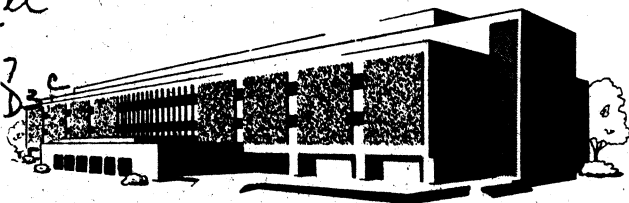


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JOURNAL

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OF THE
HOUSE OF REPRESENTATIVES,

OF THE
STATE OF DELAWARE,

AT A
SESSION OF THE GENERAL ASSEMBLY,

CONVENED AND HELD AT DOVER,

On Tuesday, the third day of January,

IN THE YEAR OF OUR LORD

ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE,

AND OF THE

INDEPENDENCE OF THE UNITED STATES OF AMERICA THE
NINETY-FIFTH.

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JOURNAL
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HOUSE OF REPRESENTATIVES
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STATE OF DELAWARE.

At a session of the General Assembly of the State of Delaware, convened and held at Dover, on Tuesday, the third day of January, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the ninety-fifth.

Messrs. Lot Cloud, J. Poulson Chandler, Aquilla Derrickson, Benjamin Caulk, Sewell C. Biggs, and Francis T. Perry, of New Castle county; and

Messrs. Samuel Hutchison, jr., Henry M. How, James L. Smith, John G. Carson, Samuel B. Cooper, David Needles, and Nimrod Harrington, of Kent county; and

Messrs. William W. Morris, Jesse W. Robinson, John W. Short, Ebe W. Tunnell, Levin Hitch, Shepard P. Martin, and Curtis A. Conaway, of Sussex county, appeared and took their seats.

On motion of Mr. Cloud,

Mr. Martin was appointed Speaker *pro tempore*.

On motion of Mr. Hitch,

Mr. Tunnell was appointed Clerk *pro tempore*.

On motion of Mr. Cloud,

The returns of the election for Representatives of the several counties of the State were read.

By the returns of the officers of New Castle county, appointed by law judges of elections, it appeared that on the Tuesday next after the first Monday in the month of November last, at the several and respective places specified by law for holding the election in and for said county, the following persons were chosen to represent the said county in the House of Representatives of the State of Delaware, to wit: Lot Cloud, J. Poulson Chandler, Aquilla Derrickson, Benjamin Caulk, Sewell C. Biggs, Albert O. Newton, and Francis T. Perry, Esquires.

By the returns of the officers of Kent county, appointed by law judges of elections, it appeared that on the Tuesday next after the first Monday in the month of November last, at the several and respective places specified by law for holding the election in and for said county, the following persons were chosen to represent the said county in the House of Representatives of the State of Delaware, to wit: Samuel Hutchison, jr., Henry M. How, James L. Smith, John G. Carsons, Samuel B. Cooper, David Needles, and Nimrod Harrington, Esquires.

By the returns of the officers of Sussex county, appointed by law judges of elections, it appeared that on the Tuesday next after the first Monday in the month of November last, at the several and respective places specified by law for holding the election in and for said county, the following persons were chosen to represent the said county in the House of Representatives of the State of Delaware, to wit: William W. Morris, Jesse W. Robinson, John W. Short, Ebe W. Tunnell, Levin Hitch, Shepard P. Martin, and Curtis A. Conaway, Esquires.

On motion of Mr. Smith, .

The House proceeded to elect, by ballot, a Speaker.

Mr. Derrickson moved

That two tellers be appointed.

Which motion

Prevailed,

And Messrs. Perry and Morris were appointed said tellers.

Upon the ballots being counted, it appeared that

Sewell C. Biggs had received eighteen votes, and

Lot Cloud had received one vote.

Whereupon,

Sewell C. Biggs, having received a majority of all the votes cast, was declared to be duly elected Speaker of the House of Representatives.

Mr. Smith moved

That a committee of two be appointed to inform the Speaker of his election.

Which motion

Prevailed.

Whereupon,

Messrs. Hitch and Needles were appointed said committee.

Mr. Biggs, Speaker elect, appeared and was conducted to the chair by Messrs. Hitch and Needles, the committee appointed for that purpose.

The Speaker and members elect who were present were qualified according to the Constitution and Laws of the State of Delaware, and the act of Congress entitled, "An act to regulate the time and manner of administering certain oaths," as appears by the following certificate, to wit :

I, Shepard P. Martin, a member elect of the House of Representatives of the State of Delaware, from the county of Sussex, do hereby certify that Sewell C. Biggs, a member elect of the House of Representatives from the county of New Castle, was, previous to entering upon any other business, and previous to taking his seat as Speaker, duly sworn by me, on the Holy Evangelists of Almighty God, to support the Constitution of the United States, to support the Constitution of the State of Delaware, and to perform his duties as a member of the General Assembly of the said State with fidelity.

And I, Sewell C. Biggs, Speaker of the House of Representatives of the State of Delaware, do hereby certify that Lot Cloud, J. Poulson Chandler, Aquilla Derrickson, Benjamin Caulk, and Francis T. Perry, of New Castle county; Samuel Hutchison, jr., Henry M. Howe, James L. Smith, John G. Carsons, Samuel B. Cooper, David Needles, and Nimrod Harrington, of Kent county; and William W. Morris, Jesse W. Robinson, John W. Short, Ebe W. Tunnell, Levin Hitch, Shepard P. Martin, and Curtis A. Conaway, of Sussex county, members elect of the House of Representatives, were, previous to entering upon any other business, and previous to taking their seats, respectively sworn or affirmed by me to support the Constitution of the United States, to support the Constitution of the State of Delaware, and to perform their duties as members of the General Assembly of said State with fidelity.

Witness our hands, this third day of January, in the year of our Lord one thousand eight hundred and seventy-one.

SHEPARD P. MARTIN,
S. C. BIGGS.

On motion of Mr. Cooper,

The House proceeded to ballot for a Clerk.

Upon the ballots being counted, it appeared

That John B. Penington had received nineteen votes.

Whereupon,

John B. Penington, having received all the votes cast, was declared to be duly elected Clerk.

On motion of Mr. Cooper,

A committee of two was appointed to inform the Clerk of his election,

And Messrs. Cooper and Perry were appointed said committee.

Mr. Penington, Clerk elect, being introduced, was duly qualified, and took his seat at the Clerk's table.

On motion of Mr. Hutchison,

The House proceeded to ballot for a Sergeant-at Arms.

Upon the ballots being counted, it appeared that James M. Wingate had received twenty votes.

Whereupon,

James M. Wingate, having received all the votes cast, was declared duly elected, was qualified, and entered upon the duties of his office.

Mr. Cooper offered a resolution,

Which,

On his motion,

Was read, as follows :

Resolved, That Samuel McCurdy be and he is hereby appointed Messenger for the House of Representatives during the present session of the General Assembly.

And further,

On his motion,

The resolution was

Adopted.

Whereupon,

Samuel McCurdy, Messenger elect, being duly qualified, entered upon his duties.

Mr. Hutchison offered a resolution,

Which was read, as follows :

Resolved, That Rev. James W. Hoskins be requested to act as Chaplain of this House during its session.

And,

On motion of Mr. Smith,

The resolution was

Adopted.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate was duly organized and ready to proceed to business.

On motion of Mr. Hitch,

A committee of two was appointed to inform the Rev. James W. Hoskins of his election as Chaplain of the House.

And Messrs. Hitch and Cloud were appointed said committee.

Mr. Caulk offered a resolution,

Which was read, as follows :

Resolved, That the Clerk inform the Senate of the organization of the House of Representatives and of its being ready to proceed to business.

And,

On motion of Mr. Cloud,

The resolution was

Adopted.

Mr. Morris offered a resolution,

Which was read, as follows :

Resolved, That the rules of the last House of Representatives be adopted as the rules for the government of this House until new rules be made.

And,

On motion of Mr. Hitch,

The resolution was

Adopted.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had adopted and requested the concurrence of the House in a joint resolution appointing a joint committee to wait upon his Excellency, the Governor, and that Messrs. Lesley and Watson were appointed said committee on behalf of the Senate.

And presented the same to the House.

On motion of Mr. Cooper,

The joint resolution from the Senate

Was read,
 And further,
 On his motion,
 Was
 Whereupon,

Concurred in.

Messrs. Caulk and Conaway were appointed said committee on the part of the House.

Ordered that the Senate be informed thereof, and the joint resolution returned to that body.

Mr. Cloud offered a resolution,
 Which was read, as follows :

Resolved, That the Sergeant-at-Arms be instructed to prepare suitable accommodations for the reporters of the press on the floor of the House.

And,

On motion of Mr. Smith,

The resolution was

Adopted.

Mr. Hitch offered a resolution,

Which was read, as follows :

Resolved, That the Clerk be and he is hereby directed to furnish each member of the House with one copy of the Revised Code, one copy of the 11th and 12th Volumes of the Laws the State, and also a copy of the laws of the sessions of 1866, 1867 and 1869,

And,

On motion of Mr. Martin,

The resolution was

Adopted.

Mr. Caulk, from the joint committee appointed the wait upon His Excellency the Governor, reported that owing to the adjournment of the Senate they had not been able to perform their duty as yet.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Albert O. Newton, a member elect from New Castle county, being present, came forward, was duly qualified and took his seat.

Mr. Cloud, on behalf of the committee appointed to wait upon the Rev. Mr. Hoskins, reported that they had performed that duty, and that Mr. Hoskins signified his acceptance of the Chaplaincy, and would attend to the duties thereof.

Mr. Caulk, on behalf of the joint committee appointed to wait upon His Excellency the Governor, reported that they had performed that duty and that the Governor would make a written communication to both Houses in fifteen minutes.

Mr. How offered a resolution,

Which was read, as follows :

Resolved, That the Clerk is hereby directed to furnish, during the session, to each member of the House, a daily paper of his choice, and also to furnish for the use of the House, three copies of each weekly and semi-weekly newspaper published in the State.

And further,

On his motion,

The resolution was

Adopted.

Custis W. Wright, Esq., Secretary of State, being admitted, presented a communication from His Excellency, the Governor, with sundry accompanying documents.

On motion of Mr. Smith,

The message from the Governor, together with the accompanying documents, were read, as follows :

Fellow-citizens of the Senate and House of Representatives :

In compliance with the requirements of our State Constitution, and in accordance with long established custom, I proceed to the performance of the duty required of the Governor, to give to you such information of the affairs of the State as has come to my knowledge since the last adjournment of the General Assembly, and to recommend to your consideration such measures as I deem expedient. The duty is a pleasant one, because it affords me the oppor-

tunity to assure you of the continued prosperity of the State and the happiness of our people, to congratulate you that good government and a sense of continued security are preserved within our limits, and to extend to you a cordial welcome to the position of law-makers for the State and guardians of the public interests, assigned you by an intelligent and confiding constituency.

It is our duty, as a Christian people, to make grateful recognition of the hand of a beneficent Providence in the dispensation of blessings which have so auspiciously attended the events of the year just closed.

The General Assembly has seldom convened under circumstances of so much encouragement and at the same time so great responsibility as at present. We may well indulge the hope, that, guided by an enlightened statesmanship, your knowledge of the wants and interests of the people will lead you to the adoption of measures which will result in lasting benefit to the State.

FINANCES.

The first subject to which I propose to invite the attention of the Legislature is the condition of the State Finances, and it affords me great satisfaction to assure you of the continued prosperous condition of the Treasury. In my last biennial message I gave a detailed statement of the indebtedness and also of the investments of the State. To that statement I refer for details, intending in this communication to give only the aggregates of State liabilities and assets. At the date referred to, the State debt amounted to the sum of one million four hundred and fifty-six thousand dollars. Since which time bonds to the amount of one hundred and seventy-six thousand dollars have, under provisions of an act of the legislature passed at Dover, March 4th, 1865, been executed and delivered to the President of the Junction and Breakwater Railroad Company, for the use of that company, which increases the State debt by this amount, and makes the aggregate of the State debt, at the present time, one million six hundred and thirty-two thousand dollars. The aggregate of the investments of the State on the 6th day of January 1869, amounted to the sum of eight hundred and fifty thousand one hundred and fifty dollars, which sum has since been increased by the sum of one hundred and seventy-six thousand dollars loaned to the Junction and Breakwater Railroad Company, and also by the further sum of forty-eight thousand dollars invested in the bonds of this State by the Treasurer, which he now has in his possession subject to the order of the Legislature, being the same bonds which he was directed by the act of the Legislature above referred to to reserve for the payment of the interest for two years on the sum of four hundred thousand dollars loaned to the Junction and Breakwater Railroad Company, the payment of which is secured by first mort-

gage on the entire road. If we add these two sums, amounting to two hundred and twenty-four thousand dollars, to the sum of eight hundred and fifty thousand one hundred and fifty dollars, we have the present aggregate of the investments of the State, amounting to the sum of one million seventy-four thousand one hundred and fifty dollars; which, being deducted from the sum of one million six hundred and thirty-two thousand dollars, leaves a balance of State indebtedness, in excess of State investments, of five hundred and fifty-seven thousand eight hundred and fifty dollars; showing a decrease of the balance against the State since 1869 of forty-eight thousand dollars.

From a statement submitted by the State Treasurer for the information of the Executive, it appears that there has been paid to the Treasurer, under the operation of the Acts of the Legislature to provide revenue for this State, passed at the session of 1869, the following sums :

From sales, manufactures, investments, private bankers, &c	\$72,547 01
From taxes on banks	9,050 28
From county officers, including taxes on process and collateral inheritances	9,528 06
From tax on insurance companies	3,598 18
Amounting in the aggregate to	\$94,723 53

There has also been received, under the operation of the law of 1864, from the Philadelphia, Wilmington & Baltimore, and from the Junction and Breakwater Railroad Companies, the sum of

	25,854 25
--	-----------

Making an aggregate from both these sources of.....\$120,577 78

Which sum has been applied by the Treasurer to the payment of installments of interest on the bonded debt of the State, the payment of the interest of which has not been otherwise provided for, amounting to the sum of one million four hundred and sixty-two thousand dollars. From the same statement it appears that the Treasurer had, on the first day of December, 1870, in the hands of the collectors in the different counties of this State, duplicate assessments from July of the same year, amounting to the sum of forty-three thousand seven hundred and thirteen dollars and sixty-four cents, which he estimates to be about sufficient to pay the installment of interest on the same debt due on the first of the present month.

The Treasurer had not, at the time he submitted his statement, made a final settlement with the collectors of the different counties, and therefore could not give the precise cost of assessing and collecting the taxes, but expresses the opinion that it will not exceed the

sum of four thousand nine hundred dollars. The report of the Treasurer further shows that he had received, since his settlement with the Committee of the Legislature in January, 1870, to the first of December of the same year, from sources the income from which is appropriated by law to the payment of the current expenses of the State, revenue to the amount of twenty-four thousand four hundred and forty-three dollars and ninety-six cents, of which sum he had paid at the same date for the support of the Executive, Judicial and Legislative Departments of the State government, including the salaries of the State Treasurer and Auditor of Accounts, the sum of seventeen thousand eight hundred and sixteen dollars and three cents, and that he had of this fund to his credit in the Farmers' Bank, the sum of seven thousand five hundred dollars, which he estimated would be increased by the first of the present month to about the sum of twenty-five thousand five hundred dollars.

The Treasurer, according to the statement referred to, had received to August last, from sources the income from which is appropriated to the support of free schools, the sum of thirty-seven thousand two hundred and fifty-four dollars and ninety-four cents, and distributed the same among the school districts entitled to receive it.

It also appears from the statement of the Treasurer, that there was due the State, on the first day of July last, from the Junction and Breakwater Railroad Company, an installment of interest amounting to the sum of six thousand dollars, and that on the first day of the present month there was due a second installment of twelve thousand dollars, these sums being the interest for nine months on the loan of four hundred thousand dollars made by the State to that company.

It also becomes my duty to inform you that no part of the taxes due the State from the Maryland and Delaware Railroad Company have been paid since November 30, 1868.

I regret that I am unable to state the amount of taxes due the State from the Philadelphia, Wilmington and Baltimore Railroad Company, as the officials of that company have failed, since the first of November, 1868, to make the reports required of them by the law of 1864, and that they have also failed to make the reports required by the law of 1869.

I have now, as accurately as the data furnished me by the State Treasurer has enabled me to do, submitted for your consideration the condition of the finances of the State. I regret that I have not at my command the means of information which would enable me to be more precise, but hope I have approximated the true condition of the finances with sufficient precision to enable the legislature intelligently to consider the subject with reference to the future necessities of the treasury.

It will be perceived by careful examination, that the laws enacted at the session of 1869, to provide revenue for this State, if faithfully complied with by the railroad companies of this State, would secure sufficient revenue to pay the interest on our public debt and leave a handsome annual surplus to be applied to the redemption of the State bonds.

In this connection I submit that in my judgment some of the provisions of the act entitled "An Act providing revenue for this State," passed at Dover, April 8th, 1869, ought to be modified and amended and other provisions repealed. The modes of assessment and collection of the taxes are inconvenient and unnecessarily complicated, and ought to be so altered as to make them conform to the convenience and interests of the tax-payers. The imposition of special taxes on particular classes is wrong in principle, unjust in its operation, and offensive to those to whom it is applied. I therefore submit that all the provisions of our laws imposing such taxes on particular classes, including the tax on collateral inheritances, should be speedily repealed. Tax laws are always odious, and submitted to willingly only for the purposes of meeting the necessities of government, therefore no greater amount of taxes should be levied for State purposes than will be sufficient to pay the current expenses of the State government, the interest on the public debt, and secure the gradual but certain extinguishment of the bonds of the State at maturity.

Tax laws should be uniform in their application and bear upon every variety of productive property alike. The proper adjustment of such laws is always difficult, requiring frequent changes, and it would have been unprecedented if the law passed at the last session of the legislature had proved an exception. But while the imperfections of the law in some particulars are apparent, it must be conceded that the legislature succeeded beyond what ought to have been the reasonable expectation of experienced and reflecting men in the paramount object of equalizing taxation by exempting from the operation of the law property which had theretofore borne all the burden of taxation for county purposes, and levying the additional amount of taxes required of us for State purposes upon those classes of property which had not been previously taxed in this State. No law could have been prepared, under the same circumstances and with the same haste, that would have better answered the purposes for which it was intended without repealing all our revenue laws then existing and enacting an entirely new law, applicable to both State and County purposes. I had the honor, in my biennial message addressed to the legislature on the sixth day of January, 1869, to suggest that the measure of every man's tax should be the amount of his net wealth. Reflection and experience have strengthened the conviction I then entertained. I believe now that the repeal of all our existing revenue laws, for both State and

County purposes, and the enactment of an entirely new law, retaining our system of poll tax, taxing annually every corporate franchise granted by the State on its real value, and every citizen of the State on the amount of his net wealth, making available every source of revenue from property in the State and continuing such a judicious and wholesome license system as will be calculated to protect the public morals and properly regulate business, would inure to the best interests of the people of the State and give more general satisfaction to taxpayers than any other revenue system that can be devised. No fair-minded citizen can be unwilling to bear his fair proportion of the public burdens according to the interests he has protected by the laws of the community in which he lives. Nor can any honest man desire that his fellow-citizen be made to pay the proportion of public taxes which rightfully pertain to himself. I commit this subject to the wisdom of the legislature, with full confidence that such consideration will be given it as will lead to a just solution of the perplexing questions involved.

SUITS AGAINST THE PHILADELPHIA, WILMINGTON AND BALTIMORE RAILROAD COMPANY.

Additional legislation will be required to give to the act of last session, taxing railroad and canal companies, the effect proposed by the law. That law taxes railroad and canal companies incorporated under the laws of this State, and doing business in the State, upon the shares of their capital stock and upon their net earnings, and also imposes upon such railroad companies a further tax upon their rolling stock.

The Philadelphia, Wilmington and Baltimore Railroad Company, claiming an exemption from liability to taxation by the State under provisions of its charter, denied the constitutionality of the law so far as it applied to that company, and one of its stockholders instituted proceedings in the Circuit Court of the United States for this District to restrain the collection by the State Treasurer of the taxes due from the company under the law. The case presented to the Court, involving the question of the company's liability to taxation as well as the constitutionality of the law on other grounds, was heard in October last, and has recently been decided. The decision affirms the right of the State to tax the company, and also the constitutionality of two of the modes of taxation provided in the law. From this decision of the Circuit Court an appeal, I understand, has been taken by the company to the Supreme Court of the United States, more, it is presumed, for the purpose of delay than with any expectation of reversing the judgment of the Circuit Court.

This decision, if sustained by the Supreme Court, disposes finally of the claim of exemption from taxation set up by the company, and while disallowing the tax on rolling stock, sustains the tax on

net earnings and shares of capital stock, from which, with proper amendments of the law, our railroad companies can be compelled to bear their fair proportion of the public burdens. I recommend such amendments of the law as will render it efficient for that purpose.

Under a resolution of the last General Assembly, the State Treasurer brought suit against the said Philadelphia, Wilmington and Baltimore Railroad Company to recover the amount of taxes due the State under the law of August 11th, 1864. The case was fully argued at the last term of the Court of Errors and Appeals, but the opinion of the Court has not yet been delivered.

RAILROADS.

It is gratifying to be able to inform the Legislature that the railroads of this State are all in a condition of increasing prosperity and usefulness. The railway of the Philadelphia, Wilmington and Baltimore Railroad Company, while it traverses only a little over twenty-three miles of our territory, is the medium which connects the railroads of this State directly with the cities of Philadelphia and Baltimore, and with railroads going to every section of this great country. This company, being the lessee of the Delaware Railroad, which is the central artery or trunk of the system of railway communication threading the counties of this State and the Eastern Shore of Maryland, receives the emoluments of the travel and freights from every section of this Peninsula to and from the great cities and vast manufacturing regions of the North and East. This patronage, in addition to its very large business between the cities of Philadelphia and Baltimore, makes this one of the wealthiest and most prosperous companies of this country, rendering the franchise granted to the company by this State one of very great value.

The Delaware Railroad passes through nearly the entire length of this State, and is connected by its junction with the Eastern Shore Railroad, and by branch roads from different points on its route, with almost every section of the Eastern Shore of Maryland. The various connections of this railroad, linking it with every portion of this State and the Eastern Shore of Maryland, will make it, at no distant day, a work of great value in a commercial point of view, highly remunerative to its stockholders, and indispensable as a link in the great chain of railway communication of the country.

The Junction and Breakwater Railroad is now completed from its junction with the Delaware Railroad, at Harrington, to its terminus, on the ocean, at Lewes, from which point there is regular steamboat communication with the city of New York. I am informed that surveys and soundings have been made at or near the southern terminus of this road, by agents of the Federal government, with a view to the erection of an iron or stone pier, under the provisions of an act passed at the last session of Congress, appropriating two

hundred and twenty-five thousand dollars for that purpose. This work, when completed, will greatly enhance the value of the Junction and Breakwater Railroad, and thereby afford increased security for the mortgage of four hundred thousand dollars held by the State on that road. I congratulate the Legislature on the consummation of this valuable improvement, so long and anxiously desired by the people of that portion of the State through which it passes.

OYSTER BEDS AND FISHERIES.

