fund to defray the expense thereof."

Also, "An act for the relief of Alexander Johnson."

And he presented for the concurrence of the House a bill entitled "An act to enable William W. Delaney, of Sussex county, to survey and locate certain vacant land, and to complete his title to the same," with its accompanying petition.

And he withdrew.

On motion of Mr. Johnson,
The said bill and petition were read.

On motion of Mr. Black,
The bill entitled "An act to revoke the charter of the Elk and Christiana Turnpike company," was taken up for consideration.

Mr. Black then offered the following amendment thereto, which

On his motion.
Was read and adopted, viz:—

Amend the bill as follows, viz:—

SECTION 3. *And be it further enacted*, That it shall be the duty of the Attorney-general at the next or some subsequent term of the Court of General Sessions of the Peace, in and for New Castle county, to file an information in the nature of a *quo warranto* against the said company, to which the said company shall plead during the term at which such information shall be filed on a day to be appointed by the said court, and for want of such plea, judgment of *ouster* shall be entered by the said court against the said company, and all their privileges, immunities, franchises, rights and liberties as a corporation shall thereby cease and determine. And in case the said company shall plead to the said information, the issue between the State and the said company shall be tried by a jury at the bar of the said court, and judgment shall thereupon be entered on the verdict of said jury, according to the right of the matter and the law of the land. Notice shall be given by the Attorney-general in one newspaper published in the city of Wilmington, of his intention to file said information, ten days before the sitting of the court. The said information shall contain a statement of the causes for which the said company hath forfeited its charter, and the first and second sections of this act shall not go into operation until a judgment of *ouster* shall be entered against the said company.

Mr. Black laid on the table the petition of sundry citizens of New Castle county, praying a repeal of the law passed at the last session, laying a tax on dogs in that county.

And he presented at the same time a petition praying the continuance of the same, &c.

Mr. Higgins also presented a petition from sundry citizens of the same county of a like character to the one last presented, all of which were,

On motion of the respective members who presented them,

Read and referred to the committee to whom was committed the supplement to the act laying a tax on dogs in New Castle county.

Mr. Chamberlain presented the petition of numerous citizens of New Castle county, praying the Legislature to extend the jurisdiction of Justices of the Peace to the sum of one hundred dollars.

On motion of Mr. Chamberlain,

The said petition was read and referred to the committee on that subject.

Mr. Betts presented a petition from citizens of the same county, praying a like object, which,

On his motion,

Was read and referred in like manner.

Mr. Betts presented the petition of sundry citizens of New Castle county, praying the Legislature to abolish imprisonment for debt.

And he at the same time presented a petition from numerous citizens of the same county, praying a law to prohibit the drawing of lotteries and the sale of lottery tickets in this State, both of which were,

On his motion,

Read and referred to the appropriate committees.

Mr. Betts also presented a petition from the same county numerous signed, praying the establishment of a penitentiary, and

On his motion,

That petition was read also and referred to the committee on that subject.

Mr. Clements, chairman of the committee to whom was referred that portion of the late Governor's Message, relating to the preservation of the Revolutionary Records, and the appointment of a State Librarian, reported the following resolutions, which,

On his motion,

Were read, to wit:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That

be, and he is hereby appointed Librarian, whose duty it shall be to take charge of the Library of this State, to arrange and put in proper order all the books and papers deposited therein, to stamp all the books that in the opinion of Judge Harrington should be stamped; he shall take special care of the old Revolutionary records, shall label them, and box them up in the best possible manner for future reference; and he shall hold himself in readiness to accompany any person at convenient times to the said Library, for the purpose of examining books and papers.

Resolved further, That the State Treasurer be, and he is hereby directed to pay, on or before the first day of January of each year, that the said Librarian shall faithfully discharge his duty aforesaid, the sum of _____ dollars.

And be it further resolved by the authority aforesaid, That the said _____ be and he is hereby appointed to take charge of the Representative chamber, to take care of the furniture and books, and pay all necessary attention at all times to airing and keeping the chamber in proper condition. And the State Treasurer is hereby authorised to pay to the said _____ the sum of _____ dollars, at the time aforesaid.

And be it further Resolved by the authority aforesaid, That _____ be and he is hereby appointed to take charge of the Senate chamber, and pay all necessary attention to the furniture and books therein deposited. And the State Treasurer be, and he is hereby authorised and required to pay to the said _____ the sum of _____ dollars, at the time aforesaid.

Mr. Clements, chairman of the committee to whom was referred that portion of the Governor's Message which relates to the appointment of a general superintendent of free schools, &c., reported a bill entitled "An act for the appointment of a general superintendent of free schools."

On motion of Mr. Clements,
The said bill was read.

Mr. Clements, also from the committee to whom was referred the petitions praying the passage of some law for the better regulation of free negroes, asked on behalf of said committee for further time to report.

On motion of Mr. Virden,
Leave was granted.

On motion of Mr. Huffington,
The bill entitled "A supplement to the act entitled 'An act empowering the Orphans' Court to direct the sale of the real estate of minors,'" was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Huffington,
The bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil cases," was taken up for consideration.

He then offered the following amendments thereto, which

On his motion,
Were read and

Adopted.

Amend the second section by adding thereto these words—"the citizens attending the summons of the justice to try the truth of allegations of fraud as herein provided, shall receive the same fees as are allowed to referees before justices of the peace; and the sheriff, constable or officer,

for all services performed under the provisions of this act, shall receive the same fees as are allowed by law in like cases."

Also, fill the blanks in the seventh section with the words "fourth" and "July."

On motion of Mr. Huffington,

The said bill as amended was read a second time.

Mr. Dale, chairman of the committee to whom was referred so much of the late Governor's Message as recommends the instruction of the indigent Deaf and Dumb of this State at the public expense, reported a bill for that purpose entitled "An act to provide for the instruction of the Indigent Deaf and Dumb of this State" which,

On his motion,

Was read.

On motion of Mr. Huffington,

The bill entitled "An act to amend the act entitled 'An act concerning certain crimes and offences committed by slaves, and for the security of slaves properly demeaning themselves,'" was read a second time.

In pursuance of notice given on Saturday last,

Mr. Virden asked, and,

On motion of Mr. Huffington,

Obtained leave to introduce a bill entitled "An act to appropriate the monies in the treasury of this State."

On motion of Mr. Virden,

The said bill was read.

On motion of Mr. Betts,

The bill entitled "A supplement to an act entitled 'An act to incorporate the Wilmington Fire Insurance Company,'" was read a second time.

On motion of Mr. Huffington,

The bill entitled "An act authorising the Register for the probate of wills and granting letters of administration in and for Kent county, to procure a new seal of office and press," was read a second time.

Mr. Wright, chairman of the committee to whom was referred the petition of Eli Layton, reported a bill entitled "An act to enable Eli Layton to locate certain vacant land, situate in Dagsboro hundred, Sussex county, and complete his title to the same,"

On motion of Mr. Wright,

The said bill was read.

On motion of Mr. Huffington,

The House then adjourned until 3 o'clock this afternoon.

Eodem Die, 3 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Clements,

The bill entitled "An additional supplement to the act entitled 'An act to encourage the destruction of crows,'" was taken up for consideration.

Mr. Clements then moved,

To amend the said bill by striking out the words "twelve and a half" in the said bill, and inserting in lieu thereof the word "ten."

Which motion

Was lost.

Mr. Barr then moved,

That the said bill be indefinitely postponed,
And the motion being seconded, and the House being divided,
The Speaker ordered the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Black, Chamberlain, Frazer, Higgins, Marshall, Virden, Waples and Mr. Speaker—9.

Nays.—Messrs. Betts, Clements, Collins, Dale, Hill, Huffington, Jefferson, Johnson, Wilds and Wright—10.

So the House refused to postpone the said bill.

Mr. Clements then moved,

That the said bill be read a third time by paragraphs, with a view to its final passage.

Which motion

Prevailed.

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

The Speaker ordered the yeas and nays, which were taken,
And are as follow, viz:—

Yeas.—Messrs. Clements, Jefferson, Waples and Wilds—4.

Nays.—Messrs. Barr, Betts, Black, Chamberlain, Collins, Dale, Frazer, Higgins, Hill, Huffington, Johnson, Marshall, Virden, Wright and Mr. Speaker—15.

So the said bill

Was lost.

On motion of Mr. Huffington,

The amendments proposed by him yesterday to the bill entitled "A supplement to the act entitled 'An act concerning awards, to regulate the summoning and returning of juries, and for lessening the expense thereof, and for other purposes,'" were taken up for consideration and

Adopted.

On motion of Mr. Huffington,
The said bill as amended was then read a second time.

Mr. Fisher, Clerk of the Senate being admitted, presented for the signature of the Speaker sundry enrolled bills,

And he returned to the House certain other enrolled bills which had received the signature of the Speaker of the Senate.

And he withdrew.

Mr. Huffington presented the petition of a large number of the inhabitants of the town of Milford, in Kent and Sussex counties, praying the passage of an act to enable them to straighten the State road leading through the said town, and to build a new bridge where the same crosses Mispillion creek.

On his motion,
The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Huffington, Higgins and Hill.

Mr. Collins laid on the table the claim against the State of Caleb Wolcott, the sheriff of Kent county, for his attendance on the Court of Errors and Appeals.

On his motion,
The same was read and referred to the committee on claims.

Mr. Betts laid on the table the petition of William Inskeip of New Castle county, praying the passage of a law authorising the appointment of a commissioner under the act 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,'" in the place of one of those appointed by said act, who is since dead: and remonstrating against the prayer of the petition of Benjamin Whiteman and Stephen Doughton.

On motion of Mr. Betts,
The said petition was read and referred to the committee on the petition of Messrs. Whiteman and Doughton.

Mr. Huffington presented the petition of sundry citizens of the town of Milford, praying a repeal of the act entitled "An act to repeal the act entitled 'An additional supplement to an act to restrain persons from suffering swine to go at large within certain limits.'"

On his motion,
The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Huffington, Chamberlain and Jefferson.

Mr. Clements presented the petition of sundry citizens of Kent county, praying the Legislature to pass a law for the better regulation of free negroes, &c., which,

On his motion,
Was read and referred to the committee on that subject.

Mr. Collins, chairman of the committee to whom was referred that part of the Governor's Inaugural Address which relates to a change in the penal laws, reported a bill entitled "An act to amend the act entitled 'An act providing for the punishment of certain crimes and misdemeanors,'" which,

On his motion,
Was read.

On motion of Mr. Black,
The bill entitled "An act to revoke the charter of the Elk and Christiana Turnpike Company," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Higgins, chairman of the committee of enrolment, reported the following bills and resolution as duly and correctly enrolled, and presented the same to the Speaker for his signature, viz:—

"An act to divorce Foster Donovan and his wife Avis Donovan from the bonds of matrimony."

Also, "An act for the relief of Esther Coverdill."

Also, "An additional supplement to the act entitled 'An act to amend the act entitled An act concerning the constitution of the Levy Court and Court of Appeal.'"

And a "Joint resolution directing the transmission of certain volumes of the laws to the library of Congress."

Mr. Wright, chairman of the committee to whom was referred that portion of the late Governor's Message which relates to an extension of the franking privilege, made the following report, which,

On his motion,
Was read, viz:—

The committee on so much of the Governor's Message as relates to the extending of the franking privilege to the Governors and Secretaries of the different States, think that it would not be expedient to legislate on that subject at this time.

On motion of Mr. Huffington,
The said report

Was adopted.

On motion of Mr. Betts,
The bill entitled "An act to incorporate the Washington Fire Company of the city of Wilmington," was read a third time by paragraphs, and

Passed the House,

By the following vote of yeas and nays, ordered by Mr. Betts, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Virden, Waples, Wilds, Wright and Mr. Speaker—19.

Nays—None.

So the said bill

Passed unanimously.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled “An act to continue the reports of adjudged cases, and for other purposes,” with an amendment in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Huffington,
The said amendment was read and concurred in as follows, viz:—

“IN SENATE, *February 2, 1841.*

Amend the bill by striking out the second section and substituting the following:

Sec. 2. *And be it enacted*, That while he continues to discharge this duty, the said Judge shall continue to receive the same increase of his salary as was made by the act of 22d February, 1837, namely, the annual sum of two hundred dollars in addition to the amount of salary as fixed by the act to carry into effect the Amended Constitution and for other purposes, passed January 17, 1832, to be paid in the same manner.

Extract from the Journal,

G. P. FISHER, *Clerk.*

For concurrence.”

Ordered that the Senate be informed thereof.

Mr. Fisher, Clerk of the Senate, being again admitted, informed the House that the Senate had concurred in the passage of the joint resolution referring the accounts of the late State Treasurer to the present Auditor for re-settlement.

And he withdrew.

Mr. Wilds laid on the table the claim against the State of Nathan Pratt, for wood furnished for the use of the General Assembly, which,

On his motion,
Was read and referred to the committee of claims.

On motion of Mr. Marshall,

The amendment proposed by the Senate to the bill entitled “An act to amend the act entitled ‘An act supplementary to the act entitled ‘An act for the preservation of certain shell fisheries within this State,’ was taken up for consideration and concurred in, in the following words, viz:

"IN SENATE, *January 30, 1841.*

Amend the bill by striking out the 2d and 3d sections.

Extract from the Journal.

G. P. FISHER, *Clerk.*

For concurrence."

Ordered that the Senate be informed thereof.

Mr. Barr submitted the following resolution, which,

On his motion,
Was read and adopted, viz:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerk of the Senate cause to be printed for the use of the Legislature, three hundred copies of the act entitled "An act to amend the supplement passed January 25th, 1830, to the act for the establishment of Free Schools," passed at Dover, January 29th, 1841; one hundred copies thereof to be at the disposal of the members of the Senate, and two hundred copies thereof to be at the disposal of the members of the House of Representatives.

Ordered to the Senate for concurrence.

On motion of Mr. Wright,
The bill entitled "An act to enable Wingate Downs to locate certain vacant land in Broad creek hundred, in Sussex county, and to complete his title to the same," was read a second time.

Mr. Wilds presented the petition of numerous citizens of Kent county, praying that the sale of spirituous liquors to negroes and mulattoes be restricted.

On motion of Mr. Wilds,
The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wilds, Dale and Hill.

On motion of Mr. Johnson,
The bill entitled "An act to enable Samuel G. Smith to locate certain vacant lands in North West Fork hundred in Sussex county, and to complete his title to the same," was read a third time by paragraphs, and

Passed the House.

Ordered to be returned to the Senate.

Mr. Chamberlain presented the petition of Samuel E. Thomson and others, representatives of Samuel Meeteer, dec'd. of New Castle county, praying the passage of a law authorising Joseph Chamberlain, the administrator of said deceased, to sell the real estate of said deceased.

On motion of Mr. Chamberlain,
The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Chamberlain, Virden and Wright.

On motion of Mr. Johnson,
The House then adjourned until to-morrow morning at 10 o'clock.



WEDNESDAY, 10 o'clock A. M., February 3, 1841.

The House assembled pursuant to adjournment.

Mr. Collins presented the petition of the citizens of the town of Milford, praying an alteration in their charter, which,

On his motion,

Was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Collins, Black and Waples.

Mr. Wright laid on the table the following resolution, which,

On his motion,

Was read, 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 will adjourn on the day of February.

Mr. Clements laid on the table the following resolution; which,

On his motion,

Was read and adopted, viz:—

Resolved, That a committee of three members be appointed to examine the Armory at Dover, and report to this House the condition thereof, by resolution or otherwise.

Messrs. Clements, Barr and Marshall, were appointed said committee.

On motion of Mr. Marshall,

The bill entitled "An act rendering certain officers ineligible to re-appointment and re-election alternately, and to fix a term to certain offices, heretofore held at pleasure," was read a second time.

On motion of Mr. Virden,

The bill entitled "An act to appropriate the monies in the treasury of of this State," was read a second time.

Mr. Johnson laid on the table the following resolution, which,

On his motion,

Was read and adopted, viz:—

Resolved, That the members of the Senate may, at their pleasure, take seats in the Hall of the House of Representatives, while the said House is in session.

On motion of Mr. Marshall,

The bill entitled "An act to divorce Mary Griffith and her husband, Samuel Griffith, from the bonds of matrimony," was read a second time.

On motion of Mr. Barr,

The bill entitled "An act to incorporate the Sisters of Charity of St. Peter's, and to grant to said corporation certain lands in Mill creek hundred," was read a second time.

On motion of Mr. Huffington,

The bill entitled "An act authorising the Register for the Probate of Wills and granting letters of administration, in and for Kent county, to procure a new seal of office and press," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Collins laid on the table the petition of sundry citizens of Kent county, praying the passage of some law for the better regulation of free negroes, &c.

On motion of Mr. Collins,

The said petition was read and referred to the committee on that subject.

Mr. Dale presented the petition of sundry citizens of New Castle county, praying the passage of a law to extend the jurisdiction of justices of the peace, &c.

Mr. Betts also presented a petition signed by sundry citizens of the same county, praying a like object.

Both of which petitions were,

Upon the motion of the members who presented them,

Read and referred to the committee already raised on that subject.

On motion of Mr. Marshall,

The bill entitled "A supplement to the act entitled 'An act to erect and keep in good repair a bridge over Broadkirk creek, where the State road crosses the said creek, at a place called Paynter's Landing,'" was read a second time.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to incorporate the Wesleyan Female Collegiate Institute."

And he withdrew.

On motion of Mr. Clements,

The joint resolutions reported by him yesterday, for the appointment of a Librarian, &c., were taken up for consideration.

On his motion,
The said resolutions were referred back to the committee who reported them.

Mr. Betts chairman of the committee to whom was referred the petition of certain citizens of New Castle county, praying the passage of a law to give certain mechanics a lien on work done by them, reported a bill for that purpose entitled "An act securing to mechanics and others, payment for their labor and materials in erecting any house, vessel, or other building, within the county of New Castle."

On motion of Mr. Betts,
The said bill was read.

Mr. Higgins chairman of the committee of enrolment, reported the following bills and resolutions as duly and correctly enrolled, and presented the same to the Speaker for his signature, viz:—

"An act to amend the supplement passed January 25, 1830, to the act for the establishment of free schools."

Also "An act to enable John Watkins to locate certain vacant land situate in North West Fork hundred in Sussex county, and to complete his title to the same."

Also "Joint resolutions concerning the repeal of the Sub-Treasury Act, and the establishment of a National Bank."

Also "Joint resolutions to print 200 copies of the eighth volume of the laws of this State."

And a "Joint resolution concerning the printing of the Geological Report."

Mr. Betts, chairman of the committee to whom was referred the memorial of the city council of Wilmington, in relation to the lighting of their streets, &c., reported a bill entitled "A further supplement to the act to alter and re-establish the charter of the borough of Wilmington," which

On his motion,
Was read.

On motion of Mr. Marshall,
The bill entitled "An act to amend the act entitled 'An act for the preservation of mill property'" was read a third time by paragraphs and
Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Wright,
The bill entitled "An act to vacate part of an alley and lane in the village of Georgetown, Sussex county," was read a second time.

On motion of Mr. Huffington,
The bill entitled "A supplement to the act entitled "An act concerning awards, to regulate the summoning and returning of juries, and for lessening the expense thereof, and for other purposes," was taken up for a third reading, and

On the question of the passage of the first section of the said bill,
The House being divided,
Mr. Huffington demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Wilds and Wright—15.

Nays.—Messrs. Virden, Waples and Mr. Speaker—3.

So the first section

Passed the House.

And the reading proceeded.

On the question of the passage of the second section of the said bill,
The House being again divided,
Mr. Huffington demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Wilds and Wright—16.

Nays.—Messrs. Virden, Waples and Mr. Speaker—3.

So the said second section

Passed the House.

And the reading proceeded.

On the question of the final passage of the said bill,
The House being again divided,
The Speaker ordered the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Wilds and Wright—16.

Nays.—Messrs. Virden, Waples and Mr. Speaker—3.

So the said bill

Passed the House by paragraphs.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the the bill entitled "An act to amend the act to establish a College at Newark."

And that the Senate had non-concurred in the passage of the joint resolutions on the subject of the fourth instalment of the surplus revenue.
And he withdrew.

On motion of Mr. Betts,

The bill entitled "An act to incorporate the Temperance Beneficial Association of Wilmington and Brandywine," was read a third time by para-

graphs and passed unanimously, by the following vote of yeas and nays, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Waples, Wilds, Wright and Mr. Speaker—18.

Nays—None.

On motion of Mr. Huffington,

The bill entitled “An act to amend the act entitled ‘An act concerning certain crimes and offences committed by slaves, and for the security of slaves properly demeaning themselves,’ was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Wright,

The House adjourned until 3 o'clock this afternoon.



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

The House met pursuant to adjournment.

Mr. Huffington presented the petitions of fifty citizens of Kent and Sussex counties, praying a law authorising the formation of a new school district in the midst of four other districts, situate partly in Kent and partly in Sussex counties.

On motion of Mr. Huffington,

The said petitions were read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Huffington, Betts and Jefferson.

On motion of Mr. Clements,

The resolutions reported by him yesterday for the appointment of a Librarian, &c. were taken up for consideration.

Mr. Clements then moved,

To amend the said resolutions by striking out all that part of the first resolution between the words “stamped” and the word “and.”

Which motion

Prevailed.

On motion of Mr. Clements,

The blanks in the said resolutions were then filled as follows, viz:—

The first blank therein with the name of 'Joseph Buckmaster.'

The second with the word 'fifty.'

The third with the name of 'Joseph Buckmaster.'

The fourth with the name of 'Joseph Buckmaster.'

The fifth with the word 'thirty.'

The sixth with the name of 'Joseph Buckmaster.'

The seventh with the name of 'Joseph Buckmaster,' and

The eighth with the word 'twenty.'

On motion of Mr. Clements,

The resolutions as amended were then read, and

On his motion,

Adopted.

Ordered to the Senate for concurrence.

Mr. Clements laid on the table the claim against the State of David H. Stayton, late sheriff of Kent county, which,

On his motion,

Was read and referred to the committee of claims.

Mr. Marshall moved,

That the eighth rule of the House be suspended, in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and

On motion of Mr. Wilds,

Obtained leave to introduce a bill entitled "A supplement to the act entitled 'An act for the preservation of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto within this State.'"

On motion of Mr. Marshall,

The said bill was read.

On motion of Mr. Huffington,

The petitioners to the petition presented last week, praying a law to raise by lottery the sum of \$3,000, to complete the repairs on the Episcopal church at Seaford, were allowed leave to withdraw their said petition.

Mr. Clements laid on the table the following joint resolution, which,

On his motion,

Was read, viz:—

Resolved 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 instructed to collect carefully all the old Revolutionary rolls and papers, label them, and box them up, and preserve them in the best possible manner for future reference.

On motion of Mr. Clements,
The said resolution was then

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Dale,
The bill entitled "An act to provide for the instruction of the Indigent Deaf and Dumb of this State" was taken up for consideration.

He then proposed the following amendments to the said bill, viz:—

Amend the first section by filling the blank therein with the words 'one thousand.'

Also, amend the third section by filling the blank therein with the word 'two.'

On motion of Mr. Dale,
The said amendments were
And the bill as amended, was,

Adopted.

On his motion,
Read a second time.

On motion of Mr. Huffington,
The joint resolutions submitted by him some days since, proposing such an amendment to the Constitution as will prohibit the passage of lottery laws in this State, were taken up for consideration.

On motion of Mr. Betts,
The further consideration of the same was postponed until Monday next.
John W. Houston, Esquire, Secretary of State being admitted, presented the following communication, together with sundry documents accompanying the same.

And he withdrew.

On motion of Mr. Black,
The communication and documents were read, as follow, to wit:—

OFFICE OF THE SECRETARY OF STATE, }
February 3, 1841. }

Gentlemen of the House of Representatives:—

By the direction of the Governor, I have the honor herewith to lay before you a written communication from His Excellency the Governor of Indiana; a written communication from His Excellency the Governor of Alabama, and a written communication from His Excellency the Governor of Pennsylvania; which have been respectively received, with the request that the same may be laid before the Legislature of this State.

I have the honor to be,
Very respectfully,
Yours, &c.

JOHN W. HOUSTON,
Secretary of State.

*The Honorable the House of Representatives,
of the State of Delaware.*

EXECUTIVE DEPARTMENT,
Indianapolis, January 19, 1841.

His Excellency,
The Governor of Delaware :

Sir,—In compliance with the request of the General Assembly of the State of Indiana, I have the honor to transmit a copy of their "Joint Resolution relative to the election of President and Vice-President of the United States," and to request that the same may be laid before the Legislature of Delaware.

Very respectfully,
Your obedient servant,
SAMUEL BIGGER.

A Joint Resolution relative to the election of President and Vice-President of the United States.

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested to vote for the passage of a law designating the same day throughout the United States for the choice of Electors for President and Vice President of the United States, in accordance with the fourth section of the second article of the Constitution.

Resolved, That the Governor of this State be requested to transmit a copy of this Joint Resolution to each of our Senators and Representatives in Congress, and to the Governors of each of the States, with a request that it be laid before their respective Legislatures.

SAM'L. JUDAH,
Speaker of the House of Rep's.
SAM'L. HALL,
President of the Senate.

Approved, January 19, 1841.
SAM. BIGGER.

HARRISBURG, PA.
January 30, 1841.

His Excellency
The Governor of Delaware,

SIR:—I have the honor to transmit to you as requested, the inclosed copy of resolutions adopted by the Senate and House of Representatives of this Commonwealth, with a request that the same may be laid before the Legislature of the State over which you preside.

Very respectfully,
Yours, &c.,

DAVID R. PORTER.

RESOLUTIONS RELATIVE TO THE PUBLIC LANDS.

1. *Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That our Senators in Congress be and they are hereby instructed, and our Representatives requested to resist any and all attempts under what pretence soever the same may be made to deprive the people of this State of their just proportion of the common inheritance in the Public Lands; and that they be, and are hereby further instructed and requested to introduce and advocate the passage of a bill providing for the distribution of the proceeds of the same among the several States in the ratio of their federal representative population under the census of one thousand eight hundred and forty.

2. *Resolved*, That our Senators be further instructed, and our Representatives requested, to vote for such re-modification or adjustment of the Tariff as may increase the Revenue derived from imports equal to the wants of the National Government, so that at no time hereafter, under any pretext whatever, shall any money arising from the sales of the Public Lands, be used by the General Government.

3. *Resolved*, That the Governor be requested to cause a copy of these Resolutions to be forwarded to each of our Senators and Representatives in Congress; and to the Governors of the several States, with a request that the same may be laid before their respective State Legislatures.

WM. A. CRABB,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

EXECUTIVE DEPARTMENT,
Tuskaloosa, January 16, 1841.

Sir,—I transmit herewith a report and Joint Resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the Legislature of South Carolina in relation to the Georgia and Maine controversy, with a request that you will lay the same before the Legislature of the State over which you preside.

With perfect respect,
I am sir, your ob't. serv't.

A. V. BAGBY.

*His Excellency the
Governor of Delaware.*

The committee on federal relations, to whom was referred certain joint resolutions of the Legislature of the State of South Carolina, in relation to Georgia and Maine controversy, have had the same under considera-

tion, and beg leave to report :—That after a careful examination of the facts and circumstances set forth in the preamble and to said joint resolutions, connected with felonious stealing and carrying the slave Atticus by Daniel Philbrook and Edward Kilbron, from the State of Georgia, and transporting him to the State of Maine, and the refusal of the Executive of the State of Maine, to surrender said Philbrook and Kilbron as fugitives from justice upon demand made by the Governor of Georgia, pursuant to the provisions of the Federal Constitution. They have come to the conclusion that the demand made was legal and proper. That the right was clear under the Constitution a right, and the refusal to surrender was inconsistent with the constitutional obligations of a State. They therefore concur in the following resolutions of State, and recommend their adoption by the General Assembly of this State:—

Resolved, That it is the duty as well as the right of every State, to insist on the faithful observance of the Federal Constitution, and that no State can question the exercise of this right.

Resolved, That to demand the surrender and removal of fugitives from justice, is by the Constitution a right, and that the arrest and surrender a duty, the denial or impairment of this right is inconsistent with the constitutional obligations of a State, and subversive of the peace and good government of the other States.

Resolved, That the right if not denied, has been impaired by the authorities of Maine, and that this State will never consent that any State shall become an asylum for those who are fugitives from the justice of other States.

Resolved, That this State will make common cause with any State of this confederacy, in maintaining its just rights under the guaranty of the Constitution of the United States, and should the obligations of this instrument be disregarded by those whose duty it may be to enforce them, it will take council of its co-States of this confederacy, having similar interests to protect and similar injuries to redress, in devising and adopting such measures as will maintain at every hazzard, these rights, and that property, which the obligations of the compact of union, cancelled as they then will be, as to us they have failed in force.

Resolved, That the Executive of this State be requested to transmit to the Executives of the several States, to be laid before their respective Legislatures, to the President of the United States, and to our Senators and Representatives in Congress, a copy of this report, and these resolutions.

(Signed)

J. L. F. COTTRELL,
President Senate.

R. A. BAKER,
Speaker of the House of Representatives.

Mr. Huffington gave notice that he would to-morrow, call up for its final passage, the bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil cases."

Mr. Johnson presented a petition from sundry citizens of Mispillion

hundred in Kent county, praying that an additional school district may be created out of districts Nos. 29, 30, 33 and 35, in said county.

On motion of Mr. Johnson,

The said petition was read and referred to the committee appointed by resolution to inquire into the expediency of a general re-organization of the school districts of Kent county.

Mr. Huffington presented a petition of sundry citizens also of Kent county, praying that an additional school district may be created in said county out of districts Nos. 19, 20, 23 and 24.

On motion of Mr. Huffington,

The said petition was read and referred to the committee to whom was referred the one last presented.

On motion of Mr. Betts,

The bill entitled "A supplement to the act entitled 'An act to incorporate the Wilmington Fire Insurance Company,'" was read a third time by paragraphs, and

Passed the House.

Ordered to be returned to the Senate.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had non-concurred in the joint resolutions adopted by the House for the removal of the remains of Col. John Haslet.

And he presented for the concurrence of the House, certain joint resolutions upon the same subject.

And he withdrew.

On motion of Mr. Wright,

The bill entitled "An act to enable Eli Layton to locate certain vacant land in Dagsboro hundred in Sussex county, and complete his title to the same," was read a second time.

On motion of Mr. Black,

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



THURSDAY 10 o'clock, A. M. February 4, 1841.

The House assembled pursuant to adjournment.