In many of the larger States of the Union, as well as in some of the governments of Europe, their fisheries, under the fostering care of wise legislation, have been made not only the source of remunerative revenue to the treasury, but of great commercial enterprise and wealth to their citizens. Our State possesses resources in her oyster beds and planting grounds and in her rivers and inland streams, which are inhabited by the most delicious and profitable varieties of migratory fish, surpassed by few of her sister States. It scarcely admits of doubt that the oyster culture, under State supervision and protection would, in the course of a very few years, engage the attention of men of enterprise and capital, and that the Delaware beds would greatly increase in productiveness and afford employment for many hundreds of our people in the business of dredging, planting, canning and transportation. Delaware oysters are now sought for in the markets of many of our large cities and towns, and there can be no doubt that the business would, under judicious legislation, within a comparatively short time, afford compensating revenue to the State. The laws of the State have not been adequate for the protection of our oyster beds, planting grounds and fisheries from depredation by non-residents. Other laws should be passed, or existing ones so amended as to secure the objects for which they were enacted. The fisheries along the courses of our inland streams have, in some sections of our State, been abandoned. Formerly our supplies of fish were caught from our own waters and preserved by our own people,—now almost our entire supply is imported from other States. Whatever may be the cause of the failure of our fisheries, it is a subject worthy the consideration of the Legislature. I therefore recommend the appointment of a practical but competent person, at a moderate salary, as commissioner, to inspect not only our bay fisheries but those along our inland streams, and make such suggestions and recommendations as in his judgment will be most conducive to the objects contemplated. I also suggest whether such legislation as will secure to the State all the revenue properly derivable from this source would not benefit such of our own citizens as may be engaged in the oyster trade. The adjoining States of Maryland and Virginia have heretofore enjoyed almost an entire monopoly of the oyster trade on this continent. In proportion to extent of terri-

tory Delaware has an interest in this business not inferior to either of them. Our proximity to large cities and means of transportation affords us advantages which should not be neglected. The production of our vast beds and the judicious letting of our planting grounds, extending along more than two-thirds of the eastern border of the State, might, under judicious legislation, be increased to ten-fold their present productiveness. The demand for oysters as an article of food has been steadily in advance of the supply. It is a duty we owe ourselves to make available the resources of wealth which a beneficent Providence has confided to us. It is as much the duty of the Legislature to protect our inhabitants in proximity to our rivers and inland streams, and the proprietors of the soil along our coasts, and all engaged in the business of fishing and culture of oysters, in all the rights which their location and business entitle them to, as it is to protect our fruit growers or the producers of any other of our staple products. Our oyster beds and planting fields, being the property of the State, should be made available as a source of revenue to the State. In my judgment the best interests of those engaged in the oyster trade would be promoted by such a policy, for the reason that unless the protection of this interest be advantageous to the State it will not be given. It cannot be expected that the State will assume the responsibility and incur the expense of protecting an interest not remunerative to the treasury? I earnestly commend this subject to your consideration, in the hope that it will lead to such investigation and result in such action as shall secure to our State and people substantial and lasting benefit.

DELAWARE COLLEGE.

The Legislature, on the seventh day of February, 1867, passed an act accepting the grant offered to the State by the United States, under the provisions of an act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts." At the same session of the Legislature, an act was passed accepting a proposition of Delaware College "to convey to the State of Delaware a joint and equal interest in the grounds, buildings, libraries, apparatus and vested funds of said College proper, upon the condition that the State shall vest the income to be derived from the sale of the said lands in a board of trustees, not more than one-half of whom shall be the representatives of the State, and the remainder the representatives of the present board, for the purpose of establishing at Newark, in connection with said College, an institution which shall meet the requirements of the act of Congress, and extend to the people of this State the benefits of its provisions." Section 2 of the last mentioned act provides "that the State Treasurer, in conjunction with the Governor of the State and the Presi-

dent of the Board of Trustees of Delaware College, is hereby authorized and required to sell and assign, upon such terms and conditions as they may deem best for the interests of the State of Delaware, the whole or any part of the scrip or land warrants issued or to be issued to the State by virtue of said act of Congress." In compliance with the requirements of this act of the Legislature, the State Treasurer, in the month of April, 1869, contracted to sell to G. F. Lewis, of Cleveland, Ohio, all the college land scrip donated to this State by the act of Congress above referred to, being scrip for ninety thousand acres of land, for the sum of eighty thousand dollars. The purchaser, owing to an unexpected decline in the price of land scrip, was unable to comply with the conditions of his contract in reference to the time of payments, and on the fifth day of July, 1870, the terms of the contract in reference to the time of payment were changed and the time for the last payment extended to the fifth of July, 1871. The State Treasurer has received from the sale of this scrip the sum of sixty-four thousand nine hundred and eight dollars, leaving the balance, to be paid on the fifth day of July next, only fifteen thousand and ninety-two dollars.

I am informed by the Treasurer that he has purchased and paid for, out of the funds received from the sale of this scrip, forty bonds of this State of the denomination of one thousand dollars each, bearing interest at the rate of six per cent., for which he paid the sum of thirty-eight thousand two hundred and eight dollars and sixty-seven cents, leaving a balance in his hands of twenty-seven thousand six hundred and twenty-six dollars and thirty-three cents, which it is his purpose to invest in the bonds of this State during the present month, expecting to secure the bonds on more advantageous terms than he could have done previously. It was our effort to make the most advantageous sale for the College, and the most secure investment for the State which was possible under then existing circumstances; and if I am not misinformed, we obtained as high, if not the highest price that was paid for the scrip of any State in the Union, and the investment of the proceeds in our own bonds we considered the safest that could be made for the State.

For information in reference to the present condition of Delaware College, I refer you to a communication from its able and enterprising President, which I herewith transmit, and to which I invite your consideration. It will be perceived from examination of this communication of the President that the College has been opened under circumstances of as much encouragement as could have been expected, and being the only institution of the kind in the State, as a matter of State pride, as well as from the benefit it promises to exert upon the educational interests of the State, it becomes our people, and especially our public men, to aid it by all suitable and proper means. It is greatly desired upon the part of the Faculty of the College

that the vacancies in the number of students which the members of the Legislature are entitled to appoint to receive instruction without charge for tuition, should be filled as early as possible. I therefore respectfully but earnestly urge upon you the importance of early attention to this matter. I herewith transmit a communication from the Professor of Chemistry, suggesting the establishment of a State Laboratory in connection with the College, for the purpose of analyzing our natural fertilizers, soils, &c., and also one from several of the Trustees in reference to the purchase of land for agricultural experiments and instruction, to both of which I respectfully invite attention.

PUBLIC SCHOOLS.

It is not without hesitation that I call your attention to the condition of our system of public school education. Changes in long established and well understood laws, especially when they are to be necessarily interpreted and executed by persons making no pretensions to legal learning, should not be made incautiously or without mature consideration.

The amount of public money appropriated to the support and maintenance of our public schools is an index to the interest felt by our people in their prosperity. I respectfully suggest that common school education is a subject which calls for your most careful and patient consideration. That there is need for changes in our present system cannot be doubted, but we should be careful that in attempting to cure existing defects we do not run into other and greater ones. The property holders of the State pay the taxes levied for the support and maintenance of free schools, and have a right to know that the funds thus raised are faithfully disbursed and honestly applied to the objects for which they are paid. I therefore suggest that some superintendence should be had by the State, through a legally authorized agent, over this whole subject. The supervisory power over our school system should not be entrusted to incompetent or negligent agents, and the duties of those entrusted with this power should be clearly defined by law, and their performance strictly enjoined. The advantages and success of public schools depend upon the qualification and character of their teachers. I therefore think that some means should be devised to secure the employment of none-but competent and attentive teachers. I withhold, however, any specific recommendation, desiring simply to present for your consideration the magnitude of the interests involved in this subject, with a full conviction that, after an interchange and comparison of views, you will take such action as your better judgment indicates as proper.

ELECTIONS.

I respectfully invite your attention to the subject of elections, all laws for the government of which should be framed with the view to secure to every qualified voter the right to give expression to his sentiments through the ballot-box, and at the same time guard against the perpetration of frauds at the polls. This subject, in my judgment, should not be overlooked or lightly considered, for upon the preservation of the purity of elections depends the perpetuity of our form of free government. I suggest for your consideration whether our polling districts are not too large, and whether their division into smaller districts, so as to afford the opportunity to challenge and canvass the legality of every vote offered, where there is the slightest doubt of the qualifications of the person presenting it legally to exercise the right of voting. The unwarrantable interference of the Federal government with the freedom of elections in this State, by assuming to determine the qualification of electors in the several States, and making voters of our negro population, against the provisions of our State Constitution and laws, calls for legislative action such as I have suggested. Would it not be well to consider whether application for assessment, either to Assessors or to the Levy Court, should not uniformly be made in person by those claiming the right to be assessed, and not through a third party?

I have learned through the public prints, and also from the representation of reliable citizens, that there were, on the day of the last general election in this State, persons at or near the polls in Appoquinimink hundred, and several other voting places in this State, falsely claiming to act as marshals under authority from the Federal government, and assuming the right to interfere with the lawfully chosen election officers in the discharge of their duties. I recommend the passage of a law making such an offence a felony, punishable with the forfeiture of the right of suffrage, with such other penalties as the Legislature may deem expedient and proper, and the application of its provisions to all who may secure, solicit or encourage the perpetration of such offence.

STATE LINE.

On the first day of April, 1869, the General Assembly enacted a law entitled "An act to settle and determine the dividing line between this State and the Commonwealth of Pennsylvania." The first section of this act is as follows: "That his Excellency the Governor be, and he is hereby authorized to appoint two commissioners, to act in conjunction with like commissioners on the part of the Commonwealth of Pennsylvania, to settle, determine, and locate the line between this State and the Commonwealth of Pennsylvania,

by extending the southern line of the Commonwealth of Pennsylvania until it intersects the circular line of this State, and such line shall, with the approval of the Congress of the United States, be forever deemed and held to be the true boundary of the said States." Being cognizant of the condition of the State finances, and knowing that the Treasurer was in doubt as to whether he would be able promptly to pay the interest on the State debt, while recognizing the fact that the enactment of the law might be interpreted as an expression of the legislative will, I was not without difficulty in determining what my official duty required. I soon became convinced, by consultation with persons familiar with the subject, that the cost of the surveys and other duties imposed by the act would be greatly in excess of the estimate of the Legislature, and not regarding the law as mandatory upon the Governor in reference to the time at which the duties imposed upon him should be performed, I determined to remit the whole subject to the Legislature, expressing my entire readiness to perform any duty which they may impose upon the Executive in reference to this subject. If it shall still be the will of the Legislature that the commissioners be appointed, and the surveys made, and other duties required by the law be performed, I beg to suggest that the law be modified in two particulars: first, that the Legislature fix the compensation of the commissioners, and limit the amount beyond which the Governor shall not draw to meet the entire expenses of the commission, surveys, and other duties connected therewith, leaving the final settlement to the Legislature; secondly, I suggest that the approval of the line, after it shall have been surveyed and marked, shall not be left exclusively with the Governor, but that some member or members of the Judiciary shall be appointed to act with the Governor in determining the question of the approval of such line.

PENITENTIARY.

I recommended in two former biennial messages, for reasons therein stated, the establishment and maintenance of a penitentiary in this State. Much reflection, and an experience of six years in a position in which I have been required by constitutional provision "to take care that the laws be faithfully executed," have strengthened and confirmed the convictions heretofore entertained and expressed to the Legislature. In my opinion, the controlling motive in the enactment of criminal laws and the imposition of penalties as a punishment for crime, should be the protection of society. But the duty to protect society by the enactment of law for that purpose, imposes upon the law-making power another duty scarcely less imperative—to provide for the proper discipline, and afford the necessary means for the reformation of criminal convicts. While the law should be faithfully enforced, as a terror to evil-doers, it should be

tempered with humanity, and mercifully directed to the reformation of its unfortunate victims, and their preparation for usefulness after its penalties shall have been exhausted. The separation of transgressors, and especially youthful ones, from wicked and depraved associates, is calculated to awaken their better sensibilities, and lead to reflection and self-examination, which have not unfrequently resulted in permanent reformation and the transformation of the indolent and vicious into useful and exemplary citizens.

No better discipline can be provided for the inmates of prisons than the requiring them to perform manual labor in some useful and profitable vocation during a reasonable number of hours of each day. Such exercise gives vigor to the body and food to the mind, and at the same time compels convicts to contribute, by daily toil, to their own support. I earnestly commend this subject to your consideration. If, after a comparison of views, you should be of opinion that the present condition of the State is not such as to justify an outlay sufficient for the consummation of such an enterprise, I respectfully recommend that a commission be appointed to examine the whole subject and report their conclusions at the next meeting of the Legislature. I further suggest the propriety of ascertaining, through some authorized agency, whether an arrangement can be effected with any penitentiary in one of the neighboring States, to receive, employ and take care of the convicts of this State, during such terms of imprisonment as may be imposed upon them by the courts.

REVISED STATUTES.

I feel it my duty again to present for your consideration the importance of a revision of the statute laws of this State. Such a work, collecting together all State laws of a general nature, and the various acts relating to the same subject, in a consolidated and properly arranged form, would be of great public convenience and utility. The Revised Code of this State has been so altered and amended since its adoption as greatly to impair its usefulness. But if the Legislature should be of opinion that the importance of a new revision is not sufficient to justify the expenditure necessary to its accomplishment, I suggest that the publication of the Revised Code, as amended, would add greatly to the convenience of our courts, and public officers generally, but especially Justices of the Peace residing at a distance from the seats of justice, making it inconvenient to obtain the aid of legal advice.

PUBLIC BUILDINGS.

I cannot fail again to call the attention of the Legislature to the condition of the public buildings of the State. They require early attention, and should, at least, be put in a condition necessary to

preserve them from unnecessary decay. I suggest whether the appointment of a superintendent of these buildings, with the authority to keep them in a proper state of preservation, would not be economy in the State.

STATE LIBRARY.

The State Library should receive prompt attention. The room appropriated for the purposes of the Library is entirely too small to enable the Librarian to keep the books in a proper state of preservation and convenience for reference. Hundreds of volumes of valuable books are packed in boxes or placed in the garret of the State House for want of space in the Library room to receive them. I respectfully suggest that the consideration of this subject should not be deferred. The large number of valuable books now on hand, with those we are constantly receiving through the courtesy of our sister States, ought not to be ruined or defaced for the want of means to preserve them.

REPRIEVES AND PARDONS.

In obedience to the requirements of the Constitution of this State, I herewith transmit a list of pardons, reprieves and remissions granted since the session of the Legislature in 1869, together with my reasons therefor. It may not be amiss in this connection to remark that the exercise of the pardoning power causes more anxious solicitude and perplexity than any duty devolved upon the Executive. The sympathies of society, claims of humanity, and appeals of relatives and friends, are often presented in such a way as to awaken the keenest and most touching sensibilities of our natures, and without the exercise of the greatest caution, there is great danger of being led into error by allowing sympathy for the unfortunate to induce too much interference with the judgment of the Courts. This error I have tried to avoid, but at the same time have not been regardless of the appeals of justice or claims of humanity.

IMMIGRATION.

The subject of immigration has, since the termination of the late war, engaged the attention of the people of every section of this country, and especially of the north-western States, to an extent before unknown. The interest felt in this subject led to a convention of delegates at Indianapolis, in the State of Indiana, on the twenty-third day of November last, from twenty-two States and two Territories. At the request of this convention I have the honor herewith to transmit for your consideration the report of its committee on resolutions.

IMPROPER LEGISLATION.

Before closing this message, I believe it to be my duty to call attention to a class of legislation recently introduced in this State,

which, in my judgment, is wrong in principle and unjust to our sister States. I allude to the granting of charters of incorporation for the transacting of business beyond the limits of this State, the majority of the corporators being non-residents of this and citizens of other States. The Legislature of each State is the proper authority to determine what corporations shall exist and transact business under corporate authority within its limits, and it will seldom happen that acts of incorporation will be refused by the Legislature of a State where the objects proposed are in consonance with the wishes or interest of the people thereof. While experience has shown that acts of incorporation are often necessary to facilitate the transaction of business, grave doubts exist as to the wisdom of multiplying them beyond the actual necessities of the business community. Corporate privileges tend to the aggregation of capital and the encouragement of combinations for the promotion of particular interests, which have led in other States to the exercise of dangerous influences upon legislation.

FEDERAL AFFAIRS.

The people of this State are deeply interested in the management of Federal affairs, and have the right to insist upon a wise and just administration of the Federal government under and within the limitations of the Constitution, and to demand that neither intimidation or coercion be resorted to to defeat or nullify the wish of the people of any State or any number of States having the right to speak in reference to any question where the interests of the whole are concerned.

In disregard of constitutional obligations, Congress and the Federal Executive have sought, by revolutionary means, to centralize and consolidate all political power in their own hands by attempting to control elections in the States. Without the power by direct act to amend the Constitution or alter its provisions, and unable to secure the voluntary consent of the number of States requisite for that purpose, they have forced some of the Southern States to consent to proposed amendments of the Constitution as condition to representation in Congress, and have thereby nullified the legally expressed will of other States whose consent could not be secured and whose proper and legal relations with the Federal government had never been interrupted. Such action is a fraud upon the non-consenting States and upon the people of the whole country. It is a subject of congratulation, however, that the people in the late elections rebuked these acts of usurpation and tyranny, and we may well indulge the hope that the spirit of true patriotism will assert its superiority over party subserviency and remove from power the representatives of a political organization which has failed, during a period of five years of profound peace, to bring the country back to the healthy condition in which it found it at the time of its advent to power in 1860.

SUFFRAGE.

The question of suffrage has received so much attention for the last few years, and was so fully discussed in the late political canvass in this State, that I deem it unnecessary to do more than allude to the subject. Until recently no political party in the country has ventured to claim for the Federal government any authority to determine the qualification of electors in the States, or to interfere with the just rights of the people of every State to determine all matters connected with their own local elections. The "Fifteenth Amendment," adopted by fraud and coercion, and in opposition to the will of the white people of the country, has been condemned by the popular voice in almost every State of the Union, and in none more signally than our own. Its effects upon both races must prove injurious, and it is to be hoped that its condemnation by the people of the country will, at no distant day, lead to its repeal as a part of the Federal Constitution.

Having submitted these views, upon such subjects as seem to require your consideration, I cannot, in conclusion of this last official communication which it will become my duty to make to the Representatives of the people, fail to express my profound obligation to the officers in the different departments of the State government for the aid they have constantly given me in the discharge of the responsible duties of the office from which I am soon to retire, and to the people of the State for their uniform kindness and encouragement in the performance of duties where conflicting interests rendered differences of opinion unavoidable.

GOVE SAULSBURY.

Dover, January 3, 1871.

A LIST of Reprieves and Pardons granted by the Governor of the State of Delaware since the Sixth day of January, A. D. 1869.

NAME.	CRIME.	In what Court convicted & sentenced.	SENTENCE.	Action Of Governor.	DATE.	Grounds of Reprieve, Pardon and Remission.
Collingwood Hallett.	An Assault.	General Sessions of the Peace and Jail Delivery, Oct. Term, A. D. 1869, Sussex Co.	To pay costs of prosecution, a fine of \$200, and be imprisoned 3 years.	Remission of imprisonment.	1869. Febru'y 16	The Governor was induced to make this remission by the urgent solicitations of many respectable citizens of Sussex county, but principally because the payment of the fine and costs of prosecution was a punishment sufficient for the offence committed.
Charles Davis..	Highway Robbery.	General Sessions of the Peace and Jail Delivery, Nov. Term, A. D. 1866, New Castle Co.	Pay costs of prosecution, a fine of \$500, stand in pillory 1 hour, be whipped with 40 lashes and imprisoned four years.	Remission of all the sentence / that had not been executed.	1870. March 28.	The Governor granted the remission in this case because it had been represented to him that the said Davis was induced by others to commit this crime while in a state of intoxication. The Governor also believed that the prisoner had suffered a punishment sufficient by his long imprisonment and whipping inflicted.
Henry. McKennon.	Larceny.	General Sessions of the Peace and Jail Delivery, May Term, A. D. 1870, New Castle Co.	Pay restitution money, costs, be whipped with 10 lashes, and imprisoned two months.	Pardon.	1870. May 28.	The Attorney-General made written application to the Governor to grant the pardon in this case, stating that the said Henry McKennon by some misunderstanding had pleaded guilty, and was unjustly sentenced by said Court in his (the Attorney-General's) absence.
Wm. Peckering.	Larceny.	General Sessions of the Peace and Jail Delivery, May Term, A. D. 1868, New Castle Co.	Pay restitution money and costs, be whipped and imprisoned.	Remission of all the sentence that had not been executed.	1870. August 10.	The prisoner having suffered from the lash, his long term of imprisonment having expired, and his conduct in prison being exemplary, were the facts which, in connection with the earnest solicitations in his behalf by many good citizens, induced the Governor to grant the remission in this case.
Wm. Peckering.	Larceny.	General Sessions of the Peace and Jail Delivery, May Term, A. D. 1868, New Castle Co.	Pay restitution money and costs, be whipped and imprisoned.	Remission of all the sentence that had not been executed.	1870. August 10.	This is the prisoner to whom the Governor granted the remission here next above mentioned. The reasons assigned for Executive interference in that case are the controlling reasons for the issuing the pardon in this.

Jacob Leimberger.	Larceny.	General Sessions of the Peace and Jail Delivery, Nov. Term, A. D. 1859, New Castle Co.	Pay restitution money and costs, be whipped with 20 lashes and imprisoned 1 year, commencing Dec. 7, 1859, and ending Dec. 6, 1860.	Pardon.	1870. October 3.	Under said sentence the said Jacob Leimberger received the twenty lashes and served out one month and twenty-one days of his imprisonment. The remainder of said term having been remitted by Governor Burton on the 23th day of January, A. D. 1860. Governor Saulsbury believed that the law had been fully vindicated by the punishment already suffered, without carrying into execution, at this late day, the remainder of said sentence, and therefore granted a full pardon of the offence committed.
Lucias T. F. Reed.	Larceny.	General Sessions of the Peace and Jail Delivery, Nov. Term, A. D. 1870, New Castle Co.	Pay restitution money and costs, be whipped with 10 lashes, imprisoned 6 months.	Remission of whipping.	1870. December 6.	This remission was made upon the representation of the Jail Physician that the prisoner had lost an arm, and had received a gun-shot wound in the breast, which is still unhealed and open, and that by reason thereof he is very feeble in health and incapable of sustaining the infliction of the ten lashes imposed by the sentence and judgment of said Court. The Chief Justice, Associate Judges, Attorney-General and the twelve Jurors empannelled in the case also recommended the remission of that portion of the sentence which requires the said Reed to be whipped with ten lashes.
Hugh Sweeney.	Assault, with intent to kill.	General Sessions of the Peace and Jail Delivery, Nov. Term, A. D. 1870, New Castle Co.	Pay costs of prosecution and a fine of \$1000, stand in pillory one hour and be imprisoned 5 years.	Remission of Pillory.	1870. December 8.	This remission was made upon the representation and petition of the most respectable and responsible citizens of New Castle county.— Their representation of a belief on the part of the prisoner that the person upon whom the assault was committed had been instrumental in inveigling from her home the daughter of the prisoner, and causing her to be conveyed away beyond the reach or knowledge of her parents. The expression of opinion of the petitioners that there was some reason to believe he was wrongfully convicted, which opinion was founded in part upon the avowal of a younger brother that he alone had committed the assault; and further, that if under the circumstances, the prisoner was guilty, the Governor considered the imposition of a fine of \$1000, and imprisonment for five years adequate punishment.

**A LIST OF BOOKS RECEIVED FOR THE USE OF THE
STATE OF DELAWARE SINCE JANUARY 5, A. D.
1869.**

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Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had adopted and requested the concurrence of the House in a joint resolution adjourning the two Houses, when they adjourn on Thursday next, over until Monday next, at 3 o'clock, P. M.

On motion of Mr. Cloud,

The Clerk was directed to have five hundred copies of the Governor's message printed for the use of the House.

On motion of Mr. Smith,

The joint resolution just received from the Senate was read,

And, on motion of Mr. Cloud, *Concurred in.*

On motion,

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

WEDNESDAY, January 4, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Newton moved that the vote by which five hundred copies of the Governor's message were ordered to be printed for the use of the House, was lost, be reconsidered,

Which motion was

Lost.

On motion of Mr. Carsons,

A committee of three was appointed to draft rules for the government of the House.

Committee—Messrs. Carsons, Cloud and Morris.

Mr. Caulk offered a resolution, which was read, as follows :

Resolved, That a committee of three be appointed to wait upon his Excellency, the Governor, and invite him to a seat upon the floor of the House of Representatives, at pleasure, during its session ; also on the Secretary of State, and members of the Judiciary who may be present during its session, and extend to them a similar invitation.

On motion of Mr. Carsons,

The resolution was

Adopted.

Committee—Messrs. Caulk, Hutchison and Tunnell.

The Speaker announced the following standing committees :

Committee on Enrollment :

Messrs. Morris,
Cooper,
Chandler,
Tunnell.

Committee on Claims :

Messrs. Hitch,
Newton,
Needles.

Committee on Accounts :

Messrs. Derrickson,
How,
Morris.