On motion of Mr. Barr,

The preamble and resolutions from the Senate, presented for concurrence yesterday, were taken up for consideration, and read as follow, viz:

"IN SENATE, February 3, 1841.

Whereas, the General Assembly entertain in common with the citizens

of this State, a great regard for the memory of those of her brave and patriotic sons, who died gallantly fighting under the banners of Washington in defence of the liberties of their country, and it being their desire to cherish and preserve their memory by procuring the removal of their remains, whenever they can be obtained, and depositing them within the limits of their own State: And whereas, the remains of Col. John Haslet, commander of the Delaware Regiment in the Revolutionary war, who fell in January, 1777, at the battle of Princeton, are now deposited in the city of Philadelphia. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee be appointed to consist of two on the part of the House, and one on the part of the Senate, whose duty it shall be to proceed to Philadelphia, on or about the fourth of July next, and bring his remains from their present depository, and place them in the burial ground of the Presbyterian church in the town of Dover, and to have a suitable monument, with appropriate inscriptions and devices prepared by a skilful artist, and erected under their superintendence and direction over his remains when so deposited.

Resolved, That the committee appointed by the foregoing resolution or a majority of them, are hereby authorised to draw their orders on the State Treasurer for any sum or sums not exceeding in the whole the sum of five hundred dollars, for the purpose of carrying into effect the object of the resolutions aforesaid, and the State Treasurer be, and he is hereby authorised and directed to pay the orders of the said committee so drawn on him out of any money in the treasury not otherwise appropriated; and it shall be the duty of the said committee or a majority of them, to make report of their proceedings in the premises to the next biennial session of the Legislature, setting forth the expenditures consequent upon the execution of their duties under the provisos of this resolution.

Extract from the Journal,

G. P. FISHER, *Clerk.*

For concurrence."

Mr. Barr then offered the following amendment to the said resolutions,

And moved

The adoption of the same, viz:—

Amend the resolutions by striking out the first resolution and inserting in lieu thereof the following:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William Huffington, Gardner H. Wright and Charles I. du Pont be, and they are hereby appointed a committee, whose duty it shall be to proceed to the city of Philadelphia, before the fourth day of July next, and bring his remains from their present depository, and place them in the burial ground of the Presbyterian church, in the town of Dover, and have a suitable monument, with appropriate inscriptions and devices, prepared by a skilful artist, and erected under their superintendence, over his remains when so deposited.

Pending the question for the adoption of said amendment,

Mr. Dale moved,
An amendment to the said amendment, which,

On his motion,
Was read, viz:—

Amend the amendment by striking out the two last words in the 7th line, and the whole of the succeeding line, and inserting in lieu thereof “such location as the nearest relations of the deceased in this State may designate.”

Mr. Dale then moved,
That the said amendment be adopted.

Which motion

Was Lost.

The question then recurring upon the motion of Mr. Barr,

The motion

Prevailed,

And the amendment

Was adopted.

On motion of Mr. Barr,

The preamble and resolutions as amended, were then *concurred in* by the House.

Ordered, That the Senate be informed thereof, and that their concurrence be desired in the said amendment.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled “An act to enable the owners and possessors of the marsh, meadow and cripple on both sides of Swan creek, in Milford hundred, Kent county, to repair and raise above the rise of the tide water an old causeway over the mouth of said creek, and for other purposes therein mentioned.”

And he withdrew.

Mr. Huffington laid on the table a memorial of Lowder Layton and other citizens of Kent and Sussex counties, protesting against the passage of the law prayed for in the petition presented yesterday, on the subject of a proposed alteration of the State road in the town of Milford, and changing the location of Milford bridge. Accompanying the said memorial was a draft, representing the line of said road, and the location of said bridge, &c., for the information of the General Assembly.

On motion of Mr. Huffington,

The said memorial was read and referred to the committee to whom was referred the said petition.

Mr. Barr presented the petition of sundry citizens of New Castle county, praying the passage of a law to abolish imprisonment for debt.

Messrs. Chamberlain and Higgins, at the same time presented petitions

numerously signed, by citizens of the same county, praying a like object.
All of which were,

Upon the motion of the respective members who presented them,
Read and referred to the committee on that subject.

Mr. Barr presented a petition from sundry citizens of New Castle county, praying the Legislature to pass a law to extend the jurisdiction of Justices of the Peace to the sum of one hundred dollars, to grant them jurisdiction in actions of replevin not above that amount, &c.

Mr. Higgins also presented a petition from sundry citizens of the same county, praying a similar object.

Both of which were,

Upon the motion of the members respectively who presented them,
Read and referred to the committee on that subject.

Mr. Higgins presented a petition from sundry citizens of New Castle county, praying the Legislature for a repeal of the dog law.

On motion of Mr. Higgins,

The said petition was read and referred to the committee to whom was committed the supplement to the act laying a tax on dogs in New Castle county.

Mr. Collins, chairman of the committee to whom was referred the petition of the citizens of the town of Milford, praying an alteration of their town charter, reported a bill entitled "An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford, and for other purposes.'"

On motion of Mr. Collins,
The said bill was read.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had non-concurred in the amendment proposed by the House to the preamble and resolutions of the Senate, in relation to the removal of the remains of Col. John Haslet.

And he informed the House also, that the Senate desired a committee of conference to be appointed on the part of the House, to confer with a like committee appointed by the Senate, on the subject of the disagreement of the Houses.

And he withdrew.

On motion of Mr. Barr,
The above mentioned request of the Senate was acceded to, and the Speaker appointed Messrs. Barr, Dale and Wright the committee on the part of the House.

Ordered that the Senate be informed thereof.

On motion of Mr. Huffington,
The bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil cases," was taken up for consideration.

He then offered the following amendments to said bill, which,

On his motion,
Were read and adopted, viz:—

Amend the first section by striking out of the 49th line of the printed bill the words “but the same may,” and inserting in lieu thereof the words “provided the same.”

Amend the same section by striking out in the 50th line thereof, the word “five,” and insert in lieu thereof the word “ten,” also in said line by striking out the word “after,” and inserting in lieu thereof the word “before.”

Add as section 7 the following section:

Sec. 7. *And be it further enacted*, That nothing in this act contained, shall in any manner impair or lessen the remedy of creditors against the bail of their debtors; and all the laws of this State, and the practice of the courts under the same, in relation to proceedings against bail in civil actions, shall be and remain in full force and virtue as heretofore, any thing in this act to the contrary notwithstanding.

Amend the bill by changing the number of section 7 in said bill to section 8.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled “A supplement to the act entitled ‘An act to incorporate the Union Bank of Delaware.’”

And also in the joint resolution for the printing of 300 copies of the bill passed at the present session, entitled “An act to amend the supplement passed January 25th, 1830, to the act for the establishment of free schools.”

And he withdrew.

On motion of Mr. Wright,

The bill entitled “An act to vacate part of an alley and lane in the village of Georgetown, Sussex county,” was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Marshall, chairman of the committee to whom was referred the petition praying for the appointment of commissioners of wrecks or wreck masters, reported a bill entitled “A supplement to the act entitled ‘An act for the more effectual preservation of all such ships or other vessels, and the goods thereof, as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned.’”

On motion of Mr. Marshall,
The said bill was read.

On motion of Mr. Marshall,

The bill entitled “A supplement to the act entitled ‘An act to erect and keep in good repair a bridge over Broadkirk creek, where the State road

crosses the said creek, at a place called Paynter's Landing," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Huffington,

The bill entitled "An act to repeal the act entitled 'An act to repeal the act entitled 'An additional supplement to an act to restrain persons from suffering swine to go at large within certain limits,'" was read a second time.

On motion of Mr. Huffington,

The bill entitled "An act to authorise the Register for the probate of wills and granting letters of administration in and for Sussex county to procure a new seal of office," was also read a second time.

On his motion also,

The House then adjourned until 3 o'clock this afternoon.



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

The House assembled pursuant to adjournment.

On motion of Mr. Wilds,

The bill entitled "An act to enable the owners of the marshes, cripple and low grounds situated upon, and contiguous to Jamison's Branch, in Little Creek and Duck Creek hundreds, to drain and improve the same," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to revoke the charter of the Elk and Christiana Turnpike Company."

Also, in the report and resolutions on the subject of the restriction of the eligibility of Presidents of the United States to a single term of four years,

And in the joint resolution instructing the Secretary of State to take care of, and preserve the Revolutionary pay and subsistence rolls, &c.

And he withdrew.

Mr. Huffington moved,

That the bill entitled "An act to prevent unnecessary imprisonment for the execution of judgments in civil cases," be read a third time by paragraphs, in order to its final passage.

Which motion

Prevailed,

And the several sections of the said bill

Passed the House in order.

On the question of the passage of the title,
The House being again divided,
Mr. Marshall demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Wilds, Wright and Mr. Speaker—16.

Nays—Messrs. Marshall, Virden and Waples—3.

So the said title

Passed the House.

On the question of the final passage of the said bill,
The House being again divided,
The Speaker ordered the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Wilds, Wright and Mr. Speaker—16.

Nays.—Messrs. Marshall, Virden and Waples—3.

So the said bill

Passed the House.

Ordered to the Senate for concurrence.

Mr. Higgins moved,

That the eighth rule of the House be suspended, in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and

On motion of Mr. Betts,
Obtained leave to introduce a bill entitled "An act for the relief of poor debtors," which,

On his motion,
Was read.

On motion of Mr. Marshall,
The bill entitled "An act to divorce Mary Griffith and her husband, Samuel Griffith, from the bonds of matrimony," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Clements,
The bill entitled "An act for the appointment of a general superintendent of free schools," was read a second time.

On motion of Mr. Wright,
The bill entitled "An act to incorporate the Lewes Beneficial Society of Lewes, Sussex county, Delaware," was taken up for consideration.

Mr. Wright then proposed an amendment to the said bill in the form of an additional section, which,

On his motion,
Was read in the following words, to wit:—

Section 5. *And be it further enacted*, That this act shall be a public act.

On motion of Mr. Wright,
The said amendment

Was adopted.

And on his motion,
The bill as amended, was read a second time.

On motion of Mr. Johnson,
The bill entitled "An act to enable Nathan Fleming to locate certain vacant land situate in Mispillion hundred, Kent 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. Black,
The House then adjourned until to-morrow morning at 10 o'clock.



FRIDAY, 10 o'clock, A. M., February 5, 1841.

The House assembled pursuant to adjournment.

Mr. Black laid on the table the claim against the State, of Gales and Seaton, for newspapers furnished in the years 1837 and 1839, to certain members of the General Assembly.

And also, the claim of Elijah Cannon, for postage, &c., both of which were,

On motion of Mr. Black,
Read and referred to the committee of claims.

Mr. Chamberlain, chairman of the committee to whom was referred the petition of Benjamin Whiteman and Stephen Doughton, reported

A bill entitled "An additional 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.'"

On motion of Mr. Chamberlain,
The said bill was read.

On motion of Mr. Huffington,
The bill entitled "An act for the relief of poor debtors," was read a second time.

Mr. Huffington then moved,
That the said bill be indefinitely postponed.

The motion being seconded,
Mr. Barr demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas—Messrs. Huffington, Johnson, Marshall, Waples, Wilds, and Mr. Speaker—6.

Nays—Barr, Betts, Black, Chamberlain, Clements, Collins, Frazer, Hill, Jefferson, Virden and Wright—11.

So the said motion

Was lost.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to incorporate the Temperance Beneficial Association of Wilmington and Brandywine."

And he returned to the House the letter and report of the Hon. Willard Hall, on the subject of free schools.

And he withdrew.

Mr. Wilds presented the petition of Thomas Hays, and also the petition of Joshua and Wesley Hays, all of Kent county, praying the passage of acts to enable them to locate two certain tracts of vacant land therein mentioned.

On motion of Mr. Wilds,
The said petitions were read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wilds, Black and Waples.

On motion of Mr. Chamberlain,
The bill entitled "An act to incorporate the Sisters of Charity of St. Peter's, and to grant to said corporation certain lands in Mill creek hundred," was read a third time by paragraphs, and

Passed unanimously,

By the following vote of yeas and nays, ordered by Mr. Chamberlain, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Frazer, Hill, Huffington, Jefferson, Johnson, Marshall, Virden, Waples, Wilds, Wright and Mr. Speaker—17.

Nays—None.

Ordered to be returned to the Senate.

On motion of Mr. Wright,

The bill entitled "An act to authorise the Register for the probate of wills and granting letters of administration in and for Sussex county, to procure a new seal of office," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Collins,

The bill entitled "An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford, and for other purposes,'" was read a second time by its title.

Mr. Johnson presented the petition of sundry citizens of Kent county, praying the passage of some law for the better regulation of free negroes, &c.

On motion of Mr. Johnson,

The said petition was read and referred to the committee on that subject.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to renew the act entitled 'An act to incorporate the Washington Beneficial Society of Wilmington, Delaware, for the relief of the members thereof, their widows and orphan children.'"

And he informed the House that the Senate had concurred in the passage of the joint resolutions for the appointment of a Librarian, &c., with an amendment, in which the concurrence of the House was desired.

And he withdrew.

Mr. Betts gave notice that he would to-morrow ask leave to bring in a bill to be a supplement to the General Election law.

On motion of Mr. Virden,

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.

On motion of Mr. Collins,

The bill entitled "An act to amend the act entitled 'An act providing for the punishment of certain crimes and misdemeanors,'" was read a second time.

Mr. Huffington then moved,

To amend the said bill by striking out the third section.

The House being divided upon the question,
Mr. Huffington demanded the yeas and nays,
Which were taken, and are as follow, viz:—

Yeas—Barr, Betts, Black, Chamberlain, Clements, Frazer, Hill, Huffington, Jefferson, Johnson, Marshall, Virden, Waples, Wilds, Wright, and Mr. Speaker—16.

Nays—Mr. Collins—1.

So the said third section was stricken out.

Mr. Fisher, 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 to alter and re-establish the charter of the Borough of Wilmington.'"

And he withdrew.

On motion of Mr. Betts,
The said bill was read.

Mr. du Pont, a member of the Senate, being admitted, presented for the signature of the Speaker sundry enrolled bills.

And he withdrew.

On motion of Mr. Black,
The House then adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock. P. M

The House met pursuant to adjournment.

On motion of Mr. Black,

The amendment proposed by the Senate to the joint resolutions for the appointment of a Librarian, was taken up for consideration, and read as follows, viz:—

"IN SENATE, *February 5, 1841.*

Amend the resolutions by striking out the name of "Joseph Buckmaster" whenever it occurs, and inserting in lieu thereof the name of "Henry Eubanks."

Extract from the Journal.

G. P. FISHER, *Clerk.*

For concurrence."

On motion of Mr. Black,
The said amendment was then concurred in by the House.

Ordered that the Senate be informed thereof.

On motion of Mr. Huffington,

The bill entitled "A supplement to the act entitled 'An act concerning defects in legal proceedings,'" was taken up for consideration.

Mr. Huffington then offered the following amendments to the said bill, which,

On his motion,

Were read and adopted, viz:—

Amend the bill by adding to the first section the following words: "or the court may in its discretion, and upon such terms as it shall consider just, order a juror to be drawn, and either postpone or continue the cause."

Amend the bill by adding a second section, as follows:—

Sec. 2. *And be it further enacted*, That from any order or decision of the court, refusing or permitting an amendment during the trial, in case of a variance between the record and any written, printed or other evidence, the party aggrieved shall be entitled to a writ of error as upon other judgments of the court, or may have remedy by motion for a new trial, or for non-suit, or other motion which will bring such decision in review before the court itself; and the court may in its discretion, on the application of either party, reserve such motion for hearing before all the judges in the Court of Errors and Appeals.

Mr. Wilds presented the petition of sundry citizens of Kent county, praying the Legislature to pass a law extending the jurisdiction of justices of the peace, &c.

On motion of Mr. Wilds,

The said petition was read and referred to the committee on that subject.

On motion of Mr. Wright,

The bill entitled "An act to enable Abraham Dazey, of Sussex county, to locate certain lands, situate in Baltimore hundred, and to complete his title to the same," was read a second time by its title.

On motion of Mr. Marshall,

The bill entitled "A supplement to the act entitled 'An act for the protection of fish and game in and on the waters of the Delaware Bay and river, and the streams tributary thereto, within the limits of this State,'" was read a second time by its title.

On motion of Mr. Wright,

The bill entitled "An act to enable Eli Layton to locate certain vacant land situate in Dagsboro hundred, in Sussex county, and complete his title to the same," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Clements laid on the table the claim against the State, of Charles

Marim, Esq., late Secretary of State, with a written communication explanatory thereof.

On motion of Mr. Clements,
The same was read and referred to the committee of claims.

Mr. Clements moved,
That the bill entitled "An act for the appointment of a general superintendent of free schools," be taken up for a third reading.
Before the question was put,

Mr. Virden moved,
That the said bill be laid on the table.
The House being divided upon the question,
The Speaker demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Betts, Black, Collins, Marshall and Virden—6.

Nays.—Messrs. Chamberlain, Clements, Frazer, Hill, Huffington, Jefferson, Johnson, Waples, Wright and Mr. Speaker—10.

So the House refused to lay the said bill on the table.

The question for the third reading of the said bill was then put and carried in the affirmative.

On the question of the passage of the third section of the said bill,
The House being divided,
Mr. Huffington demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Betts, Black, Clements, Frazer, Hill, Huffington, Jefferson, Johnson, Waples and Mr. Speaker—11.

Nays.—Messrs. Chamberlain, Collins, Marshall, Virden and Wright—5.

So the said third section *Passed the House.*

And the said bill, being read by paragraphs,
Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Betts,
The bill entitled "A further supplement to the act to alter and re-establish the charter of the borough of Wilmington," was read a second time.
Mr. Betts then offered the following amendment to the said bill, which,

On his motion,
Was read and adopted, viz:—

Strike out all after the words "in writing," in the second section, and insert the following: "of the owners of the major part of the ground fronting on said street or streets, the admeasurement of said ground to be taken in feet, parallel with the curbstone."

On motion of Mr. Johnson,

The bill entitled "An act to enable William W. Dulaney, of Sussex county, to survey and locate certain vacant land, and to complete his title to the same," was read a second time by its title.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had appointed Messrs. Spruance and Naudain the committee of conference on the part of the Senate, to confer with the committee appointed yesterday by the House, on the subject of the disagreement of the two Houses to the amendment proposed by the House to the joint resolution of the Senate, providing for the removal of the remains of Col. John Haslet.

And he withdrew.

On motion of Mr. Barr,

The joint resolutions offered by him some time since for the appointment of a joint committee to meet at Dover in January 1842, to settle with the State Treasurer, receive the Auditor's Report, &c., were taken up for consideration.

Mr. Chamberlain then moved,

To fill the first blank in the said resolutions with the names of Samuel Barr, Alexander Johnson and William Hill.

And also to fill the second blank in the said resolutions with the names of Presley Spruance and Andrew S. Naudain.

Which motion

Prevailed.

Mr. Huffington moved,

That the House do now adjourn until Monday morning at 10 o'clock.

The House being divided,

Mr. Barr demanded the yeas and nays,

Which were taken and are as follow, viz:—

Yeas—Messrs. Barr, Collins, Hill and Huffington—4.

Nays—Messrs. Betts, Black, Chamberlain, Clements, Frazer, Jefferson, Johnson, Virden, Waples, Wright and Mr. Speaker—11.

So the House refused to adjourn until Monday next at 10 o'clock.

On motion of Mr. Hill,

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



SATURDAY, 10 o'clock, A. M., February 6, 1841.

The House met pursuant to adjournment.

On motion of Mr. Chamberlain,

The bill entitled 'An additional 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 second time by its title,

Mr. Barr moved,

That the eighth rule of the House be suspended in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and

On motion of Mr. Betts,

Obtained leave to introduce a bill entitled "An act to repeal the prohibition against the Chancellor or any Judge purchasing stock in any bank in this State."

On motion of Mr. Barr,

The said bill was read.

In pursuance of notice given yesterday,

Mr. Betts asked, and

On motion of Mr. Wright,

Obtained leave to introduce a bill entitled "A further supplement to the act entitled 'An act regulating the General Election.'"

On motion of Mr. Betts,

The said bill was read.

Mr. Clements laid on the table the claim against the State, of John H. Elligood, agent of 'The Reformer' newspaper, for printing.

On motion of Mr. Clements,

The said claim was read and referred to the committee on claims.

Mr. Wright presented the petition of sundry citizens of Sussex county, praying an act to incorporate a company to establish a steamboat line between the Delaware Breakwater and Philadelphia.

On motion of Mr. Wright,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wright, Frazer and Chamberlain.

On motion of Mr. Marshall,

The bill entitled "A supplement to the act entitled 'An act for the more effectual preservation of all such ships or other vessels and the goods thereof, as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned,'" was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Barr presented the petition of sundry citizens of New Castle county, praying the Legislature to extend the jurisdiction of Justices of the Peace, to sums not exceeding one hundred dollars, &c.

And he at the same time presented a petition of sundry citizens of the same county, praying the Legislature to abolish imprisonment for debt; both of which said petitions were,

On motion of Mr. Barr,

Read and referred to the committees on those subjects respectively.

Mr. Betts presented the petition of sundry citizens of New Castle county, of a similar import to the one last presented.

And he presented a petition signed by sundry citizens of the same county, praying the Legislature to extend the jurisdiction of Justices of the Peace to sums not exceeding one hundred dollars, &c., both of which were,

On his motion,

Read and referred to the appropriate committees.

Mr. Betts also at the same time, presented a petition from certain citizens of the city of Wilmington, praying for certain alterations in the charter of that city.

On motion of Mr. Betts,

The said petition was read.

Mr. Clements, chairman of the committee appointed to inspect the public armory, public arms, &c., made the following report, which,

On his motion,

Was read, to wit:—

The committee to whom was referred the examination of the armory of the State of Delaware, situate at the town of Dover, beg leave to Report: That they have performed that service, and on examination, say that the house in which the arms and accoutrements are deposited is in a dilapidated state, the glass broken out of the windows, and should be repaired. The house has been used as a depository for lime, which has been scattered all over it, to the great damage of all of the accoutrements that are composed of leather, and your committee are of opinion the same should be cleaned.

Your committee examined the muskets: those on the racks are much rusted and damaged; those that are boxed up, your committee did not examine, but expect them to be in good condition.

Your committee find in the upper room of the armory a considerable quantity of accoutrements, mostly of leather, which they think should be cleaned, oiled, and boxed up in a careful manner, to be preserved.

Your committee further report, that they have been informed that a number of muskets have been distributed to militia officers and others by former sheriffs, who have taken bonds for the return of said arms, but they do not know the fact.

The committee recommend the adoption of the following resolutions:—

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sheriff of Kent county be and he is hereby instructed, to have the house, in which the public arms are deposited, so repaired as to keep them dry; and have all the muskets that are not boxed up, cleaned and boxed up in a careful manner, the house cleansed of lime, and the accoutrements in the upper story which consist of leather, to be oiled and put up in boxes that they may be preserved.

And be it further resolved by the authority aforesaid, That the said sheriff of Kent be instructed to make diligent inquiry of former sheriffs if they have any bonds or other obligations for the return of any arms or accoutrements belonging to the said armory, and to execute the law faithfully, in order to secure the return of all the arms in his power.

And be it further resolved by the authority aforesaid, That the said sheriff of Kent shall be allowed a reasonable sum to compensate for repairs and expenses, not to exceed the sum of fifty dollars.

And be it further resolved by the authority aforesaid, That the sheriffs of New Castle and Sussex counties be, and they are hereby directed and required, to pay strict attention to the law on the subject of the armory of their respective counties, and keep the arms and accoutrements in good condition, and collect and call in all that they can.

On motion of Mr. Clements,
The said report and resolutions were

Adopted.

Ordered that the said resolutions be presented to the Senate for concurrence.

Mr. Wright, chairman of the committee to whom was referred the petition of Joseph Wells of Sussex county, for a grant of vacant land, reported

A bill entitled "An act to enable Joseph Wells to locate certain vacant land situated in Broad Creek hundred, in Sussex county, and to complete his title to the same."

On motion of Mr. Wright,
The said bill was read.

Mr. Fisher, Clerk of the Senate, being admitted, presented for the concurrence of the House, a bill entitled "A supplement to the act entitled 'An act regulating marriage,'"

And he informed the House that the Senate had concurred in the passage of the bill entitled "An act authorising the Register for the Probate of Wills and granting letters of administration, in and for Kent county, to procure a new seal of office and press."

And also in the joint resolution appointing a committee to meet at Dover in January 1842, to settle with the State Treasurer, &c., with an amendment in which the concurrence of the House was desired.

And he withdrew.

On motion of Mr. Huffington,
The said amendment was read and concurred in as follows, viz:—

“IN SENATE, *February 5, 1841.*

Amend the resolutions in the first paragraph by striking out the name of Andrew S. Naudain, and inserting in lieu thereof the name of Abraham Boys.

Extract from the Journal.

G. P. FISHER, *Clerk.*

For concurrence.”

Ordered that the Senate be informed thereof.

On motion of Mr. Huffington,
The bill sent from the Senate, entitled “A supplement to the act entitled ‘An act regulating marriage,’” was read.

Mr. Chamberlain presented a petition from sundry citizens of New Castle county, praying that an inquiry may be instituted with a view to ascertain the quantity of spirituous liquors consumed in this State yearly.

On motion of Mr. Chamberlain,
The said petition was read and referred to the committee raised on that subject.

On motion of Mr. Collins,
The bill entitled “An act to amend the act entitled ‘An act providing for the punishment of certain crimes and misdemeanors,’” was taken up for consideration.

Mr. Collins then moved,
To amend the said bill by adding the following to the end of the first section, viz:—

“Any law to the contrary notwithstanding.”

Which motion

Prevailed.

And the first section of the said bill was amended.

On motion of Mr. Marshall,
The bill entitled “A supplement to the act entitled ‘An act for the protection of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto within the limits of this State,’” was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Wright gave notice that he would on Monday next, ask leave to bring in a bill for the clearing out of Inlet creek, in Sussex county.

On motion of Mr. Wright,
The House then adjourned until Monday morning, at 10 o'clock.

MONDAY, 10 o'clock, A. M. February 8, 1841.

The House met pursuant to adjournment.

On motion of Mr. Waples,

The bill entitled "An act to enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head waters of Love's Creek, called Bundick's Branch, the boundary line between Lewes and Rehoboth, and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw mill-thereon," was taken up for consideration, and committed to the committee who reported it, with a view to amendment.

On motion of Mr. Chamberlain,

The bill entitled "An additional 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. Huffington,

The bill entitled "An additional supplement to the act for establishing the boundaries of the town of Dover, and for other purposes therein mentioned," was read a second time.

Mr. Huffington then offered the following amendments to the said bill, which,

On his motion,

Were read and adopted, viz:—

Amend the 4th section of the said bill by inserting in the 13th line thereof, after the words "one hundred dollars," the words "exclusive of the tax on dogs hereinafter provided for."

Also, amend the said section by adding thereto the following, viz:—

The town committee shall have power, and it shall be their duty, to direct the town assessor in making his assessment of property taxable within the town limits, to include therein all dogs owned or kept within the said town; and the owner or keeper of any dog or dogs, so included within said assessment, shall be liable to pay a yearly tax of fifty cents for one dog, and the additional sum of one dollar for each and every dog more than one. An assessment of dogs shall be made during the present year, and each and every year hereafter; and the collector's powers in the collection of taxes on dogs, shall be the same as those conferred upon him by the act to which this is an additional supplement for the collection of town taxes. The said town committee shall also have power to appoint a wood corder for said town, who shall be allowed for putting up and measuring fire wood, the rate of ten cents a cord, to be paid by the buyer and seller in equal parts. The said wood corder shall be removable at the pleasure of said committee.

On motion of Mr. Johnson,
The bill entitled "An act to enable William W. Dulaney, of Sussex county, to survey and locate certain vacant lands, and complete his title to the same," was read a third time by paragraphs, and

Passed the House.

Ordered to be returned to the Senate.

On motion of Mr. Betts,
The bill entitled "A supplement to the act entitled 'An act to alter and re-establish the charter of the Borough of Wilmington,'" was read a second time.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to enable Eli Layton to locate certain vacant land, situate in Dagsboro hundred, in Sussex county, and complete his title to the same."

And he withdrew.

Mr. Wright laid on the table the petition of sundry citizens of Sussex county, praying the passage of a law to give a bounty on the scalps of foxes.

On motion of Mr. Wright,
The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wright, Johnson and Black.

On motion of Mr. Dale,
The bill entitled "An act to provide for the instruction of the Indigent Deaf and Dumb of this State" was read a third time by paragraphs, and

Passed the House-

Ordered to the Senate for concurrence.

On motion of Mr. Wright,
The bill entitled "An act to incorporate the Lewes Beneficial Society of Lewes, Sussex county, Delaware," was read a third time by paragraphs and

Passed the House unanimously,

By the following vote of yeas and nays, ordered by Mr. Wright:

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Huffington, Jefferson, Johnson, Virden, Waples, Wilds, Wright and Mr. Speaker—16.

Nays—None.

Ordered to the Senate for concurrence.

In pursuance of notice given on Saturday,
Mr. Wright asked, and

On motion of Mr. Black,
Obtained leave to introduce a bill entitled "An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county."

On motion of Mr. Wright,
The said bill was read.

Mr. Wright, chairman of the committee to whom was referred the petition praying for the incorporation of a Steamboat Company between the Delaware Breakwater, at Lewes, Sussex county, and Philadelphia, reported a bill entitled "An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company."

On motion of Mr. Wright,
The said bill was read.

Mr. Huffington moved,
That the eighth rule of the House be suspended, in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and

On motion of Mr. Wright,
Obtained leave to introduce a bill entitled "An act declaring certain acts public acts."

On motion of Mr. Huffington,
The said bill was read.

On motion of Mr. Wright,
The House then adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock. P. M

The House met pursuant to adjournment.

Mr. Marshall moved,
That an additional member be added to the committee of enrolment.

Which motion

Prevailed.

And Mr. Johnson was appointed.

On motion of Mr. Wright,
The bill entitled "An act to enable Wingate Downs to locate certain

vacant land in Broad creek hundred, in Sussex 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. Huffington, chairman of the committee appointed by resolution, on the subject of fees, on behalf of the majority thereof, reported a bill entitled "An act concerning fees."

On motion of Mr. Huffington,
The said bill was read.