Committee on Elections :

Messrs. Perry,
Hutchison,
Conaway.

Committee on Corporations :

Messrs. Cloud,
Perry,
Hitch,
Smith,
Short.

Committee on Education :

Messrs. Martin,
Robinson,
Caulk,
Needles,
Derrickson.

Committee on Ways and Means :

Messrs. Smith,
Cooper,
Caulk,
Cloud,
Tunnell.

Committee on Roads and Highways :

Messrs. Newton,
Harrington,
Short.

Committee on Vacant Lands :

Messrs. Conaway,
Carson,
Chandler.

Committee on Divorces .

Messrs. Caulk,
How,
Morris.

Committee on Federal Relations :

Messrs. Robinson,
Hutchison,
Carsons,
Martin,
Harrington.

On motion of Mr. Cloud,

So much of the Governor's message as refers to a State Penitentiary was referred to a committee of three, with leave to report by bill or otherwise.

And Messrs. Cloud, Harrington and Short were appointed said committee.

On motion of Mr. Smith,

The Clerk was instructed to transmit to the Senate the documents delivered to the House by the Secretary of State, accompanying the Governor's message.

Which was done.

Mr. Cloud presented the petition of Parker Jefferis, praying a divorce from his wife Hannah J. Jefferis,

Which, on his motion, was read,

And referred to the Committee on Divorces.

He also presented the petition of Mary C. Chase, praying a divorce from her husband Thatcher Chase,

Which, on his further motion, was read,

And referred to the Committee on Divorces.

Mr. How offered a resolution, which, on his motion, was read as follows :

Resolved, That the Clerk be and he is hereby instructed to furnish, for the use of the House, one copy of the *Wilmington Daily Commercial*, during the present session,

And, on his further motion,

The resolution was

Adopted.

Mr. Cloud presented the petition of William H. Wilkins for a divorce from his wife Mary A. Wilkins,

Which, on his motion, was read,

And referred to the Committee on Divorces.

He also presented the petition of Thomas Grimes, praying the passage of an act divorcing him and his wife Margaret Elizabeth Grimes, from the bonds of matrimony,

Which, on his motion, was read,

And referred to the Committee on Divorces.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker presented the petition of Clara R. Stites praying the passage of an act divorcing her and her husband, John S. Stites, from the bonds of matrimony,

Which was read,

And referred to the Committee on Divorces.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in a joint resolution appointing a joint committee to prepare rules for the government of the two Houses in their joint intercourse, and that Messrs. Records and Watson were appointed said committee on the part of the Senate.

And presented the same to the House.

Mr. Caulk presented the petition of Hannah Ann Duff for a divorce from her husband, Thomas Duff,

Which, on his motion, was read,

And referred to the Committee on Divorces.

On motion of Mr. Cooper,

The Senate joint resolution appointing a joint committee on rules, was read,

And, on his further motion,

The resolution was

Concurred in,

And Messrs. Cooper, Newton and Short appointed said committee on the part of the House.

Ordered that the Senate be informed thereof, and the joint resolution returned to that body.

On motion of Mr. Tunnell,

The Clerk was instructed to have five hundred additional copies of the Governor's message printed for the use of the House.

Mr. Martin presented the petition of John W. Megee, praying an act divorcing him and his wife, Ann S. Megee, from the bonds of matrimony,

Which, on his motion, was read,

And referred to the Committee on Divorces.

On motion of Mr. Cooper,

So much of the Governor's message as relates to the Revised Statutes was referred to a committee of three, with leave to report by bill or otherwise.

Committee—Messrs. Cooper, Chandler and Robinson.

On motion,

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

THURSDAY, January 5, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Newton,

So much of the Governor's message as relates to Finances was referred to the Committee on Ways and Means; and so much as relates to Delaware College and Public Schools, to the Committee on Education.

On motion of Mr. How,

So much of the Governor's message as relates to Oysters and Fish was referred to a special committee of five, with leave to report by bill or otherwise.

And Messrs. How, Needles, Hitch, Tunnell and Conaway were appointed said committee.

Mr. Cooper, on behalf of the joint committee appointed to prepare joint rules for the government of the two Houses in their joint intercourse, reported the following,

Which, on his motion, were read :

JOINT RULES FOR THE GOVERNMENT OF INTERCOURSE BETWEEN THE
TWO HOUSES.

RULE 1. In every case of an amendment to a bill, or any other matter agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet in the Conference Chamber, and state to each other, verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment or other matter of disagreement, and confer freely thereon.

RULE 2. When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent, by the Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

RULE 3. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

RULE 4. While bills or joint resolutions are on their passage between the two Houses, they shall be on paper and under the signature of the Clerk of each House respectively.

RULE 5. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled by the Clerk of the House in which it originated, and shall be examined by a committee of each House, respectively, who shall carefully compare the enrollment with the original as passed by both Houses, and after correcting any errors that may be discovered in the enrolled copy, shall make report to their respective Houses.

RULE 6. After examination and report, each bill or joint resolution shall be signed in their respective Houses, first by the Speaker of the House in which it originated.

RULE 7. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

RULE 8. Each House shall transmit to the other all papers on which any bill or joint resolution may be founded.

RULE 9. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

On motion of Mr. Cooper,

The report of the committee was

Adopted,

And the joint rules

Adopted.

And, on his farther motion,

The Clerk was instructed to inform the Senate of the adoption thereof by the House.

Which was done.

Mr. Smith gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"A further supplement to the act entitled 'An act to extend the time for Recording Deeds.'"

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had adopted the report of the committee on joint rules.

Mr. Carsons, on behalf of the committee to draft rules for the government of the House, made a report, which was read as follows :

RULE 1. Every member shall be in his place at the time to which the House stands adjourned.

RULE 2. Every day, before the House proceeds to business, the Clerk shall call the names of the members in alphabetical order, and shall read the journal of the preceding day, which may be corrected by the House.

RULE 3. All motions and resolutions, except for the reading of bills, the daily adjournment of the House, or any motion to refer the subject, or to postpone the same, shall, if required by the Speaker or any member be reduced to writing by the mover, and, if seconded, shall be repeated by the Speaker to the House before a debate or decision thereon. And any written resolution introduced by the Speaker or a member of the House, and sent to the Clerk's table, shall be read without a previous motion to receive the same, unless the reading of such resolution shall be objected to by a member of the House.

RULE 4. All committees, unless the House shall otherwise direct, shall be appointed by the Speaker. And every committee shall report within five days of actual session of the House from the time of their appointment, or furnish sufficient reasons why report has not been made.

RULE 5. The following committees shall be standing committees, and shall continue during the session, to whom business applicable to them shall be referred, viz :

Committee on Enrollment.

" " Claims.
" " Accounts.
" " Elections.
" " Corporations.
" " Federal Relations.

Committee on Ways and Means.

" " Education.
" " Vacant Lands.
" " Roads and Highways.
" " Divorces.

RULE 6. The unfinished business in which the House was engaged at the time of the last adjournment, shall have the preference in the order of the day.

RULE 7. Every bill shall be introduced by motion for leave, by order of the House, or by report of a committee; and one day's notice, at least, shall be given of an intended motion for leave to bring in a bill.

RULE 8. Every motion, either in the House, or in Committee of the Whole, except a motion to adjourn, shall be entered on the journal with the name of the mover.

RULE 9. No member shall be interrupted when speaking but by a call to order by the Speaker, or a member through the Speaker, nor shall any member be allowed to speak upon any subject more than three times (except in explanation) without leave of the House. And no member shall be referred to by name in debate.

RULE 10. While the Speaker is putting any question, or addressing the House, no one shall walk out of, or across the House, nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking, shall pass between him and the Chair.

RULE 11. Before any petition or memorial addressed to this House shall be received and read at the Clerk's table, whether the same be introduced by the Speaker or a member, a brief statement of the contents shall be verbally made by the introducer; and any petition or memorial shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition or memorial is presented and read.

RULE 12. Every bill shall receive three several readings, no two of which shall be on the same day, except by special order of the House, under a suspension of the rules.

RULE 13. No rule of the House shall be changed or suspended, except by a vote of two-thirds of the members present.

RULE 14. All bills ordered to be engrossed shall be certified by the Clerk, noting the day of passing at the foot thereof.

RULE 15. All amendments to bills shall be made before they are taken up for the third or final reading, unless such as will not materially alter or change their nature or meaning.

RULE 16. No question which has been decided shall be reconsidered but on a motion made by a member who voted with the majority on the original question, and no motion for reconsideration shall be in order unless made on the same or one of the three next succeeding days of actual session of the House thereafter. And the

word "majority" shall, in application of this rule, be construed to mean, not the greater number of votes, but such number as was sufficient to prevail in the decision of the original question.

RULE 17. Questions of order, either before the House, or in Committee of the Whole, shall, in the first place, be determined by the Speaker or Chairman, from whose decision an appeal may be made to the House or Committee on the request of a member, but no debate shall be allowed thereon until the appeal is taken.

RULE 18. The rules of proceeding in the House shall, as far as applicable, be observed in Committee of the Whole.

RULE 19. The Speaker, or Chairman, shall put every question, and, if necessary for a fair decision, may, of his own accord, or at the request of a member, require those in the affirmative to rise, and reverse the question; and the yeas and nays shall be taken, if requested by the Speaker or a member.

RULE 20. All messages from the House to the Senate shall be conveyed by the Clerk, or a member, as the Speaker may direct, and when a message is brought to the House by a member of the Senate, or an officer of the State, the members shall rise upon their feet.

RULE 21. Messages to the House shall not be admitted while the House is voting on a question.

RULE 22. Unless otherwise ordered, the House shall meet every day (except Sunday,) at ten o'clock in the morning and three o'clock in the afternoon.

RULE 23. The rules of Parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and which are not inconsistent with the standing rules and orders of the House.

On motion of Mr. Derrickson,

The report of the committee was

Adopted,

And the rules

Adopted.

On motion of Mr. Cloud,

The Clerk was instructed to have printed, for the use of the House, the rules of the House, together with the standing committees thereof.

On motion,

The House adjourned until 3 o'clock on Monday afternoon, 9th instant.

MONDAY, January 9, 1871—3 o'clock, P. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Newton offered a series of joint resolutions convening the two Houses in joint meeting on Wednesday, the 11th instant, to be present at the opening and publishing the vote for Governor at the last election, and appointing a teller to ascertain the state of the vote,

Which, on his motion,

Were read and

Adopted,

And Mr. Newton was appointed teller on the part of the House.

Ordered to the Senate for concurrence.

Mr. Chandler presented the petition of Annie M. Mullen for an act divorcing her and her husband, John D. Mullen,

Which, on his motion, was read

And referred to the Committee on Divorces.

Mr. Morris presented the petition of George W. Jones for an act divorcing him and his wife, Maria Jones, from the bonds of matrimony,

Which, on his motion, was read

And referred to the Committee on Divorces.

Mr. Smith, in pursuance of previous notice,

Asked,

And,

On motion of Mr. Cloud,

Obtained leave to introduce a bill entitled,

"A further additional supplement to the act entitled 'An act to extend the time for Recording Deeds,'"

Which, on motion of Mr. Smith, was read.

On motion of Mr. Smith,

The rules were, by unanimous consent, suspended in order that the bill just read might be read a second and third time in order to pass the House,

And, on his further motion,

The bill was read a second time by its title,

And further, on his motion,

The bill was read a third time, and by paragraphs,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Cloud offered a joint resolution appointing a committee to settle with the State Treasurer,

Which, on his motion, was read

And

Adopted,

And Messrs. Cloud, Hutchison and Tunnell appointed said committee on the part of the House.

Ordered to the Senate for concurrence.

Mr. How offered a resolution, which was read, as follows:

Resolved, That the ladies of Dover and vicinity, and those visiting the Capital during the session of the Legislature, be and they are hereby invited to occupy seats on the floor of the House.

And, on motion of Mr. How,

The resolution was

Adopted.

Mr. Chandler presented the petition of sundry school voters of School District No. 78, in New Castle county, for an act allowing the said school district to raise an additional amount of money for the support of the school in said district,

Which, on his motion, was read

And referred to the Committee on Education.

Mr. Cloud presented the petition of Anna Jones, for a divorce from her husband, Henry Jones,

Which, on his motion, was read

And referred to the Committee on Divorces.

Mr. Cloud also presented the petition of Samuel W. Davis for an act divorcing him and his wife, Elizabeth Davis,

Which, on his motion, was read

And referred to the Committee on Divorces.

Mr. Smith gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act authorizing the Recorder of Deeds of Kent county to copy indices."

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House joint resolution convening the two Houses in joint meeting on Wednesday, the 11th inst., to be present at the opening and ascertaining the state of the vote for Governor at the last election, and had appointed Mr. Russel teller on the part of the Senate; and returned the same to the House.

Mr. Chandler gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act allowing an additional Constable to the County of New Castle, and to further amend Section 1, of Chapter 34, of the Revised Code of the State of Delaware."

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House joint resolution appointing a committee to settle with the State Treasurer, and that the Senate had appointed Messrs. Records and Lesley said committee on the part of the Senate.

On motion,

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

TUESDAY, January 10, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

The Speaker presented a communication from the State Treasurer in relation to the payment of the counsel employed by him in conducting a suit against the Philadelphia, Wilmington and Baltimore Railroad Company,

Which was read

And referred to the Committee on Claims.

Mr. Chandler offered a resolution, which was read, as follows:

Resolved, That a committee of three be appointed on so much of the Governor's message as relates to Public Buildings.

And, on motion of Mr. Chandler,

The resolution was

Adopted.

And Messrs. Chandler, Smith and Short appointed said committee.

Mr. Cooper presented the petition of John T. Sylvester for an act divorcing him and his wife, Ruth W. Sylvester, from the bonds of matrimony,

Which, on his motion, was read

And referred to the Committee on Divorces.

Mr. Mitchell, Clerk of the Senate, being admitted, returned the following House bill, the same having been concurred in by the Senate, to wit:

"A further additional supplement to the act entitled 'An act to extend the time for Recording Deeds,'"

And informed the House that the Senate had passed and requested the concurrence of the House in a bill entitled,

"An act to divorce Mary Ann Dunham and Aaron Dunham, her husband, from the bonds of matrimony,"

And presented the same to the House.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in a "Joint resolution appointing Bank Directors on the part of the State," and presented the same to the House.

On motion of Mr. Smith,

The joint resolution just received from the Senate was read,

And, on his further motion, *Concurred in.*

Ordered that the Senate be informed thereof and the resolution returned to that body.

Mr. Chandler, in pursuance of previous notice, asked, and,

On motion of Mr. Cloud,

Obtained leave to introduce a bill entitled,

"An act allowing an additional Constable to the county of New Castle, and to further amend Section 1, Chapter 34, of the Revised Statutes of the State of Delaware,"

Which, on motion of Mr. Chaudler, was read.

Mr. Canlk, on behalf of the Committee on Divorces, reported the following bills, viz:

"An act for the relief of Samuel W. Davis,"

"An act to divorce Parker Jefferis and Hannah Jefferis from the bonds of marriage,"

"An act to divorce Mary C. Chase and Thatcher Chase from the bonds of marriage," and

"An act to divorce Thomas Grimes and Margaret Elizabeth Grimes from the bonds of marriage,"

Which were read:

On motion of Mr. Cooper,

The Senate bill entitled,

"An act to divorce Mary Ann Dunham and Aaron Dunham, her husband, from the bonds of matrimony," together with the accompanying documents, was read.

Mr. Caulk, on behalf of the Committee on Divorces, reported adversely on the petition of George W. Jones for an act divorcing him and his wife Maria Jones, from the bonds of matrimony.

On motion of Mr. Chandler,

The report of the committee was accepted.

On motion,

The House adjourned until 3 o'clock, P. M.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hutchison presented the petition of Rachael S. Cleaver for an act to vest the title of this State to certain real estate in her,

Which, on his motion, was read

And referred to a special committee of three with leave to report by bill or otherwise,

Whereupon,

Messrs. Hutchison, Needles and Harrington were appointed said committee.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in a bill entitled,

4 H

"An act to incorporate the German Mutual Beneficial Society of Wilmington, Delaware,"

And presented the same to the House.

On motion of Mr. Newton,

The bill just received from the Senate was read.

Mr. Cloud, on behalf of the committee to whom was referred so much of the Governor's message as refers to a State Penitentiary, reported as follows :

"That owing to the present financial condition of the State, they deem it unadvisable to recommend any action, but would suggest the propriety of appointing a committee to correspond with the proper authorities in other States in order to ascertain on what conditions able-bodied convicts, who may be sentenced for a term of years, can be provided for, and the expense attending the same."

And, on motion of Mr. Newton,

The report was

Adopted.

Mr. Chandler offered a resolution, which was read, as follows :

Resolved, That a committee of three be appointed on so much of the Governor's message as relates to the State Library, with leave to report by bill or otherwise.

And, on motion of Mr. Robinson,

The resolution was

Adopted.

Whereupon, Messrs. Chandler, Smith and Cooper were appointed said committee.

On motion,

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

WEDNESDAY, January 11, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Cooper,

The Senate bill entitled,

"An act to divorce Mary Ann Dunham and Aaron Dunham, her husband, from the bonds of matrimony,"

Was read a second time by its title.

Mr. Perry, on behalf of the Committee on Elections, reported that they had examined the certificates of election of the members of the House from the respective counties, and found them correct.

On motion of Mr. Newton,

The report of the committee was *Accepted.*

Mr. Smith, in pursuance of previous notice, asked, and,

On motion of Mr. Cloud,

Obtained leave to introduce a bill entitled,

"An act authorizing the Recorder of Deeds of Kent county to copy indices,"

Which, on motion of Mr. Smith, was read.

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce Mary C. Chase and Thatcher Chase from the bonds of marriage,"

Was read a second time by its title.

Mr. Caulk, on behalf of the Committee on Divorces, reported the following bills, which were read, viz. :

"An act to divorce Clara R. Stites from her husband, John S. Stites;"

"An act to divorce Anna Jones from her husband, Henry Jones;"

"An act to divorce Annie M. Mullen and John D. Mullen, her husband, from the bonds of matrimony;"

"An act to divorce William H. Wilkins and Mary A. Wilkins from the bonds of marriage," and

"An act to divorce John J. Sylvester and Ruth W. Sylvester, his wife, from the bonds of matrimony."

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce Parker Jefferis and Hannah Jefferis from the bonds of marriage,"

Was read a second time by its title.

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce Thomas Grimes and Margaret Elizabeth Grimes from the bonds of marriage,"

Was read a second time by its title.

Mr. Smith gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act repealing Section 12 to Section 22, inclusive, of Chapter 390, of the 13th Volume of the Laws of Delaware."

On motion of Mr. Smith,

The Clerk was instructed to inform the Senate that the House would be ready in fifteen minutes to receive the Senate, in the Hall of the House of Representatives, in joint meeting, for the purpose of opening and publishing the returns of the election for Governor.

At the expiration of which time, the members of the Senate, preceded by their Speaker and attended by their Clerk, entered the Hall of the House of Representatives and took the seats prepared for them.

JOINT MEETING.

HALL OF THE HOUSE OF REPRESENTATIVES, {
January 11, 1871—11 o'clock, A. M. }

The two Houses being convened in joint meeting,

On motion of Mr. Smith, of the House,

The resolutions convening the two Houses were read.

Charles Gooding, Esq., Speaker of the Senate, thereupon opened and published the official returns of the elections in the several counties of this State for Governor, from which it appeared that on the Tuesday next after the first Monday in November last, A. D. 1870, there were given

FOR JAMES PONDER,

In New Castle county.....	5,455 votes.
" Kent county.....	3,315 "
" Sussex county.....	3,689 "
Total	12,459 "

FOR THOMAS B. COURSEY,

In New Castle county.....	5,358 votes.
" Kent county.....	2,376 "
" Sussex county.....	2,208 "
Total.....	9,942 "

Majority for James Ponder..... 2,517 votes.

James Ponder, having a majority of the votes, was declared by the Speaker of the Senate to have been duly elected Governor of the State of Delaware on the Tuesday next after the first Monday in November last, for the constitutional term of four years from the third Tuesday of January, instant.

The Speaker of the Senate, and the Speaker of the House of Representatives, then signed two certificates of the election of Governor, which were attested by the Clerks of the respective Houses.

On motion of Mr. Russel, of the Senate,

The certificates were read.

On motion of Mr. Lesley, of the Senate,

The two Houses separated, and the members of the Senate returned to their Chamber.

Mr. Perry gave notice that he would, on to-morrow, or some future day, ask leave to introduce a bill entitled,

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company."

Mr. How presented the petition of Samuel Marshall, for an act authorizing him to locate certain vacant salt marsh,

Which, on motion of Mr. How, was read

And referred to a committee of three, with leave to report by bill or otherwise,

And Messrs. How, Cooper and Hutchison were appointed said committee.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to incorporate the German Mutual Beneficial Society, of Wilmington, Delaware,"

Was read a second time by its title.

Mr. Cooper offered a joint resolution providing for the disposition of the certificates of election of Governor,

Which, on his motion, was read,

And further, on his motion

Adopted.

Ordered to the Senate for concurrence.

Mr. Caulk, on behalf of the Committee on Education, to whom was referred the petition of sundry voters of School District No. 78, in New Castle county, reported a bill entitled,

"An act for the relief of School District No. 78, in New Castle county,"

Which was read.

On motion of Mr. Cloud,

The bill entitled

"An act for the relief of Samuel W. Davis,"

Was read a second time by its title.

Mr. How, on behalf of the committee to whom was referred so much of the Governor's message as relates to oysters and fish, asked, and,

On motion of Mr. Newton,

Obtained further time to report.

Mr. Mitchell, Clerk of the Senate, being admitted, presented for the signature of the Speaker of the House the following enrolled Senate joint resolutions, they having received the signature of the Speaker of the Senate, viz :

"Joint resolution in relation to adjournment,"

"Joint resolution appointing a committee to prepare rules for the government of the two Houses," and a

"Joint resolution appointing a joint committee to wait on his Excellency, the Governor."

Mr. Mitchell, Clerk of the Senate, being again admitted, informed the House that the Senate had concurred in the House joint resolution in relation to the disposition of the certificates of the election of Governor, and returned the same to the House.

On motion of Mr. Tunnell,

So much of the Governor's message as relates to Elections was referred to the Committee on Elections.

Mr. Cooper, on behalf of the committee to whom was referred so much of the Governor's message as relates to the Revised Statutes, reported progress, and asked for further time,

Which, on motion of Mr. Newton, was granted.

Mr. Caulk presented the petition of Edward C. Fennimore for an act legalizing the acknowledgment of a certain deed,

Which, on his motion, was referred to a committee of three, with leave to report by bill or otherwise.

Whereupon, Messrs. Caulk, Perry and Newton were appointed said committee.

On motion,

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

THURSDAY, January 12, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Hutchison, on behalf of the committee to whom was referred the petition of Rachel S. Cleaver for an act vesting in her the right of this State to certain real estate, reported a bill entitled,

"An act to vest the title of this State to certain real estate in Rachel S. Cleaver,"

Which was read.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to incorporate the German Mutual Beneficial Society, of Wilmington, Delaware,"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Caulk, Chandler, Cloud, Conaway, Cooper, Derickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith and Mr. Speaker—19.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered that the Senate be informed thereof, and the bill returned to that body.

Mr. Smith gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Section 4, of Chapter 34, of the Revised Code, and to authorize constables to appoint deputies."

Mr. Perry, in pursuance of previous notice, asked, and,

On motion of Mr. Cloud,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company."

Which was read.

On motion of Mr. Caulk,

The bill entitled,

"An act for the relief of School District No. 78, in New Castle county,"

Was read a second time by its title.

Mr. Morris, on behalf of the Committee on Enrollment, reported the following enrolled Senate joint resolutions duly and correctly enrolled, and presented the same for the signature of the Speaker of the House, to wit :

"Joint resolution in relation to adjournment ;"

"Joint resolution appointing a joint committee to wait on his Excellency, the Governor," and a

"Joint resolution appointing a joint committee to prepare rules for the government of the two Houses."

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce Parker Jefferis and Hannah Jefferis from the bonds of marriage,"

Was read a third time in order to pass the House.

And, on the question, "Shall this bill pass the House?"