Mr. Huffington moved,
That the eighth rule of the House be suspended in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and

On motion of Mr. Wright,
Obtained leave to introduce a bill entitled "An act in relation to marriage contracts."

On motion of Mr. Huffington,
The said bill was read.

Mr. Clements presented a memorial from sundry citizens of Kent county, praying a law to prohibit the drawing of lotteries and sale of lottery tickets within this State.

And he at the same time presented a petition from sundry citizens also of Kent county, in favor of the establishment of a penitentiary; both of which were,

On his motion,
Read and referred to the committees on those subjects respectively.

On motion of Mr. Marshall,
The bill entitled "An act rendering certain officers ineligible to re-appointment and re-election alternately, and to fix a term to certain offices, heretofore held at pleasure," was taken up for a third reading.

And on the question of the passage of the first section,

The House being divided,
The Speaker ordered the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—None.

Nays.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Huffington, Jefferson, Marshall, Virden, Waples, Wilds, Wright and Mr. Speaker—16.

So the said bill

Was lost by a unanimous vote.

On motion of Mr. Collins,

The bill entitled "An act to amend the act entitled 'An act providing for the punishment of certain crimes and misdemeanors,'" was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Dale, chairman of the committee to whom was referred the petitions for an extension of jurisdiction of justices of the peace to sums not exceeding one hundred dollars, &c., reported a bill entitled "A supplement to the act entitled 'An act providing for the recovery of small debts.'"

On motion of Mr. Dale,

The said bill was read.

On motion of Mr. Betts,

The bill entitled "An act securing to mechanics and others, payment for their labor and materials in erecting any house, vessel, or other building, within the county of New Castle," was read a second time.

Mr. Frazer presented the petition of 44 citizens of Kent county, praying the passage of some law for the better regulation of free negroes, &c.

On motion of Mr. Frazer,

The said petition was read and referred to the committee on that subject.

On motion of Mr. Betts,

The bill entitled "A further supplement to the act entitled "An act regulating the General Election," was read a second time.

Mr. Wilds laid on the table the claim against the State, of William H. Cooper, Recorder of Deeds of Kent county, for recording the returns of the election for Governor.

On motion of Mr. Wilds,

The same was read and referred to the committee of claims.

Mr. Johnson laid on the table the memorial of sundry citizens of the town of Milford, in Kent county, remonstrating against the prayer of a petition presented last week for an extension of the limits of said town.

On motion of Mr. Johnson,

The said memorial was read and referred to the committee on the said petition.

On motion of Mr. Huffington,

The bill entitled "An act to repeal the act entitled 'An additional supplement to 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 the Senate for concurrence.

Mr. Marshall, from the committee of enrolment, reported the following

bill as duly and correctly enrolled, and presented the same to the Speaker for his signature, to wit:—

“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 the Northwest Branch of Duck Creek, emptying into the main branch of Duck Creek, below the Eagle’s Nest Landing, effectually to embank and drain the same, and keep the banks, dams, sluices, canals and drains in repair, and to raise a fund to defray the expense thereof.”

Mr. Virden presented the petition of sundry citizens of Kent county, praying the passage of some law to compel hirelings to perform faithfully their contracts of hiring.

On motion of Mr. Virden,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Virden, Jefferson and Barr.

On motion of Mr. Frazer,

The House then adjourned until to-morrow morning at 10 o’clock.



TUESDAY, 10 o’clock A. M., February 9, 1841.

The House assembled pursuant to adjournment.

Mr. Higgins, chairman of committee on the application of the New York Historical Society, reported the following joint resolution, which,

On his motion,

Was read, viz:—

Resolved 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 authorised and directed, to furnish the Historical Society of New York, established in the city of New York, from time to time with single copies of all the Journals, Laws, Reports, and other proceedings of a public nature, which may be hereafter published by order of the Legislature of this State, together with complete copies of such as have been already published; and that the said copies be furnished to the said society in bound volumes, provided they can be so furnished without incurring additional expense in procuring them; and provided also, they can be supplied without impairing the necessary series of those that are now on hand.

Mr. Wright presented the petition of sundry citizens of Sussex county, praying that the bridge over Lewes creek, at the town of Lewes, may be made a county bridge, and kept up at the expense of the county.

On motion of Mr. Wright,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Wright, Collins and Black.

Mr. Higgins, chairman of the committee of enrolment, reported the following bills as duly and correctly enrolled, and presented the same to the Speaker for his signature, viz:—

“An act to enable Samuel G. Smith to locate certain vacant land in North West Fork hundred in Sussex county, and to complete his title to the same,” and

“A supplement to an act entitled ‘An act to incorporate the Wilmington Fire Insurance Company.’”

On motion of Mr. Betts,

The bill entitled “A further supplement to the act entitled ‘An act regulating the General Election,’” was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate being admitted, informed the House that the Senate had concurred in the passage of the bill entitled “An act to enable Nathan Fleming to locate certain vacant land, situate in Mississippi hundred, Kent county, and to complete his title to the same.”

And he withdrew.

Mr. Johnson presented two petitions from sundry citizens of Kent county, praying for a redivision of the said county into school districts.

On motion of Mr. Johnson,

The said petitions were read and referred to the committee appointed to consider that subject.

The Speaker laid on the table a communication from Benaiah Tharp, of Kent county, in relation to the same matter, and in favor of a re-division.

On motion of Mr. Huffington,

The said communication was read.

On motion of Mr. Clements,

The other two members of the Kent county delegation in the House, to wit: Messrs. Virden and Collins, were added to the committee to consider the subject of the redivision of Kent county into school districts.

On motion of Mr. Huffington,

The bill entitled “An additional supplement to the act for establishing the boundaries of the town of Dover, and for other purposes therein mentioned,” was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Johnson presented two petitions from citizens of Kent county, residing within the limits of school districts, Nos. 38 and 39, praying that an additional district be created within the limits of those two districts.

On motion of Mr. Johnson,

The said petition was read and referred to the committee to consider the subject of the re-division of Kent county into school districts, with leave to report by bill or otherwise.

Mr. Chamberlain, chairman of the committee to whom was referred so much of the late Governor's Message as refers to the subject of the health laws of this State, reported a bill entitled "A further supplement to an act entitled 'An act to prevent infectious diseases being brought to this State, and for other purposes.'"

On motion of Mr. Chamberlain,

The said bill was read.

Mr. Dale, chairman of the committee to whom was committed the bill entitled "A supplement to an act entitled 'An act laying a tax on dogs in New Castle county, passed at Dover, February 21st. one thousand eight hundred and thirty-nine,'" reported the said bill back to the House with sundry amendments, which,

On motion of Mr. Dale,

Were read and adopted, as follows, viz:—

1st. Strike out all the remaining part of the first section after the word "person," occurring in the sixth line of said section, and annex in lieu thereof the following, to wit: "who shall wilfully neglect to make return to the assessor of any dog or dogs belonging to him or her, upon proof of the same being made to the assessor by the testimony of one or more respectable witnesses, it shall be his duty to assess the owner of such dog or dogs with double the amount of tax provided for by the act to which this is a supplement."

2d. Strike out the words occurring in the fifth line of the second section "shall be convicted," and insert the words "satisfactory proof shall be produced," also strike out the two last lines of the second section and annex the words "but in no case shall the owner or owners of sheep receive any remuneration for sheep destroyed by his or her own dog or dogs, neither shall the provisions of this act extend to drovers or other persons bringing or driving sheep into New Castle county for sale.

3d. Add after the word "hundred." occurring in the fifth line of the fourth section, the following words "provided always, that in no case shall the said appraisers value or appraise any sheep to be worth more than four dollars per head.

4th. Amend by adding an additional section, to wit: Section 8, *Be it enacted*, That the act to prevent injury by dogs in New Castle county, passed at Dover, February 4, 1811, and the supplement to the act to prevent injury by dogs in New Castle county, passed at Dover, February 2, 1820, be and the same are hereby repealed made null and void.

Mr. Wright, chairman of the committee to whom was referred the memorial and also the remonstrance of the citizens of Georgetown, Sussex county, in relation to the application of the funds to be derived from a certain lottery therein mentioned, &c., reported a bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal Church therein.'"

On motion of Mr. Wright,

The said bill was read.

Mr. Johnson presented a remonstrance from citizens of school districts Nos. 38 and 39, in Kent county, remonstrating against any alteration in said districts as prayed for in the petitions presented this morning for that purpose.

Mr. Johnson also presented letters and certificates upon the same subject; all of which were,

On his motion,

Read and referred to the committee to whom was referred the said petition.

On motion of Mr. Huffington,

The bill entitled "An act declaring certain acts public acts," was read a second time.

On motion of Mr. Huffington,

The bill entitled "An act in relation to marriage contracts," was read a second time.

Mr. Virden then moved,

To amend the said bill by striking out the word 'thirty' in the first section of the said bill and inserting in lieu thereof, the word 'ninety.'

Which motion

Was lost.

Mr. Huffington laid on the table the following amendment to the said bill, which,

On his motion,

Was read and adopted, viz:—

Section 3. *Be it further enacted*, That it shall be the duty of the Secretary of State to cause this act to be published in two newspapers printed in the city of Wilmington, and one newspaper printed in Georgetown, in this State, for the space of three months from and after the first day of March next.

Mr. Wilds, chairman of the committee to whom was referred the petition of sundry citizens of Kent county, praying that the sale of spirituous liquors to free negroes may be restricted, reported:

That it was inexpedient to legislate on that subject at this time.

On motion of Mr. Wright,

The bill entitled "An act to enable Joseph Wells to locate certain vacant

land situated in Broad Creek hundred, in Sussex county, and to complete his title to the same," was read a second time by its title.

On motion of Mr. Collins,

The bill entitled "An act to amend the act entitled 'An act directing the manner of choosing commissioners to regulate and repair the streets of Milford, and for other purposes,'" was taken up for consideration.

Mr. Collins then moved,

To amend the bill by adding the following to the 16th section thereof, to wit:—

Provided, That the mill property and appurtenances thereunto belonging, contained within the limits of said town as herein set forth, commonly called Milford Mills, and now belonging to John M. Darby, shall forever hereafter be exempt from taxation, for the use and purposes of said town of Milford.

Which motion

Prevailed.

On motion of Mr. Collins,

The said bill as amended was then read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Black,

The House then adjourned until this afternoon at 3 o'clock.



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

The House met pursuant to adjournment.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to incorporate the members of the Fame Hose Company of the city of Wilmington."

Also in the joint resolution on the subject of the payment of certain Judges ad litem, and in

The bill entitled "An act to incorporate the Washington Fire Company of the city of Wilmington" with an amendment, in which the concurrence of the House was desired.

And he withdrew.

Mr. Huffington presented the petition of sundry citizens of Sussex county, inhabitants of two school districts created by an act of the Legis-

lature passed in 1839, praying that each of said districts may receive a portion of the school fund, distributable among the school districts of said county, equal to the remaining districts of said county.

On motion of Mr. Huffington,

The said petition was read and laid on the table.

Mr. Clements presented a memorial of sundry citizens of Kent county, in relation to the toll, taken by millers in the lower part of the said county, on wheat and rye, and representing that the practice by them adopted, is contrary to law.

On motion of Mr. Clements,

The said petition was read and referred to a committee of three members, with leave to report by bill, resolution or otherwise.

That committee consists of Messrs. Clements, Chamberlain and Sudler.

Mr. Collins presented the petition of James Johnson, praying the passage of an act to enable him to sell a meeting-house at T Town, in Sussex, which he built last season by contract, and for the building of which he has never been paid.

On motion of Mr. Collins,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Collins, Higgins and Marshall.

On motion of Mr. Betts,

The amendment proposed by the Senate to the bill entitled "An act to incorporate the Washington Fire Company of the city of Wilmington" was taken up for consideration, read and concurred in, in the words following, to wit:—

"IN SENATE, *February 9, 1841.*

Amend the bill in the first section and twenty-second line, by striking out the word 'cases' and inserting in lieu thereof, the word 'choses.'

Extract from the Journal,

G. P. FISHER, *Clerk.*

For concurrence."

Ordered that the Senate be informed thereof.

Mr. Dale moved,

That the bill entitled "A supplement to an act entitled 'An laying a tax on dogs in New Castle county, passed at Dover, February 21st, one thousand eight hundred and thirty-nine,'" be taken up and read a third time in order to pass the House.

Which motion

Prevailed,

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

Mr. Dale demanded the yeas and nays,
Which were taken, and are as follow, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Hill, Jefferson, Sudler, Virden, Waples, Wilds, Wright and Mr. Speaker—16.

Nays—Messrs. Higgins, Huffington and Marshall—3.

So the said first section

Passed the House.

On the question of the passage of the third section of the said bill,
The House being again divided,
Mr. Dale demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Hill, Jefferson, Sudler, Virden Waples, Wilds, Wright and Mr. Speaker—16.

Nays—Messrs. Higgins, Huffington and Marshall—3.

So the said third section

Passed the House.

And the said bill, being read by paragraphs,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Sudler presented the petition of Nathaniel Conaway, of Sussex county, praying a grant of vacant land therein mentioned.

On motion of Mr. Sudler,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Sudler, Wilds and Betts.

Mr. Huffington, chairman of the committee to whom was referred the petition of the citizens of the town of Milford, praying a law to enable them to straighten the State road in the said town, and to change the site of the bridge in said town over Mispillion creek, reported a bill entitled "An act for erecting a new bridge over the waters of Mispillion creek, and for other purposes."

On motion of Mr. Huffington,

The said bill was read.

Mr. Wright, chairman of the committee to whom was referred the petition of certain citizens of Sussex county, praying the Legislature to pass a law to enable them to raise by lottery the sum of \$3,000 to improve the navigation of Lewes creek, reported a bill entitled "An act to improve the navigation of Lewes creek, by cutting and making a canal near Green bank."

On motion of Mr. Wright,

The said bill was read.

Mr. Sudler presented the petition of sundry citizens resident in school district No. 53 in Sussex county, praying that said district may be divided into two school districts.

On motion of Mr. Sudler,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Sudler, Frazer and Barr.

Mr. Frazer presented the petition of sundry citizens of Kent county, praying the establishment of a State penitentiary.

On motion of Mr. Frazer,

The said petition was read and referred to the committee on that subject.

Mr. Huffington moved,

That the eighth rule of the House be suspended in order that he might introduce a bill.

Which motion

Prevailed.

He then asked, and

On motion of Mr. Clements,

Obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act for taking lands in execution for the payment of debts.'"

On motion of Mr. Huffington,

The said bill was read.

On motion of Mr. Betts,

The bill entitled "A further supplement to the '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.

Mr. Sudler presented the petition of sundry citizens of Sussex county, praying the passage of a law for the better regulation of free negroes, &c.

On motion of Mr. Sudler,

The said petition was read and referred to the committee on that subject.

On motion of Mr. Huffington,

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



WEDNESDAY, 10 o'clock A. M., February 10, 1841.

The House assembled pursuant to adjournment.

Mr. Higgins, from the committee to whom was committed the bill entitled "An act to enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head waters of Love's Creek, called Bundick's Branch, the boundary line between Lewes and Rehoboth, and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw mill-thereon," reported the same back to the House with the following amendments, which,

On his motion,

Were read and adopted, viz:—

Amend the bill by striking out all the words between 'and' and 'on' in the fifteenth and sixteenth lines of the 1st section, and insert in lieu thereof the following, viz: 'above the lands and premises heretofore condemned for the use of the said Burton's mill.'

Also amend the said bill by adding the following section:

Sec. 6. *Provided always nevertheless*, That this act and nothing therein contained shall be so construed as to impair, or in anywise affect any condemnation or grants or powers heretofore made, conferred, or given to any person or persons to, for, in behalf or on account of the said mill and mill-site called Burton's Mill, formerly Kollock's Mill as aforesaid.

On motion of Mr. Higgins,

The said bill was then taken up for a third reading, and on the question of the passage of the first section,

The House being divided,

The Speaker ordered the yeas and nays,

Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Dale, Frazer, Higgins, Hill, Huffington, Jefferson, Marshall, Sudler, Waples, Wilds, Wright and Mr. Speaker—18.

Nays.—Mr. Virden—1.

So the said first section

Passed the House.

And the said bill, being read by paragraphs,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Huffington laid on the table a communication from certain citizens of the town of Milford, in relation to the proposed alteration in the State road, and in the bridge across Mispillion creek, in said town.

On motion of Mr. Huffington,

The said communication was read.

Mr. Black, the minority of the committee appointed to consider the subject of fees, made the following report, which,

On his motion,

Was read, to wit:—

The minority of the committee on fees beg leave to report, that he concurs in the bill reported by the majority, except that part of said bill allowing mileage to constables for serving capias and summonses, &c., which he deems inexpedient to make any such allowances.

On motion of Mr. Wright,

The bill entitled "An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company," was read a second time by its title.

On motion of Mr. Betts,

The bill entitled "A further 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 be returned to the Senate.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An additional supplement to the act entitled 'An act for regulating innholders, tavern keepers, and other public house keepers within this government, and empowering the justices to settle the rates of liquor.'"

And he presented for the concurrence of the House a bill entitled "A supplement to the act entitled 'An act to incorporate a company to erect a draw-bridge over the river Nanticoke, at Seaford, and for other purposes therein mentioned.'"

And he withdrew.

On motion of Mr. Wright,

The bill entitled "An act to improve the navigation of Lewes Creek by cutting and making a canal near Green Bank," was read a second time.

Mr. Sudler, chairman of the committee to whom was referred the petition of Nathaniel Conaway, praying a grant of vacant land, reported a bill entitled "An act to enable Nathaniel Conaway to locate certain vacant land, situate in Nanticoke hundred, and to complete his title to the same."

On motion of Mr. Sudler,

The said bill was read.

On motion of Mr. Chamberlain,

The bill entitled "A further supplement to an act entitled 'An act to prevent infectious diseases being brought into this State, and for other purposes,'" was read a second time by its title.

Mr. Higgins presented a petition from sundry citizens of New Castle county, praying that the jurisdiction of Justices of the Peace be extended to one hundred dollars, and that constables may be compelled to pay over moneys collected by them, to magistrates.

On motion of Mr. Higgins,

The said petition was read and laid on the table.

Mr. Huffington presented the petition of sundry citizens of Kent county, praying for a redivision of the said county into school districts.

On motion of Mr. Huffington,

The said petition was read and referred to the committee on that subject.

On motion of Mr. Barr,

The bill entitled "An act to repeal the prohibition against the Chancellor or any Judge purchasing stock in any bank in this State," was read a second time.

Mr. Sudler, chairman of the committee on the petition praying for a division of school district No. 53, in Sussex county, reported a bill entitled "An act to create an additional school district in Sussex county."

On motion of Mr. Sudler,

The said bill was read.

Mr. Wilds, chairman of the committee on the petitions of Thomas Hays, and Joshua and Wesley Hays, reported that the said petitioners have leave to bring in bills.

On motion of Mr. Huffington,

The bill entitled "An act concerning fees," was read a second time.

Mr. Huffington then offered the following amendments to the said bill, which,

On his motion,

Were read and adopted, viz:—

Amend the bill concerning fees by striking out in the 15th and 16th lines of the first section, the words "and two cents a mile where the defendant lives more than two miles from the place where the capias is returnable."

Also, by striking out in the 24th line of said section, the words "thirty cents," and insert in lieu thereof the words "one dollar."

On motion of Mr. Huffington,

The bill entitled "An act to amend the act entitled 'An act for taking lands in execution for payment of debts,'" was read a second time.

Mr. Higgins chairman of the committee of enrolment, reported the following bills and resolutions as duly and correctly enrolled, and presented the same to the Speaker for his signature, viz:—

"An act authorising the Register for the Probate of Wills and granting letters of administration, in and for Kent county, to procure a new seal of office and press."

Also "A supplement to the act entitled 'An act to incorporate the Union Bank of Delaware.'"

Also "An act to incorporate the Temperance Beneficial Association of Wilmington and Brandywine."

Also "An act to enable the owners and possessors of the marsh, mea-

meadow and cripple on both sides of Swan creek, in Milford hundred, Kent county, to repair and raise above the rise of the tide water an old causeway over the mouth of said creek, and for other purposes therein mentioned."

Also "An act to enable Eli Layton to locate certain vacant land, situate in Dagsboro hundred, in Sussex county, and complete his title to the same."

Also "Report and resolutions on the subject of the restriction of the eligibility of Presidents of the United States to a single term of four years."

Also a "Joint Resolution for the appointment of a committee to settle with the State Treasurer, &c., in January, 1842.

Also a "Joint resolution to print 300 copies of the act for the amendment of the supplement to the act for the establishment of free schools."

Also a "Joint resolution for the appointment of a Librarian, &c."

Also a "Joint resolution instructing the Secretary of State to preserve the Revolutionary records."

And a "Joint resolution providing for the payment of certain Judges ad litem."

Mr. Dale moved,

That the bill entitled "A supplement to the act entitled 'An act providing for the recovery of small debts,'" be taken up for a third reading.

Pending the motion,

Mr. Higgins moved,

That said bill be committed to the committee who reported it.

Which motion

Prevailed.

On motion of Mr. Wright,

The bill entitled "An act to enable Abraham Dazey, of Sussex county, to locate certain lands, situate in Baltimore hundred, 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. Black,

The House then adjourned until 3 o'clock this afternoon.



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

The House met pursuant to adjournment.

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

“An act to incorporate the Lewes Beneficial Society of Lewes, Sussex county, Delaware.”

And “An act to vacate part of an alley and lane in the village of Georgetown, Sussex county.”

And he withdrew.

Mr. Higgins presented the petition of certain citizens of New Castle county, praying the passage of a law which will enable the justice of the peace at St. George's to hold his office at any place within Red Lion hundred, at his option.

On motion of Mr. Higgins,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Higgins, Virden and Hill.

On motion of Mr. Hill,

The bill presented for concurrence from the Senate this morning, entitled “A supplement to an act entitled ‘An act to incorporate a company to erect a draw bridge over the river Nanticoke at Seaford, and for other purposes therein mentioned,’” was read.

Mr. Huffington presented the petition of sundry citizens of Kent county, residing on or near St. Jones' creek, praying the passage of a law to prohibit the use of drag seines or drive seines in said creek.

On motion of Mr. Huffington,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Huffington, Black and Waples.

Mr. Dale, chairman of the committee to whom was committed the bill entitled “A supplement to the act entitled ‘An act providing for the recovery of small debts,’” reported said bill back to the House without amendment.

Mr. Dale then moved,

That the said bill be read a third time by paragraphs in order to pass the House.

Which motion

Prevailed.

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

Mr. Huffington demanded the yeas and nays,

Which were taken and are as follow, viz:—

Yeas—Messrs. Barr, Betts, Chamberlain, Dale, Frazer, Higgins, Jefferson, Johnson, Marshall, Waples and Wright—11.

Nays—Messrs. Black, Clements, Collins, Hill, Huffington, Sudler, Vir-
den and Mr. Speaker—8.

So the said first section

Passed the House.

And the remaining sections of the said bill were read in their order.

And on the question of the final passage of the said bill,
The House being again divided,
Mr. Huffington demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas—Messrs. Barr, Betts, Chamberlain, Dale, Frazer, Higgins, Jeffer-
son, Johnson, Marshall, Waples and Wright—11.

Nays—Messrs. Black, Clements, Collins, Hill, Huffington, Sudler, Vir-
den and Mr. Speaker—8.

So the said bill

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Higgins,

The joint resolutions reported by him yesterday, on the subject of the
application of the Historical Society of New York, were taken up for con-
sideration, and

Adopted.

Ordered to the Senate for concurrence.

Mr. Higgins, chairman of the committee of enrolment, reported the fol-
lowing bills as duly and correctly enrolled, and presented the same to
the Speaker for his signature, viz:—

“An act to repeal the act entitled ‘An additional supplement to the act
entitled ‘An act providing for the punishment of certain crimes and misde-
meanors.’”

Also, “An act to renew the act entitled ‘An act to incorporate the
Washington Beneficial Society of Wilmington, Delaware, for the relief of
the members thereof, their widows and orphan children.”

Also, “An act to revoke the charter of the Elk and Christiana Turnpike
Company.”

Also, “An act to incorporate the Wesleyan Female Collegiate Institute.”

Also, “An act for the relief of Alexander Johnson.”

Also, “An act to incorporate the Washington Fire Company of the city
of Wilmington.”

Also, “An act to amend the act to establish a College at Newark,”

Mr. Clements presented the petition of certain owners of land on Cul-
breath's Marsh, praying a law to authorise the increase of the width of
one of the drains in said marsh.

On motion of Mr. Clements,

The said petition was read and referred to a committee of three members, with leave to report by bill or otherwise.

That committee consists of Messrs. Clements, Chamberlain and Jefferson.

Mr. Barr moved,

That the bill entitled "An act to repeal the prohibition against the Chancellor or any Judge purchasing stock in any bank of this State," be read a third time by special order, in order to its final passage.

Which motion

Prevailed.

On the question of the passage of the first section of the said bill,

The House being divided,

Mr. Huffington demanded the yeas and nays,

Which were taken and are as follow, viz:—

Yeas.—Messrs. Barr, Black, Chamberlain, Dale, Frazer, Higgins, Jefferson, Sudler, Virden, Waples and Mr. Speaker—11.

Nays.—Messrs. Betts, Clements, Collins, Hill, Huffington, Johnson, Marshall and Wright—8.

So the said first section

Passed the House.

And the said bill, being read by paragraphs,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to incorporate the Black Swamp Ditch Company."

And he withdrew.

On motion of Mr. Wright,

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



THURSDAY 10 o'clock, A. M. February 11, 1841.

The House met pursuant to adjournment.

On motion of Mr. Chamberlain,

The bill entitled "A further supplement to an act entitled 'An act to prevent infectious diseases being brought into this State, and for other purposes,'" was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Huffington, chairman of the committee to whom was referred the petition in relation to the fisheries on 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.'"

On motion of Mr. Huffington,
The said bill was read.

Mr. Wright moved,
That the vote taken yesterday on the final passage of the bill entitled "A supplement to the act entitled 'An act providing for the recovery of small debts,'" be re-considered,

Which motion

Prevailed.

On motion of Mr. Huffington,
The said bill was laid on the table.

On motion of Mr. Sudler,
The bill entitled "An act to enable Nathaniel Conaway to locate certain vacant land situate in Nanticoke hundred, and to complete his title to the same" was read a second time.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the bill entitled "An act to appropriate the monies in the treasury of this State."

Also in the bill entitled "A supplement to the act entitled 'An act for the protection of fish and game in and on the waters of the Delaware bay and river, and the streams tributary thereto within the limits of this State.'"

And in the bill entitled "An act in respect to insurance for lives, for the benefit of married women," with an amendment, in which the concurrence of the House was desired.

And he presented for the concurrence of the House the following bills, viz:—

"An act to repeal the act for the protection of the fisheries on Broad-kiln creek, passed at Dover, February 2, 1837," and

"An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned."

And he withdrew.

On motion of Mr. Wright,
The bill entitled "An act to incorporate the Breakwater, Lewes and Philadelphia Steamboat Company," was read a third time by paragraphs and

Passed the House unanimously,

By the following vote of yeas and nays, viz:—

Yeas.—Messrs. Barr, Betts, Black, Chamberlain, Clements, Collins, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Sudler, Virden, Waples, Wilds, Wright and Mr. Speaker—19.

Nays.—None.

Ordered to the Senate for concurrence.

On motion of Mr. Huffington,

The bill entitled “A supplement to the act entitled ‘An act concerning defects in legal proceedings,’ was taken up for consideration.

Mr. Huffington moved,

That the said bill be read a third time by paragraphs in order to pass the House.

Which motion

Prevailed.

The House being divided on the question of the passage of the first section of said bill,

Mr. Huffington demanded the yeas and nays,

Which were taken and are as follow, viz:—

Yeas.—Messrs. Betts, Chamberlain, Clements, Higgins, Huffington, Jefferson, Sudler, Waples, and Wilds—9.

Nays.—Messrs. Barr, Black, Collins, Frazer, Hill, Johnson, Marshall, Virden, Wright and Mr. Speaker—10.

So the said bill

Was lost.

Mr. Higgins, chairman of the committee of enrolment, reported the following bill as duly and correctly enrolled, and presented the same to the Speaker for his signature, to wit:—

“An act to continue the reports of adjudged cases, and for other purposes.”

On motion of Mr. Betts,

The amendment proposed by the Senate to the bill entitled “An act in respect to insurance for lives, for the benefit of married women,” was read and concurred in as follows, viz:—

“IN SENATE, *February 3, 1841.*

Amend the bill by striking out in the first section, nineteenth line, the word ‘three’ and inserting in lieu thereof the word ‘one,’ and after the word ‘hundred’ the words ‘and fifty.’

Extract from the Journal.

G. P. FISHER, *Clerk.*

For concurrence.”

Ordered that the Senate be informed thereof.

Mr. Clements, chairman of the committee to whom was referred the

petition of citizens of Kent county, residing within the limits of school districts Nos. 38 and 39, in Kent county, praying that an additional district may be created within the limits of the said districts, reported a bill entitled "An act to create an additional school district in the county of Kent," which,

On his motion,
Was read.

Mr. Barr gave notice that he would to-morrow ask leave to bring in a bill in relation to lotteries.

On motion of Mr. Collins,
The joint resolution for adjournment sine die was taken up for consideration.

Mr. Collins then moved,
That the first blank in said resolution be filled with the word *Thursday*, and the second with the word *eighteenth*.

Which motion

Prevailed.

On motion of Mr. Sudler,
The bill entitled "An act to create an additional school district in Sussex county," was read a second time.

On motion of Mr. Wilds,
The House then adjourned until 3 o'clock this afternoon.



Eodem Die, 3 o'clock P. M.

The House met pursuant to adjournment.

Mr. Chamberlain, chairman of the committee to whom was referred the petition of the representatives of Samuel Meeteer, deceased, praying the passage of an act to enable the administrator to make sale of the real estate of said deceased, reported a bill entitled "An act to enable the administrator of Samuel Meeteer, late of New Castle county, deceased, to sell his real estate."

On motion of Mr. Chamberlain,
The said bill was read.

On motion of Mr. Huffington,
The bill entitled "An act for erecting a new bridge over the waters of Mispillion creek and for other purposes," was taken up for consideration.

Mr. Huffington then laid on the table the following amendment, which

On his motion,
Was read, to wit:—

Amend the bill by striking out of the eighth and ninth lines of the 6th section, the words: 'by way of tax upon the property and inhabitants of of said town' and inserting in lieu thereof the word 'otherwise.'