Mr. Newton called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Newton, Smith and Mr. Speaker—3.

Nays—Messrs. Caulk, Chandler, Cloud, Conaway, Cooper, Derickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Perry, Robinson and Short—16.

So the question was decided in the negative

And the bill

Lost.

Mr. Caulk, from the committee to whom was referred the petition of Edward C. Fennimore for an act legalizing the acknowledgment of a certain deed, reported a bill entitled,

"An act relating to the acknowledgment of a deed,"

Which was read.

On motion of Mr. Caulk,

The bill entitled,

"An act to divorce Clara R. Stites from her husband, John S. Stites,"

Was read a second time by its title.

On motion of Mr. Cooper,

The Senate bill entitled,

"An act to divorce Mary Ann Dunham and Aaron Dunham, her husband, from the bonds of matrimony,"

Was taken up for consideration,

And the petition and affidavits accompanying the same were read.

And, on his further motion,

The bill was read a third time in order to pass the House.

And, on the question, " Shall this bill pass the House ?"

Mr. Newton called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Caulk, Chandler, Derrickson, Harrington, Hitch, How, Martin, Newton, Robinson, Short, Smith and Mr. Speaker—12.

Nays—Messrs. Cloud, Conaway, Cooper, Hutchison, Morris, Needles and Perry—7.

So, the question was decided in the affirmative,

And the bill

Passed the House.

Ordered that the Senate be informed thereof, and the bill returned to that body.

On motion of Mr. Smith,

The bill entitled,

"An act authorizing the Recorder of Deeds of Kent county to copy indices,"

Was read a second time by its title.

On motion of Mr. Cooper,

The bill entitled,

"An act to divorce John T. Sylvester and Ruth W. Sylvester, his wife, from the bonds of matrimony,"

Was read a second time by its title.

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce Mary C. Chase and Thatcher Chase from the bonds of marriage,"

Was read a third time, and by paragraphs,

And

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce Thomas Grimes and Margaret Elizabeth Grimes from the bonds of matrimony,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock P. M.

The House met pursuant to adjournment.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in a joint resolution appointing a committee of arrangements for the inauguration of the Governor,

And presented the same to the House.

On motion of Mr. Newton,

The joint resolution just received from the Senate was read,

And, on motion of Mr. Smith,

Concurred in.

Whereupon, Messrs. Smith, Perry and Martin were appointed said committee on the part of the House.

Ordered that the Senate be informed thereof and the resolution returned to that body.

On motion of Mr. Caulk,

The rules were, by unanimous consent, suspended, in order that the bill entitled,

"An act for the relief of School District No. 78, in New Castle county,"

Might be read a third time in order to pass the House,

And, on his further motion,

The bill was read a third time and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Chandler, on behalf of the committee to whom was referred so much of the Governor's message as refers to Public Buildings, asked, and,

On motion of Mr. Newton,

Obtained further time to report.

Mr. Newton offered a resolution which was read as follows :

Resolved, That the Clerk be instructed to cause each member of the House to be furnished with one bound copy of the 13th Volume of the Laws of Delaware,

And, on his motion,

The resolution was

Adopted.

The Secretary of State being admitted, submitted a statement of public printing done since his last report, together with a copy of his accounts as Secretary of State,

Which, on motion of Mr. Smith, was read,

And, on motion of Mr. Newton,

Referred to the Committee on Claims.

Mr. Perry, on behalf of the Committee on Elections, to whom was referred so much of the Governor's message as relates to Elections, reported as follows :

The Committee on Elections have met and consulted on so much of the Governor's message as refers to Elections, and submit the following report, to wit: Under the existing state of the finances, we deem it inexpedient to ferret out the matter as it should be, knowing that we could not accomplish our purpose without adding considerable expense to the State; but we recommend some action to be taken by the present Legislature that will prevent our State from being invaded by such felonious persons and interfering with our elections.

Signed,

F. T. PERRY,
CURTIS A. CONAWAY,
SAMUEL HUTCHISON, JR.

On motion of Mr. Newton,

The report of the committee was

Adopted.

Mr. Cloud presented the account of Messrs. Boughman & Thomas for copies of Revised Code,

Which, on his motion,

Was referred to the Committee on Accounts.

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce William H. Wilkins and Mary A. Wilkins from the bonds of marriage,"

Was read a second time by its title.

Mr. Smith, in pursuance of previous notice, asked, and,

On motion of Mr. Cloud,

Obtained leave to introduce a bill entitled,

"An act to repeal Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of the act entitled 'An act providing revenue for this State,'"

Which, on motion of Mr. Smith, was read.

On motion of Mr. Cloud,

The bill entitled,

"An act to divorce Anna Jones from her husband, Henry Jones,"

Was read a second time by its title.

On motion,

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

FRIDAY, January 13, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Cloud moved that when the House adjourns this evening it be to meet again on Monday afternoon next, at 3 o'clock.

Which motion unanimously *Prevailed.*

On motion of Mr. Hutchison,

The bill entitled,

"An act to vest the title of this State to certain real estate in Rachel S. Cleayer,"

Was read a second time by its title.

On motion of Mr. Caulk,

The bill entitled,

"An act to divorce Clara R. Stites from her husband, John S. Stites,"

Was taken up for consideration,

When Mr. Newton read in place the recommendation of various persons in favor of the passage of the act, and sundry other documents.

On motion of Mr. Caulk,

The bill was read a third time, and by paragraphs,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Mitchell, Clerk of the Senate, being admitted, presented for the signature of the Speaker of the House the following enrolled Senate bills and joint resolutions, they having received the signature of the Speaker of the Senate, to wit:

"An act to incorporate the German Mutual Beneficial Society of Wilmington, Delaware;"

"An act to divorce Mary Ann Dunham and Aaron Dunham, her husband, from the bonds of matrimony;"

"Joint resolution appointing Bank Directors," and

"Joint resolution appointing a committee of arrangements;"

And presented for the concurrence of the House a bill entitled, "An act in relation to Oysters," the same having passed the Senate.

On motion of Mr. Perry,

The bill entitled,

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company,"

Was read a second time by its title.

Mr. Chandler, on behalf of the committee to whom was referred so much of the Governor's message as relates to the State Library, reported progress, and asked for further time,

Which, on motion of Mr. Newton, was granted.

On motion of Mr. Chandler,

The bill entitled,

"An act to divorce William H. Wilkins and Mary A. Wilkins from the bonds of marriage,"

Was read a third time in order to pass the House,

And, on the question, " Shall this bill pass the House ?"

It was decided in the negative,

And the bill was

Lost.

On motion of Mr. Caulk,

The bill entitled,

"An act relating to the acknowledgment of a deed,"

Was read a second time by its title.

On motion of Mr. Smith,

The bill entitled,

"An act authorizing the Recorder of Deeds of Kent county to copy indices,"

Was taken up for consideration,

And, on his further motion,

The blanks in the said bill were filled by inserting the names of John C. Pennewill and John S. Jester.

When, further, on his motion,

The bill was read a third time, as amended,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed, and requested the concurrence of the House in the following bills, to wit :

"An act to amend Chapter 47, Section 7, of the Revised Statutes of the State of Delaware," and

"An act to incorporate the City Market House Company of Wilmington."

On motion,

The House adjourned until 3 o'clock on Monday afternoon next, the 16th inst.

MONDAY, January 16, 1871—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Newton gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled

"A further supplement to an act entitled 'An act to incorporate the Delaware and Pennsylvania Railroad Company, passed at Dover, Feb. 26, 1857,'"

And a bill entitled

"An act to incorporate the Delaware City Land and Improvement Company."

Mr. Smith, in pursuance of previous notice, asked, and,

On motion of Mr. Harrington,

Obtained leave to introduce a bill entitled,

"An act to amend Section 4, of Chapter 34, of the Revised Code, and to authorize constables to appoint deputies,"

Which was read.

On motion of Mr. Newton,

The Senate bills entitled,

"An act to amend Chapter 47, Section 7, of the Revised Statutes of the State of Delaware;"

"An act to incorporate the City Market House Company of Wilmington," and

"An act in relation to Oysters,"

Were read.

Mr. Cloud presented the memorial of William C. Lodge in relation to fostering the oyster culture,

Which, on his motion,

Was read and filed with the bills on that subject.

On motion of Mr. Hutchison,

The bill entitled,

"An act to vest the title of this State to certain real estate in Rachel S. Cleaver,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Smith,

The bill entitled,

"An act to repeal Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of the act entitled, "An act providing revenue for this State,"

Was read a second time by its title.

Mr. Newton offered a resolution, which was read, as follows:

Resolved, That the Clerk be instructed to inform the Senate that the House will join them on Tuesday, the 17th instant, at 12 M., to attend in the inauguration of the Governor elect.

And, on his further motion,

The resolution was

Adopted.

Mr. Tunnell presented the petition of J. M. Houston for the passage of an act authorizing him to locate certain vacant land,

Which, on his motion, was read

And referred to the Committee on Vacant Lands.

On motion of Mr. Caulk,

The bill entitled,

"An act relating to the acknowledgment of a deed,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House bill entitled,

"An act for the relief of School District No. 78, in New Castle county,"

And returned the same to the House.

He also returned the following House bills, they having been non-concurred in by the Senate, viz :

"An act to divorce Thomas Grimes and Margaret Elizabeth Grimes from the bonds of marriage," and

"An act to divorce Mary C. Chase and Thatcher Chase from the bonds of marriage."

On motion of Mr. Perry,

The bill entitled,

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company,"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Carsons, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker—21.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Newton,

The report of the committee to whom was referred so much of the Governor's message as relates to Elections, was taken up for consideration,

And, on his further motion,

The report was referred back to the committee.

Mr. Smith offered a joint resolution convening the two Houses in joint meeting on to-morrow, at 12 o'clock, M., to attend upon the Governor elect while he shall take the oaths of office prescribed by the Constitution of this State and of the United States,

Which, on his motion, was read,

And further, on his motion,

Adopted.

Ordered to the Senate for concurrence.

On motion,

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

TUESDAY, January 17, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

On motion of Mr. Newton,

The House proceeded, by a *viva voce* vote, to choose a United States Senator to represent this State in Congress for the constitutional term commencing on the 4th of March next.

Which vote was as follows :

Mr. John G. Carsons voted for Eli Saulsbury. ●
 Mr. Benjamin Caulk voted for Eli Saulsbury.
 Mr. J. Poulson Chandler voted for Eli Saulsbury.
 Mr. Lot Cloud voted for Eli Saulsbury.
 Mr. Curtis A. Conaway voted for Eli Saulsbury.
 Mr. Samuel B. Cooper voted for Eli Saulsbury.
 Mr. Aquilla Derrickson voted for Eli Saulsbury.
 Mr. Nimrod Harrington voted for Eli Saulsbury.
 Mr. Levin Hitch voted for Eli Saulsbury.
 Mr. Henry M. How voted for Eli Saulsbury.
 Mr. Samuel Hutchison voted for Eli Saulsbury.
 Mr. Shepard P. Martin voted for Eli Saulsbury.
 Mr. William W. Morris voted for Eli Saulsbury.
 Mr. David Needles voted for Eli Saulsbury.
 Mr. Albert O. Newton voted for Eli Saulsbury.
 Mr. Francis T. Perry voted for Eli Saulsbury.
 Mr. Jesse W. Robinson voted for Eli Saulsbury.
 Mr. John W. Short voted for Eli Saulsbury.
 Mr. James L. Smith voted for Eli Saulsbury.
 Mr. Ebe W. Tunnell voted for Eli Saulsbury.
 Mr. Sewell C. Biggs (Speaker,) voted for Eli Saulsbury.—21.

Eli Saulsbury having received the entire vote cast was declared the choice of the House for United States Senator to represent this State in Congress for the constitutional term commencing on the 4th of March next.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in a bill entitled,

"An act relating to the Notary Public of the Branch of the Farmers' Bank of the State of Delaware, at New Castle,"

And presented the same to the House.

He also informed the House that the Senate had concurred in the "Joint resolution convening the two Houses in joint meeting on Tuesday, the 17th inst., at 12 o'clock, M., to be present at the inauguration of the Governor elect," and returned the same to the House.

Mr. Newton presented the petition of Elizabeth Lofink for an act divorcing her and her husband, Philip Lofink.

Which, on his motion, was read,

And referred to the Committee on Divorces.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act to amend Chapter 47, Section 7, of the Revised Statutes of the State of Delaware,"

Was read a second time by its title.

Mr. Perry presented the petition of Wm. Ashcraft and others, for an act authorizing the appointment of a Constable, to reside at Odessa,

Which, on his motion, was read,

And referred to a committee of three, with leave to report by bill or otherwise.

Committee—Messrs. Perry, Derriekson and Newton.

Mr. Newton, in pursuance of previous notice, asked, and,

On motion of Mr. Perry,

Obtained leave to introduce a bill entitled,

"A further supplement to an act entitled 'An act to incorporate the Delaware and Pennsylvania Railroad Company,' passed at Dover, Feb. 26, 1857,"

Which, on motion of Mr. Newton, was read.

On motion of Mr. Chandler,

The bill entitled,

"An act to divorce Annie M. Mullen and John D. Mullen, her husband, from the bonds of matrimony,"

Was read a second time by its title.

On motion of Mr. Smith,

The Senate bill entitled,

"An act in relation to Oysters,"

Was read a second time by its title,

And referred to the committee on that subject.

On motion of Mr. Robinson,

The Clerk was instructed to have 50 copies of said bill printed for the use of the House.

On motion of Mr. Caulk,

The Senate bill entitled,

"An act in relation to the Notary Public of the branch of the Farmers' Bank of the State of Delaware at New Castle,"

Was read.

On motion of Mr. Smith,

The bill entitled,

"An act to amend Section 4 of Chapter 34 of the Revised Code, and to authorize constables to appoint deputies,"

Was read a second time by its title.

Mr. Newton gave notice that he would, on to-morrow, or some future day, ask leave to introduce a bill entitled,

"An act to incorporate the Delaware City Mutual Fire Insurance Company."

On motion of Mr. Smith,

The bill entitled,

"An act to repeal Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of the act entitled, "An act providing revenue for this State,"

Was read a third time and

Passed the House.

Ordered to the Senate for concurrence.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed the House bill entitled,

"An act to divorce Clara R. Stites from her husband, John S. Stites,"

And returned the same to the House.

He also informed the House that the Senate had passed and requested the concurrence of the House in a bill entitled,

"An act to divorce Hetty Frame and her husband, Robert C. Frame,"

And presented the same to the House.

On motion of Mr. Cooper,

The Clerk was instructed to inform the Senate that the House would be ready in five minutes to proceed to the court room to attend in joint meeting upon the Governor elect while he should take the oaths of office prescribed by the laws of this State and of the United States.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate was ready to proceed to the court room to attend in joint meeting upon the Governor elect while he should take the oaths of office prescribed by the laws of this State and of the United States.

On motion of Mr. Cooper,

The House proceeded to the court room, in pursuance of the joint resolution passed on the 17th inst., to-day.

The two Houses jointly proceeded to the Court Room and took the seats prepared for them.

The General Assembly being thus convened, the Governor elect, attended by the joint committee of the two Houses, his Excellency Governor Saulsbury, the Hon. John W. Houston, one of the Judges of the Superior Court of the State of Delaware, Custis W. Wright, Esq., Secretary of State, John H. Paynter, Esq., and the Rev. Cyrus Huntington, Chaplain of the Senate, entered the Court Room and took the seats prepared for them.

On motion of Mr. Lesley, of the Senate,

The joint resolution convening the two Houses was read by J. R. Mitchell, Clerk of the Senate.

Prayer by the Chaplain.

The Hon. John W. Houston, one of the Judges of the Superior Court of the State of Delaware, then administered the following oaths of office to the Governor elect, to wit:

I, James Ponder, do solemnly swear, on the Holy Evangelists of Almighty God, that I will support the Constitution of the United States of America. So help me God.

I, James Ponder, do solemnly swear, on the Holy Evangelists of Almighty God, that I will support the Constitution of the State of Delaware. So help me God.

I, James Ponder, do solemnly swear, on the Holy Evangelists of Almighty God, that I will perform the duties of the office of Governor of the State of Delaware with fidelity. So help me God.

The Governor then delivered his Inaugural Address to the General Assembly, as follows:

*Gentlemen of the Senate and House of Representatives, and
Fellow-citizens:*

Having taken the oaths required by the Federal Constitution, and by the Constitution of this State, I propose, in compliance with established usage, to submit some observations indicative of the views I entertain in respect to public policy, federal and state. Before doing so, however, I must be permitted to express my grateful acknowledgments to the people of the State for the confidence reposed in me by my election to the highest executive office in their gift. My appreciation of the honor conferred will be best evidenced by a faithful discharge of the responsible duties of the position to which I have been called.

If an honest desire, coupled with an honest effort, faithfully to perform those duties shall enable me to do so, I here give public assurance that that desire is entertained and that effort shall be made. It is a source of gratification to me that I owe my election exclusively to the votes of the white citizens of the State. The honor of the position would, in my judgment, have been diminished, and its possession wholly undesired by me, had that possession depended upon the suffrages of any other class of the community.

While I recognize and yield to the existing state of facts in relation to the right of suffrage, and in my official capacity shall faithfully observe all laws, federal and state, while they shall remain unrepealed or shall not have been declared by judicial authority to be unconstitutional, and shall also impartially guard and protect, so far as I may possess the necessary constitutional or legal power to do so, all classes and persons in the free and undisturbed enjoyment of their rights, yet it is the conviction of my judgment that the extension of the right of suffrage to persons of African descent was unwise in policy, unsound in principle, and will be found to be in practice greatly detrimental to the public interest. It is needless to discuss the means by which this extension of suffrage was forced upon the people. Few honest men will deny that the policy itself existed but in one motive—perpetuation of power in the political organization which alone is responsible for it. Had the motive in which this policy had its origin been of an entirely different and even of the present character, the policy itself would nevertheless be wholly indefensible.

The measures adopted to secure its establishment were the most fatal assaults which have been made upon our complex systems of government, federal and state, since their organization. They were the unwarranted enlargement of the powers of the former, and the practical destruction of the inherent and essential powers of the latter. The right to determine who shall make, expound and exe-

cute the laws of a state, is a right so vital, that not only does the freedom of its citizens depend upon their exercise of the right, but the very existence of the state itself depends upon its possession. No community, or association of persons, however numerous, can, with propriety, be called a state, if such community or association does not possess and may not exercise the power of self-government, and the possession of the legislative power is an essential element in self-government. This power is the supreme power in a state.

It prescribes the rule of civil conduct for the citizen. The citizens must either directly or mediately through representatives chosen by themselves, prescribe this rule. If prescribed by an alien or extraneous body, the people are not citizens but subjects. If there be a power greater than the people of a state which can rightfully determine their domestic institutions, or say who and what portion of such people shall enjoy or exercise the right to vote, and consequently the right to participate in the enactment of the laws, it logically follows that such greater power may declare that no portion of the people of a state shall possess or exercise any right or power in the government of the state. It is folly to call such a people free. It is a misnomer to call this government self-government in its administration or republican in character or form. It is compulsory and despotic, and deserves execration, and is unfit for eulogy or respect. The state governments established by our fathers were free, independent governments, the governments of free, independent communities. They had their origin in the vindication of the absolute right of the people of each community to govern themselves. Our fathers declared that the colonies were free and independent states, and as such, had full power to do "all acts and things which independent states may of right do." The formation of our federal system of government was never designed for the destruction of the state governments, or even for any substantial abridgement of the right to self-government.

I do not think the proprieties of the occasion forbid a more extended reference to the nature, character and powers of our federal and state systems of government. Events have recently transpired, and are now transpiring, which fully justify such a reference.

Had the true character of these governments been generally known those events would not have occurred, and we should not now be called upon to confront the political hydra of consolidation.

Under our peculiar polity every state government stands in a two-fold relation to the general welfare, and owes a public duty, not more to the people within its limits than to the associated republics without. The importance of this latter relation has, from the events referred to, acquired such an overshadowing, and even portentous

significance, that I should feel my duty was less than half performed were I not further to pursue the inquiry into our federal and interstate relations.

When the thirteen separate colonies became independent and coequal states, they still felt the necessity of continuing the union through which they had achieved their recent success. Experience soon taught them that this union, to be sufficient, must be more intimate than it had originally been. They felt the need of a common government, which, for certain objects, should exert, through its own instrumentalities, a direct control, not only over the several states, but also over the people thereof individually.

In establishing this government, however, they were exceedingly careful not to extinguish, or even essentially to impair the authority of the several state sovereignties. Jealous of the rights, they determined, at all hazards, to preserve the liberty they had just achieved. In analogy to the recognized maxim that a well ordered state government calls for no surrender of individual manhood, they adopted a federal system which contemplated no abrogation of the substantial independence of the several states, but only such a modification thereof as would suffice to secure the end desired. They surrendered to the federal government entire control over our international affairs, and also, as a general rule, over all other subjects of rightful legislation, which, in their judgment, could be more advantageously regulated in that manner than in any other. These subjects, however, were comparatively few, and were distinctly enumerated. The regulation of suffrage, the police power of the States, the social relations, and all that most intimately concerns our individual well-being, remained as before, under the undisturbed control of the several State authorities. State control over all subjects was, however, far from being without limitation. Effectual restraints, therefore, were prescribed by organic laws, and much more so by the spirit of our civilization, and by the genius of our institutions. The great majority of all human transactions remained exempt from the special supervision of the legislator, and men were left free to seek their own happiness and advantage in their own way, subject only to the general regulations which might prevent a violation of the precepts of morality and justice.

Sovereignty, under our system, is threefold, that of the federal government, that of the state government, and that of the individual, or of the people.

The first is limited in its range, but within that limit is the most clearly defined and most absolute in character. The second is more extended in compass, but in certain enumerated particulars is subordinate to the first. The third, which is residuary in respect to subject matter, is far the most extended in scope and comprehensive in

design. Each is supreme when acting within the name of its legitimate authority, and each is impotent elsewhere, except through usurpation.

In one sense the law is their common superior, for they must all act in obedience to its behests. But the power that can make and unmake the laws themselves must be ultimately supreme.

Under our system, therefore, the people are the paramount sovereign, though subordinate in certain particulars to each of its co-ordinates, and capable of exerting its ultimate control only in accordance with established forms and well recognized principles. The power that can eventually create or destroy is superior to the power that can be thus created or destroyed.

In full accordance with these principles was the Federal Constitution framed and established. The several particulars in which, until changed, the government thereby created was to be supreme, were enumerated or prescribed, and then, to leave no ground for misapprehension, it was declared in unmistakable and emphatic terms, that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, were reserved to the States respectively or to the people. Each of these powers, therefore, remained sovereign within their respective jurisdictions, limited only in the manner thus prescribed.

Such, then, so carefully adjusted and so nicely balanced, is the marvelous machinery of the federal system under which we were born, and through which we as a people had prospered beyond all former precedent. The wit of man had never before contrived its equal, and indeed may we not regard the combination of surrounding circumstances which contributed so much to its perfection as the special ordering of Providence, and the sacred principles therein embodied as the inspiration of the Divinity.

But, to operate with harmony and success, each of these limited sovereignties must be confined within its proper orbit. Each must exercise all its appropriate functions, but none other. If the people successfully encroach upon or set at defiance the constituted authority of the state, or of the federal government, the result will be anarchy. If the State legislatures usurp control over those rights and privileges of the people, which can safely remain unabridged, it is tyranny; if over those of the federal government the result will be disunion, war, or revolution. And if the federal government lays its unhallowed grasp upon undelegated powers, it will produce to that extent centralization and imperial rule, which is incipient despotism. Against the anarchy of popular insubordination on the one hand, and the consolidation of absolute power on the other, the state governments can interpose the only effectual barrier. With

such a system operating in full vigor, a federal government that would fully discharge all its legitimate functions, without endangering the life, liberty, or means of happiness of one human being within its wide domain, might be extended over the civilized world. Mutilated in this respect, with the state governments destroyed or emasculated, and all power radiating from one centre, our present limits are far too extensive to be the bounds of a single government, unless the spirit of its people is paralyzed by fear or the government sustained by force. Examples are not wanting, of very recent date, to show the violation of this principle of the separation or division of powers by those entrusted for the time being with the administration of the federal government. The enforced adoption of proposed constitutional amendments by states, the attempted equalization of races, civilly, politically and socially, and the control of the elective franchise within the states by unconstitutional enactments, and the exercise of military power and the assumed authority to reconstruct states, all tend not only to the subversion of popular liberty, but to the destruction of our systems of government, both federal and state. It should be a subject of pride to the people of this State, that at every step, and on all occasions, they have firmly but legally opposed every measure of federal legislation which tended to the centralization of power or consolidation of government. In so doing they have shown their appreciation of the true principles of government so dear to their fathers, and which, if practically observed by all, would render our union of co-equal states perpetual. The true theory from which those principles are derived I believe to be, that while every government should be vested with power fully adequate to all its legitimate and needful purposes, the subjects upon which that power is to operate should be as few in number and these as limited in extent as is consistent with the purpose of its organization. If this be true, the proper study of the political philosopher and the patriot statesman is to dispense, as far as practicable, with all unnecessary interference on the part of the ruling authority with the freedom of action of all those over whom it exercises dominion.