On motion of Mr. Huffington,
The said amendment

Was adopted,

And on motion of Mr. Huffington,
The bill as amended, was read a second time.

On motion of Mr. Clements,
The bills presented from the Senate this morning for concurrence, viz:

"An act to repeal the 'Act for the protection of the fisheries on Broad-kiln creek, passed at Dover, February 2d, 1837,'" and

"An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned," were severally read.

Mr. Virden, chairman of the committee to whom was referred the petition in relation to breaches of contract on the part of hirelings, reported: That the law prayed for already existed among the statutes of this State.

And he asked that the committee might be discharged from further consideration of the subject.

On motion of Mr. Clements,
The committee was discharged.

On motion of Mr. Wright,
The bill entitled "An act to improve the navigation of Lewes creek, by cutting and making a canal near Green Bank," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Betts,
The bill entitled "An act securing to mechanics and others, payment for their labor and materials in erecting any house, vessel, or other building, within the county of New Castle," was taken up for a third reading, and on the question of the passage of the first section,

Was lost.

Mr. Huffington moved,
That the bill entitled "An act in relation to marriage contracts" be taken up for a third reading.

Which motion

Prevailed.

On the question of the passage of the first section of said bill,
The House being divided,

Mr. Huffington demanded the yeas and nays,
Which were taken and are as follow, viz:—

Yeas.—Messrs. Clements, Collins, Higgins, Huffington, Johnson, Marshall, Waples, Wilds and Mr. Speaker—9.

Nays.—Messrs. Barr, Betts, Black, Chamberlain, Frazer, Hill, Jefferson, Sudler, Virden and Wright—10.

So the said bill

Was lost.

On motion of Mr. Huffington,

The bill entitled “An act declaring certain acts public acts,” was read a third time by paragraphs and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Wright,

The bill entitled “An act to appoint commissioners to cleanse and drain Inlet creek, in Baltimore hundred, in Sussex county,” was read a second time.

On motion of Mr. Wright,

The bill entitled “A supplement to the act entitled ‘An act authorising a lottery for building an Academy and Masonic hall in Georgetown, Sussex county, and for finishing the Episcopal church therein,’ was also read a second time.

On motion of Mr. Wright,

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



FRIDAY, 10 o'clock A. M., February 12, 1841.

The House assembled pursuant to adjournment.

Mr. Black laid on the table the claim against the State, of Joseph P. Comegys, which

On his motion,

Was read and referred to the committee of claims.

Mr. Barr, chairman of the committee to whom was referred the petitions praying that the drawing of lotteries and the sale of lottery tickets be prohibited in this State, made the following report, which

On his motion,

Was read, viz:—

The committee to whom was referred the petition of certain citizens of New Castle county, praying that the drawing of lotteries and the sale of lottery tickets may by law be abolished within this State, have had the same under consideration, and respectfully submit the following report:—

That in the opinion of this committee, the time has come when the subject of the drawing of lotteries and the sale of lottery tickets in this State should demand the serious attention of every member of this Legislature. The favorable reception which the numerous petitions for the establishment of lotteries have so frequently met, and the great facility with which laws authorizing the establishment of such lotteries have been enacted by the General Assembly, have had a tendency to increase their number in this State to such a degree as to excite not only the surprise of many of the citizens of our own State, but also to awaken the astonishment of several of our sister States, and to elicit from them severe reflections upon the course which, upon this subject, we have so long seen proper to adopt. It is matter of notoriety, that a bill to authorize the drawing of a lottery will pass both houses of the Legislature, with but little more trouble and difficulty than will be experienced in obtaining signatures to the petition praying for its establishment. Hence the number of petitions which flow in upon us at every session: for should one man be desirous to embank or drain a marsh—another to construct a bridge, or lay out a road—a third to erect a school house, or repair a church, he has but to circulate a petition for the purpose in his respective neighborhood, request the names of his friends thereto, forward the same to the Legislature at its next session, when if the desired law is not passed, it is not so much because of the evil consequences that may grow out of the measure, but because the Legislature mayhap have not quite made up their minds upon it; or because it may clash with some other prior existing lottery; or for some other equally solemn and momentous reason! By these remarks the committee do not intend to cast any censure upon those gentlemen who have preceded them in the Legislature—they no doubt, acted in accordance with their views of duty; but their course having come under the notice of this committee in investigating this subject, they have thus fearlessly and unhesitatingly expressed themselves, under the fullest conviction that what they have said will be both just and true.

The reasoning of Legislators on this subject appears to have been, that whenever money is desired for a specific purpose, to raise it by lottery, or by any other mode, other than drawing it from the coffers of the State, is more desirable, more in consistence with good economy, and consequently more in accordance with the interests of the people. That such reasoning is manifestly erroneous, we need but look at the effects produced by excessive legislation in this matter to determine.

It is not the intention of your committee to enter into a labored detail of the evil consequences attending the drawing of lotteries and the sale of lottery tickets in this State. This the brief time they have been able to devote to it, and the discharge of their other duties as members of this House, would not warrant. Yet in passing, they will declare that, in their opinion, further legislation on this subject is wholly inexpedient, if not highly injurious and improper. They are borne out in this declaration

by the hasty view they have taken of the results that spring from and are ever attendant upon the lottery system. If we consider all who are concerned in lotteries, and all who deal in them as one and the same community, the principle of taking from the many and giving to the few, is both unjust and very seriously objectionable. Add to this the loss of time and alienation of interest in a regular business, the habit of intemperance, and the habit of gambling, with their concomitant evils, often sorrowfully attendant upon a course of dealing in lotteries, and you have enough, and more than enough, in the opinion of the committee, to justify you in stamping upon the whole system the broad seal of your unqualified disapprobation.

Let not the plea "*de injuria sua propria*" here be entered—in other words, let not the trite objection here be urged, that he who deals in lottery tickets does it at his own peril—that no one is compelled to purchase them, but that every man may consult his own judgment, and follow his own inclination in the matter. Such a defence is as inefficient and weak as is the cause it endeavors to sustain. A lottery office is opened in one of our most prosperous towns—a glittering scheme of "splendid prizes" is offered to the public—flaming accounts of "Fortune's Home"—of the many lucky numbers drawn there, of persons (existing only in the imagination of the broker) who have become rich by the purchase of a single ticket, are published in the newspapers, and placarded at the corners of the streets—in many instances, runners are employed, and persuasions made use of to inveigle the ignorant—every inducement is held out to allure—every effort made to entice and ensnare, and when by these means they succeed in entrapping the inexperienced or unsuspecting—when at length, the victim discovers that he has drawn a blank, and that all their bright promises of wealth were but "dead sea fruits that tempt the eye, and turn to ashes on the lips," he is told, upon complaint, that he committed the evil of his own wrong, and that he was not compelled to be a purchaser. But this is not all. He is persuaded to venture again—he is shown "lucky numbers" that are almost sure to draw out prizes—he is tempted by words, by promises, by assurances, until his weak mind yields to the assailant's wish—in the vain hope of retrieving his fortune he purchases again, and meeting with the same success, is *consoled* by the reflection that he was not compelled to buy; and that he has no one to blame for his losses but himself. But in this matter "increase of appetite doth grow by what it feeds on," the poor victim, driven on by his hopes, at first spends the savings of his honest industry at the lottery office—in a short time the wages of his daily labor are taken there also—at length every penny he can procure finds its way to the same place; and he thus goes on, spending his money, squandering his property, ruining his reputation, beggaring his wife and children, until falling into evil and intemperate habits, he becomes an outcast from all society, destitute of every *consolatory* reflection, but the one that he has ruined himself, that he was not compelled to buy, but bought at his own peril—on his own head is the guilt. Was not the lottery also, in some degree, guilty of his ruin? What first seduced him from the path of virtue? What ignis fatuus was it that first bewildered then misled him, until overwhelmed in sorrow he

awoke to find it only dazzled to betray? Who raised the spell under whose influence he squandered his property, destroyed his character, forfeited the good opinion of his friends, and impoverished and disgraced those whom he was bound to cherish and comfort? The interested may talk, and sophists may reason on this subject, but in the bosom of the benevolent and the philanthropist there can be but one opinion.

Your committee have thus freely expressed their sentiments, because they are the honest convictions of their hearts. They have been plain, because they are sincere, unreserved because they have nothing to conceal. As members of this House, and as members of this committee, they have resolved to fearlessly and independently do their duty, at the same time ever keeping an eye to the public good. Whatever may be beneficial to the high interests of the people, shall receive their hearty and cheerful support, whatever may prove detrimental, their undivided and severe condemnation.

Your committee thus deeply sensible of the magnitude of the evils inseparably attendant upon the lottery system, and with the firm conviction, they repeat, of the truth of their foregoing remarks, have notwithstanding, concluded to report no bill, at this time, to abolish the drawing of lotteries and the sale of lottery tickets in this State. They have before declared that, in their opinion, further legislation on this subject is inexpedient, if not injurious and improper; and they do hereby recommend to this branch of the Legislature to take no action to authorise the establishment of any lottery during this session. To this extent only, are they at present prepared to go. They do not feel themselves at liberty to report a bill to wholly abolish lotteries for two reasons. First.—Because there are several lotteries authorised by the Legislature of this State, now in existence, with which it would be injudicious to interfere. It is the opinion of many, that should such a law be now passed, it would be extremely unjust to the owners of those lotteries; because having purchased their schemes when no such law was contemplated, and having paid high prices for them, with the belief that they would still be countenanced as they had formerly been, it would be in bad faith, by passing such law now, to endeavor to array public opinion against them, and thus lessen their sales, and reduce their profits, if not subject them to losses and destroy them altogether. Whilst we must be jealous of our good faith, and careful to do no injustice to those who have reposed confidence in it, their rights and privileges should be preserved as inviolate as those of others in the community, who are engaged in better pursuits. The passage of such a law, at this time, would, in the opinion of many others besides this committee, interfere with those rights, and consequently would be unwarrantable and unjust.

Secondly. Your committee apprehend that public opinion is not sufficiently advanced, at present, to sustain a law abolishing the drawing of lotteries and the sale of lottery tickets in this State. It has been a long established axiom, that laws which are in advance of public opinion are alike destitute of efficacy, and incapable of commanding respect. Laws cannot lead public opinion, they must invariably follow it. That legislator who would remove a popular evil by a positive law, misses his mark.

He must first take measures to render the thing unpopular. The evil will then be diminished by being reduced to the limits of the reckless, and then it may be extirpated by positive legislation.

Your committee cannot refrain from expressing their gratification at witnessing the change that has already commenced in public opinion on this subject. They rejoice to see that not a few of the wise, the patriotic and the good of the State, have taken this matter in hand, and have stepped boldly forward and thrown the weight of their influence in the scale against it. The petition now before them contains the names of one hundred and eighty-two citizens of New Castle county, many of whom are gentlemen of the first respectability and standing in the State. They regret that they do not at present feel at liberty to report a bill in accordance with the wishes of such distinguished petitioners. They believe that the public mind is not yet prepared for such a law, and that consequently even if it passed it might not be obeyed or enforced.

Much yet remains to be done before public sentiment can be fully arrayed against the lottery system. But let not those who have enlisted in this contest suffer themselves to become discouraged. They must not expect, in their first attempt, to attain the full fruition of their hopes. Success is not often achieved but by labor and trial. This their first petition may prove to be "bread cast upon the waters," it may return to cheer and bless "after many days." Let them persevere then, and press on, and may their labors be crowned with success—may the time speedily arrive when public opinion will put down this whole system, when the community will so frown upon it that all respectable men will abandon it—then shall the residue of the evil be banished by the strong arm of the law.

Upon a view of the whole question, your committee deem it inexpedient, at the present time, to legislate upon the subject, and they ask to be discharged from the further consideration of the petition.

All of which is respectfully submitted.

On motion of Mr. Sudler,

The committee was discharged from the further consideration of the subject.

Mr. Naudain a member of the Senate, being admitted, presented for the signature of the Speaker an enrolled bill.

And he withdrew.

On motion of Mr. Chamberlain,

The bill entitled "An act to enable the administrator of Samuel Meeteer, late of New Castle county, deceased, to sell his real estate," was read a second time by its title.

On motion of Mr. Sudler,

The bill entitled "An act to enable Nathaniel Conaway to locate certain vacant land, situate in Nanticoke hundred, 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. Wilds presented the account of James Cowgill for articles furnished during the present session.

On motion of Mr. Wilds,
The said account was read and referred to the committee of accounts.

On motion of Mr. Huffington,
The bill entitled "An act to amend the act entitled 'An act for taking lands in execution for the payment of debts,'" was taken up for a third reading, and the first section was read and

Passed the House.

Pending the question for the final passage of the bill,

Upon the suggestion of several members of the House,
Further action upon the said bill was suspended until this afternoon.

Mr. Wright, chairman of the committee to whom was referred the petition of certain citizens of Sussex county, praying that the bridge over Lewes creek, at Lewes, may be made a county bridge, &c., reported a bill entitled "An act to place in good repair a bridge over Lewes creek, from the town of Lewes to the cape side of said creek, in the county of Sussex."

On motion of Mr. Wright,
The said bill was read.

Mr. Fisher, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the passage of the following bills, viz:—

"An additional supplement to the act for establishing the boundaries of the town of Dover, and for other purposes therein mentioned."

Also, "An additional supplement to the act entitled 'An act to amend the act entitled 'An act concerning the constitution of the Levy Court and Court of Appeal.'"

Also, "An act to amend the act entitled 'An act providing for the recovery of small debts.'"

Also, "An act to enable John D. Rodney and Jacob Forsett, of Sussex county, to erect a mill-dam across the head waters of Love's Creek, called Bundick's Branch, the boundary line between Lewes and Rehoboth, and Indian river hundreds, Sussex county, at the place therein mentioned, and to erect a saw mill-thereon," with an amendment, in which the concurrence of the House was desired.

Also, "A further supplement to the act entitled 'An act regulating the General Election.'"

Also, "A supplement to the act entitled 'An act for the protection of fish and game in and on the waters of the Delaware Bay and river, and the streams tributary thereto, within the limits of this State.'"

And also, "An act to enable the owners of the marshes, cripple and low grounds, situate upon and contiguous to Jamison's Branch, in Little Creek and Duck Creek hundreds, to drain and improve the same."

And he withdrew.

Mr. Clements presented a petition from sundry citizens of Kent county, praying for an act to enable them to drain certain low grounds near Horsepen Drain, in Murderkill hundred.

On motion of Mr. Clements,

The said petition was read and referred to Messrs. Clements, Black and Sudler, with leave to report by bill or otherwise.

Mr. Marshall presented the petition of sundry citizens of Sussex county, praying a law to create a bounty on fox scalps.

On motion of Mr. Marshall,

The said petition was read and referred to the committee on that subject.

Mr. Clements, chairman of the committee to whom was referred the petition on the subject of certain toll taken by millers, made the following report, which,

On his motion,

Was read, viz:—

The committee to whom was referred the memorial on the subject of millers taking an excess of toll, beg leave to report:

That they have had that subject under consideration; and that, after a careful consideration thereof, think that it is not a subject for legislation at this time—because the custom has so long obtained in the county of Kent, of taking part of the bran of wheat and rye, that it amounts to something like common law; and it is said that at the time the law was passed, designating the quantity of toll that the millers should take, there was no machinery in the mills for bolting, and that part of the bran is little compensation enough for the fixtures for bolting, especially small grists at one time. Therefore, your committee beg leave to be discharged from further consideration of the subject.