That the world is governed too much is an accredited maxim, and should be made a vital principle of action.

The federal government should be vested with no power which can be properly exercised by the states—the states with none that can safely remain with the people, leaving with the latter the largest liberty that is compatible with public order. This would be emphatically a free government such as we claim to possess. It follows that the federal government should be limited strictly to its delegated authority. This can be enlarged in the legitimate way when found insufficient.

-A latitudinarian construction of its powers removes all barriers and would soon render Congress as omnipotent as the Parliament of Great Britain. This, however agreeable to governmental favorites, is in antagonism with the vital spirit of our system, and would soon work a virtual revolution.

The occurrences of the past few years prove that this danger is not imaginary.

Let us all remember that absolute despotism is the logical result of tame submission to the beginnings of usurpation.

The Constitution of the State provides that the Governor shall appoint all officers whose offices are established by law, and whose appointments are not therein otherwise provided for. A proper discharge of this duty by the Executive, in view of his obligations to the people, and a desire to gratify the wishes of deserving applicants for office, and their respective friends, will doubtless render the proper discharge of this duty, by me, both delicate and embarrassing.

I can make no other pledge in this respect than that I will endeavor to be governed solely by the considerations of capacity, honesty and merit. In determining these, the public judgment will be consulted and in all proper cases obeyed.

The Constitution also provides that the Governor shall have power to remit fines and forfeitures and grant reprieves and pardons, except in cases of impeachment. This is a power, in my judgment, not to be arbitrarily exercised, but to be exercised under the sanction and restrictions of a sound and impartial discretion in view of all the circumstances attending each particular case. It is a power which will not be exercised by me for light or trivial causes.

The wilful and deliberate violators of the law have no claim to executive interposition in their behalf. This provision of the Constitution was not intended for their benefit, and I deem it my duty publicly to declare that I will not be made the instrument for the perversion of this provision of the Constitution.

In view of the fact that my predecessor has, at so recent a day, given to the General Assembly "information of affairs concerning the State, and recommended to their consideration such measures" as he judged "expedient," it is perhaps unnecessary that I should so soon perform the same office.

I will, however, suggest to the General Assembly that provision be made by law, if such provision does not already exist, for the prompt payment of the interest on the public debt as the same shall become due. Promptitude in the discharge of obligations is as much a public as an individual duty. In this regard the State of Delaware has never been remiss. Let her proud reputation in the past be her reputation forever.

On motion of Mr. Cooper, of the House,

The journals of the two Houses were read and compared.

On motion of Mr. Lesley, of the Senate,

The two Houses separated, and the members of the House returned to the Hall of the House.

On motion of Mr. Newton,

The Clerk was instructed to have 1000 copies of the Governor's Inaugural Address printed for the use of the House.

On motion,

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

SAME DAY—3 o'clock, P. M.

• The House met pursuant to adjournment.

Mr. Smith offered a resolution, which was read, as follows :

Resolved, That this Hall be and is hereby tendered to the use of His Excellency, James Ponder, Governor, this evening, for his reception.

And, on motion of Mr. How,

The resolution was

Adopted.

Mr. Newton gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An additional supplement to an act entitled 'An act for the better regulation of the streets of Delaware City, and for other purposes,' passed March 5, 1851."

On motion of Mr. Newton,

The Senate bill entitled,

"An act to incorporate the City Market House Company of Wilmington,"

Was read a second time by its title.

Mr. Caulk gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act relating to Hotels."

The Speaker presented sundry documents received by the Governor from the General Government in relation to the cession of lands for light-house purposes,

Which were read,

And, on motion of Mr. Smith,

Referred to the Committee on Federal Relations.

On motion,

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

WEDNESDAY, January 18, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Morris, on behalf of the Committee on Enrollment, reported the following House bill and joint resolutions duly and correctly enrolled, and presented the same for the signature of the Speaker, to wit :

"A further additional supplement to the act entitled 'An act to extend the time for Recording Deeds;'"

"Joint resolution convening the two Houses of the General Assembly on Wednesday, the 11th inst., to count the vote for Governor;"

"Joint resolution in relation to the certificates of the election of Governor;" and a

"Joint resolution appointing a committee to settle with the State Treasurer."

Mr. Newton, in pursuance of previous notice, asked, and,

On motion of Mr. Caulk,

Obtained leave to introduce a bill entitled,

"An additional supplement to an act entitled 'An act for the better regulation of the streets of Delaware City and for other purposes,' passed March 5, 1851,"

Which was read.

He also presented the petition of sundry citizens of Delaware City in favor of the passage of the act,

Which, on his motion,

Was read and filed with the bill.

On motion of Mr. Newton,

The Senate bill entitled,

"An act to divorce Hettie Frame and her husband, Robert C. Frame,"

Was read, together with the accompanying documents.

On motion of Mr. Cloud,

The bill entitled,

"An act for the relief of Samuel W. Davis,"

Was read a third time,

And, on the question, "Shall this bill pass the House?"

Mr. Harrington called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Carsons, Caulk, Chandler, Cloud, Derrickson, Harrington, Hitch, Newton, Robinson, Short, Smith, Tunnel and Mr. Speaker—13.

Nays—Messrs. Conaway, Cooper, How, Hutchison, Martin, Morris, Needles and Perry—8.

So the question being decided in the affirmative,

The bill

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Perry,

The Senate bill entitled,

"An act to amend Chapter 47, Section 7 of the Revised Statutes of the State of Delaware,"

Was read a third time,

And

Passed the House.

Ordered that the Senate be informed thereof, and the bill returned to that body.

Mr. Conaway presented the petition of Isaac Kelly for an act authorizing the leasing to him certain lands near Lewes,

Which, on his motion, was read

And referred to a committee of three, with leave to report by bill or otherwise,

Whereupon, Messrs. Conaway, Short and Robinson were appointed said committee.

On motion of Mr. Tunnell,

The Clerk was instructed to inform the Senate that the House would be ready, in five minutes, to receive the Senate in joint meeting, in the Hall of the House of Representatives, for the purpose of comparing the journals of the two Houses in obedience to the act of Congress entitled "An act to regulate the time and manner of holding elections for Senators in Congress, passed July 25, 1866."

At the time fixed for the joint meeting, the members of the Senate, preceded by their Speaker and attended by their Clerk and Sergeant-at-Arms, entered the Hall of the House of Representatives and took the seats prepared for them.

JOINT MEETING.

The two Houses being convened in joint meeting,

Mr. Russel, of the Senate, moved that the journals of the two Houses be read,

Which motion *Prevailed.*

Whereupon, The Clerks of the respective Houses proceeded to read their journals.

It appearing that Eli Saulsbury had received the whole number of votes cast in each House,

The Speaker of the Senate then declared that Eli Saulsbury was duly elected as Senator to serve in the Congress of the United States for the constitutional term of six years commencing on the fourth of March next.

Thereupon,

A certificate was made out, signed by the Speakers of the two Houses and attested by the Clerks, and addressed to the Governor of the State,

Which, on motion of Mr. Lesley, of the Senate, was read, as follows:

STATE OF DELAWARE, ss.

Be it known that the Legislature of the State of Delaware did, on the seventeenth day of January, in the year of our Lord one thousand eight hundred and seventy-one, at an election in due manner held according to the form of the act of Congress in such case made and provided, elect Eli Saulsbury to be a Senator from the said State in the Senate of the United States for the constitutional term to commence on the fourth of March next.

Given under our hands the eighteenth day of January, Anno Domini one thousand eight hundred and seventy-one.

CHARLES GOODING,

Speaker of the Senate.

S. C. BIGGS,

Speaker of the House of Representatives.

Attest:

JAMES R. MITCHELL,

Clerk of the Senate.

JOHN B. PENINGTON,

Clerk of the House of Representatives.

On motion of Mr. Russel, of the Senate,

The certificate was entered upon the Journals.

On motion of Mr. Records, of the Senate,

The Journals of the two Houses were read and compared.

On motion of Mr. Lesley, of the Senate,

The two Houses separated.

Mr. Hitch gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend the act entitled 'An act to incorporate the Gum Branch Ditch Company, of Sussex county,' passed at Dover, Feb. 15, 1865."

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed the following House bill, to wit:

"An act to vest the title of this State to certain real estate in Rachel S. Cleaver,"

And returned the same to the House;

And presented for the concurrence of the House,

"A joint resolution concerning Volume 13 of the Laws of Delaware,"

The same having been adopted by the Senate.

On motion of Mr. Smith,

The joint resolution just received from the Senate was read and referred to the Committee on Claims.

On motion of Mr. Caulk,

The Senate bill entitled,

"An act relating to the notary public of the branch of the Farmers' Bank of the State of Delaware, at New Castle,"

Was read a second time.

Mr. Tunnel, on behalf of the Committee on Enrollment, reported the following Senate bills and joint resolution as duly and correctly enrolled, and presented the same for the signature of the Speaker of the House, to wit:

"An act to incorporate the German Mutual Beneficial Society, of Wilmington, Delaware;"

"An act to divorce Mary Ann Dunham and Aaron Dunham, her husband, from the bonds of matrimony;"

"Joint resolution appointing Bank Directors," and

"A joint resolution appointing a Committee of Arrangements."

He also reported the following House bills and joint resolution duly and correctly enrolled and presented the same for the signature of the Speaker of the House, to wit:

"An act to divorce Clara R. Stites from her husband, John S. Stites;"

"An act for the relief of School District No. 78, in New Castle county," and a

"Joint resolution convening the two Houses in joint meeting on Tuesday, the 17th inst., at 12 o'clock, M., to be present at the inauguration of the Governor elect."

On motion of Mr. Newton,

The bill entitled,

"A further supplement to an act entitled 'An act to incorporate the Delaware and Pennsylvania Railroad Company,' passed at Dover, February 26, 1857,"

Was read a second time by its title,

And, on motion of Mr. Derrickson,

The bill was referred to the Committee on Corporations.

Mr. Hitch, on behalf of the Committee on Claims, to whom was referred the Senate

"Joint resolution concerning Volume 13 of the Laws of Delaware,"

Reported the same back to the House as correct,

And, on his motion,

The joint resolution was

Concurred in.

Ordered that the Senate be informed thereof and the joint resolution returned to that body.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to incorporate the City Market House Company of Wilmington,"

Was taken up for consideration,

And, on motion of Mr. Derrickson,

Referred to the Committee on Corporations.

Mr. Perry gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Section 5 of Chapter 60 of the Revised Code."

Mr. How, from the Committee on Divorces, to whom was referred the petition of Elizabeth Lofink for a divorce, reported a bill entitled,

"An act to divorce Elizabeth Lofink from her husband, Philip Lofink,"

Which was read.

Mr. Newton, in pursuance of previous notice, asked, and,

On motion of Mr. Perry,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Delaware City Mutual Fire Insurance Company,"

Which was read,

And, on his further motion,

Referred to the Committee on Corporations.

On motion,

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

THURSDAY, January 19, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Hitch offered a joint resolution entitled,

"Joint resolution appropriating six hundred dollars to pay the contingent expenses of the office of Secretary of State,"

Which, on his motion, was read,

And, on motion of Mr. Martin,

Adopted.

Ordered to the Senate for concurrence.

Mr. Morris presented the petition of George W. Collins praying the passage of an act transferring him from School District No. 91 in Sussex county, to School District No. 56 in Kent county,

Which was read,

And, on motion of Mr. Morris,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon, Messrs. Morris, Robinson and Hitch were appointed said committee.

Mr. Cloud, from the Committee on Corporations, to whom was referred the Senate bill entitled,

"An act to incorporate the City Market House Company, of Wilmington,"

Reported the same back to the House without amendments, and with the recommendation that it pass.

On motion of Mr. Cloud,

The bill was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Carson, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnel, and Mr. Speaker—21.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

Mr. Mitchell, Clerk of the Senate, being admitted, presented, for the signature of the Speaker of the House, the following enrolled Senate bills, the same having received the signature of the Speaker of the Senate, viz :

"An act to amend Chapter 47, Section 7 of the Revised Statutes of the State of Delaware,"

And informed the House that the Senate had concurred in the House joint resolution entitled,

"Joint resolution appropriating six hundred dollars to pay the contingent expenses of the office of the Secretary of State,"

And returned the same to the House.

And informed the House that the Senate had passed and requested the concurrence of the House in the following bills, to wit :

"An act to amend Chapter 57 of the Revised Statutes of the State of Delaware," and

"An act to amend an act incorporating the Cedar Creek Navigation Company,"

And presented the same to the House.

Mr. Perry, in pursuance of previous notice, asked, and,

On motion of Mr. Newton,

Obtained leave to introduce a bill entitled,

"An act to amend Section 5 of Chapter 60 of the Revised Code,"

Which was read.

On motion of Mr. Newton,

The bill entitled,

"An act to divorce Elizabeth Lofink from her husband, Philip Lofink,"

Was read a second time by its title.

And on his further motion,

The rules were, by unanimous consent, suspended in order that the bill might be read a third time in order to pass the House,

And, on his further motion,

The bill was so read.

And, on the question, "Shall this bill pass the House?"

It was decided in the negative,

And the bill was

Lost.

Mr. Hitch offered a joint resolution in relation to printing daily the proceedings of the Legislature,

Which, on his motion, was read, and,

On motion of Mr. Cloud,

Adopted.

Whereupon, Messrs. Hitch, Cloud, and Carsons were appointed the committee, on the part of the House, authorized by said resolution.

Ordered to the Senate for concurrence.

Mr. Hitch, in pursuance of previous notice, asked, and,

On motion of Mr. Tunnell,

Obtained leave to introduce a bill entitled,

"An act to amend an act entitled 'An act to incorporate the Gum Branch Ditch Company of Sussex county, Delaware,' passed at Dover, Feb. 15, 1866,"

Which, on motion of Mr. Hitch, was read.

On motion of Mr. Martin,

The Senate bill entitled,

"An act relating to the Notary Public of the branch of the Farmers' Bank of the State of Delaware, at New Castle,"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

Mr. Harrington called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Chandler, Derrickson, Hitch, How, Perry, Robinson and Smith—7.

Nays—Messrs. Carsons, Caulk, Cloud, Conaway, Cooper, Harrington, Hutchison, Martin, Morris, Needles, Newton, Short, Tunnell and Mr. Speaker—14.

So the question was decided in the negative,

And the bill was

Lost.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. Caulk,

The Senate bill entitled,

"An act to divorce Hettie Frame and her husband, Robert Frame,"

Was read a second time by its title.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Mitchell, Clerk of the Senate, being admitted, returned the following enrolled House bill and joint resolutions with the signature of the Speaker of the Senate thereto, to wit :

"A further additional supplement to the act entitled 'An act to extend the time for Recording Deeds ;'"

"Joint resolution appointing a committee to settle with the State Treasurer ;"

"Joint resolution convening the two Houses of the General Assembly on Wednesday, the 11th inst., to count the vote for Governor," and a

"Joint resolution in relation to the certificates of the election of Governor ;"

And informed the House that the Senate had passed and requested the concurrence of the House in the following bills, to wit :

"An act to incorporate St. Peter's Beneficial Society of New Castle, Delaware ;"

"An act for the protection of Small Birds," and

"An act to incorporate the Weccacoe Hose Company of Wilmington, Del.,"

And presented the same to the House.

He also informed the House that the Senate had concurred in the House bill entitled,

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company,"

With an amendment, and requested the concurrence of the House in said amendment.

Mr. Tunnell, from the Committee on Enrollment, reported the following House bill and joint resolution duly and correctly enrolled, and presented the same for the signature of the Speaker, viz :

"An act to vest the title of this State to certain real estate in Rachel S. Cleaver," and

"Joint resolution appropriating six hundred dollars to pay the contingent expenses of the office of Secretary of State."

Also the enrolled Senate bill entitled,

"An act to amend Chapter 47, Section 7, of the Revised Statutes of the State of Delaware."

On motion of Mr. Newton,

The bill entitled,

"An additional supplement to an act entitled 'An act for the better regulation of the streets of Delaware City, and for other purposes,' passed March 5, 1851,"

Was read a second time by its title,

And, on his further motion,

Referred to the Committee on Corporations.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House

"Joint resolution in relation to printing daily the proceedings of the Legislature,"

And had appointed Messrs. Watson and Lesley said committee on the part of the Senate,

And returned the same to the House.

Mr. Newton presented the petition of William T. Price and John C. Price for an act authorizing the sale of the interest of Catharine S. McIntire, a minor, in certain real estate.

Which, on his motion, was read,

And referred to a committee of three, with leave to report by bill or otherwise.

Whereupon, Messrs. Newton, Smith and Conaway were appointed said committee.

Mr. Caulk, from the Committee on Divorces, to whom was referred the petition of John W. Megee for a divorce, reported a bill entitled,

"An act to divorce John W. Megee from his wife, Anna S. Megee,"

Which was read.

On motion of Mr. Perry,

The Senate amendment to the House bill entitled,

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company,"

Was read, as follows:

IN SENATE,
January 19, 1871. }

Amend the bill by adding the following, viz :

"SECTION 7. *And be it further enacted*, That this act shall be deemed and taken to be a private act."

Extract from the Journal. For concurrence.

J. R. MITCHELL,

Clerk of the Senate.

And, on his further motion,

The amendment was

Concurred in.

Ordered that the Senate be informed thereof.

Mr. Carsons gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to drain low lands contiguous to Jamison and Jordan ditches, in Kent county."

Mr. Hitch, from the Committee on Claims, to whom was referred the accounts of the Secretary of State, made a report, which was read, as follows :

"The Committee on Claims submit the following report of their examination and settlement of the accounts of Custis W. Wright as Secretary of State, viz :

We have examined the accounts and vouchers of the said Custis W. Wright, as Secretary of State, since his last settlement with the General Assembly to the 16th of December, A. D. 1870, the day on which the Auditor of Accounts examined and approved the same, and found them correct, a duly certified copy of said accounts having been laid before the House on the 12th instant. We have also examined the accounts and vouchers of the same officer since the settlement with the Auditor on the said 16th day of December, A. D. 1870, to the expiration of his official term, and found them correct. A copy of the last mentioned accounts the Committee have caused to be made and connected to the copy furnished by the Secretary of State on the 12th instant, which they beg leave to present as a part of their report.

(Signed)

LEVIN HITCH,
DAVID NEEDLES,
ALBERT O. NEWTON,

Committee on Claims.

ACCOUNTS OF CUSTIS W. WRIGHT, SECRETARY OF STATE, FOR THE YEARS 1869 AND 1870.

*Custis W. Wright, Secretary of State, in account with Contingent
Expenses of Office.*

DEBTOR.

			DOLLS.	CTS.
1868.				
Dec.	8.	By balance in hand of contingent fund as approved by the Auditor of Accounts.	109	69
1869.				
May	17.	To this sum, being the appropriation made by the General Assembly by joint resolution adopted April 7, 1869, for expenses of Secretary's office.....	600	00
			<hr/>	
			\$709 69	
			<hr/>	

CREDITOR.

			DOLLS.	CTS.
1869.				
April	23.	Cash paid Jas. Kirk. (Printing Licenses, &c.) Voucher No. 1.....	170	00
May	13.	Cash paid G. Rogers. (Postage). Voucher No. 2.....	19	51
	25.	Cash paid T. C. Killen. (Carpenters' work in Secretary's office). Voucher No. 3.....	20	00
June	12.	Cash paid J. H. Bateman. (Postage). Voucher No. 4.....	59	67
	18.	Cash paid J. T. Adams as per bill and receipt No. 5.....	5	00
		Cash paid Jos. G. O. Harrington. (Sealing Licenses, &c.) Voucher No. 6....	2	00
August	19.	Cash paid James Kirk as per bill and receipt No. 7.....	50	12
		Cash paid J. B. Smith. (Postage). Voucher No. 8.....	5	10
	27.	Cash paid Boughman, Thomas & Co. (Book Binding). Voucher No. 9.....	3	75
			<hr/>	
			Amount carried forward.....	
			\$335 15	

1869.		DOLLS.	CTS.
	<i>Amount brought forward</i>	335	15
Oct.	1. Cash paid James W. Lynch. (Postage). Voucher No. 10.....	3	00
	25. Cash paid D. F. Burton. (Express). Voucher No. 11.....	35	75
	30. Cash paid G. Rogers. (Postage). Voucher No. 12.....	3	00
Dec.	13. Cash paid James W. Lynch. (Postage). Voucher No. 13.....	7	78
		<hr/>	
		\$384 68	
Dec.	13. Balance in hand of contingent fund.....	325	01
		<hr/>	
		\$709 69	
		<hr/>	

Examined and approved,
(Signed) ROBERT LAMBDEN,
Auditor of Accounts. }

*Custis W. Wright, Secretary of State, in account with Contingent
Expenses of Office.*

DEBTOR.

1869.		DOLLS.	CTS.
Dec.	13. By balance in hand of contingent fund as approved by the Auditor of Accounts..	325	01

CREDITOR.

1870.		DOLLS.	CTS.
Jan.	21. Cash paid Z. L. Butler. (Care of Secre- tary's office). Voucher No. 1.....	10	00
	Cash paid J. B. Smith. (Postage). Voucher No. 2.....	5	49
March	26. Cash paid James Cowgill & Son. (Sta- tionery). Voucher No. 3.....	19	87
	Cash paid Z. L. Butler. (Sealing State Licenses, &c.) Voucher No. 4.....	5	00
		<hr/>	
		\$40 36	

1870.			DOLLS. CTS.
		<i>Amount brought forward</i>	40 36
April	1.	Cash paid James W. Lynch. (Postage). Voucher No. 5.....	4 50
May	18.	Cash paid R. J. Rogers. (Stationery). Voucher No. 6.....	1 85
June	30.	Cash paid Boughman, Thomas & Co. (Stationery). Voucher No. 7.....	25 50
July	5.	Cash paid J. B. Smith. (Postage). Voucher No. 8.....	9 00
Nov.	25.	Cash paid F. W. Tunnell. (Telegraphing). Voucher No. 9.....	1 00
	30.	Cash paid James Kirk. (Packing and Forwarding Pamphlet Laws to Binder). Voucher No. 10.....	4 00
	2.	Cash paid J. F. Coulborn. (Telegraphing). Voucher No. 11.....	59
		Cash paid Z. L. Butler. (Unpacking and delivering into Library, Books received since January 15, 1869). Voucher No. 12.....	4 00
		Cash paid H. J. Enright. (Packing and delivering Reports and Laws of Dela- ware for International Exchange). Voucher No. 13.....	3 00
		Cash paid D. F. Burton. (Express). Voucher No. 14.....	60 75
	13.	Cash paid J. B. Smith. (Postage). Voucher No. 15.....	1 05
		Cash paid J. G. O. Harrington. (Pre- paring State Licenses, &c.). Voucher No. 16.....	3 00
	15.	Cash paid Warren Harper. (Freight). Voucher No. 17.....	80
		Cash paid J. B. Smith. (Postage). Voucher No. 18.....	9 00
		Cash paid James W. Lynch. (Postage). Voucher No. 19.....	5 18
			<hr/>
			\$173 58
Balance in hand of contingent fund.....			151 43
			<hr/>
			\$325 01

Examined and approved,
 (Signed) ROBERT LAMB DEN,
Auditor of Accounts. }

Custis W. Wright, Secretary of State, in account with the State of Delaware.

DEBTOR.