Mr. Fisher, Clerk of the Senate, being admitted, returned the following bills, and informed the House that they had been *indefinitely postponed* by the Senate, viz:—

“An act for the appointment of a general superintendent of free schools.”

Also, “A supplement to the act entitled ‘An act concerning awards, to regulate the summoning and returning of juries, and for lessening the expense thereof, and for other purposes.’”

Also, “An act to amend the act entitled ‘An act concerning the Levy Court, Clerk of the Peace, Assessors, Collectors and County Treasurers.’”

Also, “An act to amend the act entitled ‘An act for ascertaining the salaries of the Governor, Chancellor, Judges and the Secretary, and for making allowances to the members of the General Assembly, and for other purposes.’”

Also, “An act to amend the act entitled ‘An act for the preservation of mill property.’”

Also, "An act to regulate the institution and drawing of lotteries, and sale of lottery tickets within this State."

Also, "An act granting to William Cleaver, jr., of New Castle county, a certain tract or parcel of waste and uncultivated land therein described."

Also, "An act to amend the act entitled 'An act concerning certain crimes and offences committed by slaves, and for the security of slaves properly demeaning themselves.'"

And he withdrew.

On motion of Mr. Wright,

The bill entitled "A supplement to the act entitled 'An act authorising a lottery for building an Academy and Masonic Hall in Georgetown, Sussex county, and for finishing the Episcopal church therein,'" was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Huffington,

The bill entitled "An act concerning fees," was taken up for a third reading.

On the question of the passage of the first section of the said bill,

The House being divided,

The Speaker demanded the yeas and nays,

Which were taken, and are as follow, viz:—

Yeas—Messrs. Barr, Chamberlain, Clements, Frazer, Higgins, Huffington, Jefferson, Johnson, Sudler, Waples, Wilds, Wright and Mr. Speaker—13.

Nays—Messrs. Black, Collins, Marshall and Virden—4.

So the said first section

Passed the House,

And the said bill being read by paragraphs,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Huffington, from the committee of the Kent county delegation, appointed to inquire into the expediency of dividing Kent county anew into school districts, reported a bill entitled "An act to re-organise the school districts of Kent county," which,

On his motion,

Was read.

On motion of Mr. Clements,

The bill entitled "An act to enable Sally Ann J. Smithers, Mary Elizabeth Smithers and Enoch J. Smithers, minor children of Joseph Smithers, to make an exchange of certain lands therein mentioned," was read a second time by its title.

On motion of Mr. Clements,

The said bill was then read by special order, a third time by paragraphs, and

Passed the House.

Ordered to be returned to the Senate.

Mr. Fisher, Clerk of the Senate being admitted, presented for the concurrence of the House, a bill entitled "An act to repeal certain parts of acts therein mentioned, and for other purposes."

And he withdrew.

On motion of Mr. Black,
The said bill was read.

On motion of Mr. Huffington,
'The bill entitled "A supplement to the act entitled 'An act regulating marriage,"' was read a second time.

On motion of Mr. Sudler,
The bill entitled "An act to create an additional school district in Sussex county," was read a third time by paragraphs, and

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Black,
The House adjourned until 3 o'clock this afternoon.



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

The House met pursuant to adjournment.

On motion of Mr. Huffington,

The bill entitled "An act for erecting a new bridge over the waters of Mispillion creek, and for other purposes," was taken up for consideration.

Mr. Collins laid on the table the following amendment, which,

On his motion,
Was read and adopted, to wit:—

Amend the said bill by adding the following to the 5th section, viz:—
'nor until all the damages allowed by the commissioners shall have been paid to the respective persons to whom such damages shall have been allowed.'

On motion of Mr. Huffington,

The said bill was taken up for a third reading, and on the question of the passage of the first section of the said bill,

The House being divided,
The Speaker ordered the yeas and nays,
Which were taken and are as follow, viz:—

Yeas—Mr. Collins.

Nays—Messrs. Barr, Black, Chamberlain, Clements, Frazer, Higgins, Hill, Huffington, Jefferson, Johnson, Marshall, Sudler, Virden, Waples, Wilds, Wright and Mr. Speaker—17.

So the said bill

Was lost.

Mr. Tharp, a member of the Senate being admitted, presented for the signature of the Speaker, an enrolled bill.

And he withdrew.

Mr. Black presented the claim against the State, of Thomas Harris, which,

On his motion,

Was read and referred to the committee of claims.

Mr. Clements laid on the table the claim of H. Todd, for the amount paid by him as late Clerk, for advertising proposals to printers.

And also the claim of the publisher of Niles' National Register, for 3 years subscription due from the House of Representatives, for that periodical.

On motion of Mr. Clements,

The same were read and referred to the committee of claims.

Mr. Johnson, chairman of the committee to whom was referred the petitions of sundry citizens, resident in districts Nos. 28, 30, 33 and 35 in said county, praying the creation of a new district within said districts, reported a bill entitled "An act for the purpose of creating an additional school district in the county of Kent," which,

On his motion,

Was read.

On motion of Mr. Johnson,

The bill entitled "An act to create an additional school district in the county of Kent," was read a second time by its title.

On motion also of Mr. Johnson,

The bill entitled "A supplement to an act entitled 'An act to incorporate a company to erect a draw-bridge over the river Nanticoke, at Seaford, and for other purposes therein mentioned,'" was read a second time.

Whereupon,

On motion of Mr. Sudler,

The further consideration of the said bill was postponed until the first day of May next.

Ordered that the Senate be informed thereof.

In pursuance of notice given yesterday,

Mr. Barr asked, and

On motion of Mr. Wright,
Obtained leave to introduce a bill entitled "An act concerning lotteries."

On motion of Mr. Barr,
The said bill was read.

Mr. Clements, chairman of the committee to whom was referred the petition of certain owners of land in Kent county, praying an act to enable them to ditch their low grounds, reported a bill entitled "An act to authorise the owners and possessors of the marsh and low grounds, commonly called and known by the name of Horsepen Drain, in the forest of Murderkill hundred in Kent county, to cut a ditch or drain through the same," which,

On his motion,
Was read.

The Speaker laid on the table the following communication from Charles Marim, Esq., late Secretary of State, together with his accounts.

On motion of Mr. Higgins,
The same were read as follow, viz:—

CHIPPING-NORTON, *Feb*, 11, 1841.

SIR,

I have the honor, herewith, to submit my account with the State, for moneys received, during the past two years, for fees on commissions, licenses to venders of lottery tickets, impressions of the great seal and sales of the revised edition of the Laws. The several sums formerly received for the use of the school fund are now paid by the Clerks of the Peace directly into the hands of the trustee; and the fees received for the use of the State from the sale of pedlars and retailers licenses and constables appointments, by the Levy Court, are paid directly to the State Treasurer, consequently, the amount now received by the Secretary of State is much less than it formerly was.

With this communication you will also receive my account with the contingent expenses of the Secretary's office, the vouchers of which are on file and subject to the inspection of the General Assembly. The amount appropriated in the act of last session, as you will observe, has been slightly exceeded. The excess I thought proper to deduct from the sum in my hands due the State.

By reference to my account with the State, it will be perceived that I have, within the past two years, received the sum of \$985 60—whereof the sum of \$15 80 was applied to the credit of the contingent expense account, and the remaining sum of \$969 80 was paid into the hands of William D. Waples, Esq., State Treasurer, for the use of the State. By reference to my account with the contingent expenses of the Secretary's office, you will observe that I have disbursed, within the above period, the sum of \$315 80.

Be pleased to lay these accounts and this communication before the House of Representatives.

With great consideration and regard,
I have the honor to be, sir,
Your humble and ob't serv't,

CH. MARIM,
late Secretary of State.

Hon. Robert Houston,
Speaker of the House of Representatives.

Charles Marim, Secretary of State, in account with the State of Delaware.

DEBTOR.

			<i>Dolls. Cts.</i>
1839.	To fee from W. M'Caully, Esq., as Justice of the Peace,		10 00
	do W. M'Caully, Esq., impression of great seal,		1 00
	do Z. Pitts, Esq., comm'n of Justice of the Peace, Cannon's Ferry,		10 00
	do For impressions of great seal at several times,		5 00
	do G. M. Manlove, C. P. Kent county, for constable's commission to A. Caldwell, of Dover hundred,		5 00
April 1,	do For license to sell lottery tickets to Z. B. Glazier,		100 00
	do E. Cannon, for impression of great seal,		1 00
" 22,	do I. Wood, Esq. commision of J. P. New Castle county,		10 00
May 4,	do For impression of great seal to a patent		1 00
	do A. Stephens, for license to sell lottery tickets,		100 00
	do W. P. Veach, constable's commission N. C. county,		5 00
" 13,	Cash from G. R. Fisher, Prothonotary in Sussex, for laws sold,		7 60
	do J. B. Stevens and E. T. Baily, lottery license,		100 00
June 6,	Cash for sale of a Digest,		1 00
" 20,	do for constable's commission,		5 00
July 12,	do T. M'Dowell, com. of J. P.,		10 00
	do A. Johnson, impression great seal,		1 00
" 31,	do C. M. Carter, com. of constable,		5 00
<i>Amount carried forward,</i>			<i>\$377 60</i>

DEBTOR.

1839.			<i>Dolls. Cts.</i>
		<i>Amount brought forward,</i>	377 60
Aug. 30,	Cash from R. Ralston, com. of constable,		5 00
	do For impression great seal,		1 00
Sept.	do W. S. Vanstavoren, commission of		
	constable,		5 00
Oct.	do E. Blackiston, com. of constable,		5 00
Nov. 4,	do C. D. Blaney, Esq., for commission		
	of Recorder for N. C. county,		10 00
	do W. Ruth, com. J. P. Kent county,		10 00
Dec. 16,	do T. Robinson of Wm. do Sussex,		10 00
" 23,	do E. C. Dingle, do		10 00
1840.	do J. Robinson, do in New		
	Castle,		10 00
Jan. 1,	do J. M'Clyment, do in Kent		10 00
	do G. R. Fisher, Prothonotary in Sus-		
	sex, for laws sold, (omitted)		6 25
	do C. D. Blaney, Esq., for com. of Clerk		
	O. Court, N. Castle county,		10 00
	do E. W. Gilpin, Esq., com. of Attorney		
	General,		10 00
April 1,	do For license to sell lottery tickets, to Z.		
	B. Glazier,		100 00
" 16,	do N. Covington, com. of constable N.		
	Castle county,		5 00
" 30,	do J. C. Mansfield, Prothonotary in N.		
	Castle county, for Laws sold,		35 15
May 14,	do G. R. Fisher, Prothonotary in Sussex		
	do.		3 80
	do J. Pettijohn of E., for com. of consta-		
	ble in Sussex county,		5 00
" 21	do Isaac Price of New Castle county do.		5 00
	do For license to sell lottery tickets, to		
	E. T. Baily,		100 00
June 15,	do J. B. Hall, com. for constable N. Cas-		
	tle,		5 00
	do A. Stevens & Co. lottery license,		100 00
" 16,	do W. R. Cahoon Esq., com. of J. P. Kent		
	county,		10 00
" 19,	do C. H. Black, for com. of Register &		
	Chancery and Clerk of the Peace,		
	New Castle county,		20 00
" 25,	do Curtis Tweed, for com. of J. P. New		
	Castle,		10 00
	do J. C. Voshall, constable's com. New		
	Castle county,		5 00
			<hr/>
	<i>Amount carried forward,</i>		\$883 80

CREDITOR.

1840.		<i>Amount brought forward,</i>	<i>Dolls. Cts.</i>
July		Cash from J. B. Sipple, Recorder in Sussex, for impression of great seal to two patents,	883 80
Sep. 26,	do	Do. from do.	2 00
	do	J. Moon, for com. of constable, New Castle county,	4 00
Oct. 24,	do	G. R. Fisher, Prothonotary, for Laws sold,	5 00
Nov. 17,	do	P. Parker, com. Register in Sussex,	3 80
	do	W. E. Moore, Esq., Sheriff of New Castle, for com. and writ of assistance,	10 00
	do	J. Steel, Esq., of Sussex, for do.	20 00
	do	E. Crozier, of New Castle, and C. W. James, of Sussex, each for Coroner's commissions, \$10,	20 00
	do	For sundry impressions of great seal by J. P. Comegys,	20 00
1841.			12 00
Jan. 3,	do	Jona'n. Manlove, for constable's com. in New Castle county,	5 00
			<hr/>
			\$985 60

Settled the above account with the Auditor, and the above was found to be due the State.

January 4, 1841.

CH. MARIM,

Secretary State.

CREDITOR.

By this sum carried to the credit of the contingent expense account,	15 80
By this sum due the State, and paid to Wm. D. Waples, Esq., State Treasurer, per his receipt on the account book of the Secretary of State's office, of which the following is a copy—	969 80
	<hr/>
	\$985 60

Received the above sum of nine hundred and sixty-nine dollars and eighty cents, this 9th February, 1841, of Charles Marim, late Secretary of State, per his check of this date, for that sum, on the Farmers' Bank at Dover.

WM. D. WAPLES,

Treasurer of the State of Delaware.

Respectfully submitted to the General Assembly, pursuant to an act in such case made and provided.

CH. MARIM,

late Secretary of State.

Dover, January 11, 1841.

The Contingent Expenses of the Secretary's Office, in account with Charles Marin, Secretary of State.

DEBTOR.

			<i>Dolls. Cts.</i>
1839.			
Jan. 25.	To balance due the Secretary of State per account, submitted to the Legislature on this day,	15	21
Feb. 22.	To paid John Catts for making fires and sweeping office,	2	50
Mar. 25.	do R. & J. B. Porter for advertising in Delaware Journal the proclamation of Col. Robinson's election to Congress,	2	00
do	do P. B. Porter for acc'pt book and ream paper,	12	25
Apr. 1.	do Jas. H. Stevenson for postage,	11	79
do.	To copying proclamations, &c., of the election of Col. Robinson as Representative to Congress, omitted to be charged in the account, submitted to the General Assembly, January 25,	1	50
do 4.	To paid Joseph P. Comegys for copying Laws of last session for the press, and furnishing copies of sundry acts, for publication in the newspapers, per bill rendered,	58	16
do 4.	Copy of act relating to Wilmington Bridge Co., for the Attorney-general,	1	00
May 9.	To paid S. Kimmey, for Blanks,	18	00
June 11.	do W. C Price's bill for carpenter's work,	2	25
July 4.	do James H. Stevenson for quarter postage,	10	72
Oct. 1.	do do do do	12	48
Dec. 31.	do Governor Comegys' travelling and other expenses incurred in procuring and presenting sword to Col. S. B. Davis,	35	00
1840.			
Apr. 1.	do for hauling boxes of guns to Dover,	6	25
do	do James H. Stevenson 2 ¹ / ₂ quarters postage,	23	97
July 1.	do do 1 do	11	31
Oct. 2.	do do 1 do	9	79
Dec. 2.	do Samuel Kimmey, for blank licenses,	37	50
1841.			
Jan. 1.	do J. H. Stevenson 1 quarter's postage,	13	46
do 1.	do bill of copying sundry proclamations of elections of Representative in Congress, list of pardons, &c., &c., per bill,	19	50
do 15.	do G. M. Manlove's bill of stationary, &c.,	11	16
			<hr/>
			\$315 80