			DOLLS.	CTS.
1868.				
Dec.	24.	To cash from S. O. Donnell, for commission as Commissioner of Deeds.....	10	00
	30.	To cash from E. W. Cadwalader, for commission as Commissioner of Deeds.....	10	00
1869.				
Jan.	15.	To cash from Henry Wisner, for commission as Commissioner of Deeds.....	10	00
	19.	To cash from Richard H. Phelps, for commission as Justice of the Peace.....	10	00
	26.	To cash from William S. Dunn, for commission as Commissioner of Deeds, &c.	10	00
Feb.	5.	To cash from Thos. F. Bayard, for copies of acts.....	40	00
		To cash from I. C. Grubb, for copy of divorce act.....	10	00
	17.	To cash from William R. Wilson, for commission as Justice of the Peace.....	10	00
		To cash from William R. Wilson, for commission as Notary Public.....	10	00
	21.	To cash from William Doran, for commission as Constable.....	5	00
	22.	To cash from Charles B. Lore, for copy of act.....	20	00
		To cash from J. Maris, for copy of act...	10	00
	23.	To cash from L. C. Bird, for copy of act.	20	00
		To cash from George H. Bates, for copy of act.....	20	00
	24.	To cash from Charles Gooding, for copy of act.....	20	00
	25.	To cash from S. Hensey, for copy of act.	20	00
	26.	To cash from J. W. Vandegrift, for copy of act.....	10	00
		To cash from Charles Gooding, for copy of act.....	20	00
	27.	To cash from George H. Bates, for copy of act.....	20	00
<i>Amount carried forward.....</i>			\$285	00

1869.			DOLLS.	CTS.
		<i>Amount brought forward.....</i>	285	00
Feb.	27.	To cash from S. M. Harrington, for copy of act.....	10	00
March	2.	To cash from Victor du Pont, for copy of act.....	20	00
	3.	To cash from James Bradford, for copy of act.....	10	00
		To cash from Charles B. Lore, for copy of act.....	20	00
	4.	To cash from Victor du Pont, for copy of act.....	10	00
	5.	To cash from J. Maris, for copy of act...	30	00
	6.	To cash from Ignatius C. Grubb, for copy of act.....	10	00
	8.	To cash from S. Hensey, for copy of act.	10	00
		To cash from J. M. Peoples, for copy of act.....	10	00
	10.	To cash from H. C. Collison, for copy of act.....	10	00
	15.	To cash from Wm. B. Wiggins, for copy of act.....	10	00
		To cash from Woolston & Co., for copy of act.....	20	00
	16.	To cash from Wm. W. Dashields, for copy of act.....	10	00
		To cash from J. H. Bell, for copy of act.	10	00
	17.	To cash from James M. West, for commission as Commissioner of Deeds, &c....	10	00
		To cash from Wm. McGeorge, for commission as Commissioner of Deeds, &c.	10	00
	18.	To cash from Victor du Pont, for copy of act.....	10	00
		To cash from C. G. Rumford, for copy of act.....	10	00
		To cash from J. Vandegrift, for copy of act.....	20	00
	19.	To cash from Lot Cloud, for copy of act.	10	00
		To cash from J. Deakyne, for copy of act.	10	00
	31.	To cash from Mr. Jackson, for copy of act	10	00
		To cash from Thos. Young, for commission as Notary Public.....	10	00
		To cash from Daniel Tharp, for commission as Commissioner of Deeds.....	10	00
		<i>Amount carried forward.....</i>	\$585	00

1869.		DOLLS. CTS.	
		<i>Amount brought forward.....</i>	585 00
March	31.	To cash from Henry C. Banks, for commission as Commissioner of Deeds.....	10 00
		To cash from Southy A. Polk, for commission as Justice of the Peace.....	10 00
		To cash from Southy A. Polk, for commission as Notary Public.....	10 00
April	9.	To cash from Thomas D. Cabbage, for commission as Justice.....	10 00
		To cash from John Jones, for commission as Justice.....	10 00
		To cash from Sinah Chase, for copy of act.....	10 00
		To cash from Albert W. Smith, for commission as Notary.....	10 00
	12.	To cash from George Moore, for commission as Notary.....	10 00
		To cash from George Moore, for commission as Justice.....	10 00
		To cash from Joseph H. W. Watson, for copy of act.....	20 00
	20.	To cash from Judson Jarvis, for commission as Commissioner of Deeds.....	10 00
		To cash from — Schofield, for copy of act.....	10 00
	22.	To cash from Jonathan F. Hearn, for commission as Justice.....	10 00
		To cash from George W. Bush, for copy of act.....	20 00
		To cash from Robert M. Black, for commission as Notary.....	10 00
		To cash from Josiah Ridgeway, for commission as Notary.....	10 00
		To cash from William Meredith, for commission as Justice.....	10 00
	23.	To cash from William H. Colescott, for commission as Constable.....	5 00
		To cash from John A. Reynolds, for commission as Notary.....	10 00
		To cash from Lemuel Dill, for commission as Justice.....	10 00
May	4.	To cash from Thomas Pepper, for commission as Constable.....	5 00
		<i>Amount carried forward.....</i>	\$805 00

1869.			DOLLS.	CTS.
		<i>Amount brought forward.....</i>	805	00
May	5.	To cash from Horace Andrews, for commission as Commissioner of Deeds, &c.	10	00
	18.	To cash from Samuel W. Lingo, for commission as Constable.....	5	00
		To cash from Victor du Pont, for copy of act	20	00
	25.	To cash from John H. Puhl, for commission as Justice.....	10	00
		To cash from Augustus A. Cohen, for commission as Commissioner of Deeds.	10	00
June	9.	To cash from F. L. Gilpin, for copy of act	20	00
	15.	To cash from John Hickman, for commission as Notary.....	10	00
		To cash from Job Willoughby, for copy of act.....	10	00
		To cash from John H. Puhl, for commission as Notary.....	10	00
	24.	To cash from William M. Hickman, for commission as Notary.....	10	00
Aug.	2.	To cash from James M. Watson, for commission as Notary.....	10	00
		To cash from James M. Watson, for commission as Justice.....	10	00
Sept.	2.	To cash from James M. Slevin, for commission as Commissioner of Deeds.....	10	00
	6.	To cash from John H. Paynter, for commission as Attorney General.....	10	00
	17.	To cash from Sylvester Lay, for commission as Commissioner of Deeds.....	10	00
		To cash from N. Proctor Smith, for commission as Commissioner of Deeds.....	10	00
	23.	To cash from James Hughes, for commission as Constable.....	5	00
	27.	To cash from Charles B. Lore, for commission as Attorney General.....	10	00
Oct.	25.	To cash from Benj. Gibbs, for commission as Register of Wills.....	50	00
	27.	To cash from Richard Blocksom, for commission as Constable.....	5	00
Nov.	22.	To cash from Joseph Lafetra, for commission as Notary.....	10	00
Dec.	6.	To cash from John H. Wheeler, for commission as Commissioner of Deeds.....	10	00
		<i>Amount carried forward.....</i>	\$1,070	00

		DOLLS.	CTS.
1869.	<i>Amount brought forward</i>	1070	00
Dec.	9. To cash from Derrick B. Morris, for commission as Justice....	10	00
	11. To cash from Jonathan Pratt, for commission as Justice.....	10	00
	13. To cash from James P. W. Kollock, for commission as Notary.....	10	00
	. To cash from Jackson & Sharp, for copy of act.....	20	00
		<u>\$1,120</u>	<u>00</u>

CREDITOR.

		DOLLS.	CTS.
1869.			
Dec.	13. By cash paid William J. Clarke, State Treasurer, as per receipt.....	1,120	00
December 13th, 1869, examined and approved. (Signed) ROBERT LAMBDEN, Auditor of Accounts.			

Custis W. Wright, Secretary of State, in account with the State of Delaware.

DEBTOR.

		DOLLS.	CTS.
1870.			
Jan.	3. To cash from Henry Phillips, for commission as Commissioner of Deeds.....	10	00
	To cash from Thomas P. Walls, for commission as Justice.....	10	00
	To cash from Thomas P. Walls, for commission as Notary	10	00
	To cash from James H. George, for commission as Constable.....	5	00
	4. To cash from Levin S. Hitch, for commission as Constable.....	5	00
<i>Amount carried forward</i>		<u>\$40</u>	<u>00</u>

1870.		DOLLS. CTS.	
		<i>Amount brought forward.....</i>	40 00
Jan.	7.	To cash from John G. Jackson, for copy of act.....	10 00
	3.	To cash from Thomas D. Gibson, for commission as Justice.....	10 00
	21.	To cash from James H. Ray, for commission as Justice.....	10 00
		To cash from William N. Hastings, for commission as Justice.....	10 00
	25.	To cash from David McAdam, for commission as Commissioner of Deeds.....	10 00
	28.	To cash from James H. Bell, for commission as Commissioner of Deed.....	10 00
Feb.	2.	To cash from Richard H. Phelps, for commission as Notary.....	10 00
		To cash from John H. Satterfield, for commission as Justice.....	10 00
		To cash from De Witt C. Walker, for commission as Justice.....	10 00
	7.	To cash from Francis McIntyre, for commission as Notary.....	10 00
	14.	To cash from F. Herbert Janvier, for commission as Commissioner of Deeds.....	10 00
	22.	To cash from William McKowan, for commission as Notary.....	10 00
		To cash from Arthur W. Knapp, for commission as Commissioner of Deeds.....	10 00
		To cash from John C. Stockley, for copy of act.....	10 00
March	3.	To cash from John B. Smith, for commission as Notary.....	10 00
		To cash from William McKowan, for commission as Justice.....	10 00
	9.	To cash from John Slay, for commission as Recorder of Deeds.....	50 00
		To cash from Chalton Smith, for copy of act.....	10 00
April	1.	To cash from Andrew J. Wright, for commission as Notary.....	10 00
	30.	To cash from John Aiken, for commission as Notary.....	10 00
		To cash from Jos. Frankish, for commission as Commissioner of Deeds.....	10 00
		<i>Amount carried forward.....</i>	\$290 00

1870.			DOLLS.	CTS.
		<i>Amount brought forward</i>	290	00
May	10.	To cash from Ezekiel J. Golt, for commission as Notary.....	10	00
		To cash from Samuel T. Jones, for commission as Notary.....	10	00
		To cash from John P. Burton, for commission as Justice and Notary.....	20	00
	26.	To cash from John A. Jones, for commission as Constable.....	5	00
		To cash from Robert H. Davis, for commission as Notary.....	10	00
	27.	To cash from James P. Griffith, for commission as Commissioner of Deeds.....	10	00
June	6.	To cash from John P. Springer, for commission as Clerk of the Peace.....	50	00
		To cash from Alexander Goodwin, for commission as Justice and Notary.....	20	00
	21.	To cash from D. B. Morris, for commission as Notary.....	10	00
July	20.	To cash from Jos. M. Barr, for commission as Notary.....	10	00
August	9.	To cash from James P. English, for commission as Constable.....	5	00
		To cash from Charles Gooding, for copy of act.....	10	00
		To cash from Samuel H. Layton, for commission as Sheriff of Sussex county....	50	00
Nov.	10.	To cash from Robert H. Todd, for commission as Commissioner of Deeds.....	10	00
		To cash from Samuel Hargadine, for commission as Sheriff of Kent county.....	50	00
	11.	To cash from James Armstrong, for commission as Sheriff of New Castle county	50	00
		To cash from Josiah P. Marvel, for commission as Sheriff of Sussex county....	50	00
		To cash from Dan'l B. Woodward, for commission as Coroner of New Castle Co..	10	00
		To cash from James M. Killen, for commission as Coroner of Kent county....	10	00
		To cash from James N. Pepper, for commission as Coroner of Sussex county...	10	00
	30.	To cash from Edmund B. Frazer, for commission as Justice.....	10	00
<i>Amount carried forward</i>			\$710	00

1870.		DOLLS.	CTS.
	<i>Amount brought forward.....</i>	710	00
Nov.	30. To cash from Edmund B. Frazer, for commission as Notary.....	10	00
	To cash from Hiram T. Downing, for commission as Register in Chancery.....	10	00
	To cash from Hiram T. Downing, for commission as Clerk of the Orphans' Court	25	00
		<u>\$755 00</u>	

CREDITOR.

1870.		DOLLS.	CTS.
Dec.	2. By Cash paid William J. Clarke, State Treasurer, as per receipt....	755	00

December 16, 1870, examined and approved.
 (Signed) ROBERT LAMBDEN,
Auditor of Accounts. }

January 3, 1871, I, Custis W. Wright, Secretary of State of the State of Delaware, do hereby certify that the foregoing is a true and correct copy of my accounts as Secretary of State.

[L. S.] Witness my hand and seal of office, the day and year-
 aforesaid.

CUSTIS W. WRIGHT,
Secretary of State.

Custis W. Wright, Secretary of State, in account with the Contingent Expenses of Office.

DEBTOR.

1870.		DOLLS.	CTS.
Dec.	16. To balance in hand of contingent fund as approved by the Auditor of Accounts.	151	43

CREDITOR.

		DOLLS. CTS.	
1870.			
Dec.	23.	Cash paid James Cowgill & Son. (Lock for Seal). Voucher No. 1.....	30
1871.			
January	5.	Cash paid F. W. Tunnell. (Telegraphing). Voucher No. 2.....	1 20
	16.	Cash paid R. J. Rogers. (Stationery). Voucher No. 3.....	2 65
		Cash paid Z. L. Butler. (Care of Secretary's office). Voucher No. 4.....	10 00
		Cash paid Eli Saulsbury, Administrator of C. P. Wetherby, dec'd, for services rendered by said deceased in his life time for transcribing the Laws of 1869.	125 00
	17.	Balance of fund paid to John H. Paynter, Secretary of State.....	12 26
			<hr/>
			\$151 43
			<hr/>

January 17, 1871, received of Custis W. Wright, late Secretary of State, the sum of twelve dollars and twenty-six cents, in full of the balance of Contingent Fund in his hands.

(Signed)

JOHN H. PAYNTER,
Secretary of State.

Custis W. Wright, Secretary of State, in account with the State of Delaware.

DEBTOR.

		DOLLS. CTS.	
1870.			
Dec.	17.	To cash from John A. Hazzard for commission as Justice.....	10 00
		To cash from John A. Hazzard for commission as Notary.....	10 00
			<hr/>
			Amount carried forward.....
			\$20 00

1870.			DOLLS.	CTS.
		<i>Amount brought forward.....</i>	20	00
Dec.	30.	To cash from John T. Sapp for commission as Constable.....	5	00
1871.				
Jan.	3.	To cash from John L. Coulborn for commission as Constable.....	5	00
	9.	To cash from Joseph T. Adams for commission as Justice.....	10	00
	12.	To cash from Thomas English for commission as Constable.....	5	00
	13.	To cash from Thomas W. Ralph for commission as Justice	10	00
		To cash from Thomas W. Ralph for commission as Notary.....	10	00
	16.	To cash from Eli Saulsbury, administrator of C. P. Wetherby, deceased, being the amount of fees received by said deceased in his lifetime, for copies of certain acts of the Legislature.....	80	00
			<u>\$145 00</u>	

CREDITOR.

1871.			DOLLS.	CTS.
Jan.	16.	By cash paid William J. Clarke, State Treasurer, as per receipt.....	145	00

January 16, 1871. Received of Custis W. Wright, Secretary of State, the sum of one hundred and forty-five dollars, in full of the above account.

W. J. CLARKE,
State Treasurer.

January 18, 1871. I, Custis W. Wright, late Secretary of State of the State of Delaware, do hereby certify that the foregoing is a true copy of my account since the date of my settlement with the Auditor of Accounts on the 16th day of December, A. D. 1870. Witness my hand.

CUSTIS W. WRIGHT,
Late Secretary of State.

On motion of Mr. Tunnell,

The report of the committee was

Adopted.

Mr. Cloud, from the Committee on Corporations, to whom was referred the House bill entitled,

"An act to incorporate the Delaware City Mutual Fire Insurance Company,"

Reported the bill back to the House with amendments,

Which, on his motion, were read, as follows :

1st. Amend Section 11 of the bill, by inserting, after the word "act" and before the word "shall," in line 1, the words "is hereby declared to be a private act and".

2d. Amend same section, in line 3, by striking out the word "re-sumed" and inserting the word "renewed."

On motion of Mr. Newton,

The amendments were

Adopted,

And the bill so amended,

When, on motion of Mr. Cloud,

The bill, as amended, was read a second time by its title.

On motion of Mr. Cooper,

The Senate bill entitled,

"An act for the protection of Small Birds,"

Was read.

Mr. Mitchell, Clerk of the Senate, being admitted, returned the following enrolled House bills and joint resolution with the signature of the Speaker of the Senate thereto, viz :

"An act to divorce Clara R. Stites from her husband, John S. Stites,"

"An act for the relief of School District No. 78, in New Castle county," and

"Joint resolution convening the two Houses in joint meeting on Tuesday, the 17th inst., at 12 o'clock M., to be present at the inauguration of the Governor elect."

He also presented for the signature of the Speaker of the House, the enrolled Senate joint resolution entitled,

"Joint resolution concerning the Thirteenth Volume of Delaware Laws,"

The same having received the signature of the Speaker of the Senate.

On motion of Mr. Newton,

The Senate bill entitled,

"An act to incorporate St. Peter's Beneficial Society, of New Castle, Delaware,"

Was read.

Mr. Perry, from the committee to whom was referred the petition of Wm. Ashcraft and others for an act authorizing the appointment of a Constable to reside at Odessa, reported a bill entitled,

"An act authorizing the appointment of an additional Constable for New Castle county,"

Which, on his motion, was read.

On motion of Mr. Martin,

The Senate bill entitled,

"An act to amend an act incorporating the Cedar Creek Navigation Company,"

Was read.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to incorporate the Weccacoe Hose Company, No. 2, of Wilmington, Delaware,"

Was read.

On motion of Mr. Newton,

The Senate bill entitled,

"An act to amend Chapter 57 of the Revised Statutes of the State of Delaware,"

Was read.

On motion,

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

FRIDAY, January 20, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Mr. Morris, from the committee to whom was referred the petition of George W. Collins for an act transferring him from School District No. 91, in Sussex county, to School District No. 56, in Kent county, reported a bill entitled,

"An act for the benefit of George W. Collins,"

Which was read.

On motion of Mr. Chandler,

The bill entitled,

"An act to divorce Annie M. Mullen and John D. Mullen, her husband, from the bonds of matrimony,"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

Mr. Cloud called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Chandler, Conaway, Newton, Robinson and Mr. Speaker—5.

Nays—Messrs. Carsons, Caulk, Cloud; Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Perry, Short, Smith and Tunnell—16.

So the question was decided in the negative,

And the bill was

Lost.

On motion of Mr. Cooper,

The Senate bill entitled,

"An act for the protection of Small Birds,"

Was read a second time by its title.

On motion of Mr. Newton,

The Senate bill entitled,

"An act to divorce Hettie Frame and her husband, Robert Frame,"

Was read a third time,

And

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. Cooper,

The bill entitled,

"An act to divorce John T. Sylvester and Ruth W. Sylvester, his wife, from the bonds of matrimony,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Cloud,

It was resolved that when the House adjourns this morning it be to meet again on Monday afternoon next, the 23d inst., at 3 o'clock.

Mr. How, from the committee to whom was referred the bill entitled,

"An act in relation to Oysters,"

Reported the bill back to the House with amendments,

Which were read.

Amend the bill as follows :

1st. Add to the end of Section 2 these words: "*Provided* that nothing in this act contained shall be construed to authorize the appropriation by any one person of so many parts as shall exceed, in the aggregate of the area, fifteen acres."

2d. Also amend the said section by inserting, between the word "east" and the word "from," in the — line, these words: "north-east."

3d. Add to the end of Section 4 these words: "and the boat or vessel used in the business of dredging under the license by Section 3 shall wear in the middle of the mainsail, one-third of the way from the head thereof, a roman letter, painted in black, eighteen inches long; such letter to be designated in the license and to be in orderly succession from the beginning of the alphabet."

4th. Add the following as an additional section :

"SECTION 19. All money collected by the Collector under this act shall be for the use of the State, and shall be deposited by him, so soon as may be, in the Farmers' Bank, at Dover, to the credit of the State Treasurer; but so much of it as shall be necessary to enable him to pay the expenses incurred by him by authority of this act, including his commissions, is hereby appropriated and shall be

subject to his warrants upon the State Treasurer; which warrants, so far as the expenses of the watch-boat and her company are concerned, are already provided for in the seventeenth section of this act. The said Collector shall, by the tenth day of April in each year, commencing with the present year, render, under oath, to the State Treasurer, a faithful account of all money received by him under this act, and the disposition thereof according to the foregoing provisions."

On motion of Mr. How,

The amendments were

Adopted.

On motion of Mr. Martin,

The Senate bill entitled,

"An act to amend an act incorporating the Cedar Creek Navigation Company,"

Was read a second time by its title.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to incorporate the Weccacoe Hose Company, No. 2, of Wilmington, Delaware,"

Was read a second time by its title,

And referred to the Committee on Corporations.

Mr. Newton, from the committee to whom was referred the petition of William T. Price and John Lum Price, for an act authorizing the sale of the interest of Catharine S. McIntire, a minor, in certain real estate, reported a bill entitled,

"An act to authorize the sale of the estate and interest of Catharine S. McIntire, a minor, in certain real estate in Kent county, Delaware,"

Which, was read.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House bill entitled,

"An act relating to the acknowledgement of a deed,"

And that the Senate had non-concurred in the House bill entitled,

"An act for the relief of Samuel W. Davis,"

And returned said bills to the House.

Mr. Smith offered a joint resolution authorizing the Committee of Ways and Means of the House and Finance Committee of the Senate to employ a Clerk,

Which, on his motion, was read,

And

Adopted.

Ordered to the Senate for concurrence.

On motion of Mr. Perry,

The bill entitled,

"An act authorizing the appointment of an additional Constable for New Castle county,"

Was read a second time by its title.

Mr. Tunnel, on behalf of the Committee on Enrollment, reported the following House bill and House and Senate joint resolutions as duly and correctly enrolled, and presented the same for the signature of the Speaker, to wit:

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company;"

"Joint resolution in relation to printing daily the proceedings of the Legislature," and a

"Joint resolution concerning the Thirteenth Volume of Delaware Laws."

On motion of Mr. Cloud,

The bill entitled,

"An act to incorporate the Delaware City Mutual Fire Insurance Company,"

Was read a third time, in order to pass the House.

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

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Carson, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker—21.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Newton,
The Senate bill entitled,
"An act to amend Chapter 57 of the Revised Statutes of the State of Delaware,"

Was taken up for consideration,

When he offered the following amendment, viz :

Amend the bill by striking out the word "Statues" in the 2d line of the enacting clause, and inserting the word "Statutes" in lieu thereof,

Which, on motion, was

Adopted.

On motion,

The House adjourned until 3 o'clock on Monday afternoon.

MONDAY, January 23, 1871—3 o'clock, P. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Mitchell, Clerk of the Senate, being admitted, returned the following enrolled House bill and joint resolution with the signature of the Speaker of the Senate thereto, viz:

"An act to vest the title of this State to certain real estate in Rachel S. Cleaver," and

"Joint resolution appropriating six hundred dollars to pay the contingent expenses of the office of Secretary of State."

And informed the House that the Senate had non-concurred in the House joint resolution entitled,

"Joint resolution authorizing committee to employ a Clerk,"

And returned the same to the House.

And presented for the concurrence of the House a Senate bill and joint resolution, viz :

"An act to amend an act entitled 'An act to further amend the charter of the City of Wilmington,'" and

"Joint resolution authorizing the Committee of Finance of the Senate and Ways and Means of the House to employ a Clerk."

On motion of Mr. How,
The Senate bill entitled,
"An act in relation to Oysters,"
Was taken up for consideration.

Mr. Robinson offered the following amendments,

Which, were read :

1st. Further amend Section 2, as amended, by striking out the words "a line drawn east north-east from Mahon's River Light to," and inserting in lieu thereof these words: "Reedy Island and west of."

2d. Add a paragraph at the end of Section 2 as amended, as follows: "The privilege hereby granted by this and the first section shall not embrace any portion of the bottom which is a natural oyster bed, and has been hitherto used or worked as such; nor shall be extended beyond the mere right to plant oysters and hold them as property."

3d. Amend Section 18 by inserting in the 2d line, between the words "him" and "and" these words: "but shall not exceed fifteen hundred dollars per annum," and by striking out in the 2d line the word "twelve" and inserting the word "ten" in lieu thereof.

4th. Add the following as an additional section:

"SECTION 20. The Secretary of State shall cause a certified copy of this act to be forthwith published for one month in three of the newspapers of this State."

On motion of Mr. Robinson,

The amendments were

Adopted.

Mr. Newton, in pursuance of previous notice, asked, and,

On motion of Mr. Perry,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Delaware City Land and Improvement Company,"

On motion of Mr. Smith,

The Senate joint resolution authorizing the Finance Committee of the Senate and Committee of Ways and Means of the House to employ a Clerk,

Was read,

And further, on his motion,

Concurred in.

Ordered that the Senate be informed thereof and the resolution returned to that body.

Mr. Conaway presented the petition of Anna L. Hopper for an act to divorce her and her husband, John B. Hopper, from the bonds of matrimony,

Which, on his motion, was read,

And referred to the Committee on Divorces.

Mr. Cloud offered a resolution,

Which was read, as follows :

Resolved, That the committee on so much of the Governor's message as relates to Revised Statutes be and the same shall be a standing committee, to whom all bills, not properly belonging to some other committee, for changing, altering, or amending the laws of this State, shall be referred.

Which, on his motion, was

Adopted.

Mr. Cloud also offered the following as an additional Rule of the House :

RULE 24. All bills not having been reported by a committee shall, upon the second reading, be referred to the appropriate committee, unless objection be made to such reference.

On motion of Mr. Cloud,

The rule was unanimously

Adopted

On motion of Mr. Perry,

The bill entitled,

"An act to amend Section 5 of Chapter 60 of the Revised Code,"

Was read a second time by its title,

And referred to the Committee on Revised Statutes.

Mr. Newton presented the petition of Joseph C. File for a divorce from his wife Sarah J. File,

Which, on motion of Mr. Newton,

Was read and referred to the Committee on Divorces.

On motion of Mr. Morris,
 The bill entitled,
 "An act for the benefit of George W. Collins,"
 Was read a second time by its title.

On motion of Mr. Cloud,
 The Senate bill entitled,
 "An act to amend an act entitled 'An act to further amend the
 Charter of the City of Wilmington,'"
 Was read.

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

TUESDAY, January 24, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Newton,
 The bill entitled,

"An act to authorize the sale of the estate and interest of Catharine S. McIntire, a minor, in certain real estate in Kent county, Delaware,"

Was taken up for consideration.

Mr. Newton offered an amendment,

Which was read, as follows :

Amend the bill by adding the following section :

"SECTION 4 *And be it further enacted,* That this act shall be deemed and taken to be a private act."

On motion of Mr. Newton,

The amendment was

Adopted,

And the bill so amended,

And, on his further motion,

The bill was read a second time by its title.

Mr. Tunnell gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"A supplement to the act entitled 'An act to incorporate the Lewes and Millsboro' Railroad Company.'"

On motion of Mr. Perry,

The bill entitled,

"An act authorizing the appointment of an additional Constable for New Castle county,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Mitchell, Clerk of the Senate, being admitted, returned the following enrolled House bill and joint resolution with the signature of the Speaker of the Senate thereto, viz :

"An act to incorporate the Delaware Agricultural Implement Manufacturing Company," and

"Joint resolution in relation to printing daily the proceedings of the Legislature ;"

And presented the following enrolled Senate bills and joint resolution for the signature of the Speaker of the House, to wit :

"An act to divorce Hettie Frame and her husband, Robert Frame;"

"An act to incorporate the City Market House Company of Wilmington," and

"Joint resolution authorizing the Committee of Finance of the Senate and the Committee of Ways and Means of the House to employ a Clerk ;"

And informed the House that the Senate had passed and requested the concurrence of the House in the following bills and joint resolution, to wit :

"An act for the renewal of the charter of the Bank of Smyrna ;"

"An act to authorize Isaac Giles to enclose a ditch adjoining his lands on the east side of the public road leading from Laurel to Spring Hill ;"

"An act to cede certain lands to the United States of America ;"

"An act entitled an act to divorce Leonzo G. File and his wife, Mary E. File," and

"Joint resolution in relation to the State Directors of the Farmers' Bank,"

And presented the same to the House.

On motion of Mr. Derrickson,

The Senate joint resolution in relation to the State Directors of the Farmers' Bank,"

Was read,

And, on motion of Mr. Smith,

The resolution was

Concurred in.

Ordered that the Senate be informed thereof and the joint resolution returned to that body.

Mr. How moved that the Senate bill entitled,

"An act in relation to Oysters,"

Be taken up for consideration and read a third time in order to pass the House.

Mr. Tunnell moved that the bill be laid on the table for further consideration,

Which motion

Prevailed,

And the bill was laid on the table for further consideration.

Mr. Cloud, from the Committee on Corporations, to whom was referred the Senate bill entitled;

"An act to incorporate the Weccacoe Hose Company, No. 2, of Wilmington,"

Reported the same back to the House without amendment,

When, on motion of Mr. Cloud,

The bill was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Smith, Tunnel; and Mr. Speaker—19.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

Mr. Caulk, in pursuance of previous notice, asked, and,

On motion of Mr. Newton,

Obtained leave to introduce a bill entitled,

"An act to prevent the sale of intoxicating liquors on days of election,"

Which was read.

On motion of Mr. Caulk,

The Senate bill entitled,

"An act entitled 'An act to divorce Leonzo G. File and his wife Mary E. File,'"

Was read.

On motion of Mr. Hitch,

The Senate bill entitled,

"An act to authorize Isaac Giles to enclose a ditch adjoining his lands on the east side of the public road leading from Laurel to Spring Hill,"

Was read.

On motion of Mr. Hutchison,

The Senate bill entitled,

An act for the renewal of the charter of the Bank of Smyrna,"

Was read.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to cede certain lands to the United States of America,"

Was read.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to amend the act entitled 'An act to further amend the charter of the City of Wilmington,'"

Was read a second time by its title,

And referred to the Committee on Corporations.

Mr. Caulk, from the Committee on Divorces, to whom was referred the petitions of Joseph C. File for a divorce from his wife, Sarah Jane File, and of Annie L. Hopper for a divorce from her husband, John B. Hopper, reported bills entitled,

"An act to divorce Joseph C. File from his wife, Sarah Jane File," and

"An act to divorce Anna L. Hopper and John B. Hopper from the bonds of matrimony,"

Which were read.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to amend an act incorporating the Cedar Creek Navigation Company,"

Was taken up for consideration,

And, on motion of Mr. Derrickson,

Referred to the Committee on Corporations.

Mr. Cooper, from the Committee on Revised Statutes, to whom was referred the bill entitled,

"An act to amend Section 5 of Chapter 60 of the Revised Code,"

Reported the bill back to the House with the recommendation that it pass,

And, on his motion,

The bill was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Robinson, on behalf of the committee to whom was referred sundry documents in relation to ceding lands to the United States for light-house purposes, asked, and,

On motion of Mr. Newton,

Obtained further time to report.

Mr. Cooper presented the petition of William Broadway and others for an act authorizing the appointment of a Justice of the Peace for the town of Wyoming,

Which, on his motion, was read,

And referred to a committee of three, with leave to report by bill or otherwise,

Whereupon, Messrs. Cooper, Needles and Harrington were appointed said committee.

Mr. Tunnell, on behalf of the Committee on Enrollment, reported the following Senate bills and joint resolution duly and correctly enrolled, and presented the same for the signature of the Speaker, viz :

"An act to divorce Hettie Frame and her husband, Robert Frame;"

"An act to incorporate the City Market House Company of Wilmington," and

"Joint resolution authorizing the Committee of Finance of the Senate and the Committee of Ways and Means of the House to employ a Clerk."

He also reported the following enrolled House bill duly and correctly enrolled, and presented the same for the signature of the Speaker, to wit :

"An act relating to the acknowledgment of a Deed."

On motion of Mr. Hutchison,

The Senate bill entitled,

"An act to incorporate St. Peter's Beneficial Society of New Castle, Delaware,"

Was read a second time by its title,

And referred to the Committee on Corporations.

On motion of Mr. Morris,

The bill entitled,

"An act for the benefit of George W. Collins,"

Was taken up for consideration.

Mr. Tunnell offered an amendment,

Which was read, as follows :

Amend Section 2, in the third line, by striking out the word "public" and inserting the word "private."

Which, on his motion, was

Adopted,

And the bill so amended,

When, on motion of Mr. Morris,

The bill was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Martin,

The bill entitled,

"An act to divorce John W. Megee from his wife, Anna S. Megee,"

Was read a second time by its title.

On motion of Mr. Hitch,

The bill entitled,

"An act to amend an act entitled 'An act to incorporate the Gum Branch Ditch Company of Sussex county, Delaware,' passed at Dover, Feb. 15, 1866,"

Was read a second time by its title,

And referred to the Committee on Corporations.

Mr. Smith gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Section 1 of Chapter 434 of the 13th Volume of Delaware Laws, relating to intoxicating liquors."

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in the following bills, to wit :

"An act repealing an act concerning certain vacant lands in Lewes and Rehoboth hundred, Sussex county and State of Delaware," and

"An act in relation to criminal proceedings,"

And presented the same to the House.

On motion of Mr. Tunnell,

The bills just received from the Senate were read.

On motion,

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

WEDNESDAY, January 25, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to cede certain lands to the United States of America,"

Was read a second time by its title,

And referred to the Committee on Vacant Lands.

On motion of Mr. Newton,

The bill entitled,

"An act to authorize the sale of the estate and interest of Catharine Sophia McIntire, a minor, in certain real estate in Kent county, Delaware,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Cloud, from the Committee on Corporations, to whom was referred the bill entitled,

"An act to amend an act entitled 'An act to incorporate the Gum Branch Ditch Company, of Sussex county,' passed at Dover, Feb. 15, 1866,"

Reported the same back to the House,

And, on his motion,

The bill was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Carsons, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker—21.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Mitchell, Clerk of the Senate, being admitted, returned the following enrolled House bill with the signature of the Speaker of the Senate thereto, viz :

"An act relating to the acknowledgment of a Deed,"

And presented, for the signature of the Speaker of the House, the following enrolled Senate bill and joint resolution, viz :

"An act to incorporate the members of the Weccacoe Hose Company, No. 2, of Wilmington, Delaware," and

"Joint resolution in relation to State Directors of the Farmers' Bank."

Mr. Morris presented the petition of Margaret J. Lord for an act divorcing her and her husband, James Lord,

Which, he moved, be read.

Mr. Tunnell moved that the petition and papers be referred to the Committee on Divorces without reading,

Which motion

Prevailed,

And the petition was so referred.

On motion of Mr. Hutchison,

The Senate bill entitled,

"An act for the renewal of the Charter of the Bank of Smyrna,"

Was read a second time by its title,

And referred to the Committee on Corporations.

On motion of Mr. Newton,

The bill entitled,

"An act to divorce Joseph C. File from his wife, Sarah Jane File,"

Was read a second time by its title.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act repealing an act concerning certain vacant lands in Lewes and Rehoboth hundred, Sussex county and State of Delaware,"

Was read a second time by its title,

And referred to the Committee on Vacant Lands.

Mr. Cloud, from the Committee on Corporations, to whom was referred the Senate bill entitled,

"An act to incorporate St. Peters' Beneficial Society, of New Castle, Delaware,"

Reported the same back with the recommendation that it pass,

And, on his motion,

The bill was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Carson, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker—21.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. How,

The Senate bill entitled,

"An act in relation to Oysters,"

Was taken up for consideration.

Mr. Tunnell offered an amendment,

Which was read, as follows :

Amend the third section of the printed bill by inserting, between the third and fourth lines, these words: "nor shall any person dredge for or otherwise take up any oysters from the plantation of a planter".

On motion of Mr. Derrickson,

The amendment was

Adopted.

On motion of Mr. Hitch,

The bill was referred to the Committee on Ways and Means.

Mr. Cooper, from the committee to whom was referred the petition of William Broadaway and others for an act authorizing the appointment of an additional Justice of the Peace, to reside at Wyoming, reported a bill entitled,

"An act authorizing the appointment of an additional Justice of the Peace and Notary Public for Kent county, who shall reside in Wyoming,"

Which was read.

Mr. Tunnell, in pursuance of previous notice, asked, and,

On motion of Mr. Robinson,

Obtained leave to introduce a bill entitled,

"A supplement to the act entitled 'An act to incorporate the Lewes and Millsboro' Railroad Company,'"

Which, on motion of Mr. Tunnell, was read.

Mr. Smith offered a resolution,

Which was read, as follows :

Resolved, That the committee to whom was referred the Senate bill entitled, "An act in relation to Oysters," be empowered to employ counsel if they deem it necessary."

Which, on motion of Mr. Smith, was

Adopted.

Mr. Martin moved that the bill entitled,

"An act to divorce John W. Megee from his wife, Anna S. Megee,"

Be read a third time in order to pass the House.

Mr. Tunnell moved that the consideration of the bill be postponed until three o'clock and thirty minutes this afternoon,

Which motion

Prevailed,

And the consideration of the bill was so

Postponed.

Mr. Chandler gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for New Castle county."

On motion of Mr. Caulk,

The bill entitled,

"An act to prevent the sale of intoxicating drinks on days of election,"

Was read a second time by its title.

Mr. Carson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend an act entitled 'An act to incorporate the Maidstone Branch Ditch Company,' passed at Dover, March 11, 1869."

On motion of Mr. Newton,

The bill entitled,

"An act to incorporate the Delaware City Land and Improvement Company,"

Was read a second time by its title,

And referred to the Committee on Corporations.

On motion of Mr. Hitch,

The Senate bill entitled,

"An act to authorize Isaac Giles to enclose a ditch adjoining his lands on the east side of the public road leading from Laurel to Spring Hill,"

Was read a second time by its title,

And referred to the Committee on Roads and Highways.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act in relation to Criminal Proceedings,"

Was read a second time by its title,

And, on motion of Mr. Cooper,

Referred to a special committee of three,

Whereupon, Messrs. Cooper, Caulk and Hitch were appointed said committee.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Morris presented the petition of George W. Peacock for an act divorcing him from his wife,

Which, on his motion, was read,

And referred to the Committee on Divorces.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had non-concurred in the House bill entitled,

"An act to divorce John T. Sylvester and Ruth W. Sylvester, his wife, from the bonds of matrimony,"

And returned the same to the House;

And returned the following House bill, to wit:

"An act to incorporate the Delaware City Mutual Fire Insurance Company,"

The same having been concurred in by the Senate.

He also informed the House that the Senate had passed and requested the concurrence of the House in the following bills, to wit:

"An act to incorporate the Wilmington Baptist City Mission," and

"An act to amend the act entitled 'An act to incorporate the Junction and Breakwater Railroad Company.'"

On motion of Mr. Tunnell,

The Senate bills just received were read.

Mr. Cloud, from the Committee on Corporations, to whom was referred the Senate bill entitled,

"An act for the renewal of the charter of the Bank of Smyrna,"

Reported the same back without amendments.

On motion of Mr. Morris,

The Senate bill entitled,

"An act for the protection of Small Birds,"

Was taken up for consideration.

Mr. Morris offered an amendment,

Which was read, as follows :

Amend the bill by adding the following sections :

"SECTION 5. That if any person shall enter upon any land not owned by himself with gun and dog, or with gun alone, for the purpose of killing any partridge or partridges for sale or profit, shall forfeit and pay two dollars, one-half to be paid into the State Treasury and the remaining half to the informer.

"SECTION 6. That all penalties, fines and forfeitures incurred under this act shall be recoverable before any Justice of the Peace if under one hundred dollars."

And, on his further motion,

The amendments were

Adopted.

And further, on his motion,

The bill was read a third time, as amended,

And

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body, and their concurrence in the amendments requested.

The Speaker announced that the hour had arrived for the consideration of the bill entitled,

"An act to divorce John W. Megee from his wife, Anna S. Megee,"

When, on motion of Mr. Tunnell,

The consideration of the bill was further postponed until Friday morning next, at half-past ten o'clock.

On motion of Mr. Caulk,

The Senate bill entitled,

"An act entitled an act to divorce Leonzo G. File and his wife, Mary E. File,"

Was read a second time by its title.

On motion of Mr. Conaway,

The bill entitled,

"An act to divorce Anna L. Hopper and John B. Hopper from the bonds of matrimony,"

Was read a second time by its title.

Mr. Chandler gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act relating to Constables in Christiana hundred, New Castle county."

On motion,

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

THURSDAY, January 26, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Chandler, in pursuance of previous notice, asked, and,

On motion of Mr. Derrickson,

Obtained leave to introduce a bill entitled,

"An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for New Castle county,"

Which was read.

Mr. Tunnell, from the Committee on Enrollment, reported the following Senate bill and joint resolution duly and correctly enrolled and presented the same for the signature of the Speaker, to wit:

"An act to incorporate the Weccacoe Hose Company, No. 2, of Wilmington, Delaware," and

"Joint resolution in relation to the State Directors of the Farmers' Bank."

Mr. Hitch, from the joint committee to whom was referred the resolution of inquiry in relation to printing the daily proceedings of the Legislature, made a report,

Which was read, as follows:

"The Joint Committee appointed to ascertain the cost of printing, daily, slips containing reports of the proceedings of the General Assembly, make the following report: That they find the cost of fifty copies of reports of the proceedings, prepared by the *Delawarean*, will be five dollars per day.

(Signed) ALLEN VORHEES LESLEY, *Chairman*.
LEVIN HITCH, *Chairman*.

On motion of Mr. How,

The report was laid on the table.

Mr. Lesley, a member of the Senate, being admitted, informed the House that the Senate had non-concurred in the House bill entitled,

"An act authorizing the Recorder of Deeds of Kent county to copy indices,"

And returned the same to the House.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act to incorporate the Wilmington Baptist City Mission,"

Was read a second time by its title.

On motion of Mr. Hutchison,

The Senate bill entitled,

"An act for the renewal of the charter of the Bank of Smyrna,"

Was read a third time, in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Carson, Caulk, Chandler, Cloud, Conaway, Derickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker—20.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act to amend the act entitled 'An act to incorporate the Junction and Breakwater Railroad Company,'"

Was read a second time by its title.

And, on his farther motion,

The Senate bill entitled,

"An act repealing an act concerning certain vacant lands in Lewes and Rehoboth hundred, Sussex county and State of Delaware,"

Was read a third time,

And

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

Mr. Records, a member of the Senate, being admitted, informed the House that the Senate had concurred in the House bill entitled,

"An act to amend Section 5 of Chapter 60 of the Revised Code,"

And returned the same to the House.

On motion of Mr. Hitch,

The Senate bill entitled,

"An act to authorize Isaac Giles to enclose a ditch adjoining his lands on the east side of the public road leading from Laurel to Spring Hill,"

Was read a third time,

And

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. Cooper,

The bill entitled,

"An act authorizing the appointment of an additional Justice of the Peace and Notary Public for Kent county, who shall reside in the town of Wyoming,"

Was read a second time by its title.

On motion of Mr. Newton,

The Senate bill entitled,

"An act entitled 'An act to divorce Leonzo G. File and his wife Mary E. File,'"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

Mr. Cooper called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Carsons, Caulk, Chandler, Conaway, Derrickson, Hitch, Hutchison, Martin, Newton, Robinson, Smith, Tunnell and Mr. Speaker—13.

Nays—Messrs. Cloud, Cooper, Harrington, How, Morris, Needles, Perry and Short—8.

So the question was decided in the affirmative,

And the bill

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

Mr. Carsons, in pursuance of previous notice, asked, and,

On motion of Mr. Cooper,

Obtained leave to introduce a bill entitled,

"An act to amend an act entitled 'An act to incorporate the Maidstone Branch Ditch Company,' passed at Dover, March 11, 1869,"

Which was read.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the House amendment to the Senate bill entitled,

"An act for the protection of Small Birds."

Mr. Chandler, in pursuance of previous notice, asked, and,

On motion of Mr. Derrickson,

Obtained leave to introduce a bill entitled,

"An act in relation to Constables in Christiana hundred, New Castle county,"

Which, on motion of Mr. Chandler,

Was read.

On motion of Mr. Conaway,

The bill entitled,

"An act to divorce Anna L. Hopper and John B. Hopper from the Bonds of matrimony,"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

Mr. Harrington called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Chandler, Conaway, Derrickson, Hitch, Martin, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker—12.

Nays—Messrs. Carsons, Caulk, Cloud, Cooper, Harrington, How, Hutchison, Morris and Needles—9.

So the question was decided in the affirmative,

And the bill

Passed the House.

Ordered to the Senate for concurrence.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Tunnell, from the Committee on Enrollment, reported the following House bill duly and correctly enrolled, and presented the same for the signature of the Speaker, viz :

"An act to incorporate the Delaware City Mutual Fire Insurance Company."

Mr. Conaway, from the Committee on Vacant Lands, to whom was referred the Senate bill entitled,

"An act to cede certain lands to the United States of America,"

Reported the bill back with an amendment,

Which was read, as follows :

Amend the bill by adding at the end of Section 1 the following proviso :

"*Provided*, That the sovereignty and jurisdiction of this State shall extend over the land hereby ceded to the United States so far as that all civil and criminal process issued under any law of this State may be executed in any part of said lands and the buildings, pier or structures thereon erected."

On motion of Mr. Smith,

The amendment was

Adopted.

Mr. Robinson, from the Committee on Federal Relations, to whom was referred sundry documents from the government of the United States for acts ceding lands for government purposes, reported the following bills, which were read, to wit :

"An act giving the consent of the Legislature of the State of Delaware to the purchase by the United States of land within this State for public purposes," and

"An act to provide for the relinquishment in certain cases to the United States of title to lands for sites of light-stations on the coasts and waters of this State."

Mr. Perry gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend Section 1 of Chapter 99 of the Revised Code."

Mr. Caulk, from the Committee on Divorces, to whom was referred the petition of Margaret J. Lord for an act divorcing her and her husband James Lord, reported a bill entitled,

"An act for the relief of Maggie J. Lord,"

Which was read.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act to cede certain lands to the United States of America,"

Was read a third time, as amended,

And

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body, and their concurrence in the amendment requested.

Mr. How, from the committee to whom was referred the petition of Samuel Marshall for an act authorizing him to locate certain salt marsh, reported a bill entitled,

"An act to enable Samuel Marshall to locate certain vacant salt marsh in Kent county, and complete his title to the same,"

Which was read.

The Speaker presented the petition of Thomas Cochran and others in favor of the passage a law making the informer a witness in all criminal proceedings,

Which was read and referred to the committee having charge of the bill on that subject.

Mr. How gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act supplementary to the town charter of the Town of Leipsic."

On motion,

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

FRIDAY, January 27, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Cloud,

It was resolved that when the House adjourns this morning it be to meet again on Monday afternoon next, at 3 o'clock.

Mr. Chandler offered a joint resolution,

Which, was read, as follows :

Resolved by the House of Representatives of the State of Delaware, (by and with the concurrence of the Senate) That _____ be and he is hereby appointed State Treasurer.

And, on his motion,

The further consideration of the resolution was postponed until Thursday next.

He also offered another joint resolution,

Which, was read as follows :

Resolved by the House of Representatives of the State of Delaware (by and with the concurrence of the Senate), That _____ be and he is hereby appointed Auditor of Accounts.

And, on his further motion,

The consideration of the resolution was postponed until Thursday next.

Mr. Smith, on behalf of the Committee on Ways and Means, to whom was referred the Senate bill entitled,

"An act in relation to Oysters,"

Reported the same back to the House with the recommendation that it be indefinitely postponed.

On motion of Mr. Newton,

The report of the committee was

Adopted,

And the consideration of the bill

Indefinitely postponed.

Ordered that the Senate be informed thereof and the bill returned to that body.

Mr. Caulk gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to incorporate the Washington Building and Loan Association of Wilmington."

Mr. Tunnell, from the committee to whom was referred the petition of Custis W. Wright and others for an act authorizing the making of a general index to the records of Wills in Sussex county, reported a bill entitled,

"An act authorizing the making of a general index to Wills in the office of the Register in and for Sussex county,"

Which was read.

Mr. Smith asked, and,

On motion of Mr. Cloud,

Obtained the unanimous consent of the House to introduce a bill entitled,

"An act in relation to Oysters,"

Which was read, and,

On motion of Mr. Smith,

The rules were by unanimous consent suspended and the bill read a second time by its title,

And referred to the Committee on Ways and Means.

Mr. Mitchell, Clerk of the Senate, being admitted, presented, for the signature of the Speaker of the House, the following enrolled Senate bills, viz :

"An act to incorporate St. Peter's Beneficial Society, of New Castle, Delaware ;"

"An act to authorize Isaac Giles to enclose a ditch adjoining his land on the east side of the public road leading from Laurel to Spring Hill ;"

"An act for the protection of Small Birds ;"

"An act entitled an act to divorce Leonzo G. File and his wife, Mary E. File," and

"An act repealing an act relative to certain vacant lands in Lewes and Rehoboth hundred, Sussex county and State of Delaware ;"

And informed the House that the Senate had passed and requested the concurrence of the House in the following bills, viz :

"An act to repeal Chapter 506 of the Thirteenth Volume of the Laws of Delaware ;"

"An act to authorize the Levy Court of New Castle county to acquire lands near the Eleventh Street Bridge and the Third Street Bridge, in the City of Wilmington ;"

"An act to amend Chapter 63 of the Revised Statutes," and

"An act to renew the act entitled 'An act to incorporate Golden Rule Lodge, No. 17, of the I. O. O. F. of the State of Delaware, at Milton,'"

And presented the same to the House ;

And returned the following House bills, they having been concurred in by the Senate, viz :

"An act authorizing the appointment of an additional Constable for New Castle county," and

"An act for the benefit of George W. Collins."

Mr. Derrickson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to incorporate the Equitable Loan Association of Wilmington."

On motion of Mr. Robinson,

The bill entitled,

"An act to provide for the relinquishment in certain cases to the United States of title to lands for sites of light stations on the coasts and waters of this State,"

Was read a second time by its title.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act to repeal Chapter 506 of the Thirteenth Volume of the Laws of Delaware,"

Was read.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to authorize the Levy Court of New Castle county to acquire lands near the Eleventh Street Bridge and the Third Street Bridge, in the City of Wilmington,"

Was read.

Mr. Perry, in pursuance of previous notice, asked, and,

On motion of Mr. Newton,

Obtained leave to introduce a bill entitled,

"An act to amend Section 1 of Chapter 99 of the Revised Code,"
Which, on motion of Mr. Perry, was read.

On motion of Mr. Chandler,
The bill entitled,

"An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for New Castle county,"

Was read a second time by its title.

The hour having arrived to which the consideration of the bill entitled,

"An act to divorce John W. Megee from his wife, Anna S. Megee,"
Was postponed,

On motion of Mr. Martin,

The bill was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

Mr. Short called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Carsons, Conaway, Martin, Newton, Short, Smith and Tunnell—7.

Nays—Messrs. Caulk, Chandler, Cloud, Cooper, Derrickson, Harrington, How, Hutchison, Morris, Needles, Perry, Robinson and Mr. Speaker—13.

So the question was decided in the negative,

And the bill was

Lost.

On motion of Mr. Chandler,

The bill entitled,

"An act in relation to Constables in Christiana hundred, New Castle county,"

Was read a second time by its title;

On motion of Mr. Carsons,

The bill entitled,

"An act to amend an act entitled 'An act to incorporate the Maidstone Branch Ditch Company,' passed at Dover, March 11, 1869,"

Was read a second time by its title.

On motion,

The House adjourned until 3 o'clock on Monday afternoon next, the 30th inst.

MONDAY, January 30, 1871—3 o'clock, P. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Smith presented the remonstrance of Stephen Davis and others, of the city of Wilmington, against the passage of the act dividing the first ward of the city of Wilmington,

Which, on his motion, was read,

And referred to the committee having charge of the bill.

Mr. Robinson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to amend an act entitled 'An act to authorize the Trustees of Seaford Academy to sell and convey the old academy building in the town of Seaford,' passed at Dover, January 28, 1864."

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act to repeal Chapter 506 of the Thirteenth Volume of the Laws of Delaware,"

Was read a second time by its title,

And referred to the Committee on Revised Statutes.

Mr. Martin presented the petition of Myers Reynolds and others for the passage of an act amending Chapter 506 of the 13th Volume of Delaware Laws,

Which, on his motion, was read,

And referred to the Committee on Corporations.

On motion of Mr. Perry,

The bill entitled,

"An act to amend Section 1 of Chapter 99 of the Revised Code,"

Was read a second time by its title,

And referred to the Committee on Revised Statutes.

Mr. Cloud gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to incorporate Jefferson Council, No. 10, O. U. A. M., of Wilmington."

Mr. How, in pursuance of previous notice, asked, and,

On motion of Mr. Hutchison,

Obtained leave to introduce a bill entitled,

"An act supplementary to the town charter of the town of Leipsic, in Kent county,"

Which, on motion of Mr. How, was read.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to authorize the Levy Court of New Castle county to acquire lands near the Eleventh Street Bridge and the Third Street Bridge in the city of Wilmington."

Was read a second time by its title.

On motion of Mr. Smith,

The bill entitled,

"An act to amend Section 4 of Chapter 34 of the Revised Code, and to authorize Constables to appoint deputies,"

Was read a third time in order to pass the House,

And on the question, "Shall this bill pass the House?"

It was decided in the negative,

And the bill was

Lost.

Mr. Derrickson, in pursuance of previous notice, asked, and

On motion of Mr. Cloud,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Equitable Loan Association of Wilmington,"

Which, on motion of Mr. Derrickson, was read.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had passed and requested the concurrence of the House in the following bills, viz :

"An act to incorporate the Peach Growers' Canning Company of Middletown ;"

"An act to incorporate the Middletown Mills Company ;"

"An act to revive and continue the act entitled, 'An act to promote the improvement of Farson's Branch, in Kent county ;'"

"An act to incorporate the Middletown Manufacturing Company ;"

"An act to divorce Anna B. Wingate and her husband William J. Wingate ;" and

"An act entitled 'An act to revive an act passed at Dover, February 3d, 1864, for the benefit of the heirs of Aaron Marshall, deceased, and to legalize certain acts of the heirs of said deceased.'"

Mr. Cloud presented the remonstrance of Joseph Pyle and others against the passage of the bill in relation to Criminal Proceedings,

Which, on his motion, was read,

And referred to the committee having charge of the bill.

Mr. Caulk, from the Committee on Divorces, to whom was referred the petition of George W. Peacock, for an act divorcing him and his wife, reported a bill entitled,

"An act to divorce George W. Peacock and Sarah A., his wife,"

Which was read.

Mr. Caulk, in pursuance of previous notice, asked, and,

On motion of Mr. Newton,

Obtained leave to introduce a bill entitled,

"An act to incorporate the Washington Building and Loan Association of Wilmington,"

Which, on motion of Mr. Caulk, was read.

On motion of Mr. Perry,

The Senate bill entitled,

"An act to incorporate the Middletown Manufacturing Company,"

Was read.

On motion of Mr. Chandler,

The bill entitled,

"An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for New Castle county,"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Carsons, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker—21.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

On motion of Mr. Perry,

The Senate bill entitled,

"An act to incorporate the Middletown Mills Company,"

Was read.

On motion of Mr. Caulk,

The Senate bill entitled,

"An act to divorce Anna B. Wingate and her husband, William J. Wingate,"

Was read.

Mr. Cooper presented the petition of George G. Harmon and others for an amendment to the law for the protection of game,

Which, on his motion, was read,

And referred to a committee of three, with leave to report by bill or otherwise,

Whereupon, Messrs. Cooper, Harrington and Smith were appointed said committee.

On motion of Mr. Derrickson,

The Senate bill entitled,

"An act to amend Chapter 63 of the Revised Statutes,"

Was read.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act entitled 'An act to revive an act passed at Dover, February 3d, 1864, for the benefit of the heirs of Aaron Marshall, deceased, and to legalize certain acts of the heirs of said deceased,'"

Was read.

On motion of Mr. Perry,

The Senate bill entitled,

"An act to incorporate the Peach Growers' Canning Company of Middletown,"

Was read.

On motion,

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

TUESDAY, January 31, 1871—10 o'clock, A. M.

The House met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Cloud, in pursuance of previous notice, asked, and,

On motion of Mr. Derrickson,

Obtained leave to introduce a bill entitled,

"An act to incorporate Jefferson Council, No. 10, O. U. A. M., of Wilmington,"

Which, on motion of Mr. Cloud, was read.

On motion of Mr. Hutchison,

The Senate bill entitled,

"An act to revive and continue the act entitled 'An act to promote the improvement of Farson's Branch, in Kent county,'"

Was read.

On motion of Mr. Martin,

The Senate bill entitled,

"An act to renew the act entitled 'An act to incorporate Golden Rule Lodge, No. 17, of the I. O. O. F., of the State of Delaware, at Milton,'"

Was read.

On motion of Mr. Perry,

The bill entitled,

"An act to amend Section 1 of Chapter 99 of the Revised Code,"

Was taken up for consideration.

Mr. Robinson offered an amendment,

Which was read, as follows :

Amend the bill by adding the following section :

SECTION 3. *And be it further enacted*, That the provisions of the preceding sections shall not be taken to apply to the suits which may be brought before justices of the peace in and for Sussex county, but that as to all such cases the law shall remain unchanged, anything in this act to the contrary notwithstanding.

On motion of Mr. Newton,

The amendment was

Adopted.

And the bill so amended,

On motion of Mr. Smith,

The further consideration of the bill was postponed until to-morrow.

On motion of Mr. Chandler,

The bill entitled,

"An act in relation to Constables in Christiana hundred, New Castle county,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Smith, on behalf of the Committee on Ways and Means, to whom was referred the bill entitled,

"An act in relation to Oysters,"

Reported the same back with an amendment,

Which was read, as follows :

Amend the bill in line 3, of Section 18, by striking out the word "ten" and inserting in lieu thereof the word "five."

On motion of Mr. Smith,

The amendment was

Adopted,

And the bill so amended,

And, on his further motion,

The bill was read a third time, as amended, in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Carsons, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnel and Mr. Speaker—21.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

Mr. Mitchell, Clerk of the Senate, being admitted, informed the House that the Senate had concurred in the following House bills, and returned the same to the House, viz:

"An act to amend an act entitled 'An act to incorporate the Gum Branch Ditch Company of Sussex county, Delaware,' passed at Dover, Feb. 15, 1866,"

"An act to authorize the sale of the estate and interest of Catharine Sophia McIntire, a minor, in certain real estate in Kent county, Delaware," and

"An act to divorce Anna L. Hopper and John B. Hopper from the bonds of matrimony;"

And informed the House that the Senate had passed and requested the concurrence of the House in the following bills, viz:

"An additional supplement to an act entitled 'An act to incorporate a company for making an artificial road from or near the Borough of Wilmington, in the county of New Castle, on the east side of the Brandywine Creek, in the route through West Chester to the turnpike road in the Great Valley, in the State of Pennsylvania;'"

"An additional supplement to an act entitled 'An act to incorporate a company for making an artificial road from the Borough of Wilmington to the Village of Christiana, in New Castle county;'"

"An additional supplement to an act entitled 'An act to incorporate a company for making a turnpike from the Borough of Wilmington to the line between this State and Pennsylvania, at or near the house now occupied by Charles Twaddle;'"

"An additional supplement to an act entitled 'An act to incorporate a company for making a turnpike road from the Borough of Wilmington to the line between this State and Pennsylvania, or to communicate with the artificial road contemplated from the Gap to Newport,'" and

"An additional supplement to an act entitled 'An act to incorporate a company for making an artificial road from the Borough of Wilmington, on the east side of Brandywine Bridge, to the Pennsylvania line, in the route leading to the City of Philadelphia.'"

Mr. Tunnell, on behalf of the Committee on Enrollment, reported the following House bills duly and correctly enrolled, and presented the same for the signature of the Speaker, viz :

"An act to amend Section 5 of Chapter 60 of the Revised Code ;"

"An act for the benefit of George W. Collins," and

"An act authorizing the appointment of an additional Constable for New Castle county."

He also reported the following Senate bills duly and correctly enrolled and presented the same for the signature of the Speaker of the House, viz :

"An act entitled an act to divorce Leonzo G. File and his wife, Mary E. File ;"

"An act repealing an act in relation certain vacant lands in Lewes and Rehoboth hundred, Sussex county and State of Delaware ;"

"An act to incorporate St. Peter's Beneficial Society of New Castle, Delaware ;"

"An act for the protection of Small Birds," and

"An act to authorize Isaac Giles to enclose a ditch adjoining his lands on the east side of the public road leading from Laurel to Spring Hill."

On motion of Mr. Perry,

The Senate bill entitled,

"An act to incorporate the Middletown Manufacturing Company,"

Was read a second time by its title,

And referred to the Committee on Corporations.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act entitled 'An act to revive an act passed at Dover, February 3, 1864, for the benefit of the heirs of Aaron Marshall, deceased, and to legalize certain acts of the heirs of said deceased,'"

Was read a second time by its title.

Mr. Cloud, on behalf of the Committee on Corporations, to whom was referred the bill entitled,

"An act to provide for the relinquishment in certain cases to the United States of title to lands for sites of light-stations on the coasts and waters of this State,"

Was read a third time,

And

Passed the House.

Ordered to the Senate for concurrence.

Mr. Robinson, in pursuance of previous notice, asked, and,

On motion of Mr. Tunnell,

Obtained leave to introduce a bill entitled,

"An act to amend an act to authorize the Trustees of Seaford Academy to sell and convey the old academy building in the town of Seaford, passed at Dover, January 28, 1864,"

Which, on motion of Mr. Robinson, was read.

On motion of Mr. Perry,

The Senate bill entitled,

"An act to incorporate the Middletown Mills Company,"

Was read a second time by its title,

And referred to the Committee on Corporations.

Mr. Morris presented the petition of Andrew J. Lord praying the passage of an act transferring him from School District, No. 91, in Sussex county, to School District, No. 39, in Kent county,

Which, on his motion, was read,

And referred to a committee of three, with leave to report by bill or otherwise,

Whereupon, Messrs. Morris, Martin and Short were appointed said committee.

Mr. Derrickson gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act in relation to Public Roads and Highways in Mill Creek hundred."

Mr. Cooper presented the remonstrance of H. C. Green and others, against the passage of the "Act in relation to Criminal Proceedings,"

Which, on his motion, was read,

And, on motion of Mr. Newton,

Referred to the committee having charge of the bill.

On motion of Mr. Perry,

The Senate bill entitled,

"An act to incorporate the Peach Growers' Canning Company of Middletown,"

Was read a second time by its title,

And referred to the Committee on Corporations.

On motion of Mr. Caulk,

The bill entitled,

"An act to incorporate the Washington Building and Loan Association of Wilmington,"

Was read a second time by its title,

And referred to the Committee on Corporations.

And on his further motion,

The Senate bill entitled,

"An act to divorce Anna B. Wingate and her husband, William J. Wingate,"

Was read a second time by its title,

And referred to the Committee on Divorces;

And further, on his motion,

The bill entitled,

"An act to divorce George W. Peacock and Sarah A., his wife,"

Was read a second time by its title.

On motion of Mr. How,

The bill entitled,

"An act to enable Samuel Marshall to locate certain vacant salt marsh in Kent county, and complete his title to the same,"

Was read a second time by its title.

On motion of Mr. Morris,

The bill entitled,

"An act for the relief of Maggie J. Lord,"

Was read a second time by its title,

On motion of Mr. Derrickson,

The bill entitled,

"An act to incorporate the Equitable Loan Association of Wilmington,"

Was read a second time by its title,

And referred to the Committee on Corporations.

Mr. Cloud, on behalf of the Committee on Corporations, to whom was referred the Senate bill entitled,

"An act to incorporate the Wilmington Baptist City Mission,"

Reported the same back to the House without amendment.

On motion of Mr. Cloud,

The bill was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Carsons, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker
—20.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. Tunnell,

The bill entitled,

"A supplement to the act entitled 'An act to incorporate the Lewes and Millsboro' Railroad Company,'"

Was read a second time by its title,

And referred to the Committee on Corporations.

Mr. Cloud, on behalf of the Committee on Corporations, to whom was referred the bill entitled,

"An act to amend an act entitled 'An act to incorporate the Maidstone Branch Ditch Company,' passed at Dover, March 11, 1869,"

Reported the same back to the House, without amendment,

And, on his motion,

The bill was read a third time in order to pass the House.

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

The yeas and nays were ordered,

Which, being taken, were as follows:

Yeas—Messrs. Carson, Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, How, Hutchison, Martin, Morris, Needles, Newton, Perry, Robinson, Short, Smith, Tunnell and Mr. Speaker
—20.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered to the Senate for concurrence.

On motion,

The House adjourned until 3 o'clock this afternoon.

SAME DAY—3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Cloud presented the petition of George G. Lobdell and others, for an act vacating and changing certain roads in the City of Wilmington,

Which, on his motion, was read,

And referred to the Committee on Roads and Highways.

He also presented the petition of William Tatnall and others on the same subject,

Which, also on his motion, was read,

And referred to the same committee.

Mr. Cloud, on behalf of the Committee on Corporations, to whom was referred the Senate bill entitled,

"An act to amend an act entitled 'An act to further amend the Charter of the City of Wilmington,'"

Reported the same back to the House without amendment.

On motion of Mr. Newton,

The bill was taken up for consideration,

When he offered the following amendment :

Which was read :

Amend the bill, by striking out all after the words "Section 2" and inserting the following : "*And be it further enacted as aforesaid, That the said act be and the same is hereby further amended by adding to the end of the fifth section thereof, as printed as aforesaid, the words : 'and John Guthrie (Grocer,) is hereby appointed Inspector for the said Tenth Ward for the city election, to be held in September next ensuing, according to the provisions of the said act to which this is an amendment.'*"

"SECTION 3. *And be it further enacted as aforesaid, That the said act be and the same is hereby further amended, by striking out the word 'eighteen,' in the first line of the seventh section thereof, and inserting in lieu thereof the word 'twenty,' and by striking out the word 'nine,' in the seventh line of the same section, as printed as aforesaid, and inserting in lieu thereof the word 'ten.'*"

"SECTION 4. *And be it further enacted as aforesaid*, That the said act be and the same is hereby further amended by adding thereto another section, to be known as Section —, in these words, viz: 'The following named persons are hereby appointed members of the City Council of the said City of Wilmington for the said Tenth Ward thereof, to wit: Dennis J. Menton and Maris Taylor, who shall hold office until the next city election in the present year, 1871.'"

"SECTION 5. *And be it further enacted as aforesaid*, That the said act be and the same is hereby further amended by inserting, after the word 'Academy,' in the twenty-first line of the ninth section thereof, as printed as aforesaid, the words 'and in the Tenth District, being in the Tenth Ward, in the Public School House at the corner of Linden and Adams streets.'"

"SECTION 6. *And be it further enacted as aforesaid*, That the said act be and the same is hereby further amended by inserting the word 'one' next after the word 'seventy,' in the second line of the thirteenth section, and by striking out the word 'eighteen,' in the fourth line of the said thirteenth section, as printed as aforesaid, and inserting in lieu thereof the word 'twenty.'"

"SECTION 7. *And be it further enacted as aforesaid*, That in any edition of the laws hereafter published the said act shall be printed as it is hereby and herein amended as aforesaid, and the additional sections named herein properly numbered."

Mr. Newton moved that the amendment be adopted,

And, on the question, "Shall the amendment be adopted?"

Mr. Newton called for the yeas and nays,

Which, being taken, were as follows:

Yeas—Messrs. Cloud, Hitch, Needles, Newton, Robinson and Smith—6.

Nays—Messrs. Carson, Chandler, Conaway, Cooper, Derrickson, Harrington, How, Hutchison, Martin, Morris, Short, Tunnell and Mr. Speaker—13.

So the question was decided in the negative,

And the amendment was

Lost.

Mr. Cooper, on behalf of the Committee on Revised Statutes, to whom was referred the Senate bill entitled,

"An act to repeal Chapter 506 of the Thirteenth Volume of the Laws of Delaware,"

Reported the same back to the House without amendment,

And, on his motion,

The bill was taken up for consideration, and the petition for and remonstrance against the same were read,

When, on his further motion,

The bill was read a third time in order to pass the House,

And, on the question, " Shall this bill pass the House ?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Cloud, Robinson, Tunnell and Mr. Speaker—4.

Nays—Messrs. Carson, Caulk, Chandler, Conaway, Cooper, Derickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Short and Smith—16.

So the question was decided in the negative,

And the bill was

Lost.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. Cloud,

The Senate bill entitled,

"An act to authorize the Levy Court of New Castle county to acquire lands near the Eleventh Street Bridge and the Third Street Bridge in the city of Wilmington,"

Was read a third time,

And

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

Mr. Cloud, on behalf of the Committee on Corporations to whom was referred the Senate bill entitled,

'An act to amend the act entitled 'An act to incorporate the Junction and Breakwater Railroad Company,"

Reported the same back to the House without amendment,

And, on his motion,

The bill was read a third time, in order to pass the House,

And, on the question, " Shall this bill pass the House ?"

The yeas and nays were ordered,

Which, being taken, were as follows :

Yeas—Messrs. Carson; Caulk, Chandler, Cloud, Conaway, Cooper, Derrickson, Harrington, Hitch, How, Hutchison, Martin, Morris, Needles, Newton, Robinson, Short, Smith, Tunnell, and Mr. Speaker —20.

Nays—None.

So the bill, having received the constitutional majority,

Passed the House.

Ordered that the Senate be informed thereof and the bill returned to that body.

On motion of Mr. Derrickson,

The Senate bill entitled,

"An act to amend Chapter 63 of the Revised Statutes,"

Was read a second time by its title,

And referred to the Committee on Revised Statutes.

Mr. Cooper, on behalf of the committee to whom was referred the bill entitled,

"An act in relation to Criminal Proceedings," together with the petitions for and remonstrances against, reported progress and asked for further time to report,

Which, on motion of Mr. How, was granted.

On motion of Mr. Chandler,

The Senate bill entitled,

"An additional supplement to an act entitled 'An act to incorporate a company for making a turnpike road from the Borough of Wilmington to the line between this State and Pennsylvania at or near the house now occupied by Charles Twaddle,'"

Was read.

And, on his further motion,

The Senate bill entitled,

"An additional supplement to an act entitled 'An act to incorporate a company for making an artificial road from or near the Borough of Wilmington, in the county of New Castle, on the east side of the Brandywine Creek, in the route through West Chester, to the turnpike road in the Great Valley, in the State of Pennsylvania,'"

Was read.

On motion of Mr. Newton,

The bill entitled,

"An act to divorce Joseph C. File from his wife, Sarah Jane File,"

Was read a third time in order to pass the House,

And, on the question, "Shall this bill pass the House?"

Mr. Morris called for the yeas and nays,

Which, being taken, were as follows :

Yeas—Messrs. Carson, Chandler, Cloud, Conaway, Hitch, Newton, Robinson, Short, Smith, Tunnell and Mr. Speaker—11.

Nays—Messrs. Caulk, Cooper, Derrickson, Harrington, How, Hutchison, Martin, Morris and Needles—9.

So the question was decided in the affirmative,

And the bill

Passed the House.

Ordered to the Senate for concurrence.

The Speaker presented the petition of R. T. Lockwood and others for an act changing the name of Eva Maria Wyant (a minor child,) to Eva Maria Lockwood,

Which was read,

And, on motion of Mr. Newton,

Referred to a committee of three, with leave to report by bill or otherwise,

Whereupon, Messrs. Newton, Caulk and Chandler were appointed said committee.

On motion of Mr. Tunnell,

The Senate bill entitled,

"An act to amend Chapter 57 of the Revised Statutes of the State of Delaware,"

Was read a second time by its title,

And referred to the Committee on Revised Statutes.

Mr. Hitch gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill entitled,

"An act to incorporate the Georgetown and Delmar Railroad Company,"

And an act entitled,

"An act to extend the Junction and Breakwater Railroad from Milford through the Peninsula to the Pennsylvania line, and connect